

Frequently Asked Questions

1. 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) program.

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

If you applied to and you were approved for the DRIE program as a new applicant after July 1, 2015, your renewal application is subject to a one-third income eligibility check. The Department of Finance will add up the annual income for you and all household members and divide this amount by 36. The result is one-third of your monthly household income. We then compare your one-third monthly household income to your new rent on your renewal lease and to as well as your frozen rent. If one-third of your monthly household income is greater than your new rent then you would no longer be eligible for DRIE benefits. If one-third of your monthly household income is less than your new rent but greater than your frozen rent, we will increase your frozen rent to one-third of your monthly household income.

If you entered the DRIE program on or prior to July 1, 2015, your renewal application will not be subject to the one-third income eligibility check.

3. When am I required to renew my benefit?

All DRIE recipients are required to file a renewal application every year or every two years. Your approval orders will always list the benefit period. DRIE 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 for any reason, renewal applications are available by visiting nyc.gov/rentfreeze or by calling 311 and requesting that one be mailed to you.

4. What happens if the primary benefit recipient moves?

If the primary benefit recipient moves to another rent-regulated apartment, the primary benefit recipient must file an Apartment Benefit Transfer Application to transfer your exemption to the new apartment.

5. What if I pay a rent lower than my legal rent amount as listed on my lease?

For purposes of the Rent Freeze Programs, paying a lower rent, sometimes called preferential rent, is viewed as an agreement between the tenant and landlord. Therefore, the frozen rent will be based upon your legal registered rent. You may continue to pay the lower amount as under your agreement with your landlord even though your frozen rent shown on your approval notice for DRIE is higher.

6. For the purpose of the Rent Freeze Program, who is considered a household member?

Household members are considered to be the head of household and any person who permanently resides in the apartment. A bona fide roomer, boarder or subtenant who is not related to the head of household is not considered a household member. You must list all members of the household on the application and disclose their income for the prior year (the year before you submit your application). If any household members did not have income in the prior year, you must indicate it on the application and submit proof of no income.

7. Who is NOT considered a household member?

Boarders who have a rental agreement and pay rent to you are not considered household members. Family members are not considered boarders. *NOTE: boarders are not eligible for a benefit takeover.* 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 monthly. *DO NOT submit the income that the boarder received.*

8. What if I am not able to physically sign the application or lease?

An authorized Power of Attorney (POA) or court appointed guardian may sign documents on behalf of the primary beneficiary. Please submit copies of the power of attorney or court order along with the application so that DRIE can keep the information on file and ensure that copies of all DRIE correspondence are sent to the POA or guardian.

9. What are applicable deductions?

Federal, State, City, and Social Security taxes paid are applicable deductions.

10. What is considered income that I must report to determine eligibility?

Below is a list of income sources that the DRIE program considers. If you and your household members receive any income from any of these sources, you will have to enter this information on the Income Worksheet provided with the application and attach required proof of documentation as indicated.

- Social Security (SSA, SSI, SSDI)
(Attach copy of SSA-1099 or printout of SSI benefit award letter)
- Salary/Wages/Tips
(Attach W-2's including self-employment)
- Business Income
(Attach Schedule C, S-Corp tax Return with K-1 or Partnership Tax Return)
- Taxable & Non-Taxable Interest
(Attach all 1099-INT & year-end statements for non-taxable interest)
- Taxable & Non-Taxable Dividends
(Attach all 1099-DIV and year end statements for non-taxable dividends)
- IRA Earnings
(Attach a copy of interest, dividends, or capital gains earned). DO NOT include the amount of your distribution.
- Pension, Annuities & Retirement Plans
(Attach 1099R statements and include taxable & non-taxable pensions)
- Veterans Affairs (VA) Disability Pension or Compensation Benefit
(Attach award letter)
- Capital Gains
(Include tax-deferred capital gain distributions statement from financial institution)
- Rental Income
(Received from all properties)
- Rental Assistance (subsidy)
- Rent Received from Boarder
- Disability/Workers' compensation payments/ Unemployment Insurance Benefits
(Attach award letter)
- Income from Estates or Trusts
(Attach the Estate or Trust's Income Tax Return)
- Alimony and/or Child Support Payments received by you
(Attach court order)
- Money received from family and/or friends for rent
(Attach letter stating who you receive money from and how much you receive)
- Gambling/Lottery Winnings *(Attach 1099-MISC)*
- Public Assistance and/or Other Sources of Income
(Attach proof)
- Cancellation of Debt

11. What income is excluded from determining eligibility that you do not have to report?

- Cash gifts
- Inheritance
- Damages awarded from a personal injury lawsuit
- Energy assistance payments
- Income tax refunds
- IRA Rollovers
(IRAs rolled over into other retirement accounts)
- Supplemental Nutrition Assistance Program (SNAP) benefits also formerly known as the Food Stamp Program

12. 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 website by visiting nyc.gov/contactdrie for questions about DRIE. You may also call 311 or visit our Walk-In Center at:

66 John Street, 3rd Floor, New York, NY, 10038

Hours of Operation: Monday–Friday, 8:30 a.m.– 4:30 p.m.

13. Who can I contact if I do not understand a decision that was made regarding my application or benefits?

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/DRIE application and benefits. The SCRIE/DRIE Ombudsperson can identify and resolve issues with your application or benefits after you have completed the application process. You may contact them by visiting the DOF website at nyc.gov/ombudscrie for help with SCRIE or nyc.gov/ombuddrie for help with DRIE.

14. What can I do if I missed the 6-month deadline to file my renewal application?

DOF has enacted an “extension to file” policy in compliance with the Americans with Disability Act (ADA). Under the ADA, applicants may qualify for additional time if a disability prevented the applicant from complying with the renewal application deadline. The applicant must file a Reasonable Accommodation Request (RAR) form and submit it to the agency EEO officer with supporting medical documentation. If an accommodation for extension to file is approved, all renewal documents must be submitted to prove continued eligibility.

15. What are my options if I have a permanent loss in income?

If there has been a permanent loss of 20% or more of income that was reported on from the prior application, you may apply for a redetermination of your frozen rent by filing a Redetermination Application. You must provide proof of current income with the Redetermination Application. *NOTE: The loss of income must be considered permanent.*

16. What happens if the primary benefit recipient passes away or has permanently moved into a nursing home?

If the primary benefit recipient passes away, has permanently moved into a nursing home or has otherwise permanently vacated the apartment, a household member who meets the eligibility criteria for the Rent Freeze Program, who has been listed on a previous application, and has been granted succession rights may qualify for a benefit takeover. A benefit takeover application should be filed within 6 months of the primary benefit recipient passing away or moving, or 90 days after the Department of Finance sends a revocation notice, whichever date is later.

If you are a remaining household member AND meet all the eligibility requirements for DRIE, you must submit the following:

- For yourself:**
- A benefit takeover application AND
 - A lease reflecting you as the tenant of record or co-tenant OR
 - A letter from your building management specifying that you have succession rights to the apartment OR
 - A court order granting you succession rights to the apartment

For primary benefit recipient: Proof that the primary benefit recipient has passed away by providing a death certificate. For a primary benefit recipient who has permanently moved out of the apartment, proof may include a letter from a nursing home, a lease or federal, state or local government issued ID reflecting the a new address.

17. How can I obtain forms?

All forms can be downloaded by visiting our website at nyc.gov/rentfreeze. Forms are also available in our Walk-In Center. You can also request a form to be mailed to you by calling 311.

18. 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 Homes 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