

Rent Freeze Program

Frequently Asked Questions (FAQs)

WHAT IS THE RENT FREEZE PROGRAM?

The Rent Freeze Program refers to the Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE). These programs help eligible senior citizens (aged 62 and over) and tenants with qualifying disabilities stay in affordable housing by freezing their rent. A property tax credit covers the difference between the actual (legal) rent amount and what the tenant is responsible for.

ELIGIBILITY

1. Who is eligible for SCRIE?

SCRIE eligibility requirements:

- Age: 62 or older.
- Combined household income: \$50,000 or less.
- More than one-third of the monthly household income must be spent on rent.
- The applicant must reside in and be named on the lease of, or have succession rights to a rent-regulated apartment (i.e., Rent Stabilized, Rent Controlled, or Rent Regulated Hotel).

SCRIE applicants residing in an apartment located in a building with a mortgage that was federally insured under Section 213 of the National Housing Act or is owned by a Limited Profit Housing Company or Limited Dividend Housing Company (Mitchell-Lama development), Redevelopment Company, or Housing Development Fund Company (HDFC) incorporated under New York State's Private Finance Housing Law must contact the Department of Housing Preservation and Development (HPD) to apply for SCRIE. For applications and more information, please call (212) 863-8494 or visit www.nyc.gov/hpd.

2. Who is eligible for DRIE?

DRIE eligibility requirements:

- Age: 18 or older.
- Combined household income: \$50,000 or less.
- More than one-third of the monthly combined household income must be spent on rent.
- Applicants residing in an apartment located in a building with a mortgage that was federally insured under Section 213 of the National Housing Act, or is owned by a Limited Profit Housing Company or Limited Dividend Housing Company (Mitchell-Lama development), Redevelopment Company, or Housing Development Fund Company (HDFC) incorporated under New York State's Private Finance Housing Law, or residing in a Rent Controlled or Rent Stabilized apartment must currently be receiving Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), disability pension, or disability compensation benefits provided by the United States Department of Veterans Affairs, certain disability pension or disability compensation benefits provided by the United States Postal Service, or those previously eligible by virtue of receiving disability benefits under the Supplemental Security Income program or the Social Security Disability program and currently receiving medical assistance benefits based upon determination of disability as provided in Section 366 of the Social Services Law.

3. Which apartment types are not eligible?

- If your apartment is not rent-regulated (fair market rent), you are not eligible.
- If your apartment is a cooperative that is not rent-regulated, you are not eligible.
- If your apartment is located in a building with a mortgage that was federally insured under Section 213 of the National Housing Act or is owned by a Limited Profit Housing Company or Limited Dividend Housing Company (Mitchell-Lama development), Redevelopment Company or Housing Development Fund Company (HDFC) incorporated under New York State's Private Finance Housing Law, you must contact the Department of Housing Preservation and Development (HPD) to apply for SCRIE. For applications or more information, please call (212) 863-8494 or visit www.nyc.gov/hpd.
- If you live in a one-, two-, or three-family home, you are not eligible.
- If you have a sublease, you are not eligible.
- If you live outside of New York City, you are not eligible.

SUBMITTING DOCUMENTATION

1. What documentation must I submit with my initial application as proof that my apartment is rent-regulated?

For rent-stabilized apartments: You must submit your current lease and your prior lease. The leases must be signed by you and your landlord.

For rent-controlled apartments: You must submit your current and prior Notices of Maximum Collectible Rent (Form RN-26).

For rent-regulated hotels and single-room occupancy (SRO) units: You must submit a rent increase letter signed by your management and a copy of the DHCR rent history or DHCR apartment registration.

For Mitchell-Lama properties, HDFC cooperatives, and Section 213 cooperatives: You must submit a rent history printout or letter from your management office specifying the date of your last rent increase, the rent amount paid before the increase, and the amount paid after the rent increase, as well as an affidavit of household income, if applicable.

FROZEN RENT

1. What is meant by frozen rent?

Your frozen rent is the monthly rent that you, as an approved Rent Freeze Program participant, must pay to the landlord. The frozen rent amount is shown on your approval notice.

2. How is my frozen rent determined?

In most instances we freeze your rent at either your prior legal rent amount or one-third of your monthly income, whichever is greater.

