



**Bill de Blasio, Mayor**

**Jacques Jiha, Ph.D., Commissioner**

# **ANNUAL REPORT**

**The SCRIE and DRIE Ombudspersons**

**New York City Rent Freeze Program**

**The NYC Office of the Taxpayer Advocate**

**October 1, 2020**

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**New York City Office of the Taxpayer Advocate**  
**The SCRIE and DRIE Ombudspersons**  
**Fiscal Year 2020 Annual Report**  
**(Reporting Period July 1, 2019 – June 30, 2020)**

**Executive Summary**

In the following pages, the ombudspersons of the Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) deliver their fifth annual report of the New York City Rent Freeze Program. The SCRIE and DRIE ombudsperson positions were established by city council legislation in 2015. Today, the ombudspersons are located within the Office of the Taxpayer Advocate, which reports directly to the commissioner of the Department of Finance (DOF). The ombudspersons are mandated by law to produce an annual report that discusses operational issues of the Senior and Disabled Programs Unit (SDP) and recommends policy changes for the Rent Freeze Program.

In this report, the SCRIE and DRIE ombudspersons also summarize the legislative and administrative changes impacting the Rent Freeze Program from July 1, 2019, through June 30, 2020. In addition, the report provides data regarding the volume and nature of the ombudspersons' work during the past fiscal year. Lastly, the report provides the ombudspersons' recommendations for the upcoming fiscal year and describes progress on recommendations from prior years.

The ombudspersons wish to acknowledge the significant positive developments implemented by the Rent Freeze Program during the past year and thank DOF Commissioner Jacques Jiha for his commitment to the success of the Rent Freeze Program.

Further information about the Rent Freeze Program is available at [www.nyc.gov/rentfreeze](http://www.nyc.gov/rentfreeze). Information about the Office of the Taxpayer Advocate is available at [www.nyc.gov/taxpayeradvocate](http://www.nyc.gov/taxpayeradvocate).

## **Part I:**

### **Introduction**

The New York City Department of Finance (DOF) manages and administers the New York City Rent Freeze Program. The Rent Freeze Program consists of the Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE). SCRIE and DRIE help eligible participants maintain their residence in affordable housing by “freezing” the dollar amount of the participants’ monthly out-of-pocket rent. Any increases in rent beyond the “frozen” amount are covered by a credit in an equal amount that is applied to the building’s property taxes.

As reported in DOF’s *2018 Report on the New York City Rent Freeze Program*,<sup>1</sup> 56,658 SCRIE households and 11,952 DRIE households received assistance under the Rent Freeze Program. In 2016, the most recent year for which data is available, the average age was 73.6 for SCRIE beneficiaries and 57.5 for DRIE beneficiaries. The average household size was 1.5 persons for SCRIE and 1.4 persons for DRIE.

#### ***A. Operations of the Rent Freeze Program Ombudspersons***

Section 11-137 of the New York City Administrative Code<sup>2</sup> establishes positions for a SCRIE ombudsperson and a DRIE ombudsperson within DOF and sets forth their duties. These include establishing a system to receive complaints related to the Rent Freeze Program, investigating and responding to those complaints, and making recommendations to the commissioner of the Department of Finance regarding the administration of the program.

Primarily, the ombudspersons provide assistance to tenants applying for or maintaining Rent Freeze Program benefits. This assistance may consist of informing applicants of eligibility requirements and identifying required documentation during the application process. The ombudspersons also identify and resolve issues that may arise with respect to maintaining or renewing the benefit after the initial application process. In addition, the ombudspersons actively engage in community outreach, including events sponsored by the Office of the Taxpayer Advocate and DOF’s External Affairs Division.

Members of the public can visit the ombudspersons in person<sup>3</sup> or reach the office by telephone, by email, or by a contact page on DOF’s “Freeze Your Rent” website. The ombudspersons also receive calls directed to them by 311. Of the inquiries received by the ombudspersons during fiscal year 2020, 761 out of 855 (89%) were received through the SCRIE and DRIE ombudspersons’ webmail boxes or via redirection of 311 calls. As required by the New York City Administrative Code, contact information for the ombudspersons is included on certain SCRIE and DRIE forms

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<sup>1</sup> The 2018 report is the most recent DOF Rent Freeze Program Report, which is published every three years.

<sup>2</sup> As enacted by the New York City Council’s Local Law 40, 2015.

<sup>3</sup> In-person meetings have been temporarily suspended as a result of COVID-19-related protocols.

and notices, including those related to the denial of an application or its ensuing appeal, the revocation or termination of benefits, and the denial of a tenant's application to take over an existing benefit.

The ombudspersons can resolve general inquiries swiftly and will refer matters unrelated to SCRIE and DRIE to the responsible units within DOF. When necessary, the ombudspersons will open a formal case to resolve complex situations.

### ***B. Annual Report to NYC Council***

Section 11-137 of the New York City Administrative Code also requires the Department of Finance to submit an annual report to the New York City Council. As stipulated by the legislation:

*No later than October first of each year, the department shall submit a report to the council indicating the number and nature of any written or verbal inquiries received by the ombudsperson and any recommendations made by the ombudsperson to the commissioner regarding the administration of the senior citizen rent increase exemption. Such data shall also be disaggregated by Council District.*

The breakdown of the ombudspersons' case and inquiry work by council district is available in the chart on page 28. The total estimated dollar impact of the ombudspersons' casework in fiscal year 2020 is \$804,463 from cases involving tenants in 44 of 51 city council districts.

### ***C. Legislative and Administrative Changes Impacting the Rent Freeze Program***

During this reporting period, several legislative and administrative changes affected the Rent Freeze Program and participants, as outlined below.

#### **Recent Legislative Changes:**

##### ***Proposed Changes to City Rent Freeze Rules***

Partially in response to the Housing Stability and Tenant Protection Act of 2019, DOF has proposed to rewrite and expand Chapter 52 of Title 19 of the Rules of the City of New York (Rules Relating to the Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption).<sup>4</sup> Per DOF, the proposed rules would:

- Establish requirements for eligibility for SCRIE and DRIE benefits based on the applicant's status and household income.
- Establish criteria for the types of apartments which are eligible for SCRIE and DRIE benefits.

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<sup>4</sup> Chapter 52 as promulgated as of the date of this publication is limited in scope; proposed Chapter 52, for the most part, codifies and makes public DOF's internal policies and procedures already in use regarding the Rent Freeze Program.

- Establish criteria for the determination of SCRIE and DRIE abatement amounts set forth in Rent Increase Exemption Orders.
- Establish an application process, including deadlines.
- Provide definitions for relevant Rent Freeze terminology.

The department initially held a public hearing on December 3, 2019 and made revisions to the proposed rules as a result of the review and consideration of the comments received. The department then submitted the revised proposed rules to the Law Department and the Mayor's Office of Operations for preliminary certification, which was granted on March 3, 2020. The department will hold a second public hearing on October 22, 2020, in the form of a virtual meeting. The department is accepting written comments concerning the revised proposed rules through October 22, 2020.

### **DOF Administrative Changes:**

- At the end of our previous fiscal year, DOF launched its customer contact center to help New Yorkers with questions regarding their DOF-related issues. Individuals who contact 311 to discuss a DOF matter can now be transferred to the contact center during the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday. At the conclusion of its first full fiscal year in June 2020, the customer contact center received almost 30,000 calls, over 9,000 of which were related to the Rent Freeze Program.
- DOF launched phase one of the New York City Tenant Access Portal (TAP) on May 18, 2020. This online portal enables Rent Freeze participants and their representatives to confirm the status of applications and view copies of DOF correspondence. In TAP's next phase, which DOF intends to initiate by the end of 2020, applicants will be able to complete and submit initial Rent Freeze applications online.

## Part II:

### Statistics for the Reporting Period from July 1, 2019, through June 30, 2020

#### A. Total Inventory

From July 1, 2019, through June 30, 2020, a total of 855 matters involving Rent Freeze applicants or participants were submitted to the ombudspersons. The relative proportions of SCRIE and DRIE matters this fiscal year, at 69% and 31%, respectively, remained similar to last year's breakdown of 66% SCRIE and 34% DRIE. Out of the 855 matters undertaken by the ombudspersons this year, 323 were categorized as cases and 532 as inquiries.<sup>5</sup> During fiscal year 2020, the ombudspersons saw a decrease of 56.6% in the total number of matters as compared with the previous fiscal year; however, the percentage of all matters that were ultimately designated as cases increased from 22% in 2019 to 37.8% in 2020. The chart below shows the four-year work volume trends:

<b>SCRIE DRIE Ombudspersons Total by Fiscal Year</b>				
	FY 2017	FY 2018	FY 2019	FY 2020
<b>SCRIE</b>	<b>1,277</b>	<b>1,638</b>	<b>1,300</b>	<b>589</b>
Case	199	247	291	219
Inquiry	1,028	1,391	1,009	370
<b>DRIE</b>	<b>462</b>	<b>517</b>	<b>671</b>	<b>266</b>
Case	85	104	142	104
Inquiry	377	413	529	162
SCRIE/DRIE Case Count	284	351	433	323
SCRIE/DRIE Inquiry Count	1,405	1,804	1,538	532
<b>Combined Total</b>	<b>1,689</b>	<b>2,155</b>	<b>1,971</b>	<b>855</b>
Year-Over-Year Change	62.1%	27.6%	-8.5%	-56.6%

As the figures above indicate, the change in the number of SCRIE or DRIE cases for fiscal year 2020, as compared to an average of the prior three years, is approximately 10% and stays within the general variance of case numbers from year to year. The number of inquiries, however, has decreased by more than 50% for DRIE and more than 75% for SCRIE and the change far exceeds any prior year-to-year differences in volume.

