



Homes and Community Renewal

ANDREW M. CUOMO
Governor

JAMES S. RUBIN
Commissioner/CEO

MEMORANDUM

To: MCI Case Processors & Attorneys

From: Paul K. Fuller, Bureau Chief *PKF*
Property Management Bureau
Enforcement/Compliance/Mediation

Date: May 6, 2016

Subject: Processing Directive MCI (Accessibility Ramps & Lifts)

As you are aware accessibility ramps a/k/a handicapped ramps provide individuals with physical disabilities access to buildings and commercial entities which would otherwise not be available to them if access was available only by stairways.

Some years ago a policy developed at HCR, on a case by case basis, relative to the granting of MCI increases for accessibility ramps. The policy which developed, with some input from human rights advocates, initially would deny rent increases for installing handicap ramps unless there was an order of a governmental body requiring the installation. This was adjusted over time to grant the rent increase if a landlord received a complaint from a tenant who was disabled, thus relieving the tenant from having to file a formal complaint with the appropriate human rights agency. Thus the current policy of HCR is that rent increases for accessibility ramps will be granted where a disabled tenant has made a complaint to the owner of the building or to a governmental agency which deals with accessibility issues.

During the past 2-3 years this policy has come into question. Making rent increases for what can be a major installation solely contingent upon tenant complaint is burdensome on both owners and tenants and reflects outdated thinking as ramps have become a standard of modern multiple dwelling construction and building rehabilitation.

Such ramps are also helpful to a wide range of citizens and tenants. All generations benefit from the ramps; babies in strollers to the elderly who have some difficulty walking; individuals with temporary injuries and people toting luggage on wheels and disabled visitors. At any time a tenant or family member may become disabled. Rational planning for this eventuality should therefore be acknowledged.

The installation of accessibility ramps accordingly "inures directly or indirectly to the benefit of all tenants". As permanent improvements or betterments to real estate they are depreciable pursuant to the IRS code and they are clearly for the operation, preservation and maintenance of the structure.

Therefore, effective immediately, accessibility ramps (both interior & exterior) will be eligible for MCI rent increases provided they meet the following minimum requirements.

- 1) They provide manually operated and motorized wheelchairs with access to the building and substantially all public and common areas of the building (this does not mean that all entrances to a building must have ramps but once an individual is in the building access to substantially all public and common areas can be achieved.)
- 2) They provide access to the elevator(s) of a building as well as the ground floor apartments and in buildings without elevators the ramp provides access to the building and to all ground floor apartments of the building.
- 3) They otherwise comply with local building codes relative to the construction of accessibility/handicapped ramps.

Staff should be mindful that different State and Municipal entities have varying requirements relative to accessibility ramps; when they must be included in a renovation and the specifics about their construction. The fact that a building already has an accessibility ramp does not preclude an owner from MCI rent increases for the construction of additional ramps but in no event is an owner, as noted above, required to install ramps at each entrance to a building unless required by law.

Costs must be carefully reviewed to allow only those costs related to the construction of the ramps and not other items. Specifically, lobby renovations not performed to achieve the construction

of the ramp will not be allowed, however (as an example) the cost of moving a wall to make the ramp compliant with the local building code or wide enough for a wheelchair would be compensable.

This directive is effective immediately and affects all pending cases before the Rent Administrator or the Commissioner (PARs).

If you have any questions, please consult with your supervisor.