

Table V.

Supplemental Rent Adjustments in RGB Orders 1983-2016

| Order Number | Guideline Year | Rent Cut-Off | Supplement | Minimum Rent |
|--------------|--------------------|-------------------|------------|--------------|
| 15 | 10/1/83 to 9/30/84 | < \$200 per month | \$10 | |
| 16 | 10/1/84 to 9/30/85 | < \$250 per month | \$10 | |
| 17 | 10/1/85 to 9/30/86 | < \$300 per month | \$15 | |
| 18 | 10/1/86 to 9/30/87 | < \$350 per month | \$15 | |
| 19 | 10/1/87 to 9/30/88 | < \$325 per month | \$10 | |
| 20 | 10/1/88 to 9/30/89 | < \$325 per month | \$5 | |
| 21 | 10/1/89 to 9/30/90 | < \$325 per month | \$5 | |
| 26* | 10/1/94 to 9/30/95 | < \$400 per month | \$15 | |
| 27 | 10/1/95 to 9/30/96 | < \$400 per month | \$20 | |
| 28 | 10/1/96 to 9/30/97 | < \$400 per month | \$20 | |
| 29 | 10/1/97 to 9/30/98 | < \$400 per month | \$15 | |
| 30 | 10/1/98 to 9/30/99 | < \$450 per month | \$15 | |
| 31 | 10/1/99 to 9/30/00 | < \$500 per month | \$15 | \$215 |
| 32 | 10/1/00 to 9/30/01 | < \$500 per month | \$15 | \$215 |

*Note: There were no supplements in RGB Orders 22 through 25 and 33-46. Source: RGB Orders # 15-47.

Special Guidelines and Decontrolled Units

As discussed in the section concerning fair market rent appeals (*supra*, at pp. 79 to 81) apartments in buildings with six or more units vacated by a rent controlled tenant will fall under rent stabilization. If the first stabilized tenant chooses to challenge the rent, the DHCR will consider the special guidelines adopted by the Board pursuant to §26-513 of the RSL (See Appendix O) in making its determination as to whether the new rent is “fair”. As noted previously, in addition to this advisory guideline the DHCR will permit the owner to submit information on “rents generally prevailing in the same area for substantially similar housing accommodations.” If presented with such information, the current DHCR practice is to average the rent calculated in accordance with the special guideline with the average rent for qualified comparable units.

In establishing the special guidelines, at one time the Board’s policy was generally to close the gap between rent controlled rents and rent stabilized rents, the latter often being much higher. From 1974 through 1986 the Board adopted special guidelines that ranged between 15% to 20% above the maximum base rent (“MBR”) established under the rent control system. In 1987 the Board took notice of information provided by the most recent Housing and Vacancy Survey which indicated that median rent stabilized rents in pre ‘47 buildings were approximately 35% above median rent controlled rents. Consequently, the Board increased the special guideline to 35% above the MBR in its 1987 rent orders. The following year tenant representatives argued that since the Board’s