3. How is my frozen rent determined if I have a preferential rent agreement with my landlord?

If you have provided the Department of Finance with a lease or lease rider indicating that you are paying a “preferential rent” amount that is less than the legal regulated rent under a written agreement with your landlord, your frozen rent amount will be determined as follows:

- If you are a new Rent Freeze Program applicant and you meet all program eligibility criteria, your frozen rent will be based on the preferential rent.
- If you live in a Low-Income Housing Tax Credit (LIHTC) unit and you provide a LIHTC rider, your rent will be frozen at your prior LIHTC rent amount or one-third of your monthly income, whichever is greater.

ANNUAL HOUSEHOLD INCOME

1. How do I calculate my total annual household income for the Rent Freeze Program?

Your total annual household income equals your annual income plus the annual income of all members of the household for the previous calendar year. SCRIE and DRIE applicants who submit initial or renewal applications during the period from January 1 to April 15 may submit income information from two calendar years prior to the application submission date if income information for the previous calendar year is not available. Persons residing in the apartment who are roomers, boarders, or subtenants are not members of the household. However, rent paid by a roomer, boarder, or subtenant will be included in the total household income.

Your total annual household income must be \$50,000 or less after allowable deductions. Allowable deductions are federal, state, local, and Social Security taxes. You may calculate this by using your total amounts withheld, or by including your total taxes assessed as recorded on IRS Form 1040 and NYS Form IT-201.

Note:

- Deductions allowable for purposes of SCRIE and DRIE are not necessarily the same as deductions for income tax purposes.
- Self-employed individuals may deduct 81% of their self-employment tax; 19% of their self-employment tax is a Medicare Tax which may not be deducted for SCRIE/DRIE household income eligibility calculations.

2. How do I calculate one-third of my monthly household income?

Calculate your total annual household income and divide that number by 36. For example, if you have an *annual* household income of \$36,000, one-third of your *monthly* income is \$1,000.

3. What income must I report to determine my eligibility?

Below is a list of income sources that the Rent Freeze Program considers. If you and your household members receive any income from any of these sources, please include them in your calculation of your annual income.

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Income Source	Proof of Income (Send a copy of all that apply.)
Social Security (SSA, SSI, SSDI)	SSA-1099 or printout of SSI benefit award letter
Wages, Salaries, Tips	W-2s, including self-employment
Business Income	Schedule C, S-Corp tax Return with K-1 or Partnership Tax Return
Taxable & Non-Taxable Interest	All 1099-INT and year-end statements for nontaxable interest
Taxable & Non-Taxable Dividends	All 1099-DIV and year-end statements for nontaxable dividends
IRA Earnings	Documentation showing interest, dividends, or capital gains earned. Do not include the amount of your distribution.
Pension, Annuities, Retirement Plans	1099-R statements including taxable & nontaxable pensions
Veterans Affairs Disability Pension or Disability Compensation Benefits	Annual benefit statement
United States Postal Service Disability Pension or Disability Compensation Benefits	Annual benefit statement
Capital Gains	Capital gains statements from financial institutions
Net Rental income (from all properties)	Schedule E from your Federal tax return
Rent received from boarders, roomers, and subtenants	Signed and notarized letter stating exact dollar amount paid to you
Rental assistance (subsidy)	Copy of the subsidy letter received from the agency/organization that administers the subsidy (e.g., HUD, Links, NYCHA, etc.)
Net Income from Self-Employment	Schedule C from your Federal tax return
Disability, workers' compensation, or unemployment insurance benefits	Award letter
Income from estates or trusts	Income tax return for the estate or trust
Alimony and child support payments received	Court Order, documentation detailing monthly payments received
Gambling or lottery winnings	1099-MISC
Public assistance cash award benefits or other sources of income	Attach proof
Cancellation of debt	1099-MISC

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4. What income is excluded when determining an applicant's eligibility for the Rent Freeze Program?

- Cash gifts
- Inheritance
- Damages awarded from a personal injury lawsuit
- Energy assistance payments
- Income tax refunds
- IRA rollovers
- Supplemental Nutrition Assistance Program (SNAP) benefits
- Reparation payments for victims of Nazi persecution

5. What may be deducted from annual household income?

Federal, state, city and Social Security taxes may be deducted. You have the option to deduct either the taxes withheld or your total assessed taxes. Medicare premiums are not deductible.

6. Which Social Security documents are acceptable as proof of income?

The best proof is a Form SSA-1099 for the year prior to the one for which you are applying.

