

**OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF
THE STATE OF NEW YORK
TITLE 9. EXECUTIVE DEPARTMENT
SUBTITLE S. DIVISION OF HOUSING AND COMMUNITY RENEWAL
CHAPTER VII. EMERGENCY HOUSING RENT CONTROL
SUBCHAPTER D. RENT AND EVICTION REGULATIONS -- NEW YORK CITY**

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PART 2200. SCOPE

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Statutory authority: L. 1983, ch. 403.

History: Part (§§ 2200.1-2200.18) filed July 24, 1984 as emergency measure, expired 60 days after filing; new (§§ 2200.1-2200.17) filed Dec. 17, 1984 eff. Jan. 7, 1985.

§ 2200.1 Statutory authority.

These regulations are adopted and promulgated by the Division of Housing and Community Renewal pursuant to the City Rent and Rehabilitation Law (title Y of chapter 51 of the Administrative Code of the City of New York, formerly being chapter 41 and renumbered by chapter 100 of the Laws of 1963, as amended) and the Local Emergency Housing Rent Control Act (chapter 21 of the Laws of 1962) and the Omnibus Housing Act (chapter 403 of the Laws of 1983). As used in these regulations, the term Rent Law shall mean the Rent and Rehabilitation Law of the City of New York.

History: Sec. filed July 24, 1984 as emergency measure, expired 60 days after filing; Dec. 17, 1984 eff. Jan. 7, 1985.

§ 2200.2 Statutory definitions.

When used in these regulations, unless a different meaning clearly appears from the content, the following terms shall mean and include:

- (a) Administrator. The Commissioner of the Division of Housing and Community Renewal.

(b) City. The City of New York or an administrative agency of the City of New York.

(c) Documents. Records, books, accounts, correspondence, memoranda and other documents, and drafts and copies of any of the foregoing.

(d) Federal act. The Emergency Price Control Act of 1942, and as thereafter amended and as superseded by the Housing and Rent Act of 1947, and as the latter was thereafter amended prior to May 1, 1950, and the regulations adopted pursuant thereto.

(e) Housing accommodations. Subject to the provisions of subdivisions (f) and (g) of this section, any building or structure, permanent or temporary, or any part thereof, occupied or intended to be occupied by one or more individuals as a residence, home, sleeping place, boarding house, lodging house or hotel, together with the land and buildings appurtenant thereto, and all services, privileges, furnishings, furniture and facilities supplied in connection with the occupation thereof, and any plot or parcel of land (as distinguished from any building constructed or placed thereon) which is not owned by the city and which was rented prior to May 1, 1950, for the purpose of permitting the tenant thereof to construct thereon his own building or structure designed exclusively for residential occupancy by not more than two families, and on which there exists such a building or structure owned and occupied by a tenant of such plot or parcel, including:

(1) entire structures or premises, as distinguished from the individual housing accommodations contained therein, wherein 25 or fewer rooms are rented or offered for rent by any lessee, sublessee or other tenant of the entire structure or premises, and where such lessee, sublessee or other tenant occupies a portion of the structure or premises as his dwelling;

(2) housing accommodations in any multiple dwelling aided by a loan made by the city under article 8 of the Private Housing Finance Law, provided that where any such housing accommodations were not subject to rent control immediately prior to the first date on which moneys are advanced to the landlord under the loan, or the occupancy date as defined in such article 8, whichever is earlier:

(i) rent control hereunder as to such housing accommodations shall begin on such earlier date; and

(ii) such control shall continue only so long as is required by such article 8;

(3) housing accommodations in any multiple dwelling with respect to which tax exemption and tax abatement under section J51-2.5 of the Administrative Code of the City of New York begin after April 30, 1962, notwithstanding that immediately prior to the date when such tax exemption and tax abatement begin, such housing accommodations may not have been subject to control. Where any such housing accommodations were not controlled immediately prior to such date:

(i) they shall become subject to control when tax exemption and tax abatement begin; and

(ii) they shall remain subject to control until the date on which such tax exemption or tax abatement terminates, whichever is later; and

(4) housing accommodations which become subject to control pursuant to the provisions of paragraph (5), (9), (10), (11), (12), (13) or (14) of subdivision (f) of this section or section 2200.9 of this Part.