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<sup>5</sup> Matters designated as cases are more complex and generally involve more time, attention, and research than inquiries. As a general policy, the ombudspersons will undertake a matter only if the tenant has previously attempted to resolve the issue in question through another DOF division or unit.

While the currently available data does not provide definitive explanations for the shifts in inquiry and case volumes as compared to prior periods, a number of possible contributory factors have been apparent throughout this reporting year. The most visible factor has, of course, been the effect of COVID-19 and the corresponding public restrictions. For SCRIE and DRIE applicants, risks associated with coronavirus and the closure of business offices further limited their ability to seek application assistance and obtain and submit required documentation. In addition to COVID-19's restrictive effects, the ombudspersons have noted a heightened awareness and familiarity with the process among Rent Freeze Program participants, which may also account for some of the decrease in inquiry numbers. This change among the program participants may reflect DOF's robust outreach; in the past three fiscal years, DOF has hosted 1,184 service enrollment events, in which attendees can apply for benefits on-site and receive one-on-one case management assistance, with a total of 74,197 people attending. Additionally, since the summer of 2018, DOF has hosted 103 "train the trainer" events, training more than 500 elected officials and representatives of community-based organizations to further aid individuals in the application process. As a result, more applicants and their representatives now contact the ombudspersons directly with complicated issues and challenges to DOF determinations, as opposed to the frequently asked questions for which the answers are readily available elsewhere, including in more accessible DOF materials.

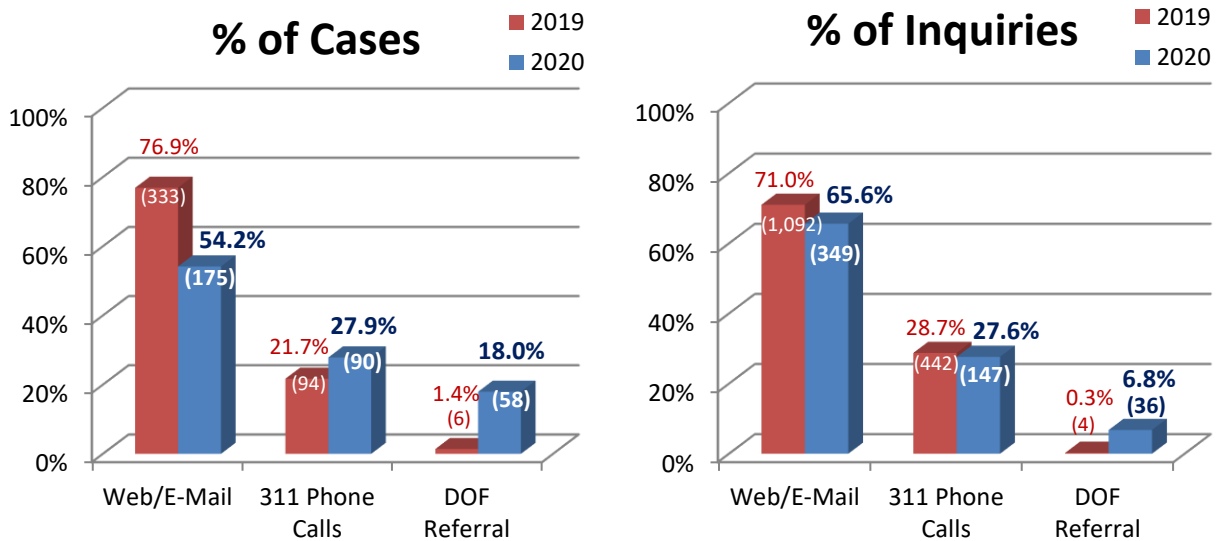
The DOF customer service center described in Part I.C above is perhaps the best example of an alternative resource for Rent Freeze Program participants. In their first 12 months of operation, the customer service center averaged 755 calls per month specifically regarding Rent Freeze Program issues. The decrease in the ombudspersons' absolute numbers may reflect the customer service center's ability to efficiently resolve straightforward Rent Freeze Program issues that in prior years might have been inquiries addressed to the ombudspersons, whether directly or by 311 transfer.

Notwithstanding these preliminary observations, more data over a longer period will be required to fully understand these trends, should they continue. In the coming reporting year, the ombudspersons will revisit other factors, including their in-person outreach efforts, opportunities to train personnel in community-based organizations (CBOs), and other means of raising awareness of their services.



## B. Inventory by Source

The charts below show the breakdown of referrals received via the ombudspersons’ two main input channels, online submissions (web/email)<sup>6</sup> and phone calls, which include call transfers by 311. Online submission is the method used most often to contact the ombudspersons, representing approximately 61.3% of all workflow in 2020 (compared with 72.3% in 2019). Notably, the number of matters forwarded to the ombudspersons by other DOF divisions or units has shown a greater increase than any other source category. DOF personnel apply their own expertise to Rent Freeze Program issues, and therefore resolve most Rent Freeze issues brought to their attention, including all basic inquiries, internally. Matters referred to the ombudspersons by these divisions and units consist almost exclusively of cases involving incomplete applications and appeals challenges.



## C. Subject Matter Inventory

Combining both cases and inquiries, the ombudspersons’ workflow can be attributed to four major categories: application procedures and processing, understanding the SCRIE and DRIE programs, tax abatement credit (TAC) issues, and benefit issues, in addition to various miscellaneous inquiries not falling into one of the four major categories.<sup>7</sup>

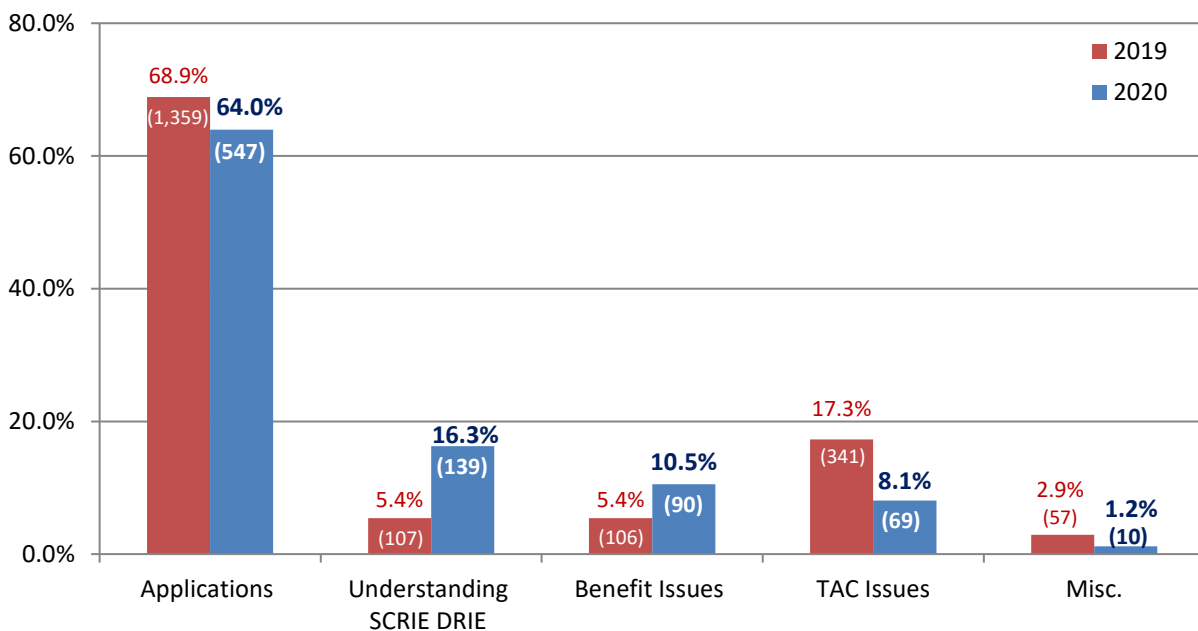
<sup>6</sup> The ombudspersons began separately tracking submissions via the “contact us” pages within [www.nyc.gov](http://www.nyc.gov) in early 2020 and intend to disaggregate the web/email matter count in future annual reports.