If you are receiving SSI benefits, please provide a letter from the Social Security Administration which provides a summary of your SSI payments for the prior year.

7. I permanently retired last year, and therefore my income is not the same this year as it was last year. What income information do I need to submit?

You must submit your total income for the prior year, including your wages, retirement income, and a letter from your former employer indicating your date of retirement. If you retired from self-employment or cannot obtain a letter from your former employer, you can submit a notarized letter, signed by yourself, which states your date of retirement. We will project your retirement income over 12 months.

HOUSEHOLD MEMBERS

1. For the purposes of the Rent Freeze Program, who is considered the head of household and who is considered a household member?

The head of the household means the applicant approved for SCRIE/DRIE benefits. If the head of the household is either married or a member of a registered domestic partnership, both spouses or partners will be deemed to be the co-head of the household under certain conditions. Household members are the applicant and any other people permanently residing in the apartment, except for roomers, boarders, or subtenants. You must list all members of the household on the application and disclose their income for the applicable prior year. If any household members did not have income for the prior year, you must indicate it on the application and submit proof of no income.

2. Who is not considered a household member?

- A bona fide roomer who is not related to the head of household
- A subtenant who is not related to the head of household
- A boarder who is not related to the head of household
- Boarders who have a rental agreement and pay rent to you

You do not have to list boarders on your application. However, you must disclose the amount of rent that is paid to you by submitting a letter from the boarder specifying how much money they pay you each month. Do not submit the income that the boarder received. Family members are not considered boarders. Please note that roomers, boarders, and subtenants are not eligible for a benefit takeover. Only members of the household may apply for a benefit takeover.

3. What if you or a household member did not have income for the prior year?

Below is a list of some of the documents that we will accept if you report that you or any household member did not earn any income during the prior calendar year:

- Verification of IRS Non-Filing Letter
- Full-time student verification letter
- A letter from the Social Security Administration indicating that you did not receive benefits during the prior year.
- A notarized letter signed by you or the household member, stating that no income was received during the prior year.

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

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

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TENANT REPRESENTATIVES

1. Who is a tenant representative and how can they help me?

A tenant representative is any person you designate to receive a copy of all notices sent to you, who can also assist you through the application process. Tenant representatives can be family members, friends, neighbors, or community organizations. Tenant representatives can also be anyone appointed guardianship by a court of law, such as group home leaders, attorneys, managers of elder housing, nursing home facilities administrators, social services administrators, etc.

In the event that we cannot contact you, you did not receive a notice, or you do not understand the notice sent to you, your tenant representative may be able to assist.

A tenant representative may not sign on behalf of a SCRIE or DRIE applicant; only an agent can sign on behalf of the SCRIE or DRIE applicant. An agent is a person who is either a court-appointed guardian for the SCRIE or DRIE applicant, or a person who has been granted power of attorney authorization for the SCRIE or DRIE application.

A designation of a tenant representative on an initial application by a tenant will remain in effect until the designation is withdrawn by the applicant or the representative requests that the designation be removed. Any designation of a tenant representative must include the representative's mailing address.

APPLYING FOR RENT FREEZE

1. If I am applying for SCRIE or DRIE for the first time, do I apply before I sign my lease renewal or afterwards?

You may apply for to the Rent Freeze Program — SCRIE or DRIE — at any point in your lease cycle so it is best to apply as soon as you meet the minimum eligibility qualifications. Because your frozen rent is generally determined by the rent on the lease prior to your current lease, we will need both leases when you apply to the Rent Freeze Program for the first time.

2. Can I apply for the Rent Freeze Program online?

Yes, if you are applying for the Rent Freeze Program for the first time, you can do so online at www.nyc.gov/nyctap. Please note that you cannot submit your renewal application online.

3. How can I obtain application forms?

All forms can be downloaded by visiting our website at www.nyc.gov/rentfreeze. Forms are also available at our Rent Freeze Program office at 66 John Street, 3rd Floor, in Manhattan, or at one of our other offices. Please check our website or call 311 for locations and hours. You can also request that a form be mailed to you by calling 311.

4. What should I submit with my application?

You must send all required documents with your application. Follow the instructions on the application to identify the documents you need to submit. If you do not send all required documents, we may not be able to process your application.

