



A Tenant's Guide to DRIE

The Disability Rent Increase Exemption

WHAT IS DRIE?

The Disability Rent Increase Exemption (DRIE) is a program that offers an exemption from future rent increases to tenants with disabilities who meet all of the eligibility criteria. The program provides the landlords with a credit that is applied to their property tax in an amount equal to the rent increase they would have received from the tenant who is in the DRIE program.

The following explains who is eligible for DRIE, the benefits DRIE offers, and the application process. We strongly urge readers to check the Finance website at www.nyc.gov/finance for updates.

WHO IS ELIGIBLE FOR DRIE? To qualify for DRIE, an applicant must:

1) Rent an apartment defined as eligible under the law:

- A rent controlled or rent stabilized apartment regulated by the New York State Division of Housing and Community Renewal (DHCR);
- An apartment owned by a Mitchell-Lama development, Limited Dividend housing company, Redevelopment company or Housing Development Fund Corporation (HDFC) incorporated under New York State's Private Housing Finance Law; or
- An apartment located in a building where the mortgage was federally insured under Section 213 of the National Housing Act.

Note: Tenants who live in public housing administered by the New York City Housing Authority are not eligible for DRIE benefits.

2) Be one of the following:

- The head of household (18 years of age or older) and named on the lease or rent order
- The tenant of record (*A tenant of record has attained and exercised his/her legal right of succession to the apartment when the leaseholder vacates the apartment, either by moving or by death*)
- The disabled spouse or disabled registered domestic partner of either the head of household or the tenant of record

3) Receive eligible state or federal disability-related assistance from one of the following:

- Federal Supplemental Security Income (SSI)
- Federal Social Security Disability Insurance (SSDI)
- US Department of Veterans Affairs disability pension or compensation
- Disability-related Medicaid if the applicant has received either SSI or SSDI in the past

4) Meet the program's income eligibility requirement:

- Households of one: For applications for the benefit received in 2012, the total aggregate household income for the calendar year 2011 cannot exceed \$19,860.
- Households of two or more: For applications for the benefit received in 2012, the total aggregate household disposable income for ALL members for calendar year 2011 cannot exceed \$28,668.

5) Pay more than one-third of his/her household's aggregate income for rent.

Aggregate income includes earned income, federal disability benefits, Workman's Compensation and other income reportable on tax returns. There are limited deductions for qualified tenants. More detailed rules for determining aggregate disposable income are specified in the instructions accompanying the DRIE application. Note that tenants receiving Section 8 benefits do not qualify for DRIE, as they are already paying less than a third of their income for rent.

HOW DO I APPLY FOR DRIE?

To apply for DRIE by mail, the applicant with the disability, or his/her representative must complete a DRIE application and mail it with all required supporting documents to:

NYC Department of Finance
DRIE Program
59 Maiden Lane, 22nd floor
New York, NY 10038

You can obtain a DRIE application and instructions from Finance's website at www.nyc.gov/finance or call 311 to request an application by mail. You may apply for DRIE any time.

Alternatively, applicants can file a DRIE application electronically at www.nyc.gov/accessnyc. Note that applicants filing electronically are **still required to mail all required documents to the above address.**

IF I AM APPROVED, WHAT IS MY DRIE BENEFIT?

Rent-controlled apartments: Rent is frozen at the total amount (Maximum Collectible Rent plus Fuel Cost Adjustment) that the applicant was paying on December 31st of year prior to the filing of the DRIE application. Example: Eligible tenants who apply for DRIE in 2012 will have their rent frozen at the total amount they were paying on December 31, 2011.

DRIE benefits will take effect on the first day of the month following the month in which Finance received the tenant's application.

Rent-stabilized apartments: Rent is frozen at the level of the tenant's prior lease. DRIE benefits will take effect on the first day of the month following the month in which Finance received the tenant's application.

Mitchell-Lama, Limited Dividend, Redevelopment, Section 213 cooperative, and HDFC cooperative apartments: The rent/carrying charge is frozen at the level in effect prior to the most recent rent increase. DRIE benefits will take effect on the date of the rent increase if the DRIE application was filed within 120 days of that increase. Otherwise, DRIE benefits will take effect the first day of the month following the month in which Finance received the tenant's application.

HOW WILL I BE NOTIFIED IF I AM ELIGIBLE TO RECEIVE DRIE?

All DRIE applicants will receive written notification of their DRIE approval or denial. A letter to the landlord will be mailed at the same time, advising the landlord that the tenant has been approved for DRIE and the amount of rent the tenant is to pay starting on the effective date.

CAN A DRIE APPROVAL OR DENIAL BE APPEALED?

Applicants and landlords who disagree with the Department's decision may submit the Application for Appeal of the Disability Rent Increase Exemption within 60 days of the date on the letter you receive from Finance. The Application for Appeal instructions lists the required documentation to support an appeal.

