



Fees

3 PAGES

AT A GLANCE

This Fact Sheet describes when owners can charge fees in addition to stabilized rents, and what tenants can do if they feel they're being charged unfairly.

DEFINITIONS

Division of Housing and Community Renewal (DHCR):

DHCR is the New York State agency that invests in communities, preserves and protects affordable housing and enforces the state's rent control and rent stabilization laws.

Rent stabilization: Rules that provide protections to tenants besides limitations on the amount of rent. Tenants are entitled to receive required services, to have their leases renewed, and may not be evicted except on grounds allowed by law. Leases may be renewed for a term of one or two years, at the tenant's choice.

SUMMARY AND HIGHLIGHTS

Owners may charge tenants some lawful fees in addition to rent. However, fees of any kind don't become part of the legal rent or preferential rent, and owners can't add them in when calculating lease renewal increases.

Lawful Fees (see full text for complete list)	<ul style="list-style-type: none">• Late fees specified in the initial vacancy lease. They can be charged by a specific date and can't be more than \$50 or 5% of the monthly rent (whichever is lower).• Legal fees can only be collected from a tenant if ordered by a judge in court.• Fees for smoke alarms, carbon monoxide detectors and natural gas detectors. These vary by municipality.• Fees for air conditioners and tenant-installed washing machines, dryers, and dishwashers.
Unlawful Fees (see full text for complete list)	<ul style="list-style-type: none">• Fees for background checks on tenants already in occupancy.• Fees charged to a tenant for a background check on a prospective roommate or additional family member.

FACT SHEET #44: IN DETAIL

There are certain fees that owners may charge tenants separate and apart from the rent for the apartment. However, fees of any kind do not become part of the legal rent or preferential rent and cannot be added to it for the purpose of calculating lease renewal increases.

Lawful Fees:

Late fees where a clause in the initial vacancy lease allows for them to be charged by a certain specific date and such late fees are the lesser of \$50 or 5% of the monthly rent currently being charged and collected. Preferential rents, which may also be referred to as “on-time rent,” that are conditioned on prompt payment of rent or terminate upon late payment of rent are not allowed.

Legal fees can only be collected from a tenant if ordered by a judge in court.

Reasonable fees for a background check when applying to be a tenant which cannot exceed **\$20** per tenant subject to the background check.

Fees for window guards (\$10 per guard) are detailed in DHCR Fact Sheet # 25.

Fees for smoke alarms, carbon monoxide detectors and natural gas detectors are established by the local municipality.

Actual fees/charges incurred for insufficient funds for a tenant’s rent check that did not clear (bounced checks), if this was provided for in the initial lease.

Fees imposed by a government agency that has oversight authority pursuant to a regulatory agreement.

Fees for Air Conditioners and Tenant-installed Washing Machines, Dryers and Dishwashers are detailed in DHCR’s Operational Bulletin 84-4 and DHCR Operational Bulletin 2005-1.

Fees for Sub-Metering or other utility services. Fees for Sub-Metering are detailed in DHCR Operational Bulletin 2014-1.

Unlawful Fees:

Fees for background checks on rent stabilized tenants *in* occupancy.

Fees cannot be charged to the tenant for a background check on a prospective roommate or additional family member.

Pet security deposits or fees for a service animal are in violation of the Fair Housing Act.

Fees for owner installed air conditioner brackets are prohibited.

Fees including but not limited to damage fees, repair fees of any kind including those incurred for removal of municipal violations, painting fees, cleaning fees and other fees not established by or in excess of the amount allowed by the rent regulations or other municipal regulations are prohibited. Please note that the inappropriateness of imposing these fees through the lease may not necessarily prevent an owner from independently seeking other relief in court for objectionable conduct or damages.

The **\$20** fee that must be paid by owners to the municipality for each stabilized apartment **cannot** be passed along as a fee to the tenant.

Filing complaints with DHCR

Tenants who have been billed for fees and/or surcharges that they may believe are unlawful or untimely have the right to file a complaint of rent overcharge on DHCR form RA-89 and/or pursue remedies in court. In processing these complaints, DHCR may request proof of purchase and/or installation, copies of leases, rent ledgers, other relevant evidence and may also conduct inspections. When DHCR identifies a pattern of multiple complaints filed by tenants in one building, or in a series of buildings that have common ownership, it may refer the cases in a consolidated manner for administrative and/or enforcement proceedings.



➤ **Rent Connect:**
rent.hcr.ny.gov

✉ **Ask a question:**
portal.hcr.ny.gov/app/
ask

🗣️ **For translation help:**
hcr.ny.gov/language-
accessibility

➤ **Our website:**
hcr.ny.gov/rent

To visit a Borough Rent Office, by appointment only, please contact:

QUEENS

92-31 Union Hall Street
6th Floor
Jamaica, NY 11433
718-482-4041

BROOKLYN

55 Hanson Place
6th Floor
Brooklyn, NY 11217
718-722-4778

UPPER MANHATTAN

163 W. 125th Street
5th Floor
New York, NY 10027
212-961-8930

LOWER MANHATTAN

25 Beaver Street
New York, NY 10004
212-480-6238

BRONX

1 Fordham Plaza
4th Floor
Bronx, NY 10458
718-430-0880

WESTCHESTER

75 South Broadway
3rd Floor
White Plains, NY 10601
914-948-4434