<sup>7</sup> Miscellaneous inquiries generally involve inquiries outside the scope of the ombudspersons’ duties, or instances where the tenant or tenant’s representative was unreachable after initial contact and the matter was closed without sufficient information to categorize the issue.

Application processing remains the number one reason customers contact the ombudspersons each year.<sup>8</sup> Nearly 64% (547) of the ombudspersons’ workflow in 2020 consisted of issues related to the application process. Among the cases and inquiries in that category, about one-half (261) required the ombudspersons to guide applicants forward through the application process, often by tracing documents and seeking out additional details regarding supplemental requests, to then explain them to the tenant. Approximately 100 other cases and inquiries required the ombudspersons to determine the current status of their initial and renewal applications or their appeal applications. The remaining cases and inquiries covered a range of more minor tenant requests, such as asking for materials to be mailed to them or resending a TAC report to their landlords.

“Understanding SCRIE DRIE,” with 139 cases and inquiries, was the second largest category of work this year, and at 16.3%, nearly tripled in proportion as compared to last year’s 5.4% (107 cases and inquiries). The increase is at least partly due to highly complicated issues regarding the New York State Housing Stability and Tenant Protection Act of 2019,<sup>9</sup> particularly in the area of preferential rents. The last quarter of the ombudspersons’ reporting year brought additional questions on the subject of the effect of COVID-19 restrictions on application deadlines as well as an increase in queries regarding the Rent Freeze Program’s redetermination process.

### FY 2020 vs 2019 Subject Matter of Inquiries and Cases



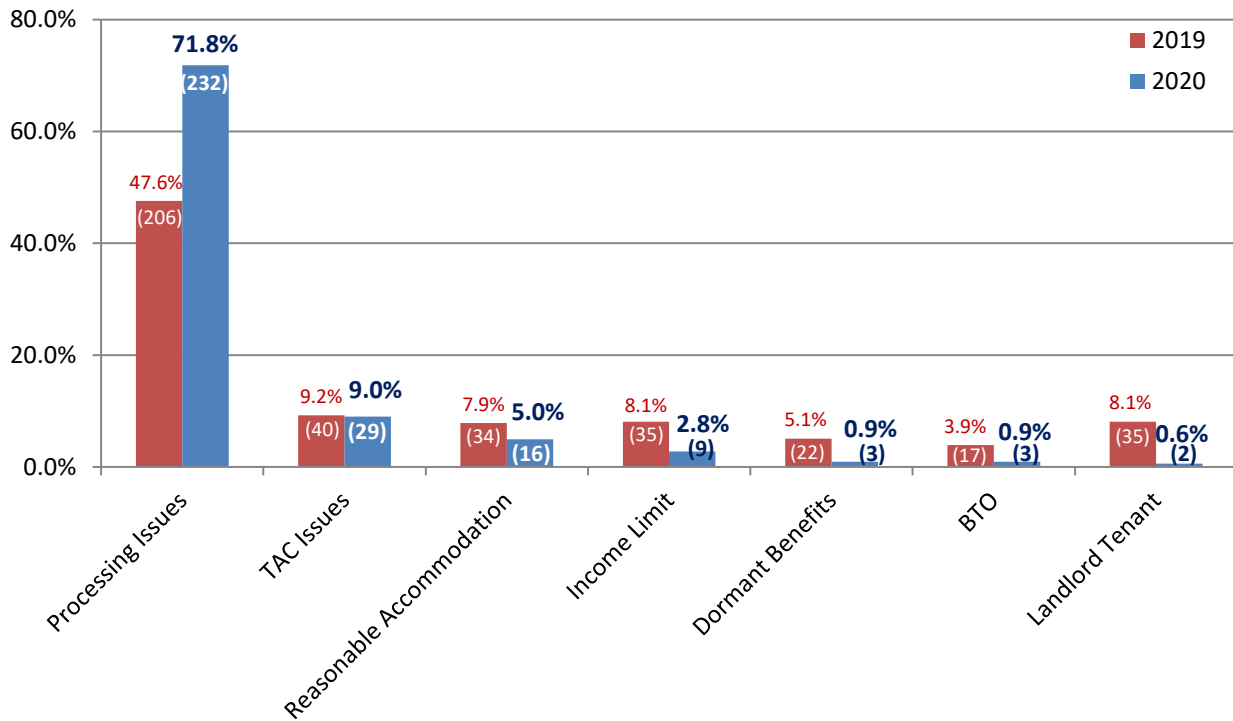
<sup>8</sup> Data collected by DOF’s Property Exemptions Administration (PEA) in 2017 shows income-related documents and leases to be the two categories of documents most likely to be missing from a submitted application. In the same report, PEA offers the following reasons as to why applicants do not provide the requested documents: (1) they do not understand what they need to provide, (2) they do not want to provide the requested information, or (3) they do not have the requested documentation.

<sup>9</sup> The provisions of the HSTPA of 2019 concerning preferential rent became effective as of June 14, 2019. See Recommendation (2) in Section III.C for a further discussion of these provisions.

## D. Breakdown of Cases by Defined Categories

Application processing issues remained the largest category of Rent Freeze cases, at over 70% of all cases. More specifically, these cases consisted primarily of requests for clarification of DOF notices regarding incomplete applications<sup>10</sup> and challenges in confirming that documents previously submitted had been received by DOF. As mentioned previously, COVID-19-related restrictions led to additional unanticipated challenges both in submitting and processing applications. As in prior years, reasonable accommodation cases increased this year. The ombudspersons advise applicants of the required steps in applying for reasonable accommodation and continue to monitor the process during and after DOF’s Equal Employment Opportunity Office’s approval to ensure that the newly submitted SCRIE or DRIE application is complete.<sup>11</sup>

### FY 2020 vs 2019 Case % by Category (Top 7)



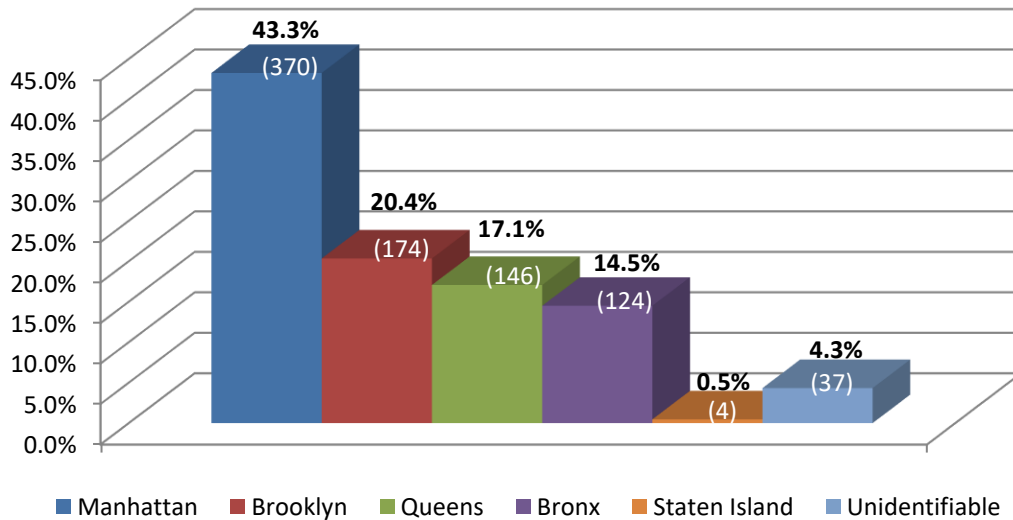
<sup>10</sup> See footnote 8, above.

<sup>11</sup> The issue areas examined by the ombudspersons include application processing; the tax abatement credit (TAC); income-based eligibility criteria; landlord-tenant issues (e.g., countersigned leases, honoring frozen rent amounts); reasonable accommodations to access benefits; reinstatement of dormant benefits [prior to FY 2019-20, this category referred specifically to the dormant DRIE benefit reinstatement program]; benefit takeovers (BTO) from prior SCRIE tenants; appeals of denied or incomplete applications; redetermination of frozen rent due to permanent income decrease; major capital improvements (MCI) leading to rent adjustments; documents lost in the mail; portability (transfer of rent freeze benefits to new apartments); cases related to the *Pfeffer* class action settlement; effect of preferential rent on benefits; and other miscellaneous issues.

