



**New York State  
Division of Housing and Community Renewal  
Office of Rent Administration**

*Policy Statement 90-7 (March 9, 1990)*

***Processing of 62-B Complaints***

Under Section 62B of the Code of the Rent Stabilization Association of New York City, Inc., owners of rent stabilized apartments were required to file a written certification form, within sixty days after entering into a vacancy lease, that they were “maintaining and will continue to maintain all services furnished or required to be furnished for such dwelling units” (Section 62B). Section 62C of the Code delineated the penalty for an owner’s failure to file the certification, “the owner shall not be entitled to collect the guidelines lease adjustment currently authorized for the current lease or rental agreement until the first day of the month next succeeding the date of filing”. The Rent Stabilization Code for Rent Stabilized Apartments in New York City, which became effective on May 1, 1987, contains substantially similar language in Sections 2523.2 and 2523.3.

In conjunction with the change over from the Conciliation and Appeals Board to administration by DHCR, owners were required to register the building’s rent and services on April 1, 1984. Owners were informed verbally and by Fact Sheets that “where the owner had filed a Form RR-2 for the initial registration of an apartment on and after April 1, 1984, the owner does not have to submit a 62B Form”. In addition, the new Code stated that the annual registration and affirmation of services is sufficient even if a subsequent vacancy occurs.

Under Section 2522.7, DHCR is required to consider the equities before issuing any order adjusting or establishing any legal regulated rent. Under the provisions of the Code, the penalty for failing to certify maintenance of services is the same as the penalty for actually not providing services. If an owner has registered a building properly since 1984, the tenants of the building have had the opportunity to file an objection to the registration statement and the services therein listed. In addition, if an owner is not providing a service, the tenant or tenants may apply for a rent reduction based on this failure.

If a tenant filed a complaint that the owner had not complied with Section 62B prior to 1984, it would be impossible for the owner to cure the deficiency, because they were informed to file an RR-2 instead after 1984. In addition, since many of the complaints and 62-B filings were undocketed, owners could properly dispose of 62-B records. Therefore, since the new Code ended the requirement to file a separate certification of services upon vacancy, any 62B complaint filed against an owner of a building for which an Initial Registration Summary form (RR-2) and subsequent Annual Apartment Registration forms (RR-1A) have been filed will be dismissed.

DHCR will compare tenant complaints of failure to comply with 62-B with its registration records. If there has been no initial or annual registrations filed, or if the owner has failed to file every year, then a Notice of Failure to Register will be sent to the owner. The owner will then have twenty (20) days to submit proof of registration, register or provide a valid basis for exemption from the filing requirement. If the owner fails to file or files a late initial and/or annual registration(s) for the building, the rent will be frozen for the period of non-registration and treble damages imposed for all tenants in the building until the date of registration.

*This document is being reissued for informational purposes only.  
The original document which contains signatures of authorization is on file at DHCR's Office of Rent Administration.*



If the owner does not file an initial registration and was required to register, then DHCR will determine whether a 62-B certification had been filed. If the certification was filed, then the rent will be rolled back to the April 1, 1984 level and treble damages imposed for all tenants in the building. If a 62-B certification was not filed, then the rent will be rolled back to the date of the tenant's complaint (or April 1, 1984, whichever date is earlier) for the complaining tenant and treble damages imposed for overcharges after April 1, 1984 for all tenants in the building.

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