



Have I been overcharged for rent in my rent stabilized apartment?

INCORPORATED

If you answer “yes” to all of the following questions, you may have been overcharged:

1. Are you a rent-stabilized tenant who renewed your lease with an effective date between October 1, 2008 and September 30, 2009?
2. At that time, had you lived in your apartment for at least six years?
3. At that time, was your rent less than \$1,000 a month?

Am I entitled to a refund?

You may be entitled to a refund if the answer to the three questions above is “yes” and if your rent increased by \$40, \$45, \$80 or \$85.

If you were charged under the following guidelines for a lease starting between October 1, 2008 and September 30, 2009, you have been charged the **INCORRECT** amount:

- Where heat is provided or required to be provided at no charge to the tenant, the **incorrect** increases are as follows:
 - For a **one**-year renewal lease: **\$45**
 - For a **two**-year renewal lease: **\$85**
- Where heat is neither provided nor required to be provided, the **incorrect** increases are as follows:
 - For a **one**-year renewal lease: **\$40**
 - For a **two**-year renewal lease: **\$80**

If you determine you were charged under the **incorrect** guidelines, you have been overcharged. In other words, if you paid less than \$1,000 rent, and heat is provided, and your last lease increased your rent by exactly \$45 or \$85, you were charged too much. If you paid less than \$1,000 rent, and heat is not provided, and your last lease increased your rent by exactly \$40 or \$80, you were charged too much.

How do I determine what my rent should be?

The following are the **CORRECT** percentage guideline increases for all apartment leases starting between October 1, 2008 and September 30, 2009:

- Where heat is provided or required to be provided at no charge to the tenant, the correct adjustments are as follows:
 - For a **one**-year renewal lease: **4.5%**
 - For a **two**-year renewal lease: **8.5%**

- Where heat is neither provided nor required to be provided, the correct adjustments are as follows:
 - For a **one**-year renewal lease: **4.0%**
 - For a **two**-year renewal lease: **8.0%**

If heat is provided, take the amount of rent you were charged before the last rental increase and multiply that number by 1.045 if you had a one-year renewal lease or by 1.085 if you had a two-year renewal lease.

If heat is not provided, multiply the amount of rent you were charged before the last rental increase by 1.04 if you had a one-year renewal lease or by 1.08 if you had a two-year renewal lease.

The number you get is the amount of rent you should have been charged every month. Subtract the amount you should have been charged every month from the amount you were incorrectly charged every month. **That is the amount you were overcharged each month.**

For example:

If your rent was \$500 before your last increase, heat is provided, you signed a one-year renewal lease, and your rent increased to \$545, you were overcharged.

This is how to calculate the correct rental amount:

| | | |
|---------------------------|---|---|
| Rent before your increase | Heat is provided and you had a one-year renewal lease | This is how much you should have been charged |
| \$500 | x 1.045 | = \$522.50 |

To calculate how much you were overcharged:

| | | |
|-------------------------------------|---|---|
| The incorrect rent you were charged | The amount you should have been charged | This is how much you were overcharged each month. |
| \$545 | -\$522.50 | = \$22.50 |

How can I collect any money I was overcharged?

You should request a refund or credit from your landlord in writing. If the landlord does not respond, you can do one of the following:

- subtract the overpayment from the rent and send a letter to the landlord explaining what is being subtracted;
- sue in Small Claims Court for a refund of the overcharged rent; or
- file an overcharge complaint with the DHCR. **However**, DHCR is not processing overcharge complaints based on this type of overcharge at this time, and DHCR has not stated when it will begin processing these complaints. An overcharge complaint form may be obtained either from the agency's website at www.nysdhcr.gov, by calling the DHCR's Rent Infoline at (718)739-6400, or by visiting a Borough Rent Office.