### E. Source of Inquiries and Cases by Borough

The chart below shows the percentage of this year’s SCRIE and DRIE ombudspersons’ inquiries and cases by borough.<sup>12</sup> The ombudspersons’ caseload roughly corresponds with the relative concentration of rent-regulated units in New York City’s five boroughs. Manhattan represented the highest volume of work, followed by Brooklyn, Queens, and the Bronx. The relative scarcity of rent-regulated units in Staten Island is likely reflected in the low volume of matters concerning properties in that borough.

#### FY 2020 Inquiries and Cases by Borough



<sup>12</sup> Inquiries from persons outside of the five boroughs or where the tenant’s address was not provided were categorized as “unidentifiable” for purposes of the chart that follows.

**Part III:**

**Recommendations**

***A. Updated DOF Responses to 2018 Recommendations***

In the 2019 annual report, DOF committed to implement or otherwise resolve recommendations made by the ombudspersons in their 2018 annual report. Two outstanding recommendations are further discussed here.

**2018 Recommendation No. 4 – One-Third Monthly Income Requirement**

*The ombudspersons recommend that DOF create a one-third income palm card that explains this income requirement for program applicants and participants.*

**DOF Action in 2019 Report for Follow-up:**

*DOF is in the development stage of adding such a card to its arsenal of outreach material.*

**DOF Follow-up Action:**

The original impetus for the proposed palm card was the need for a simple and accessible means of explaining to tenants the dual income-related requirements of the Rent Freeze Program—that tenants had to meet the \$50,000 income limitation *and* spend at least one-third of their income on rent.

Upon further review, the Senior and Disabled Programs Unit (SDP) believes that the graphic within the Rent Freeze Program guide (see below) and the eligibility tool accessible through the Rent Freeze website (<https://www1.nyc.gov/site/rentfreeze/tools/rent-freeze-qualifier-tool.page>) sufficiently explain the basic income requirements of the programs. Both External Affairs and SDP further stated that the one-third requirement is not encountered often enough during outreach to devote further resources to developing free-standing related material. For these reasons, the original intention of the proposed palm card is better served through other resources currently accessible to Rent Freeze Applicants.

HOW DOF DETERMINES THAT MY RENT IS MORE THAN 1/3 OF MY INCOME				MORE EXAMPLES BASED ON DIFFERENT ANNUAL HOUSEHOLD INCOME		
STEP <b>1</b>	DOF CALCULATES WHAT 1/3 OF YOUR MONTHLY INCOME IS			IF YOUR ANNUAL HOUSEHOLD INCOME IS	THEN YOUR MONTHLY HOUSEHOLD INCOME IS	TO QUALIFY, YOUR CURRENT MONTHLY RENT MUST BE GREATER THAN
	If DOF calculates your annual household income to be <b>\$45,000</b>	Then your monthly household income is \$45,000 divided by 12 months or <b>\$3,750</b>	One-third of your monthly income is \$3,750 divided by 3 or <b>\$1,250</b>			
STEP <b>2</b>	DOF THEN COMPARES YOUR 1/3 MONTHLY INCOME TO YOUR MONTHLY RENT			\$15,000.00	\$1,250.00	\$416.67
	You are eligible, if your current rent is greater than <b>\$1,250</b> per month			\$20,000.00	\$1,666.67	\$555.56
	You are NOT eligible, if your current rent is less than or equal to <b>\$1,250</b> per month			\$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

## **2018 Recommendation No. 6— Timeliness of Appeal Determinations**

*The ombudspersons recommend that new resources be committed to the Compliance Unit to allow for first and/or final appeal determinations to be made within three weeks of receipt. There should be an established amount of time requiring a response from the Compliance Unit in the form [of] an acknowledgment letter stating that the appeal form has been received and is under review.*

### **DOF Action in 2019 Report for Follow-up:**

*Processing time is expected to decrease following the soon-to-be-released revised appeal application. The operational unit is awaiting approval on language for an acknowledgement letter for all received applications.*

### **DOF Follow-up Action:**

The revised appeal application was released and posted online in May 2020. The Compliance Unit (as of July 2020) has not noticed a significant reduction in number of appeals due yet; however, it expects the review process will decrease due to recent devotion of more resources specifically for review of appeal applications.

An acknowledgement letter of appeals received has not moved forward because appeals do not become part of the Rent Increase Exemption (RIE) system until after processing. Because appeals are reviewed separately from the regular RIE application process, an incoming appeal application does not trigger an automatic response letter. An acknowledgement notice would therefore have to be sent manually outside of the RIE system, or the entire RIE system would have to be modified. There has not been a practicable means of making these changes at this time; and therefore, the receipt process for appeals remains as yet the same. As the Compliance Unit looks further into the feasibility of incorporating appeals processing into the RIE system, the ombudspersons will continue to monitor response times.

## ***B. Implementation and Status of Fiscal Year 2019 Recommendations***

The ombudspersons made 11 recommendations for corrective measures in the 2019 annual report. A summary of those recommendations follows.

### **1) Benefit Takeover**

***Recommendation: DOF should include language on the benefit takeover application explaining how additional leaseholders can exercise their benefit takeover rights, including leaseholders not listed on the prior Rent Freeze applications.***

DOF Response: The benefit takeover changes are included in the proposed SCRIE/DRIE rules, in particular section 52-14 of Title 19. Proposed subsection (a)(2) addresses the issue of a leaseholder not being on a prior Rent Freeze application, stating that if a surviving member of the household of a deceased SCRIE or DRIE tenant moves in after the approval of the most recent benefit period, that surviving member may submit an application to take over the deceased tenant's Rent Freeze benefits – even if the surviving member was never mentioned on any previous Rent Freeze applications – as long as the addition of the surviving member's income meets the requirements.

With regard to household members already living in the apartment but not appearing on the most recent lease, SDP handles such BTO requests on a case-by-case basis, so long as such household members can prove they had succession rights, and their income would not have disqualified them in the past. Although such cases are fairly uncommon, DOF's Legal Affairs Division has revised the proposed rules to allow SDP's current practices. If a head of household has died or permanently vacated the household, a tenant remaining in the eligible apartment will be deemed eligible if they receive approval from DOF for a benefit takeover. In their current iteration, the proposed rules also provide that a person who is the co-resident spouse or registered domestic partner of an approved Rent Freeze applicant may not be required to complete a benefit takeover application. SDP is planning to implement forms and brochure language changes stipulated by the rules once finalized.

## 2) Approval Notices

***Recommendation: Approval notices should include a statement indicating that a credit for the months following the benefit effective date should be issued to initial applicants if the full legal rent was paid. As long as the tenant qualifies, the notice should also state that the tenant has the right to pay the frozen rent for six months following the expiration of benefits.***

DOF Response: SDP has taken the position that this refers to rules and procedures not enforceable by DOF. Reimbursement and rent payments are a landlord/tenant issue; tenants needing enforcement should contact the New York State Division of Housing and Community Renewal (DHCR), the state agency that oversees enforcement. Although DOF cannot enforce a tenant's right to reimbursement from the landlord, SDP is open to adding language to the application informing the tenant of the six-month grace period, provided that it does not interfere with the enforcement duties of DHCR. SDP will likely include such updates as part of its initiative to update old SCRIE-DRIE notices.

## 3) New Ineligibility Form

***Recommendation: DOF should create a tenant form that permits participants or family members to provide notification of a participant's ineligibility (due to income, death, a move,***

*Section 8, etc.) for the Rent Freeze Program. This form would also allow SCRIE to track attrition data and would be similar to the “Landlord/Managing Agent Notification of Tenant’s Ineligibility” form.*

DOF Response: In May 2020, DOF implemented a Rent Freeze “Change Form” for tenants “to notify the Department of Finance of a change in your household or select a new tenant representative.” A section on the form lists the changes that the form can be used to report:

