



State Of New York  
**Division of Housing and Community Renewal**  
Office of Rent Administration  
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**Instructions For Owner's Report, Certification and Notice of Fuel Cost Adjustment Eligibility - 2010**

**General Instructions and Information**

Rent adjustments for controlled apartments, because of changes in fuel costs after April 9, 1979, are processed by the Division of Housing and Community Renewal (DHCR) under Local Law No. 20 of 1980. These instructions and the related forms detail procedures for determining and collecting Fuel Cost Adjustments for 2010. The 2010 Fuel Cost Adjustment is added to or subtracted from 1980-2009 Fuel Cost Adjustments, if any. No rent increase for fuel costs for 2010 may be collected from a rent controlled tenant until the tenant and DHCR have been served with the completed Owner's Report, Certification and Notice of Fuel Cost Adjustment Eligibility (Form RA-33.10).

In order to collect Fuel Cost Adjustment increases legally as of January 1, 2010, owners of buildings with rent controlled apartments must serve each affected controlled tenant with a completed Form RA-33.10 and must file the forms with the DHCR Rent Office listed at the top of the form on or before April 1, 2010, which is 60 days after the DHCR published its findings for the 2009 fuel price changes and maximum consumption standards.

**The Division of Housing and Community Renewal (DHCR) has found that the price of Gas-National Grid of New York; Gas-Con Edison; Gas-National Grid; Interruptible Gas-National Grid of New York; Interruptible Gas-Con Edison; Electricity and Steam decreased during the calendar year 2009. Owners using any of these fuels who had obtained a rent increase for fuel cost adjustment since December 31, 1979 are required to serve any affected tenants and file a report with DHCR for a rent reduction by April 1, 2010 for fuel costs and effectuate such reductions. If an owner fails to do so, all rent adjustments for fuel costs previously obtained will be forfeited for a period of twelve months and the rent reduction will be retroactive to January 1, 2010.**

**For those categories of fuel that increased (#2 Oil; #4 Oil; #6 Oil; Coal), the owner must file by April 1, 2010.**

**If he/she fails to do so, the fuel cost adjustment is collectible prospectively only.**

Owners of buildings in the Maximum Base Rent (MBR) Program who did not qualify for 2010-11 MBR increases are nevertheless eligible to file for Fuel Cost Adjustment. See Specific Instructions (Part V, Line E) for details of computing current MBR equivalent levels. However, owners of building(s) which have never had an MBR established will be required to obtain current MBR equivalent levels for the controlled units in the building(s) before filing the RA-33.10. Owners must request, by mail or in person, that DHCR compute the 2010-11 MBR equivalent level on a special form (Schedule F) available in any Borough Rent Office. Owners who completed Schedule F for any of the 1980 through 2009 Fuel Cost Adjustments should use the 1980-81, 1982-83, 1984-85, 1986-87, 1988-89, 1990-91, 1992-93, 1994-95, 1996-97, 1998-99, 2000-01, 2002-03, 2004-05, 2006-07, or 2008-09 MBR calculated equivalent and modify as indicated in Instructions for Part V, Line E, and need not complete another Schedule F.

No Fuel Cost Adjustment is collected for an apartment where the Maximum Collectible Rent (MCR) plus the Fuel Cost Adjustments exceeds the current Maximum Base Rent (or its equivalent) plus the total amount calculated for fuel, unless the owner can certify that, adding the Fuel Cost Adjustment increase for that apartment will not cause the building(s) to be earning more than the statutory return: 8 1/2% of its equalized assessed value.

The Certification on Part IV and Certification "A" on Part V of the RA-33.10 Report are not required to be executed if the apartment's Maximum Collectible Rent is less than its Maximum Base Rent.

Owners who received DHCR Orders for any building reducing Maximum Collectible Rents, based on failure to provide the services of heat and/or hot water, cannot collect a Fuel Cost Adjustment increase from any rent controlled tenants in such building(s) until twelve months after receiving an Order from DHCR restoring the rents. Owners must maintain and continue to maintain essential services.

Rent bills or receipts issued to tenants paying the Fuel Cost Adjustment increases must separately set forth the amount of such adjustment. For senior citizens with currently valid Rent Increase Exemption Orders, the bill or receipt must also separately state the rent payable after the exemption.

