

Section 610 Frequently Asked Questions (FAQ) for Tenants

What is Section 610?

Section 610 of the Private Housing Finance Law (PHFL) is a new law that allows owners of affordable housing projects with tenant-based or project-based rental assistance to collect the full rental subsidy amount, even if it is above the legal rent, without affecting the amount you have to pay.

For units with a CityFHEPS, FHEPS, or HASA subsidy, the rent amount cannot be more than (1) the payment standard for the eligible unit size or (2) the payment standard for the eligible household size (whichever amount is the least).

Please note that the Department of Social Services (DSS) is not the agency that approves 610 requests. DSS processes the legally allowed rent increase under Section 610 once the Section 610 request has been approved.

What Department of Social Services (DSS)/Human Resources Administration (HRA) subsidies may receive Section 610?

Your landlord may be eligible to receive a Section 610 amendment if you are receiving any of the following rent subsidies:

- City Fighting Homelessness and Eviction Prevention Supplement (CityFHEPS)
- Family Homelessness and Eviction Prevention Supplement (FHEPS)
- HIV/AIDS Services Administration (HASA)

Does Section 610 change the amount of rent I have to pay my landlord?

No. Section 610 will not affect the amount you have to pay your landlord.

What if my rental subsidy ends?

If your rental assistance ends while you are still living in the same unit, your landlord can only charge you one of the following rent amounts (whichever amount is the least):

- The previous legal regulated rent. This is the rent that was legally set for your unit before the rental assistance began; **or**
- The rent you were paying immediately before the rental assistance began, if it was less than the legal regulated rent; **or**
- Any lower rent required by a regulatory agreement. This means if there are specific agreements or regulations that require your landlord to charge you a lower rent amount, your landlord must charge you that lower amount.

What does my landlord have to do to get a Section 610 increase?

Depending on which agency holds their regulatory agreement, owners must submit applications to:

- New York City Department of Housing, Preservation and Development (HPD); or
- New York State Division of Housing and Community Renewal (HCR); or
- New York City Housing Development Corporation (HDC).

Your landlord will be notified if a request for a Section 610 amendment has or has not been approved.

The owner will work with the agency to amend the relevant regulatory agreement. Only projects with fully executed regulatory agreement amendments that include the Section 610 language are eligible to collect the higher rental assistance amount above the legal rent approved by the rental subsidy.

Your landlord must give you a renewal lease that includes the HCR Section 610 Lease Rider confirming that you have been notified of your rights under Section 610.

After my landlord has an approval for my building, can I submit the Section 610 increase request for my unit to HRA?

Yes. Here is how Section 610 increases can be requested:

- **CityFHEPS**

If you have CityFHEPS, you can submit the Section 610 documents on Access HRA or by emailing your renewal application to CityFHEPSRenewals@hra.nyc.gov.

- **HASA**

If you receive a HASA rent subsidy, please submit the documents to your case manager as part of your new-apartment or lease-renewal package.

Please note that your landlord cannot receive the increase until the next lease renewal following the Section 610 approval.

- **FHEPS**

If you receive a FHEPS rent subsidy, please submit the documents to a Benefits Access Center (BAC) or through AHRA as a case change. Please note that a FHEPS modification is not required for Section 610 increases and can be approved at your BAC.

The landlord can also submit the request directly to FHEPSrentincrease@hra.nyc.gov.

Please note that your landlord cannot receive the increase until the next lease renewal following the Section 610 approval.

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What documents are needed for the Section 610 Increase?

The following documents are needed:

1. Fully executed new lease. The agency will **not** accept a lease with handwritten changes that are related to Section 610.
2. Copy of the New York City Lease Rider for Rent Stabilized Tenants [Rent Stabilized Lease Notice to Tenants - Rights Concerning Legal Rents and Higher Actual Rents (RA-LR1)].

The NYC Lease Rider for Rent Stabilized Tenants can be found at:

<https://hcr.ny.gov/tenant-owner-forms>

3. Copy of the HCR Section 610 Lease Rider [Rent Stabilized Lease Notice to Tenants - Rights Concerning Legal Rents and Higher Actual Rents (RA-LR3)].

The HCR Section 610 Lease Rider can be found at:

<https://hcr.ny.gov/tenant-owner-forms>

4. Approval letter from the governing agency (for example: NYC HPD, NYC HDC, NYS HCR, NYS Housing Finance Agency [HFA]).

Please note: An amended regulatory agreement will not be accepted instead of the approval letter. An approval letter from the governing agency is required even if an amended regulatory agreement has been submitted.

5. A Landlord Utility Information Form (**DSS-8q**). This form is only required if your subsidy is CityFHEPS or FHEPS, you moved out before 2021, and your rent has never been adjusted for a utility allowance.

The Landlord Utility Information Form can be found at:

[https://www.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/DSS-8q-\(E\)-FILLABLE.pdf](https://www.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/DSS-8q-(E)-FILLABLE.pdf)

6. If your landlord is submitting the Section 610 increase request, they must also send the Section 610 Tenant Information Summary (**DSS-52b**) spreadsheet.

If you (the tenant) are submitting the Section 610 request, the Tenant Information Summary is not required.

The Section 610 Tenant Information Summary can be found at:

<https://www.nyc.gov/site/hra/help/rental-assistance.page>