SECTION 2 – REASON FOR CHANGE
Reason for submitting this form (check all that apply):
<input type="checkbox"/> <b>The primary tenant has moved.</b> (If you check this box, please attach a statement with the date of the move. Your benefit will be terminated on the first day of the month following the move. If you wish to transfer your benefit to another rent-regulated apartment, do not submit this form. Submit an apartment benefit transfer application, available at <a href="http://www.nyc.gov/rentfreeze">www.nyc.gov/rentfreeze</a> .)
<input type="checkbox"/> <b>The primary tenant has vacated the apartment due to a fire or renovation.</b> (If you check this box, please attach a statement describing what happened, including the date. Your benefit will be suspended on the first day of the following month. You must notify the Department of Finance when you move back in.)
<input type="checkbox"/> <b>The primary tenant is deceased or has moved permanently to a nursing home.</b> (If you check this box, please attach a statement with the date of the move. Your benefit will be terminated on the first day of the following month, unless you are remaining in the apartment and qualify to take over the benefit. To take over the benefit, do not submit this application. Instead, submit a benefit takeover application, available at <a href="http://www.nyc.gov/rentfreeze">www.nyc.gov/rentfreeze</a> .)
<input type="checkbox"/> <b>Request to discontinue Rent Freeze benefit.</b> (If you check this box, please attach a statement explaining why you wish to discontinue the benefit and the date on which you would like the termination to take effect.)
<input type="checkbox"/> <b>The household has sustained a permanent drop in income of 20% or more</b> since the most recent application. (If you check this box, do not submit this application. Instead, submit a redetermination application, available at <a href="http://www.nyc.gov/rentfreeze">www.nyc.gov/rentfreeze</a> .)
<input type="checkbox"/> <b>New phone number or email address.</b> Please provide the updated information in section 1 of this form.
<input type="checkbox"/> <b>New tenant representative.</b> Please provide the updated information in section 4 of this form.
<input type="checkbox"/> <b>An additional household member has moved into the apartment</b> and should be added to the application submitted to the Department of Finance. (If you check this box, please complete section 3 of this form. In your next renewal application, you will need to provide the income of the new household member.)
<input type="checkbox"/> <b>A household member has moved out of the apartment</b> and should be removed from the application submitted to the Department of Finance. (If you check this box, please complete section 3 of this form. In your next renewal application, you may be asked to provide documentation of the move.)
<input type="checkbox"/> <b>OTHER.</b> Please attach details in a separate statement.

#### 4) Modify Change Form

*Recommendation: The “Property Owner Information” section should be removed from the SCRIE/DRIE Property Change Form, as it only updates internal systems. Alternatively, DOF should provide a link to update property and billing information for PTS.*

DOF Response: SDP agrees with this recommendation and has begun updating many of the older forms. It anticipates moving forward with the editing process in later in 2020.

#### 5) Public Engagement Unit (PEU) Annual Training

*Recommendation: The SDP Unit should conduct annual training with HRA’s Public Engagement Unit to review Rent Freeze policies and procedures and to discuss recurring issues posed by Rent Freeze participants.*



DOF Response: SDP has conducted at least two trainings with the Public Engagement Unit (PEU). SDP continues to answer all questions from the PEU team, and SDP participates in trainings upon request. The External Affairs Outreach team has regular meetings with PEU, and SDP will partner with Outreach to provide any future requested training.

The ombudspersons are pursuing other ways to coordinate with PEU (see Part IV.2).

## 6) HRA/CityFHEPS

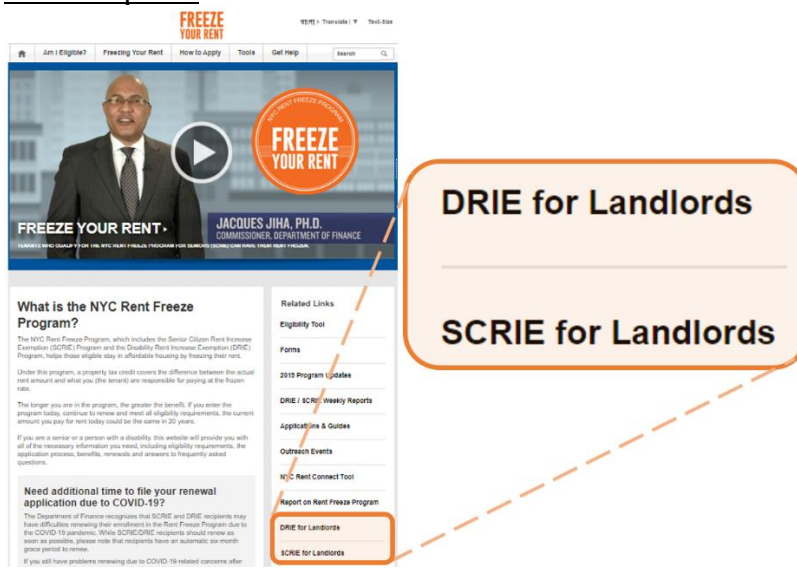
***Recommendation: The Department of Finance should issue official guidance concerning protocols and procedures for taxpayers eligible to receive both CityFHEPS and enroll in the Rent Freeze Program.***

DOF Response: According to DOF’s Legal Affairs Division, the current proposed rules do not contain any provisions that automatically disqualify public benefit recipients from also participating in the Rent Freeze Program. The proposed rules also clarify that public assistance cash award benefits – such as CityFHEPS – are counted as income for purposes of SCRIE and DRIE income eligibility requirements. In doing so, the proposed rules indicate that it is possible for tenants to qualify for both the Rent Freeze Program and CityFHEPs simultaneously.

## 7) Rent Freeze Website

***Recommendation: The Department of Finance should explore altering the Rent Freeze website to include a landlord tab on the drop-down listing of sub-items interested parties can click on. This would allow for both tenants and landlords participating in the Rent Freeze Program to access and understand information concerning the programs on a single website.***

DOF Response: Links for landlords were added to the Rent Freeze webpage in June 2020.<sup>13</sup>



<sup>13</sup> Screenshot of <https://www1.nyc.gov/site/rentfreeze/index.page> as of August 2020.

## 8) Redetermination

***Recommendation: The SCRIE and DRIE redetermination applications should include language that makes it clearer to applicants that, while other circumstances will be considered, the death or retirement of a beneficiary or household member are the typical circumstances for which a redetermination is granted. This recommendation would be a temporary resolution to the issue while the Department of Finance’s Legal Affairs Division works to more specifically define redetermination rules and guidelines.***

DOF Response: Proposed SCRIE-DRIE Rule 52-15 considers redeterminations as identified in this recommendation. Specifically, it says:

“If a SCRIE or DRIE beneficiary has had a permanent decrease in his or her income, such beneficiary may apply to the Department for rent redetermination....

(1) The following events constitute a permanent decrease in income:

- (i) a member of the household has died;
- (ii) a member of the household has permanently moved to a nursing home;
- (iii) a member of the household has permanently retired or has a permanent disability;
- (iv) a member of the household is no longer receiving social security disability income benefits.”

The proposed rule also specifies the types of documentary evidence needed to prove such a permanent decrease in income and when it must be submitted. It also states that job loss or a decrease of income from a roomer, boarder, or subtenant are not permanent decrease in income.

Modifications to the forms and published materials will be implemented when the rules are finalized. SDP is refraining from adding interim information.

## 9) Social Security Disability Income

***Recommendation: The SDP Unit should determine if it can legally attribute SSDI income to the year that it was accrued rather than to the year that it was paid, and if so, do so.***

DOF Response: New York State’s Real Property Tax Law (RPTL) § 467-b(1)(c) defines income as “from all sources after deduction,” and RPTL § 467-b(1)(d) says that the “income tax year” is a 12-month period for which the head of household filed a federal personal income tax return—or, if no return is filed, the calendar year. Based on the foregoing, the SDP believes that income counted for purposes of eligibility determination is the income year paid rather than the year accrued, and thus lump-sum payments cannot be attributed to prior years.

## **10) Apartment Transfer (Portability) and 1/3 Rule**

*Recommendation: The Department of Finance should update the Rent Freeze guide as well as the benefit transfer application to explain to SCRIE and DRIE portability applicants that if their new legal rent is lower than the previous legal rent, they may end up paying more in rent.*

DOF Response: SDP is currently in the planning stages of drafting the update to the Rent Freeze guide. Changes are not expected to be finalized until after the SCRIE/DRIE rules are finalized.

## **11) Notification Regarding Lease Expiration**

*Recommendation: The Department of Finance should create a publicly available rule formalizing the procedure that allows the approval of renewal benefits without a renewable application for leases expiring within a month of filing the initial application.*

DOF Response: In general, DOF sends out renewal applications 60 days prior to the expiration of the lease. However, for initial applications where the benefit is set to expire within that timeframe, opening the renewal application for initial benefits is standard practice. Of the applications that were processed in 2019, 381 of 4,692, roughly 8%, that were approved had benefit periods that would end within 60 days. For more than 50% of these applications, a renewal application was initiated.

DOF's current policy is if, upon approval of the initial application, the application processors see that the lease will expire within 30 days, SDP will initiate the renewal application automatically, particularly if the new/upcoming lease was included with the initial application. Typically, the renewal application is pended for the upcoming lease if it was not provided with the initial application.

## ***C. Recommendations for the Current Reporting Period, Fiscal Year 2020***

The ombudspersons present the following seven recommendations to the commissioner of the Department of Finance as mandated by the City's Administrative Code.

### **1) Coronavirus Aid and Its Effect on 2021 SCRIE/DRIE Recipients**

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law, providing eligible households an Economic Impact Payment (EIP). In considering whether the EIP should be included in the calculation of household income for Rent Freeze eligibility purposes, we note that the EIP is (a) acknowledged to be a one-time lump-sum

supplement, (b) intended to assist recipients with their basic needs without making them ineligible for other benefits that also cover such needs, and (c) not treated as income by the IRS.