Senior citizens in rent controlled apartments with currently valid Rent Increase Exemption Orders are not required to pay any portion of the Fuel Cost Adjustment increase which brings their Maximum Collectible Rent above one-third of their monthly disposable income. Senior citizens who apply for a Rent Increase Exemption Order within 90 days after being served with a copy of the RA-33.10 Report will have their exemption, if granted, retroactive to the effective date of the Fuel Cost Adjustment increase.

**Local Law 20 also requires owners to report any funds received from any government grant program that compensates the owner for fuel price increases.**

### Specific Instructions

- Note:** If more than one building is served by the same heating system, all such buildings should be included on this single Report form. Please give the building identification number for each address listed.
- Item 1. **Name and Mailing Address of Owner or Agent** - Enter name and address of owner or the owner's representative who signs the completed RA-33.10 forms and attachments, if any. Indicate representative's title; i.e., President, Managing Agent, etc.
- Item 2. **Address of Building** - If the subject property contains more than one building address, enter each address. Use the same address(es) that appear on the latest MBR Order.

There are four separate places on the report (Parts IV, V, VI) where the owner's signature may be required. Failure to sign as required will result in the reports being returned. All owners must sign Part V (**Certification B**) and Part VI (**Affirmation**).

### Part I - Building Data

- Item 3. **Total Number of Apartments** - Enter the total number of apartments: controlled, temporarily exempt, rent stabilized, decontrolled, unregulated, owner or employee occupied, or vacant in the subject building(s) listed in Item 2. Also include apartments occupied for professional use.
- Item 4. **Total Number of Rooms** - Enter the total number of rooms for all apartments shown in Item 3. The method of determining room count must be identical for all types of apartments and must include all rental space, except for bathrooms, foyers, half-rooms and kitchens 59 square feet or less in floor area, or kitchenettes. As a guide, add any windowless rooms (except bath rooms, foyers, undersized kitchens, alcoves, pantries, closets and kitchenettes) to the final MBR room count for the building as contained in the latest MBR Order.
- Item 5. **Total Number of Stores and Other Commercial Units** - Enter number of stores and other commercial units in the property. Apartments occupied for professional use should be included in Item 3 above.
- Item 6. **Number of Rooms Equivalent to Area Occupied by Stores and Other Commercial Units** - Assign an equivalent number of rooms to the space occupied by stores and other commercial units indicated in Item 5 above. For example: a store on street level of the property which is the same size as an apartment directly above with four rooms, would be considered equivalent to four rooms. Where the location of the stores or other commercial units does not readily permit such comparison, the area of these units should be established as comparable to the number of rooms occupying a similar amount of space in the building.
- Item 7. **Total Number of "Rooms"** - Add Items 4 and 6. This total is the number of "Rooms" to be used to determine the annual fuel consumption per room for the subject property and is the basis for computing the monthly rent adjustment for each controlled apartment.

### Part II - Fuel Data

- Item 8. **Type(s) and Quantity (ies) of Fuel Delivered During 2009** - Check box(es) indicating type(s) of fuel used at the subject property and enter the total quantity(ies) of fuel delivered in calendar year 1/1/09 to 12/31/09. For Example: If coal was used, indicate the number of tons delivered during that period.
- Item 8(a). If gas was used, check the appropriate box, to indicate whether the heating system is Temperature Controlled (Interruptible Gas). This type of system uses gas for heating except when the outdoor temperature falls below a certain point causing the system to automatically change to oil for heating.
- Item 9. **Gas, Electric or Steam** - Where gas, electricity or steam was used in the previous filing, the twelve-month period shown should be consistent with the twelve-month period shown in the previous filing.
- Item 10. **Capacity of Fuel Tank(s) or Coal Bin(s)** - Enter the total capacity of all fuel tank(s) or coal bin(s) for subject property.
- Item 11. **Name and Address of Fuel Vendor(s)** - Enter name(s) and address(es) of vendor(s) from whom purchases of fuel were made during the calendar year 2009. If more space is needed, list on a separate attachment.
- Item 12. Check "yes" box if owner participated in any government program which compensates for 2009 fuel price increases, and supply requested information.