5. What if I am not physically able to sign the application?

An agent may sign on your behalf. An agent means a person who is either your court-appointed guardian or a person who has been granted power of attorney authorization for your SCRIE/DRIE applications. Please submit the power of attorney or court order along with the application so that the Department of Finance can keep the information on file and ensure that copies of all Rent Freeze Program correspondence are sent to your agent.

6. I have major capital improvement (MCI) charges, will the Rent Freeze Program pay for this?

If the major capital improvement order was issued within 90 days of your initial application date, the Rent Freeze Program will cover the increase. If the MCI order was issued more than 90 days before you submitted your initial application, you will be responsible for paying the MCI increase. The MCI will be added to your frozen rent amount.

RENEWALS AND CHANGES

1. When should I renew my Rent Freeze benefit?

All Rent Freeze Program benefit recipients are required to file a renewal application every year or every two years, depending on the benefit end date. Your approval orders will always list the benefit period. Renewal applications are mailed approximately 60 days prior to a recipient's benefit expiration. If you do not receive a renewal application in the mail, you can download an application at www.nyc.gov/rentfreeze or call 311 and request that an application be mailed to you. Your renewal application must be filed within six months of the benefit expiration.

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2. What is the “one-third income eligibility check” and how can it affect my benefit?

For an initial SCRIE or DRIE application, the rent for your apartment must exceed one-third of the household income. For renewal applications, redetermination applications, and apartment benefit transfer applications, if your rent does not exceed one-third of your household income, the rent you will be required to pay will be increased to one-third of the household income if you entered into the SCRIE/DRIE program as of July 2, 2015 or later.

However, if you entered the SCRIE/DRIE program on or before July 1, 2015, your frozen rent will not be subject to the one-third income eligibility check for renewal applications, redetermination applications, and apartment benefits transfer applications.

3. What happens if I am over the income eligibility for a renewal period?

If your benefit ended because your annual household income is more than \$50,000 or your rent is less than one-third of your monthly household income for a renewal period, you may reapply for the program in the future if you believe that you qualify. If your income decreases in the next calendar year, you may qualify to restore your old frozen rent. To reapply, please submit an initial application in the next calendar year.

4. What if my household income drops or I have a permanent loss of income?

If there has been a *permanent* loss of 20% or more of the household income you reported on your last approved application, you may apply for a redetermination of your frozen rent amount by filing a Redetermination Application, which can be found at www.nyc.gov/rentfreeze. You must provide proof of your current household income with the Redetermination Application.

Please note that the loss of a job for a member of the household will not in itself constitute a permanent decrease of income, nor would any decrease of income from a roomer, boarder, or subtenant.

If approved for the redetermination, you and your landlord will receive a tax abatement adjustment order indicating the new frozen rent amount and the effective date. If the head of the household passes away or moves permanently from the apartment within 12 months, a remaining, eligible head of household may submit a Redetermination Application.

Note: A tenant who has submitted an Initial application and is approved for the Rent Freeze Program, cannot submit a Redetermination Application until after the first 12 months of the initial benefit period. If the tenant passes away or moves permanently from the apartment within 12 months, a remaining, eligible head of household may submit a redetermination application.

5. What happens if the primary applicant moves?

If the primary applicant moves to another rent-regulated apartment, the primary applicant must file an Apartment Benefit Transfer Application to transfer the exemption to the new apartment. Please note that the frozen rent may change depending on the legal rent of the new apartment.

6. What happens if the primary applicant passes away or has permanently moved into a nursing home?

If the primary applicant passes away, has permanently moved into a nursing home, or has otherwise permanently vacated the apartment, another household member may qualify to take over the benefit. To qualify, the household member must meet the eligibility criteria for the Rent Freeze Program and have been listed on a previous application. A Benefit Takeover Application should be filed within six months of the primary applicant passing away or moving, or 90 days after the Department of Finance sends a revocation notice, whichever date is later.

Please note that surviving spouses or registered domestic partners are not required to submit a Benefit Takeover Application if they meet the requirements for Rent Freeze benefits when the most recent application was submitted and they were included in the application as a member of the household.