**Recommendation:** DOF should make it clear to Rent Freeze applicants that EIPs from the CARES Act and other special public benefits expressly given as temporary measures to combat the economic effects of COVID-19 will not be included in Rent Freeze household income calculations.

## 2) Proof of Existing Preferential Rent

Although many provisions of the Housing Stability and Tenant Protection Act of 2019 (HSTPA) have served to protect tenants in rent-regulated apartments, HSTPA has also engendered an unintended but devastating consequence for certain Rent Freeze tenants who were paying a rent amount less than the preferential rent stated in their leases. Because HSTPA precludes landlords from charging the higher “maximum legal” rent to their tenants who have been paying a preferential rent amount, the Rent Freeze Program has changed frozen rent amounts for many tenants to match the preferential rate. Whereas the landlord’s tax credits were previously calculated based on the maximum legal rent, those tax credits are now calculated according to increases to the preferential rent. For some tenants, this has led to a sizeable reduction (in some cases, by several hundred dollars) in the amount of the landlord credit. For tenants in this scenario who were paying the preferential rent amount stated on the lease, the frozen rent amount would be lowered to the preferential amount from the legal amount, and the landlord had no basis for collecting more rent from the tenant despite the lower tax credit.

A number of tenants, however, have been paying rent at a discount to the preferential rent, in some cases for several years, without that discounted amount ever being reflected in the lease. For these tenants, if HSTPA has resulted in significantly lower Rent Freeze tax credits for their landlords, the landlord may decide to enforce the preferential rent amount stated in the lease, which in many cases is much higher than the rent that the tenant had been paying. Currently the only recourse available to tenants who wish to reverse the effects of HSTPA in this context is an overcharge claim through the New York State Division of Housing and Community Renewal. For Rent Freeze tenants, however, navigating the overcharge claim process is not a practicable means of addressing their urgent rent issues.

**Recommendation:** In conjunction with DOF’s Legal Affairs Division, the Property Division should create a new formulation for calculating a tenant’s frozen rent as it applies to the Rent Increase Exemption, if:

- changes to the frozen rent amount based on HSTPA’s provisions regarding preferential rent have led (or would lead) to an increase in the monthly rent currently charged by the landlord versus the rent paid immediately prior to HSTPA’s effective date; and
- verifiable documentation provided to DOF confirms a regular lower monthly rent in existence prior to HSTPA but not recorded in a lease.

### 3) Visual Guides

Of the hundreds of tenant inquiries and cases undertaken by the ombudspersons in this reporting period, approximately 30% concerned notices of incomplete applications received by tenants who were unsure which documents remained outstanding, including documentation of income, such as tax forms and benefit letters. The ombudspersons found that tenants and tenant representatives benefited from a visual guide to identify the specific document required to complete their applications.

**Recommendation:** With any notice of missing income documents, DOF should send, electronically or by mail, images of sample documents to give tenants guidance as to what is required to complete the application.

### 4) Application Receipt Confirmations

Over the course of this fiscal year, there has been an increase in inquiries to the ombudspersons regarding application status. Some applicants claim to have mailed or electronically submitted their application over a month prior to the status call. In other cases, online applicants will report receiving a “confirmation” email that seems to have no connection with their application submission.<sup>14</sup> From the application processing perspective, this issue encourages multiple submissions, sometimes identical, sometimes with slight variations in the documents. These multiple submissions are seen as a last resort by tenants and community-based organizations alike, but they feel they have no other choice when deadlines loom and applications seem to be missing.

**Recommendation:** The current system of application confirmation should be reviewed. Applicants who mail in applications should be able to confirm receipt by DOF within a reasonable amount of time of delivery to the processing center. Online applications should generate an automatic email that says a file of a certain size or a certain number of pages has been received and will be placed in a queue for review by DOF. If possible, the confirmations should also state the average processing time on the date that the letter/email is sent.

### 5) Notification of Missing Documents

Tenants who submit incomplete Rent Freeze Program applications (whether initial or renewal) generally receive automated notices listing the documents needed for completion. The auto-generated letters may not contain enough information for the tenant to identify what documentation is required. We understand that it is not possible to list every potential error of completion that an

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<sup>14</sup> According to Section 467-b(13)(a) of the New York Real Property Tax Law, "Within ten days of receiving any form for application, renewal, or adjustment of abatement ... a letter acknowledging receipt of such form shall be sent to the applicant." The only specification on what this letter shall include is "the date the form was received." The ombudspersons are making the above recommendation *in addition to* this statutory requirement, to both account for mailing delays and improve the quality of communication between DOF and the applicant.

applicant might make. At the same time, the limitations of the current system lead to incomplete applications, which can eventually result in revoked benefits.

**Recommendation:** DOF should explore ways for application processors to insert details into the autogenerated “missing documents” letter. If this is not practicable, DOF should create a means for applicants to easily access the specific information required to complete the application.

#### **6) Automatic Income Verification**

Some benefits administered by DOF, such as the homeowner exemptions, make use of an automatic income verification system (AIVS), which has significantly cut down processing time. In conjunction with the visual aids recommended above, the ombudspersons believe that AIVS would be helpful to Rent Freeze applicants in completing their applications. Even applicants who have not reported their income to the IRS may benefit from AIVS’s access to documents to help verify benefits or even confirm non-filing.

**Recommendation:** DOF should establish a Task Force to explore the feasibility, capacity, and potential costs of incorporating AIVS technology into the Rent Freeze Program application process.

#### **7) Information Resource Guides for Tenants**

For this fiscal year, a steady stream of landlord-tenant issues, including the correct tax abatement amount, rent increases, and the effects of HSTPA, have constituted approximately 15% of the ombudspersons’ matters. Among those issues is harassment. The most common complaint from Rent Freeze tenants regarding their landlords is pressure to pay an amount greater than their frozen rent if their renewal is pending but their new lease has begun. Another reason for harassment, according to some tenants, is the confusion following the changes to preferential rent in the HSTPA and, more generally, the heightened financial pressures on landlords and tenants alike. Tenants are often unsure of what rights they have in the face of landlords who insist that the law is on their side.

**Recommendation:** DOF should include with their Rent Freeze materials a list of basic tenants’ references to relevant City resources such as the Tenant Hotline accessible through 311, and the Rent Freeze webpage.

## **Part IV:**

### **Ongoing Developments in the Rent Freeze Program**

#### **1) Property Division Anticipatory Policy Regarding Rent Freeze Submissions**

In the wake of early-phase COVID-19-related restrictions on most businesses, including non-essential property management, the department anticipated heightened challenges to applicants (new and renewing) in gathering, preparing and submitting applications, particularly given their demographics. The Property Division issued an internal moratorium on automatic SCRIE and DRIE benefit denials and revocations for applicants missing deadlines, as well as revising key Rent Freeze Program applications and guidance in an expanded online FAQ. To further assist benefit recipients, in April 2020, the ombudspersons worked with External Affairs and Property to organize a virtual meeting to bring together various stakeholders, including representatives of community-based organizations, to learn about the moratorium and other Rent Freeze issues. The Property Division joined the presentation panel and fielded questions from attendees. The event received positive feedback from the 72 representatives of at least 22 different organizations in attendance.

#### **2) Collaboration with the Public Engagement Unit (PEU)<sup>15</sup>**

The Mayor's Public Engagement Unit was created in 2015 to proactively engage New Yorkers and provide them with individualized assistance in accessing essential City services. PEU includes a team of Rent Freeze specialists who go out into communities and knock on doors to identify the individual needs of certain vulnerable populations and hold events to enroll senior citizens and people with disabilities in DOF's Rent Freeze program. The mandate of the PEU Rent Freeze team therefore allows them to assist individuals in ways that are not within the ombudspersons' purview. At the same time, PEU often represents Rent Freeze applicants who may be in housing situations that require urgent attention. For these applicants, the ombudspersons can provide individualized guidance and provide time-sensitive monitoring of submitted applications. Given these mutual benefits, the offices have begun discussions to define a protocol for their collaborations and explore additional ways in which the offices can help each other become more efficient and effective. The ombudspersons look forward to building on a shared goal with PEU of improving the Rent Freeze application process for potential and renewal applicants.

#### **3) SDP Task Force Meetings**

An SDP Task Force was created by External Affairs to bring together community groups and other tenant representatives to discuss issues faced by their clients. The ombudspersons attended the most recent meeting and found it to be informative and empowering, but the Task Force had not

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<sup>15</sup> The Mayor's Public Engagement Unit described here is synonymous with HRA's Public Engagement Unit, which is discussed in Part III.B.5.

met for some time. Upon speaking with representatives from CBOs, the ombudspersons requested that the Task Force resume meetings. External Affairs is currently working to schedule the next meeting, and the ombudspersons strongly support any efforts to make these meetings more frequent and regular (whether in-person or virtual), particularly in the event of changes in the applicable Rent Freeze laws and policies.