### Part III - Computation of Fuel Cost Adjustment

Items 13 through 20. **If only one type of fuel** was delivered to the subject property during calendar year 2009, complete all the items to compute the monthly rent adjustment per room for the subject property as allowed under Local Law 20. The items are self-explanatory. For Items 13, 15 and 17, copy the amounts applicable to the subject property exactly as set forth in the appropriate columns in Item 8.

**If gas is used**, make sure you use the price change applicable to the vendor from whom you made purchases.  
**If more than one type of fuel** was delivered in 2009, you must complete RA-33.10 Schedule A-Conversion Table or Schedule B-Conversion Table. Enter the amount from Item 33 of Schedule A-Conversion Table in Item 18, and complete items 19 and 20, or if Schedule B was used, enter amount shown in Item 14 from that schedule in Part III, Item 20.

## Part IV- Schedule of Monthly Rent Adjustment For Rent Controlled Apartments

Complete this Schedule for subject property. If property includes more than one building (see Instructions, Item 2), a separate Schedule must be completed for each building address. Enter the number of Qualifying Controlled Apartments to be listed in the Schedule on the first sheet. Make sure each sheet of the Schedule is numbered and the totals of the number of Rooms, shown in Column (5) and the Collectible Monthly Rent Increase or Decrease shown in Column (6), are entered. **Part IV should not be served on an individual tenant.**

## Part V - Notice To Tenant of Fuel Cost Adjustment

Line A: Enter the number of rooms (as defined in the instructions, Item 4) for the apartment.  
 Line B: Self-explanatory.  
 Line C: Self-explanatory.

Line D: Enter the current Maximum Collectible Rent for the apartment. Take the amount shown on the most recent MBR Notice (RN-26S, RN-26s.1 or RN-26) and add to it the net total of all subsequent rent adjustments ordered including service, equipment, major capital improvements, labor, etc. If the apartment is occupied by a senior citizen with a valid Rent Increase Exemption Order, enter the Maximum Collectible Rent without exemption.

Line E: If the subject property received a 2010-11 MBR Order of Eligibility, enter the current adjusted 2010-11 MBR or its equivalent for the apartment as shown on Line 3 of Form RN-26S or RN-26s.1, or Line 9 of Form RN-26.

If the subject property's most recent MBR Order of Eligibility is earlier than 2010-11, you must determine the equivalent 2010-11 Unadjusted MBR by selecting the appropriate MBR cycle from the table below and computing the equivalent.

| Most Recent MBR Order for Property | Computation                                    |
|------------------------------------|--|
| 2008 - 09                          | Multiply the 2008 - 09 Unadjusted MBR by 1.129 |
| 2006 - 07                          | Multiply the 2006 - 07 Unadjusted MBR by 1.197 |
| 2004 - 05                          | Multiply the 2004 - 05 Unadjusted MBR by 1.295 |
| 2002 - 03                          | Multiply the 2002 - 03 Unadjusted MBR by 1.518 |
| 2000 - 01                          | Multiply the 2000 - 01 Unadjusted MBR by 1.677 |
| 1998 - 99                          | Multiply the 1998 - 99 Unadjusted MBR by 1.749 |
| 1996 - 97                          | Multiply the 1996 - 97 Unadjusted MBR by 1.816 |
| 1994 - 95                          | Multiply the 1994 - 95 Unadjusted MBR by 1.870 |
| 1992 - 93                          | Multiply the 1992 - 93 Unadjusted MBR by 2.145 |
| 1990 - 91                          | Multiply the 1990 - 91 Unadjusted MBR by 2.377 |
| 1988 - 89                          | Multiply the 1988 - 89 Unadjusted MBR by 2.567 |
| 1986 - 87                          | Multiply the 1986 - 87 Unadjusted MBR by 2.988 |
| 1984 - 85                          | Multiply the 1984 - 85 Unadjusted MBR by 3.331 |
| 1982 - 83                          | Multiply the 1982 - 83 Unadjusted MBR by 3.581 |
| 1980 - 81                          | Multiply the 1980 - 81 Unadjusted MBR by 3.975 |
| 1978 - 79                          | Multiply the 1978 - 79 Unadjusted MBR by 4.372 |
| 1976 - 77                          | Multiply the 1976 - 77 Unadjusted MBR by 4.766 |
| 1974 - 75                          | Multiply the 1974 - 75 Unadjusted MBR by 5.814 |
| 1972 - 73                          | Multiply the 1972 - 73 Unadjusted MBR by 6.309 |

