

FACT SHEET



Andrew M. Cuomo, Governor

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DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

#20 Special Rights of Disabled Persons

Introduction - Rights for Disabled Persons

The law grants certain protections for disabled persons who occupy rent regulated housing with regard to protection from eviction and exemption from rent increases. These protections are described below.

Eviction protections for disabled tenants

1. An owner cannot evict a disabled tenant or the spouse of a disabled tenant from rent stabilized apartments in NYC for the purpose of owner occupancy unless the owner provides an equivalent or superior apartment at the same or lower rent in an area near the tenant's present apartment.
2. An owner cannot evict a disabled tenant from rent stabilized apartments outside NYC and rent controlled apartments statewide for purposes of owner occupancy.
3. If a building is being converted to cooperative or condominium ownership under a legal Eviction Plan, rent stabilized tenants who are eligible disabled persons may refuse to purchase their apartments and remain in occupancy as fully protected rent stabilized tenants with lease renewal privileges. Rent controlled tenants are similarly protected.

The tenant's disability must be certified as of the date of the New York State Attorney General accepts the Eviction Plan for filing. To take advantage of this benefit, an eligible disabled person in New York City must elect, on forms provided by the Attorney General, to become a "non-purchasing" tenant within 60 days of the date that the Final Offering Plan is presented to the tenants. Outside NYC, there is no formal election requirement.

For the purposes of these protections, disabled persons are tenants and/or spouses of tenants who have an impairment resulting from anatomical, physiological or psychological conditions demonstrable by medically acceptable clinical and laboratory diagnostic techniques that are expected to be permanent, and prevent the tenant from engaging in any substantial, gainful employment.

Rent Increase Protections for Disabled Tenants

DRIE in New York City

In New York City, a tenant may apply, if eligible, for a DISABILITY RENT INCREASE EXEMPTION (DRIE).

The applicant with a disability must be named on the lease for the rent-regulated or cooperative/condominium apartment (where the mortgage is or once was federally insured under Section 213 of the National Housing Act).

For the purposes of qualifying for DRIE, a rent-regulated apartment includes apartments subject to rent stabilization, rent control, Mitchell-Lama regulations, and the New York City Department of Housing Preservation and Development's Division of Alternative Management Programs (DAMP).

If a tenant qualifies for this program, such tenant is exempt from:

1. Future rent guidelines increases, Maximum Base Rent increases, fuel cost adjustments, increases based on the owner's economic hardship, or Major Capital Improvements. However, the tenant must pay any additional security deposit that would be required as a result of these types of increases.
2. Tenants receiving a Disability Rent Increase Exemption (DRIE) may choose a one-or-two-year lease renewal.
3. NYC disabled tenants may also carry this exemption from one apartment to another when moving, upon the proper application being made to the New York City Department of Finance, DRIE Unit.
4. Deregulation of the apartment based on High-Rent High-Income, pursuant to the Rent Code Amendments of 2014 (RCA 2014). Owners shall not serve these tenants with an Income Certification Form and DHCR will not process an Owner's Petition for Deregulation.
5. Rent reductions for DHCR approved electrical conversions to individual metering (direct or sub-metering), as per the RCA 2014. The cost of electricity remains included in the rent until the DRIE recipient vacates. The owner is however, permitted to install electric conversion equipment in the apartment when it is occupied by the DRIE recipient.

Eligibility requires that such tenant is a recipient (or former recipient, as described below) of benefits from any of the following programs:

- a) Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) under the Federal Social Security Act;
- b) Disability Pension or Disability Compensation benefits as provided by the United States Department of Veteran Affairs; or
- c) Medical Assistance benefits pursuant to NY State Social Law, and a former recipient of SSDI or SSI benefits.

The aggregate disposable income (for all members of the household residing in the housing accommodation whose head of the household is a person with a disability) for the applicable income tax year cannot exceed the maximum income eligible for SSI benefits under federal law. However, an increase in SSI benefits which take effect after the eligibility date of DRIE benefits is not included in the aggregate disposable income.

To apply for DRIE, the tenant of a NYC rent controlled or rent stabilized apartment must file an application with:

NYC Department of Finance
SCRIE/DRIE EXEMPTION
59 Maiden Lane, 19th Floor
New York, NY 10038

Tenants may also contact New York City's Citizen Service Center by dialing 311.

DRIE - Outside New York City

As of February 1, 2012, the Office of Rent Administration (ORA) has been notified that in Westchester County, the municipalities of Dobbs Ferry, Greenburgh, Hastings on Hudson, New Rochelle, Yonkers and the City of Rye have adopted DRIE. ORA has not been notified of any municipalities in Nassau County that have adopted DRIE. Applications for DRIE exemptions are made to the Division of Housing and Community Renewal on the Tax Abatement Certificate and SCRIE/DRIE Application and Order (DHCR form RTP-13). If you live in Westchester County, call (914) 948-4434, to obtain an application form and to inquire about your municipality's income eligibility level. Owners receive certificates for real estate tax payment.

A DRIE recipient outside of New York City is also entitled to the following exemptions:

1. Deregulation of the apartment based on High-Rent High-Income, pursuant to the Rent Code Amendments of 2014 (RCA 2014). Owners shall not serve these tenants with an Income Certification Form and DHCR will not process an Owner's Petition for Deregulation.
2. Rent reductions for DHCR approved electrical conversions to individual metering (direct or sub-metering), as per the RCA 2014. The cost of electricity remains included in the rent until the DRIE recipient vacates. The owner is however, permitted to install electric conversion equipment in the apartment when it is occupied by the DRIE recipient.

DHCR Services

The Central Office of the Office of Rent Administration at Gertz Plaza, 92-31 Union Hall Street, Jamaica, NY and the Borough and County Rent Offices are totally accessible buildings, including the bathroom facilities. Staff members at all Rent Offices are available to assist visually-impaired persons with forms and other printed materials. With advance notification, staff members can also provide assistance for tenants and owners with hearing impairments, or serious mobility problems. If a hearing-impaired person is a party or a witness at a hearing before the Division of Housing and Community Renewal (DHCR), DHCR will provide a signer to interpret the proceedings.

Sources:

Real Property Tax Law Section 467-b
New York City Rent Stabilization Law Section 26-509

Rent InfoLine (718) 739-6400

Web Site: www.nyshcr.org
Email address: rentinfo@nyshcr.org