## **Part V:**

### **Success Stories, 2019-2020**

As a general policy, the SCRIE and DRIE ombudspersons will assist a Rent Freeze Program participant only if the issue in question has already been presented by the participant to the appropriate DOF division in an effort to reach resolution. Taken as a whole, the matters that are brought to the ombudspersons, therefore, suggest how the ombudspersons' services fit within the operations of the Department of Finance. The examples provided each year in the ombudspersons' annual report reinforce certain challenges that face any agency serving millions of clients. For instance, matters are often referred to the ombudspersons for intervention when an individual cannot come to an agreement with DOF and therefore needs an advocate to work solely on his or her behalf. The ombudspersons' unique perspective of being within the department but outside of the SDP unit allows them greater flexibility in identifying problems and creating solutions. In many cases, the individual simply requires additional attention, effort, and time. The city has recognized these needs and has embodied that recognition in the ombudspersons' roles. These are some of the principles underlying the following accounts:

#### **1) Reversal of Denied DRIE Application**

A tenant representative from a non-profit organization contacted the DRIE ombudsperson. Her client's tenant renewal application had been approved; however, the approval came with an increase in the client's frozen rent amount from \$941 to \$962. Given the tenant's fixed income, the representative felt strongly that the \$21 increase in rent would materially impair the tenant's quality of life. After further research, the ombudsperson realized that the tenant had not submitted her 2019 tax return with her application. Instead, she had provided only an estimate of her income. The income calculation entered into the tenant's file showed that the estimates had been mistakenly read as actual income figures. When the actual income documentation was obtained and submitted by the tenant, the numbers showed that the tenant had overestimated her income. By relying on the numbers the tenant had originally submitted, DOF had adjusted the tenant's frozen rent amount based on incorrect information. The ombudsperson consulted with the Appeals Unit for the appropriate steps and guided the representative in additional proper paperwork. Within two weeks, the Appeals Unit reversed the initial decision and reinstated the applicant's benefit at the original frozen rent amount.



## **2) Reversing a DRIE Benefit Revocation**

A tenant contacted the DRIE ombudsperson seeking assistance with his application. The tenant had begun a DRIE application in 2018 but wasn't able to complete it due to limited mobility and recovery periods following surgeries. Unable to keep up with the cost of living on his fixed income, the tenant wished to convince DOF to reconsider his application but did not know how. The ombudsperson informed the tenant that, despite the prior revocation for missing documents, the tenant could still apply for an extension of time due to his medical history. The ombudsperson also provided much-needed guidance regarding the necessary documentation to submit with the application. With the help of the EEO and the Property Division's application processing unit, the tenant was able to successfully obtain an extension and submit a complete DRIE application. The extension allowed the tenant to renew the benefit retroactively to cover two prior lease cycles, thereby saving the tenant \$10,077.84 in rent increases over that period.

## **3) Convincing a Landlord to Recognize a Tenant's SCRIE Benefit**

A first-time SCRIE applicant contacted the SCRIE ombudsperson because her landlord refused to acknowledge her SCRIE benefit, and instead had charged the tenant the full legal amount for several months. The SCRIE beneficiary had shown the landlord the DOF notices of approval for SCRIE, but the landlord said that it had no obligation to change the invoice amount without correspondence directly from DOF. DOF's auto-generated letters attached the tenant's address to the agent's name, resulting in all of the landlord/agent's correspondence going to the tenant. Even when the tenant showed the landlord that their name was on the correspondence, despite the incorrect address, the landlord insisted that there was no obligation to charge the frozen rent amount because the tenant could not show that the DOF had properly contacted them.

Once the ombudsperson understood that technical issues made a quick system correction unlikely, she suggested that an email from the ombudsperson's office to the landlord might suffice. After numerous attempts, the ombudsperson finally obtained the landlord's e-mail address, to which she sent an email reminding the recipient of the landlord's legal obligation to comply with SCRIE, followed by a similar letter by mail. The SCRIE beneficiary contacted the ombudsperson the following week to report that her newest rent invoice showed the correct frozen rent amount, and the landlord had even reimbursed the tenant for past overcharges.

## **4) Reinstating a SCRIE Benefit to Prevent a Motion to Evict**

DOF's Legal Affairs Division contacted the SCRIE ombudsperson to request assistance for a SCRIE recipient who was being harassed by her landlord and threatened with eviction. The landlord had obtained a court order and had scheduled eviction action by a city marshal by the end of the week. Part of the landlord's claim rested on the tenant's failure to renew her SCRIE benefits.

The SCRIE ombudsperson, with the timely assistance of the SDP Unit, discovered that the SCRIE benefit in question had been revoked in 2019 due to a failure to renew. The SCRIE beneficiary's daughter explained that the SCRIE beneficiary had suffered from Alzheimer's disease for many years. Due to her illness, she had missed the renewal deadline, and her daughter, who was unfamiliar with the renewal process, filed a new initial application, not realizing that this would reset the frozen rent at a higher amount. With her mother's fixed income being insufficient to meet the higher rent, the daughter continued paying only the previous frozen rent, ultimately leading the landlord to move for eviction.

The ombudsperson informed the daughter of the option of requesting an extension of time for renewal, and worked with her to compile medical documentation and, in anticipation of filing the renewal application, the necessary income documents. The extension request was submitted to the EEO, which worked with the ombudsperson to ensure a thorough but efficient review.

Meanwhile, the landlord continued to push for an immediate, tangible response from the City. With the approval of the applicant's daughter, the ombudsperson spoke directly to the landlord to confirm that the revocation was under review. The landlord agreed to not attempt an eviction prior to learning the results of the review. Once the extension was approved and the renewal form was submitted, the Property Division again offered key assistance by ensuring that the outcome was delivered as quickly as possible. The SCRIE applicant's benefit was reinstated, and within days, the landlord called off the marshal and ceased threatening the mother and daughter.

#### **5) Assisting a DRIE Applicant Through a Months-Long Process**

A tenant representative at a community-based organization learned that his client's latest renewal application had been denied. The representative, who recalled submitting all required documents several months prior, contacted the DRIE ombudsperson for an explanation of DOF's decision. After some investigation, the ombudsperson discovered that the representative had submitted the wrong financial documents. The task of resubmitting the supporting documents was complicated by the applicant's medical condition, which called for extreme caution in guarding against coronavirus infection. For weeks, the ombudsperson communicated continuously with the tenant representative as well as the Application Processing Unit to ensure that all necessary steps would be properly completed. Finally, the DRIE tenant's renewal was approved, resulting crucial rent relief of \$627.36 over the term of the lease.

#### **6) Reversing the Denial of a Redetermination**

A SCRIE tenant was experiencing multiple medical issues, including the consequences of a stroke that seriously impaired her executive functions. The tenant could not perform her day-to-day tasks at work, and therefore left her job. Hoping to mitigate the effects of the lost income, the tenant's daughter began to prepare a redetermination application. For a SCRIE redetermination, the

tenant's household income must have dropped at least 20% since the prior benefit period and the income loss must be permanent.

The daughter requested a letter from the human resources department at her mother's (now former) workplace that would confirm the company's understanding that her mother would not be returning to her job. Instead of confirming that the tenant had permanently left her job, the letter claimed that the tenant had "opted to take a voluntary leave of absence." Nevertheless, the letter was submitted to DOF with the redetermination application. Without any supporting documents indicating a permanent income loss, SDP denied the application.

The daughter contacted the SCRIE ombudsperson, who reviewed the file and conveyed to the daughter that the denial was correct on the basis of the documents submitted. The SCRIE ombudsperson spoke with the daughter at length to determine whether there was in fact a basis for requesting a redetermination. Based on the daughter's description of her mother's condition, the ombudsperson asked if they could provide medical documentation, preferably from a doctor who would attest to the mother's inability to work. The daughter contacted a physician who had previously treated her mother and obtained a letter confirming the seriousness of her condition. Based on this physician's letter, SDP expeditiously approved the tenant's redetermination application. The redetermination reduced the tenant's monthly rent by over 65%, from over \$1,000 to less than \$400, enabling her to remain in her apartment.

