

# FACT SHEET



Andrew M. Cuomo, Governor

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DIVISION OF HOUSING AND COMMUNITY RENEWAL  
OFFICE OF RENT ADMINISTRATION

## #3 Required and Essential Services

### Services owners are required to provide

An owner must provide and maintain services and equipment furnished or required by Rent Control or Rent Stabilization regulations. Required or essential services include repairs, heat, hot and cold water, maintenance, painting and janitorial services, elevator service and ancillary services such as garage and recreational facilities. This may include services that were provided but not registered by the owner on the Initial Apartment Registration (DHCR Form RR-1(i)) or, the Initial Building Services Registration (DHCR Form RR-3(i)).

Under rent stabilization, an owner must generally maintain all services required by the Rent Stabilization Law on rent stabilization's base dates of May 31, 1968 and/or May 29, 1974. The base date for apartments under the Emergency Tenant Protection Act (ETPA) outside of NYC is May 29, 1974, or the day immediately prior to the local effective date, whichever is later. The base date for buildings which were governed by Mitchell-Lama regulations is the day they became subject to rent regulation.

Under rent control, the owner must generally provide and maintain all services furnished or required to be furnished on the base date of May 1, 1950 for rent controlled apartments outside of NYC, and March 1, 1943 for those within NYC.

### Minor (De Minimis) Service conditions

Certain conditions complained of as constituting a decrease in a required service may have only a minimal impact on tenants, do not affect the use and enjoyment of the premises, and may exist despite regular maintenance of services. Such conditions, which are minor (de minimis) in nature, do not rise to the level of a failure to maintain a required service. See Fact Sheet #37, De Minimis Conditions, for a schedule of these conditions.

### Repair or replacement of defective equipment

When an owner provides equipment or services within an apartment, such as a refrigerator, stove or air conditioner, the owner must maintain it in good working order. Defective equipment can be:

1. Repaired at the owner's expense or;
2. Replaced with reconditioned or used equipment, provided it is in good working order and is comparable to the item replaced. The owner is not entitled to any increase in rent based on the cost of reconditioned or used equipment or;
3. Replaced with a new one, for which the owner may be entitled to an Individual Apartment Improvement (IAI) rent increase. For occupied apartments, however, the tenant's voluntary written consent is required before the owner may collect the increase. If an installation of new equipment is done while the apartment is vacant, the new tenant's consent is not required for the owner to collect the IAI rent increase. See Fact Sheet #12.

For rent stabilized apartments, the tenant's written consent should be retained by the owner, but need not be filed with DHCR. For all apartments subject to rent control, the owner must file a notice (DHCR Form RN-79b) with DHCR to obtain a rent increase for new equipment. The tenant's consent is a part of that form and the rental increase is effective on the first rent payment date following its filing.

### **Filing complaints with DHCR**

Tenants can file a written complaint of a decrease in services on the appropriate DHCR form. For additional information, see Fact Sheet #14, Rent Reductions for Decreased Services.

#### Sources:

New York City Rent Stabilization Code, Section 2523.4

Tenant Protection Regulations, Section 2503.4

New York City Rent and Eviction Regulations, Section 2202.16

New York State Rent and Eviction Regulations, Section 2102.4

#### Related material:

Fact Sheet #12, Rent Adjustments for New Services, New Equipment or Improvements to an Apartment

Fact Sheet #14, Rent Reductions due to Decreased Services

Fact Sheet #37, De Minimis Conditions in Building-Wide or Individual Apartment Areas