Department of Finance

SCRIE Senior Citizen Rent Increase Exemption

RENT FREEZE APPLICATION
FREQUENTLY ASKED QUESTIONS (FAQs)

Please refer to these FAQs for assistance when completing your SCRIE application.

Please read but do not submit with your application

1. Who is eligible for SCRIE?

✓ To qualify for **SCRIE** you must be 62 years of age or older at the time that you apply.

✓ Your total household income (income received by you and ALL household members) cannot exceed $50,000.

✓ You pay more than one-third of your household monthly income in rent.
(NOTE: 1/3 of your monthly income cannot be more than the current rent that you are paying.)

✓ You must live in a rent regulated apartment (Rent Stabilized, Rent Control, or Rent Regulated Hotel).

AND

✓ Your name must be on the lease, Notice of Maximum Base Rent, or Rent Order as the primary applicant.

If your name is not on the lease, Notice of Maximum Base Rent, or Rent Order, you must provide proof of succession rights.

NOTE: You must send ALL required documents with your application. If you do not send ALL required documents, your application will be returned to you.

2. What can I do if I miss a deadline related to the SCRIE Program (Rent Freeze Program)?

If you needed more time to submit your application 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; contact **nyc.gov/contactdofeeo**; or visit our office at 66 John Street, 3rd Floor, New York, N.Y., Monday to Friday, 8:30 a.m. to 4:30 p.m.

Even if you do not have a disability or physical or mental impairment, you may still qualify because of exceptional circumstances during the time to file your application. If you were hospitalized for a temporary medical condition, or your apartment was damaged by fire, flood, a natural catastrophe, or other exceptional circumstances occurred, you may submit a statement of the specific circumstances along with any documentation of your claim with your application. If you have any questions, please contact 311 or send us a message at **nyc.gov/contactscrie**.

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

A **tenant representative** or **tenant rep** is any person you designate to receive a copy of all SCRIE notices sent to you and can 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.

Having a tenant rep could possibly ease your concerns because he or she will receive important information about your application status and/or benefit. 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 rep would be able to assist.

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

Household members are considered to be the primary applicant 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 fill out 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.

5. 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*.

6. If another 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.

7. What if I had household members last year but they do not live with me at the time I apply?

If the individual(s) lived in the household the year before you apply but do not currently live with you, there is no need to list them on your application nor is any information about their income required.

8. 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 SCRIE, 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 letter from your landlord or managing agent, or federal, state or local government issued ID reflecting the new address.

9. How do I calculate my total household income?

Total annual household income equals your annual income plus the annual income of all household members. Total household income must be $50,000 or less after allowable deductions. Allowable deductions are Federal, State, Local, and Social Security taxes paid.

How do I determine 1/3 of my income?

Calculate your total annual household income and divide that by 36.

applicant annual **prior year** income | household members annual **prior year** income | annual household **prior year** income

(See the *Income Worksheet* to determine your total annual household income.)

For example, if your annual household income is	then your monthly household income is	To qualify, your current monthly rent must be greater than
$15,000.00	$1,250.00	$416.67
$20,000.00	$1666.67	$555.56
$25,000.00	$2,083.33	$694.44
$30,000.00	$2,500.00	$833.33
$35,000.00	$2,916.67	$972.22
$40,000.00	$3,333.33	$1,111.11
$50,000.00	$4,166.67	$1,388.89

10. How is my frozen rent determined?

We freeze your rent either at your prior rent amount or 1/3 of your monthly income, whichever is greater.

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

Yes. For example: If you did not qualify based on your 2015 income, and your 2016 income is less, you can reapply in 2017 and submit all required proof of income for 2016.

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

A person with an authorized Power of Attorney (POA), court-appointed guardian, or other authorized representative may sign documents on behalf of the primary beneficiary. Please submit the power of attorney, court order or authorized representative form along with the application so that SCRIE can keep the information on file and ensure that copies of all SCRIE correspondence are sent to the POA or guardian or authorized representative.

