

# KNOW YOUR RIGHTS

## THE RIGHT TO A LEASE RENEWAL IN A NEW YORK CITY RENT STABILIZED APARTMENT

### 1. What is a lease renewal?

A lease renewal is an agreement to continue the same terms and conditions of a lease for an additional length of time and usually for an increased amount of rent.

### 2. Who is entitled to a lease renewal?

Tenants living in rent stabilized apartments are entitled to a lease renewal when their current lease expires. Rent stabilized tenants have the right to choose either a one- or two-year renewal lease term.

NOTE: Rent controlled tenants generally do not have leases and do not get lease renewals.

### 3. What is a rent stabilized apartment?

Generally, an apartment is rent stabilized if it is in a building built between Feb. 1, 1947 and Jan. 1, 1974 and has six (6) or more units; or, if the building has three (3) or more apartments and was constructed or extensively renovated on or after January 1, 1974 with special tax benefits such as J-51 or 421a. You can visit your local New York State Home & Community Renewal office (NYSHCR, formerly DHCR) and ask if your apartment is rent stabilized.

### 4. What lease renewal form must the landlord use?

The renewal lease offer must be made on a form that conforms to the NYC Rent Stabilization Law and Code and is approved by the NYSHCR.

### 5. When does the landlord have to offer a lease renewal?

The landlord must give a lease renewal offer by mail or in person no less than 90 nor more than 150 days before the current lease expires.

### 6. What if the landlord does not offer a lease renewal when the current lease expires?

If the landlord does not offer a rent stabilized tenant a lease renewal and the current lease term expires, the lease term as well as the monthly rent amount is automatically extended until such time as a renewal lease is offered and accepted.

### 7. What if the landlord does not offer the lease renewal in a timely manner?

If the lease renewal offer is not timely made, the tenant has the right to choose the date the new lease term commences. The tenant may choose one of the following:

- the new lease term will start as of the date the prior lease term expired; or
- the new lease term will start 90 days from that date the lease renewal is offered.

No matter what start date the tenant chooses, the new rent increase cannot be charged retroactively. The landlord is only entitled to collect the rent increase 90 days from the date of the lease

renewal offer. Also, the rent increase may be no greater than the RGB rate in effect at the time the lease renewal would have started if timely offered.

### 8. What happens if a tenant does not sign the lease renewal?

Once the lease renewal is received, the tenant has 60 days to review, sign, and return it to the landlord. If it is not signed and returned and the tenant remains in the apartment, the landlord may either:

- extend the time to renew the lease or
- commence an eviction proceeding for failure to renew or timely renew the lease.

NOTE: The landlord is under no legal obligation to accept a lease renewal that is not timely signed and returned by the tenant.

NOTE: If the landlord commences an eviction proceeding for failure to renew or timely renew the lease, the tenant will have an opportunity “to cure” (one last chance to sign the lease renewal).

### 9. What happens once the tenant returns a signed lease renewal?

Once a tenant signs and returns a lease renewal offer, the landlord has 30 days to sign and return the lease renewal to the tenant. If the owner does not return the fully executed copy of the renewal lease to the tenant within the 30 days, the tenant may call or write the landlord to request the fully signed lease renewal. The tenant may also file a “Tenant’s Complaint of Owner’s Failure to Renew Lease and/or Failure to Furnish a Copy of a Signed Lease” with the NYSHCR.

**10. Does the landlord have to give the tenant anything in addition to the lease or lease renewal?**

A rent stabilized tenant must also be given a rent stabilization rider(s) with the tenant’s vacancy or renewal lease. The rider(s) tell tenants their rights and obligations, as well as those of the landlord. The rider(s) also inform rent stabilized tenants signing a vacancy lease of the legal regulated rent in effect immediately prior to the vacancy, and explain how the present rent was computed.

**11. Does a lease renewal or rider change the terms of a lease?**

The lease renewal and riders do not change the provisions of the original lease unless the terms of the rider(s) are necessary to comply with the law. The lease renewal only changes the amount of the rent charged for the apartment. The local Rent Guidelines Board (“RGB”) determines how much the rent may be increased each year for rent stabilized apartments.

**12. What can a tenant do if they do not receive a rider(s)?**

A tenant who does not receive a copy of the rider(s) may file a “Tenant’s Complaint of Owner’s Failure to Renew Lease and/or Failure to Furnish a Copy of a Signed Lease”. Tenants should use the “Additional Comments” section on the reverse side of that form to describe the complaint.

**13. Are tenants that do not live in rent stabilized apartments entitled to a lease renewal?**

If you do not rent a rent stabilized apartment, you do not have the right to a lease renewal unless your lease says so. If it doesn’t say so, it’s up to your landlord to offer you a lease renewal or a new lease. You may try to negotiate with your landlord the rent amount.

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The RGB is a local body created to establish annual rent increase guidelines for rent stabilized units in New York City. The RGB increases are determined in June of a given year and are applicable from October 1st of that year – September 30th of the following year.

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 **THE  
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