

TENANTS & NEIGHBORS

FREQUENTLY ASKED QUESTIONS ABOUT INCOME CERTIFICATION FORMS

I received an Income Certification Form (ICF). What's going on?

If you live in a rent regulated apartment and your legal monthly rent reaches \$2,000, you are subject to the annual income certification process. The ICF is used to determine whether or not your annual household income falls above or below the rent regulation threshold, which is currently \$175,000 per year. This number is determined by the federal adjusted gross as listed on your state tax return. Current law states that if your rent reaches \$2,000 and your income exceeds the threshold for two consecutive calendar years, your landlord can decontrol your apartment.

What if my legal rent reaches \$2,000 but I'm making less than \$175,000?

You should not lose your controlled or stabilized status, provided that you comply with the income certification requirements and the tenant movement keeps rent laws on the books. You must have made at least \$175,000 for two consecutive years in order for your landlord to decontrol your apartment while you still live in it.

What are Income Certification Requirements?

What should I do if my landlord serves me with ICF?

No matter whether your rent is above or below \$2,000, don't ignore it!

If your rent is below \$2,000: Immediately write a letter to your landlord stating that the rent is below \$2,000 and that you therefore do not have to complete and return the ICF.

If your rent is above \$2,000: You must return the completed form to the landlord within 30 days after service via certified mail, return receipt requested. This way, you can show proof of service should your landlord claim to not have received the document.

Should I fill out annual ICF paperwork by myself or hire an attorney?

Hire a good tenant attorney! In our experience, very few tenants are capable of handling this paperwork on their own. The hundreds of dollars that an attorney charges will be much cheaper than the thousands (even tens of thousands) of dollars worth of legal fees you'll incur if you make a mistake in the paperwork and are decontrolled by default! Call Tenants & Neighbors for a list of recommended tenant attorneys.

What will happen once I turn in the Income Certification Form (ICF)?

If your income exceeds the threshold for both calendar years: The Division of Housing and Community Renewal (DHCR) will issue an order deregulating the apartment. You will receive this order in the mail. The effective date of deregulation for rent-controlled apartments is June 1 of the following year, and for rent-stabilized apartments it is the expiration date of the current lease.

If your income is below the threshold for one or both of the calendar years: Your landlord can challenge your certification with DHCR. In this case, DHCR will send you a lengthy form to return within 60 days. DHCR must verify your income with the Department of Treasury and Finance (DTF), which will then tell DHCR whether or not your income did or did not exceed the threshold.

How can I avoid trouble and have the highest chances of staying in my apartment?

- Mail in all of your forms before the deadline, even if you think you don't have to
- Always use certified mail, and request return receipts so that you can show proof of service should your landlord claim not to have received your documentation.
- Hire an attorney (it will save you money in the long run)
- If you go away, make sure you have someone you trust checking your mail and any papers slipped under your door

For more information, contact Tenants & Neighbors!

www.tandn.org

236 West 27th Street 4th Floor New York NY 10001-5906 212 608-4320 212 619-7476 fax