The Unadjusted MBR is found by subtracting the net total of all service, equipment and major capital improvement rent adjustments (increases and decreases) granted between August 1, 1970 and the date of the last MBR Notice, from the Adjusted MBR shown on that Notice.

**If MBR increases have never been granted for the subject property**, request a Schedule F (Form RAS-33, "Schedule F, Fuel Cost Adjustment Request for Calculation of Equivalent MBR") from any DHCR Borough Rent Office. Upon your submission, DHCR will calculate an Equivalent 2010-11 Unadjusted MBR and mail it to you. **If you have an Equivalent Unadjusted MBR calculation for any prior MBR cycle, do not request or file a new Schedule F;** instead, compute the 2010-11 Unadjusted MBR by using the figure on the table above for the appropriate MBR cycle indicated on the Schedule F.

When you have derived the 2010-11 Unadjusted MBR above, add to that figure the net total of all rent adjustments (service, equipment and major capital improvement) granted since August 1, 1970. This new figure is the 2010-11 Adjusted MBR. Enter it on Line E.

## Part V - Notice To Tenant of Fuel Cost Adjustment

Lines F and G:

Add the Monthly Adjustment figure for each year (as reported) on the Fuel Forms previously filed for apartment (RA-33.10 Report).

If any of the amounts to be entered on Lines F or G were modified by agency audit or appeal, enter the modified amount.

Line H: Self Explanatory

Line I: This amount is the total Rent Adjustment for Fuel and must be shown on rent bills or receipts.

**Note:** If the Maximum Collectible Rent (Line D) plus Fuel Cost Adjustments (Line I) is equal to or greater than the Maximum Base Rent or its Equivalent (Line E) plus the total amount calculated for fuel (Lines F and H), the owner must complete and sign Certification A shown in Part V to be eligible to collect the rent increase for this apartment. If the owner cannot make such a certification, the owner may not collect the increase for the affected apartment. In such a case, the rent increase may only be collected for those apartments in the building(s) whose MCRs plus Fuel Cost Adjustments are below their MBRs plus the total amount calculated for fuel.

## Part VI - Owner's Affirmation

This Affirmation must be signed by the Owner, Officer, or Agent who completed the items on the RA-33.10 Report and attachments, if any. Under the provisions of the Law, eligibility for the rent adjustment being claimed is conditioned upon compliance with the following requirements:

The data and information in the Report, Certification and Notice (including Fuel Consumption) are true and correct;

All required and essential services are and will continue to be maintained;

Any rent reduction Order issued for failure to provide heat and/or hot water to the building(s) has been superseded by a restoration Order at least twelve months prior to the filing of the Report; and

All data, when and if requested by the DHCR to support the Fuel Cost Adjustment, will be promptly provided.

### Filing and Serving Copies of the Owner's Report, Certification and Notice Form

In order to collect fuel cost adjustments you must reproduce a sufficient number of copies to:

1. Serve a completed and signed Owner's Report, Certification B and Notice (Form RA-33.10, Part I, II, III, and V ) and Schedule A or Schedule B Conversion Table if applicable, on each qualifying rent controlled tenant (Part IV and Part VI should not be served on tenant). As there may be a subsequent dispute as to whether such service was made, you are advised to obtain and keep evidence of such service, such as an affidavit of service by mail together with a postmarked receipt for Certified Mail or Certificate of Mailing, or a dated statement signed by the tenant acknowledging receipt.
2. File the original copy of Owner's Report (Form RA-33.10) and Schedule A or Schedule B Conversion Table, if applicable, at the DHCR Rent Office shown at the top of the form. As there may be a subsequent dispute as to whether such filing was made, you are advised to obtain and keep evidence of such filing with DHCR, such as a photocopy of the Report and Schedule date stamped by DHCR, or an affidavit of service by mail together with a postmarked receipt for Certified Mail or Certificate of Mailing.