(f) Housing accommodations not subject to control. Notwithstanding the foregoing definition of housing accommodations, these regulations shall not apply to the following:

(1)

(i) Leases for entire structures or premises as distinguished from the individual housing accommodations therein contained, wherein more than 25 rooms are rented or offered for rent by any lessee, subleasee or other tenant of such entire structure or premises;

(ii) leases for entire structures or premises as distinguished from the individual housing accommodations therein, wherein 25 or fewer rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, where such lessee, sublessee or other tenant does not occupy any portion of the structure or premises as his dwelling and sublets, as an entrepreneur for his own profit, the individual rooms to subtenants; or

(iii) leases for entire structures or premises in which all of the housing accommodations are exempt or not subject to control under these regulations.

(2) A hospital, convent, monastery, asylum, public institution, or college or school dormitory or any institution operated exclusively for charitable or educational purposes on a nonprofit basis.

(3) Rooms or other housing accommodations in hotels, except that a room or housing accommodation occupied by a hotel tenant as defined in these regulations, is subject to these regulations so long as such tenant occupies the same.

(4)

(i) Any motor court, or any part thereof; any trailer or trailer space used exclusively for transient occupancy or any part thereof; or any tourist home serving transient guests exclusively, or any part thereof.

(ii) The term motor court shall mean an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting, and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court in the city.

(iii) The term tourist home shall mean a rooming house which caters primarily to transient guests and is known as a tourist home in the city.

(5) Nonhousekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if:

(i) no more than two tenants for whom rent is paid (spouses being considered one tenant for this purpose), not members of the landlord's immediate family, live in such dwelling unit; and

(ii) the remaining portion of such dwelling unit is occupied by the landlord or his immediate family.

(6) Housing accommodations owned and operated by the United States, the State of New York, the City of New York, or the New York City Housing Authority; or owned by the city and under the supervision of the City Department of Housing Preservation and Development pursuant to section 1802, subdivision 8 of chapter 61 of the City Charter; or housing accommodations in buildings in which rentals are fixed by or subject to the supervision of the commissioner of the Division of Housing and Community Renewal.

(7) Housing accommodations in buildings operated exclusively for charitable purposes on a nonprofit basis.

(8) Housing accommodations which were completed on or after February 1, 1947, except:

(i) accommodations resulting from substantial demolition, as defined in section 2200.10(c) of this Part, which shall continue to be subject to control unless the administrator shall issue an order decontrolling them pursuant to section 2200.10; or

(ii) where the former structure, or any lesser portion thereof, was vacated on or after November 22, 1963 other than by voluntary surrender of possession or in the manner provided by Part 2204 of this Title; provided, however, that maximum rents established under the Veterans' Emergency Housing Act, for priority-constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947 either occupied such housing accommodations or had a right to occupy such accommodations at any time on or after July 1, 1947, under any agreement whether written or oral.

(9) Housing accommodations created by a change from a nonhousing use to a housing use on or after February 1, 1947, but only if the space comprising such accommodations was devoted to a nonhousing use on February 1, 1947; provided that any such housing accommodations shall become subject to control if, while in such decontrolled status, it is certified, by a city agency having jurisdiction, to be a fire hazard or in a continued dangerous condition or detrimental to life or health; and once subject to control, it shall continue to be subject to control, notwithstanding the subsequent removal of the conditions on which such certification was based. Such housing accommodations shall remain decontrolled only so long as the housing accommodations are not occupied for other than single-family occupancy.

(10) Additional housing accommodations, other than rooming house accommodations, created by conversion on or after February 1, 1947; provided, however:

(i) that any housing accommodations created as a result of any such conversion on or after May 1, 1950 shall continue to be subject to control unless the State Rent Commission issued an order decontrolling them, or the administrator shall issue an order decontrolling them pursuant to section 2200.9 of this Part;