FREQUENTLY ASKED QUESTIONS:

1. Will I receive a check from Finance if I am approved for DRIE?

No. DRIE provides landlords with a property tax credit equal to difference between the frozen rent amount and the rent increase amount they would have received from you if you were not on the DRIE program. The Department does not make direct payment of any kind to DRIE tenants.

2. Will DRIE cover Major Capital Improvements (MCIs) and increases for other charges that are not "rent"?

DRIE may pay for increases resulting from MCIs. A copy of the MCI Order will need to be provided in order for a determination to be made regarding whether the MCI increase will be covered. For rent-controlled tenants, DRIE usually covers increases in the Maximum Collectible Rent (MCR) and Fuel Cost Adjustments (FCA). However, a copy of the Notice of Increase in Maximum Base Rent and Maximum Collectible Rent and/or Notice to Tenant of Fuel Cost Adjustment must be submitted.

DRIE does not cover individual apartment increases. Tenants also remain responsible for paying additional charges including but not limited to parking spaces, hall closets, guard service and the replacement of household appliances such as dishwashers.

If you receive notification from your landlord regarding MCI, MCR or FCA increases after you've applied for the DRIE program, you must complete a DRIE Adjustment to Abatement form and also submit a copy of the applicable rent increase orders so that Finance can determine if the increase will be covered by DRIE. If the increase is to be covered, Finance can then properly recalculate the landlord's tax abatement credit.

3. What if my landlord refuses to honor my DRIE approval?

When you are approved for the DRIE program, Finance sends both you and your landlord an approval letter. If your landlord states that he has not received the approval letter, either you or your landlord may contact 311 to request a duplicate copy of the owner approval letter. Until the matter is resolved, however, you may pay the DRIE-approved rent.

Note: If you received a MCI increase, MCR increase or FCA increase shortly before filing for the DRIE program, you are obligated to provide the Department with all applicable paperwork, so that we can properly determine your DRIE frozen rent. Finance reserves the right to recalculate the frozen rent amount as a result of incomplete or incorrect information provided at the time of the application.

4. I just sent in my DRIE application a week ago, and my landlord has given me a new lease for the same apartment. Should I wait to receive the DRIE approval before signing the new lease?

If you wish to remain in the apartment you should sign the new lease. If you do not receive a DRIE approval when the new lease begins, you are obligated to pay the rent amount shown on the new lease. Should you be approved for DRIE, your rent will be frozen at a lower level, effective the first day of the month after Finance received your DRIE application. You will be due an adjustment from your landlord for each month that you have paid the higher amount.

5. Can I carry my DRIE benefit to another apartment if I move?

The portability provision of the DRIE law allows eligible tenants to carry over their monthly DRIE benefit amount, provided:

- The new apartment is a qualifying rent-regulated apartment as described on page 1.
- The rent in the new apartment is equal to, or greater than the legal rent in your old apartment. We strongly recommend that tenants search for apartments that are similar in price to their old one.

You will be required to file a new application to confirm that you still meet all the eligibility criteria. This new application will also allow Finance to cancel the owner's tax abatement credit for your old apartment and credit the owner/building manager of your new building.

6. If I have DRIE, can my landlord evict me if he or she does not want to have a tenant paying a lower rent than other tenants?

No. You cannot be evicted because of DRIE.

7. Does the DRIE benefit protect me from being evicted?

Tenants can be evicted from their apartments for any number of reasons including failure to pay rent in a timely manner. Having the DRIE benefit does not provide blanket protection from eviction.

8. If another household member already has SCRIE or DRIE, can another member apply for DRIE?

No. The law does not permit a household to have both a SCRIE and DRIE benefit at the same time.

9. When do I have to recertify my DRIE benefits?

If you are a rent stabilized tenant, you are required to renew/recertify when your lease expires. As soon as you are notified of your new lease, you should submit a Renewal/Recertification application to the Department of Finance and a copy of the completed application and new lease, signed by both you and your landlord.

Rent controlled tenants are required to upon expiration of the DRIE order.

Mitchell-Lama, Limited Dividend, Redevelopment, Section 213 Cooperative and HDFC Cooperative tenants are required to recertify annually based on the effective date on their original DRIE approval order.

We will send you a renewal reminder 60 days before the expiration of your DRIE benefit. You can also obtain the Renewal/Recertification Application from our website, or by calling 311.

CUSTOMER ASSISTANCE

Phone: For more information call 311; Outside New York City call 212-NEW YORK or 212-639-9675. TTY/TTD: access for hearing-impaired call 212-504-4115.

Online: For more information or to download forms discussed in this brochure visit Finance at www.nyc.gov/finance

Mail: NYC Department of Finance DRIE Program
59 Maiden Lane, 22nd Floor, New York, NY 10038