**NO DOCUMENTATION IS SUBMITTED WHEN FILING THE REPORT.** However, the data is subject to audit and where such review is done, submission of all necessary records and other substantiating evidence will be required. If the audit establishes that you are not entitled to the claimed Collectible Rent Increase, appropriate Orders of modification or revocation will be issued and you will be liable for reimbursement to tenants for any overpayments. In addition, if the data presented in the Report was false, you may be subject to the penalties provided by Law (See Warning on REPORT Form.)



**Part II - Fuel Data**

8. Specify Type and Quantity of Fuel delivered during period 1/1/09 - 12/31/09. \* See below

| Type<br>Check all that apply.<br>(See "Note" in Part III) | Quantity<br><br>Enter quantity delivered during this period | Increase/<br>Decrease | Price Changes<br><br>1/1/09- 12/31/09 | Annual Maximum Consumption Standard Per Room |                               |
|---|---|-----------------------|---------------------------------------|--|-------------------------------|
|   |   |                       |                                       | Owner provided Heat and Hot Water            | Owner provided Hot Water Only |
| <input type="checkbox"/> #2 Oil                           | Gallons   | Increase              | +\$0.5146                             | 200 gallons                                  | 55 gallons                    |
| <input type="checkbox"/> #4 Oil                           | Gallons   | Increase              | +\$0.9523                             | 200 gallons                                  | 55 gallons                    |
| <input type="checkbox"/> #6 Oil                           | Gallons   | Increase              | +\$1.0151                             | 200 gallons                                  | 55 gallons                    |
| <input type="checkbox"/> Coal                             | Tons  | Increase              | +\$1.4300                             | 1.08 tons                                    | 0.30 tons                     |
| <input type="checkbox"/> Electric                         | Kilowatt Hours (KWH)  | Decrease              | -\$0.0168                             | 8,120 KWH                                    | 2,244 KWH                     |
| <input type="checkbox"/> Steam                            | Thousand Pounds (MLBS)                                      | Decrease              | -\$5.8339                             | 27.8 MLBS                                    | 7.6 MLBS                      |
| <input type="checkbox"/> Gas                              | Hundred Cubic Feet (CCF)                                    | See below or 8(a).    |                                       | 270 CCF                                      | 75 CCF                        |
|   | Purchased from: National Grid                               | Decrease -\$0.1979    |                                       |  |                               |
|   | Con Edison  | Decrease -\$0.3161    |                                       |  |                               |
|   | National Grid New York                                      | Decrease -\$0.2363    |                                       |  |                               |

(a). If gas is used, does the subject property have an "Interruptible Gas" (Gas and oil, Temperature Controlled) heating system?

No  Yes If yes, the Price Changes for the gas portion for the period 1/1/09 - 12/31/09 are:  
 Purchased from: Con Edison Decrease: -\$0.2016  
 National Grid New York Decrease: -\$0.3103

\*If "Interruptible Gas" is used, the owner **must** specify both the amount of oil delivered/consumed and the amount of gas consumed.

9. If Gas, Electric or Steam is checked in Item 8, specify the 12-month billing period:  
 Beginning date of first bill \_\_\_\_/\_\_\_\_/\_\_\_\_ to ending date of last bill \_\_\_\_/\_\_\_\_/\_\_\_\_

10. Capacity of Fuel Tank(s) or Coal Bins: \_\_\_\_\_

11. Name and Address of Fuel Vendor(s): \_\_\_\_\_

12. Has the owner participated in any government grant program which compensated owner for fuel price increases during the period January 1, 2009 to December 31, 2009?  No  Yes If Yes, complete items (a) and (b) below.

(a). Name of program: \_\_\_\_\_

(b). The amount received or to be received for calendar year 2009: \$ \_\_\_\_\_

**Part III - Computation of Fuel Cost Adjustment**

**Note:** If **only** one type of fuel is checked in Item 8 above, complete Items 13 through 20.

If **more** than one type of fuel is checked in Item 8, skip Items 13 through 17 and complete Schedule A-Conversion Table, or Schedule B-Conversion Table. Transfer the amount from Item 33 in Schedule A to Item 18 and complete Items 19 and 20. If Schedule B-Conversion Table is used, enter the monthly Fuel Cost Adjustment under Schedule B, Item 14 in Item 20 below.