If you are a remaining household member and meet all the eligibility requirements for SCRIE or DRIE, you must submit a Benefit Takeover Application and one of the following:

- A lease or rent agreement listing you as the tenant or co-tenant
- A letter from your building management specifying that you have the right to live in the apartment
- A court order granting you the right to live in the apartment

For the primary benefit recipient, submit the following:

- A death certificate, if the primary applicant has passed away
- Documentation that the primary applicant has permanently vacated the apartment, such as a letter from a nursing home, a lease or letter from the landlord or managing agent, or a government-issued ID documenting the new address

7. What can I do if I missed the six-month deadline to file my renewal application or any other deadline related to the Rent Freeze Program?

If you needed more time to submit your application or meet any other deadline due to a disability or physical or mental impairment, you can request additional time. If you need help or have questions regarding a disability or requesting additional time, please call 311 and ask for the Department of Finance’s disability service facilitator. You can also contact www.nyc.gov/contactdofeeo or visit our Rent Freeze Program office at 66 John Street, 3rd Floor, in Manhattan. Appointments are encouraged for faster service, but not required. You can schedule an appointment at www.nyc.gov/dofappointments.

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Even if you do not have a disability or physical or mental impairment, you may still qualify if you missed the deadline because of exceptional circumstances during the time to file your application if your benefit expired less than 12 months ago. If you were hospitalized for a temporary medical condition, or your apartment was damaged by fire, flood, a natural catastrophe, or other exceptional circumstances, you may submit a statement of the specific circumstances along with any documentation of your claim with your application. You may also qualify for an extension if your household was delayed in submitting a Rent Freeze application due to COVID-19. If you have any questions, please contact 311 and ask for the Rent Freeze Program, or visit www.nyc.gov/contactscrie or www.nyc.gov/contactdrie.

8. If I did not qualify in prior years, can I reapply?

Yes. You may reapply if you meet the Rent Freeze Program eligibility criteria.

9. What if I am unable to obtain a renewal lease from my landlord?

You should complete and sign a Certification of No Renewal Lease form, and submit it along with proof that you currently reside in the apartment. When you receive your renewal application from your landlord, please mail it to: NYC Department of Finance, Rent Freeze Program, P.O. Box 3179, Union, NJ 07083. You must submit your renewal application in addition to this form. You may not use this form for more than two consecutive renewal periods.

10. How can I report changes in my household?

You may use the Rent Freeze Program Change Form to notify the Department of Finance of a change in your household or to select a new tenant representative.

FOR FURTHER ASSISTANCE

1. Who can I contact if I have questions regarding my benefit or application process?

If you have access to a computer, you can submit an inquiry on the Department of Finance's website by visiting www.nyc.gov/contactscrie for questions about SCRIE or www.nyc.gov/contactdrie for questions about DRIE. You can also call 311, or access the NYC Tenant Access Portal for the Rent Freeze Program by visiting www.nyc.gov/nyctap.

We currently offer in-person assistance Monday through Friday, 8:30 a.m. to 4:30 p.m., at our Rent Freeze help center, located at 66 John Street, 3rd Floor, New York, NY 10038. We encourage you to schedule an appointment for your visit at www.nyc.gov/dofappointments.

If you need assistance or you are unable to submit the application or documentation because of a disability related concern, please call 311 and ask for DOF's disability service facilitator.

2. Who can I contact if I do not understand a determination that was made regarding my application or benefit?

All Rent Freeze Program applicants who have received an official exemption approval, denial, or revocation notice have the right to get help resolving concerns with their SCRIE or DRIE application and benefit. The SCRIE or DRIE ombudsperson can identify and resolve issues with your application or benefit after you have completed the application process. You may contact them by visiting the DOF website at www.nyc.gov/contactscrieombuds or www.nyc.gov/contactdrieombuds.

3. What can I do if I have any issues regarding my lease or to dispute my legal rent amount?

For lease inquiries, to resolve rent disputes, or to file a complaint because your landlord has not provided a lease, tenants can contact the Division of Housing and Community Renewal (DHCR). DHCR can be contacted:

In Person: Gertz Plaza, 92-31 Union Hall Street, Jamaica, New York 11433

By Phone: 718-739-6400

By Email: RentInfo@nyshcr.org

For more information about City Sponsored Mitchell-Lama developments, please contact New York City Department of Housing Preservation and Development (HPD):

By Phone: 212-863-6500

By Email: Mitchell-Lama@hpd.nyc.gov

For more information about State Sponsored Mitchell-Lama developments, please visit New York State Homes and Community Renewal (HCR):

By Phone: 866-463-7753

Visit their website at: www.hcr.ny.gov