

# The New York Times

## YOUR HOME; Tenant Surcharges For Appliances

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LATE last month, the New York State Division of Housing and Community Renewal, the agency that administers the rent-regulation laws, issued an operational bulletin that allows landlords, for the first time, to impose surcharges on tenants who install washers, dryers or dishwashers in their apartments.

Landlords, and the lawyers who represent them, welcomed the action, but they said they are concerned that implementing the surcharge could increase landlord-tenant litigation.

Marcia Hirsch, the state agency's general counsel, said that on March 24, it issued Operational Bulletin 2005-1, which applies to both rent-controlled and rent-stabilized apartments in New York. The bulletin provides that when a tenant requests permission to install a washer, dryer or dishwasher, and the owner consents, the owner can collect a surcharge for each appliance. The bulletin also allows a landlord to impose the surcharge when a tenant has installed a washer, dryer or dishwasher -- portable or permanent -- without prior consent.

Ms. Hirsch emphasized that the bulletin does not require landlords to allow tenants to install the appliances. When a landlord finds out that a tenant has installed an appliance without consent, she said, and the owner agrees to the continued use of the appliance, he cannot collect the surcharge retroactively.

The surcharges do not become part of the legal regulated rent for purposes of computing any increases under the rent laws, she said.

Ms. Hirsch said that the surcharges were computed by considering the costs of water and of heating the water, the cost of electricity and the po-

tential wear and tear on plumbing.

The amounts vary according to what type of appliance is involved, whether a tenant's electricity is included in the rent, and where the apartment is located. Ms. Hirsch said that the authorized monthly surcharge for a washing machine in New York City is \$13.62 if the tenant pays for electricity separately and \$14.92 if electricity is included in the rent. For regulated apartments outside New York City, the surcharges for a washing machine are \$10.96 and \$12.26 respectively.

A tenant who installs a dryer in an apartment, either inside or outside New York City, would have to pay a surcharge of \$10.89 if the landlord supplies the electricity -- but there is no surcharge for a dryer if the tenant pays for electricity on his own.

For dishwashers, Ms. Hirsch said, the monthly surcharge, both in the city and elsewhere, is \$3.77 when the tenant pays the electric bill and \$5.50 when it is paid by the landlord.

Lawyers who represent landlords say that while the surcharges will help landlords with recent significant rises in utility costs, the charge could increase landlord-tenant disputes.

**Adam Leitman Bailey**, a Manhattan real estate lawyer who represents landlords, said that since not all tenants will be aware of the new regulation, some may at first refuse to pay the surcharge. "Do you really think that tenants are going to pay a surcharge just because the landlord asks for it?" **Mr. Bailey** said. So, he said, landlords might have to try to enforce the surcharge in court.

Also, **Mr. Bailey** said, since landlords may now impose surcharges on pre-existing but unauthorized appliances, owners may want to inspect all apartments...

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