13. What are applicable deductions?

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

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

Below is a list of income sources that the SCRIE 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)

– Wages/Salaries/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 Disability Compensation Benefits
(Attach annual benefit statement)

– United States Postal Service (USPS) Disability Pension or Disability Compensation Benefits
(Attach annual benefit statement)

– Capital Gains
(Include tax-deferred capital gain distributions statement from financial institution)

– Rental Income
(Received from all you own properties)

– Rent Received from boarder

– Rental Assistance (subsidy)

– Money received from family and/or friends for rent
(Attach letter stating who you receive money from and how much you receive)

– 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)

– Gambling/Lottery Winnings *(Attach 1099-MISC)*

– Public Assistance and/or Other sources of income
(Attach proof)

– Cancellation of Debt

15. 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

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

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

✓ Verification of IRS Non-Filing letter OR

✓ Full time student verification letter OR

✓ A letter from the Social Security Administration indicating that you did not receive benefits during 2016

17. What Social Security documents are acceptable as proof of income?

✓ The best proof is an SSA–1099 Form for the year prior to the one that you are applying. For example: if you are applying in 2017, you must submit an SSA–1099 Form for 2016.

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

18. I permanently retired within the prior year and my income is not the same this 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. We will project your retirement income over 12 months.

19. Is my apartment eligible?

Your apartment must be a Rent Stabilized, Rent Controlled, or Rent Demand/Single Room Occupancy (SRO).

If you live in a Mitchell-Lama, Limited Dividend, Redevelopment, Housing Development Fund Company (HDFC) Cooperative, Section 213 Cooperative, the SCRIE program is administered by the Department of Housing Preservation and Development (HPD) at 100 Gold Street, Room 7M, New York, NY 10038. For SCRIE Mitchell-Lama applications and more information from HPD, call 212-863-8494 or visit **nyc.gov/hpd**.

20. What apartment types are not eligible?

If your apartment is non rent regulated (fair market rent), you are not eligible.

If your apartment is a non rent regulated cooperative, you are not eligible.

If your apartment is Mitchell-Lama, you are not eligible to apply for SCRIE through the Department of Finance. Please contact the Department of Housing Preservation and Development (HPD at 100 Gold Street, Room 7M, New York, NY 10038. For SCRIE Mitchell-Lama applications and more information from HPD, call 212-863-8494 or visit **nyc.gov/hpd**.

If you are receiving a Section 8 subsidy, you are not eligible.

If you live in a 1, 2, or 3 family home, you are not eligible.

If you have a sublease, you are not eligible.

If you live in an apartment in a NYCHA development, you are not eligible.

If you live outside of Manhattan, the Bronx, Brooklyn, Queens, or Staten Island, you are not eligible.

21. What documentation must I submit for proof that my apartment is rent regulated?

For Rent Stabilized: You must submit your current lease (the lease that you are in at the time that you apply) and your prior lease (the lease that expired before your current lease began). The leases must be signed by you and your landlord.

For Rent Controlled Tenants: You must submit your current and prior Notice of Maximum Collectible Rent (Form RN-26) along with your current and prior Owner's report and certification of fuel cost adjustment also known as fuel cost adjustment form (Form RA33.10).

For Tenants In Rent Regulated Hotels, Single Room Occupancy Unit (SRO): You must submit a rent increase letter signed by your landlord and a copy of the DHCR Rent History or DHCR apartment registration.

22. I have a preferential rent; will my rent be frozen at that amount?

YES. If you have a rider signed by both you and your landlord indicating that the preferential rent will be for the lifetime of the tenancy.

NOTE: If the preferential rent is "temporary" or for the current lease term only, your rent will be frozen at the legal (prior) rent amount.

23. If I live in an apartment that is receiving a Low Income Housing Tax Credit (LIHTC), will my rent be frozen at the lower amount?

YES. If you live in an apartment that is receiving a Low Income Housing Tax Credit (LIHTC) you will need to submit the LIHTC rent rider with your application.

NOTE: If the LIHTC rider is not received with your application, your rent will be frozen at the legal (prior) rent amount.

24. I have Major Capital Improvement (MCI) charges, will SCRIE pay for this?

YES. If the Major Capital Improvement (MCI) Order was issued within 90 days of your application date, Finance will pick up the increase.

NOTE: If the Major Capital Improvement (MCI) Order was issued more than 90 days before you submitted your application, you will be responsible for paying the MCI increase. The MCI will be added to your frozen rent amount.

25. 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/contactscrie** for questions about SCRIE. 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.

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. If you have general questions about the SCRIE/DRIE program and how to apply, please call 311 or send us a message at **nyc.gov/contactscrie** or **nyc.gov/contactdrie**.

26. Who can I contact if I do not understand a decision 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/DRIE application and benefit. The SCRIE/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 **nyc.gov/contactscrieombuds** for help with SCRIE or **nyc.gov/contact-drieombuds** for help with DRIE.

27. 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.

28. 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