

RENT-CONTROLLED APARTMENTS: Air-Conditioner Rent Surcharge Chart

Who pays for electricity?	Who installed A/C?	What you can collect (Oct. 1, 2015, through Sept. 30, 2016)	When to start collecting	Comments
A/C INSTALLED ON OR AFTER OCT. 1, 2015, THROUGH SEPT. 30, 2016				
Owner	Owner	\$28.94 per month for each air conditioner installed, plus a permanent monthly rent increase amounting to 1/40th or 1/60th of the cost of the air conditioner. ¹	<ul style="list-style-type: none"> ◆ \$28.94. After you file form RN-79b (10/11) with the DHCR and get an order authorizing you to collect the surcharge. ◆ 1/40th or 1/60th increase.¹ In the month following the date you file form RN-79b (10/11) with the DHCR. You do not need a DHCR order to collect this increase. 	Add the \$28.94 surcharge to maximum collectible rent (MCR) and maximum base rent (MBR). When calculating future MBR increases, deduct the surcharge. Add the 1/40th or 1/60th <i>permanent</i> rent increase to the MCR and MBR. ¹ To collect the 1/40th or 1/60th increase, first get the tenant's written consent to install and pay for the air conditioner on form RN-79b (10/11). The tenant's written consent is not required to collect the surcharge. For both the 1/40th or 1/60th increase and surcharge, file form RN-79b (10/11) with the DHCR.
Owner	Tenant	\$28.94 per month for each air conditioner the tenant installs.	After you file form RN-79b (10/11) with the DHCR and get an order authorizing you to collect the surcharge.	Add the \$28.94 surcharge to the MCR and MBR. When calculating future MBR increases, deduct the surcharge.
Tenant	Owner	A permanent monthly rent increase amounting to 1/40th or the 1/60th of the cost of the air conditioner. ¹	In the month following the date you file form RN-79b (10/11) with the DHCR. You don't need a DHCR order to collect this increase.	Add the 1/40th or 1/60th <i>permanent</i> rent increase to the MCR and MBR. To collect the increase, first get the tenant's written consent to your installation of the air conditioner and to paying the increase. Then file form RN-79b (10/11) with the DHCR.
Tenant	Tenant	\$5 per month per air conditioner, but only if the air conditioner protrudes beyond the building's window line. ²	After you file form RN-79b (10/11) with the DHCR and get an order authorizing you to collect the surcharge.	Add the \$5 surcharge to the MCR and MBR. When calculating future MBR rent increases, deduct the surcharge.

A/C INSTALLED ON OR AFTER OCT. 1, 1985, THROUGH SEPT. 30, 2015

Owner	Owner	Continue to collect the same rent surcharge and rent increase you were entitled to collect when you originally installed the air conditioner.	Continue collecting.	Add the surcharge to the MCR and MBR. When calculating future MBR rent increases, deduct the surcharge. The rent increase you got when you first installed the air conditioner is <i>permanent</i> and included in the MCR and MBR.
Owner	Tenant	Continue to collect the same rent surcharge you were entitled to collect when the tenant originally installed the air conditioner.	Continue collecting.	Add the surcharge to the MCR and MBR. When calculating future MBR increases, deduct the surcharge.
Tenant	Owner	Continue to collect the same rent increase you were entitled to collect when you originally installed the air conditioner.	Continue collecting.	The rent increase you got when you first installed the air conditioner is <i>permanent</i> and included in the MCR and MBR.
Tenant	Tenant	Continue to collect any monthly \$5 surcharge per air conditioner that you have been collecting for any air conditioner that protrudes beyond the building's window line. ²	Continue collecting.	Add the \$5 monthly surcharge to the MCR and MBR. When calculating future MBR increases, deduct the surcharge.

¹ Owners can increase the rent by 1/40th of the cost of a new A/C in buildings that contain 35 or fewer units, and by 1/60th of the cost of a new A/C in buildings with 36 or more units.

² The DHCR considers the building's window line as the outside facing of the building wall, unless the windowsill protrudes beyond the building wall. Then the DHCR considers the sill's outer edge to be the window line.