## APPENDIX I

### Ombudspersons' Case and Inquiry Dollar Impact by City Council District

District/ Council Member	Number of Inquiries <sup>16</sup>			Number of Cases				\$ Impact				
	2017-18	2018-19	2019-20	2016-17	2017-18	2018-19	2019-20	2016-17	2017-18	2018-19	2019-20	
1	M. Chin	29	25	14	5	12	11	6	\$6,646	\$34,646	\$454	\$13,558
2	C. Rivera	51	41	24	12	13	19	11	\$45,147	\$63,058	\$18,604	\$9,610
3	C. Johnson	47	49	32	12	10	23	18	\$22,194	\$1,316	\$53,583	\$98,304
4	K. Powers	40	43	24	9	8	7	14	\$14,694	\$14,786	\$25,908	\$32,662
5	B. Kallos	68	58	35	15	15	17	13	\$47,194	\$25,300	\$26,074	\$14,278
6	H. Rosenthal	62	56	20	15	13	18	10	\$61,619	\$15,581	\$49,291	\$20,210
7	M. Levine	84	62	16	6	21	22	18	\$61,463	\$12,761	\$86,218	\$43,037
8	D. Ayala	17	18	6	6	4	3	4	\$5,279	\$2,577	\$26,357	\$2,415
9	B. Perkins	62	50	15	10	9	10	15	\$39,075	\$20,250	\$17,561	\$11,523
10	Y. Rodriguez	144	129	44	31	29	46	24	\$128,988	\$119,052	\$172,294	\$104,985
11	A. Cohen	51	53	9	7	7	12	10	\$24,223	\$13,407	\$3,095	\$31,271
12	A. King	14	15	8	3	0	6	7	\$0	\$0	\$7,577	\$4,179
13	M. Gjonaj	11	22	7	0	2	5	3	\$0	\$9,175	\$5,826	\$10,951
14	F. Cabrera	56	47	18	8	10	12	10	\$24,036	\$12,938	\$8,866	\$38,883
15	R. Torres	43	47	5	11	9	9	8	\$36,980	\$6,054	\$32,697	\$31,575
16	V. Gibson	38	32	12	9	10	18	8	\$24,295	\$8,061	\$43,317	\$11,695
17	R. Salamanca, Jr.	18	13	3	3	4	4	4	\$6,272	\$39,094	\$6,338	\$3,675
18	R. Diaz, Sr.	24	30	6	2	6	7	2	\$862	\$872	\$11,922	\$22,314
19	P. Vallone	7	9	1	2	0	3	2	\$20,917	\$0	\$0	\$0
20	P. Koo	38	30	7	1	7	17	11	\$7,036	\$15,298	\$25,014	\$34,181
21	F. Moya	28	19	6	7	6	9	8	\$26,058	\$1,770	\$22,040	\$10,411
22	C. Constantinides	13	10	4	2	3	4	8	\$22,880	\$0	\$1,447	\$6,737
23	B. Grodenchik	16	5	9	4	6	3	6	\$2,269	\$4,339	\$39,261	\$28,439
24	R. Lancman	25	24	6	3	7	6	5	\$507	\$28,230	\$2,413	\$21,018
25	D. Dromm	60	27	6	6	14	12	5	\$21,799	\$37,295	\$32,935	\$3,678
26	J. Van Bramer	35	23	7	8	3	11	9	\$16,645	\$146	\$4,163	\$21,956
27	I. D. Miller	13	4	1	2	0	1	3	\$519	\$0	\$5,539	\$528
28	A. Adams	3	0	1	3	3	0	0	\$10,267	\$0	\$0	\$0
29	K. Koslowitz	56	56	21	5	9	19	9	\$11,834	\$20,874	\$46,583	\$39,642
30	R. Holden	7	14	2	3	5	1	0	\$6,886	\$3,525	\$0	\$0
31	D. Richards	9	4	2	0	1	1	2	\$0	\$0	\$0	\$1,300
32	E. Ulrich	7	12	1	0	2	2	1	\$0	\$0	\$2,730	\$1,170
33	S. Levin	27	16	6	1	6	3	4	\$1,591	\$8,543	\$1,068	\$21,244
34	A. Reynoso	13	30	6	4	3	6	5	\$0	\$9,262	\$9,980	\$13,614

<sup>16</sup> Inquiry data for 2016-2017 is unavailable.

District/ Council Member	Number of Inquiries <sup>16</sup>			Number of Cases				\$ Impact			
	2017-18	2018-19	2019-20	2016-17	2017-18	2018-19	2019-20	2016-17	2017-18	2018-19	2019-20
35 L. Cumbo	32	24	15	9	16	2	6	\$25,720	\$37,308	\$0	\$10,859
36 R. Cornegy, Jr.	17	9	2	5	1	2	5	\$1,340	\$0	\$0	\$2,763
37 [vacant]	6	13	3	1	3	3	3	\$327	\$512	\$2,419	\$965
38 C. Menchaca	18	13	5	1	4	6	0	\$1,692	\$449	\$12,686	\$0
39 B. Lander	21	19	8	5	2	3	3	\$3,010	\$0	\$0	\$1,247
40 M. Eugene	126	52	17	6	17	8	12	\$24,177	\$87,422	\$19,297	\$27,185
41 A. Ampry-Samuel	31	25	8	5	5	10	5	\$26,787	\$1,310	\$19,685	\$16,339
42 I. Barron	13	12	5	0	5	3	3	\$0	\$7,140	\$13,259	\$4,824
43 J. Brannan	23	31	10	5	3	4	4	\$27,430	\$1,030	\$448	\$2,345
44 K. Yeger	22	26	3	4	4	10	1	\$28,873	\$7,345	\$45,029	\$1,382
45 F. Louis	35	23	6	3	5	8	2	\$13,290	\$134	\$10,383	\$912
46 A. Maisel	1	0	2	1	0	0	0	\$0	\$0	\$0	\$0
47 M. Treyger	27	16	4	6	13	7	2	\$31,019	\$56,575	\$45,768	\$8,763
48 C. Deutsch	53	42	11	14	14	11	9	\$94,253	\$51,184	\$15,814	\$17,836
49 D. Rose	6	4	0	0	0	1	0	\$0	\$0	\$0	\$0
50 S. Matteo	7	9	4	4	2	2	0	\$22,787	\$20,124	\$4,757	\$0
51 J. Borelli	1	0	0	0	0	0	0	\$0	\$0	\$0	\$0
N/A	149	147	45	0	0	6	5	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1804</b>	<b>1538</b>	<b>532</b>	<b>284</b>	<b>351</b>	<b>433</b>	<b>323</b>	<b>\$998,880</b>	<b>\$798,745</b>	<b>\$978,700</b>	<b>\$804,463</b>

## APPENDIX II

### Glossary of Terms

**Appeal:** A request, submitted on the DOF Application for Appeal, for reconsideration of denied Rent Freeze applications or revoked Rent Freeze benefits.

**Benefit Takeover Application:** A form to apply to take over the benefit of a beneficiary who has died or permanently vacated the apartment.

**Dormant SCRIE/DRIE:** Dormant cases concern tenants whose benefits have been terminated but are eligible to have their benefits reinstated in full upon the submission of required documentation.

**Frozen Rent:** The amount of reduced rent, set in accordance with the applicable Rent Freeze laws, that the tenant must pay the landlord.

**HSTPA:** The New York State Housing Stability and Tenant Protection Act of 2019.

**Legal Rent:** The maximum rent that a landlord can charge a tenant for a rent-regulated unit.

**MCI:** Major capital improvement, an increase authorized by DHCR to compensate a landlord for the cost of building-wide renovations.

**Pfeffer Cases:** Refers to a settled class action regarding Rent Freeze Program applicants who could not appeal a decision or renew their application because they needed more time to file due to a disability or physical or mental impairment. Such applicants who lost their Rent Freeze benefit or whose rent was refrozen at a higher level can apply to be reinstated.

**Preferential Rent:** The New York State Division of Homes & Community Renewal defines “preferential rent” as a rent that an owner agrees to charge that is lower than the legal regulated rent the owner could lawfully collect. Prior to passage of HSTPA, the Rent Freeze Program recognized the preferential rent amount as the basis for frozen rent when the preferential rent agreement is for the life of the tenancy.

**Property Tax Credit:** A payment for a property owner that covers part of the previous year’s real-property taxes.

**Reasonable Accommodation:** Applicants who need a reasonable accommodation in order to access benefits available under the Rent Freeze Program. Such applications are referred to the Department of Finance’s disability service facilitator.

**Redetermination:** An application for a redetermination of the tenant’s frozen rent amount after a permanent loss of 20% or more of the tenant’s combined household income as compared to the income reported in the tenant’s last approved application.

**RIE:** The processing database of record for SCRIE and DRIE applications.

**SDP Unit:** The Senior and Disabled Programs Unit is responsible for administering the Rent Freeze Program.

**TAC:** Tax abatement credit; the amount credited on a landlord's property tax bill in accordance with the SCRIE or DRIE program.

**Tenant Representative:** A person designated by a tenant to receive copies of all SCRIE or DRIE notices sent to the tenant. A tenant representative can assist the tenant with the application process.