13. Quantity of fuel delivered, from Item 8: \_\_\_\_\_

14. Annual fuel consumption per room. Divide Item 13 by total number "Rooms" from Item 7, page 1: \_\_\_\_\_

15. Enter Annual Maximum Consumption Standard Per Room from Item 8 for type of fuel shown : \_\_\_\_\_

16. Enter amount in Item 14 or Item 15, whichever is less: \_\_\_\_\_

17. Enter Price Change for type of Fuel from Item 8: \$ \_\_\_\_\_

18. Multiply amount in Item 16 by Item 17 **OR** enter amount from Item 33 from Schedule A-Conversion Table: \$ \_\_\_\_\_

19. Divide amount in Item 18 by 12 months: \$ \_\_\_\_\_

20. Monthly Rental Adjustment indicated per Room: Multiply amount in Item 19 by .75 and enter result.  
 If the result is a decrease, indicate by minus sign (-) or, if you have used Schedule B, enter the amount from Schedule B, Item 14. \$ \_\_\_\_\_

**Part IV - Schedule of Monthly Rent Adjustment for Rent Controlled Apartments - 2010  
(To Be Filed on Separate Sheet by Owner Only)**

**Part V - Notice to Tenant of Fuel Cost Adjustment - 2010**

Mailing Address of Tenant:

Name: \_\_\_\_\_

Number/Street: \_\_\_\_\_ Apt. No.: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

**Computation of Monthly Fuel Cost Adjustment**

- |   |                            |
|---|----------------------------|
| A. Number of Rooms in Apartment: (Do not include bathrooms, foyers, half-rooms, kitchens 59 square feet or less in area, or kitchenettes)               | A. _____                   |
| B. Enter amount from Part III, Item 20: If decrease, indicate by minus sign (-)   | B. \$ _____                |
| C. 2010 Monthly Fuel Cost Adjustment indicated for this Apartment: Multiply Line A by Line B and enter amount. If decrease, indicate by minus sign (-). | C. \$ _____                |
| D. Enter Current Maximum Collectible Rent:  | D. \$ <input type="text"/> |
| E. Enter 2010 Adjusted Maximum Base Rent or Equivalent:   | E. \$ <input type="text"/> |
| F. 1980 Monthly Fuel Cost Adjustment indicated for this Apartment: (if not filed enter 0).  | F. \$ _____                |
| G. Cumulative 1981 through 2009 Monthly Fuel Cost Adjustments for this apartment:   | G. \$ _____                |
| H. Add Lines C and G, multiply sum by 1.333 and enter amount:   | H. \$ _____                |
| I. Cumulative 1980 through 2010 Monthly Fuel Cost Adjustments for this apartment, add Line C, F, and G and enter result: (tenant to pay per month)      | I. \$ <input type="text"/> |

If Line D is less than Line E or if Line D plus Line I is less than the total of E, F, and H, **do not sign Certification A below. Sign Certification B only.**

If Line D plus Line I is equal to or exceeds the total of Lines E, F and H, Certifications A and B must be completed. The owner must check the box and sign.

**Certification A**

- Since the current Maximum Collectible Rent (Line D) plus Fuel Cost Adjustments for this apartment (Line I) is equal to or exceeds the 2010 Adjusted Maximum Base Rent or its equivalent, plus the total amount calculated for fuel (Line F and H), I certify that I will not be earning an amount exceeding the statutory return as specified in the Administrative Code Section 26-405g (l) (a) after collecting the Rent Adjustments for the building or buildings which are subject to this Report.

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Signature of Owner, Officer or Agent: \_\_\_\_\_

**All applicants must sign Certification B below**

**Certification B**

I certify under the penalties provided by law: (1) that the statements in this Fuel Report (including amount of fuel delivered), Schedule A or Schedule B, if applicable and Notice forms are true and accurate, (2) that I am maintaining the required essential services and will continue to do so, as long as Rent Adjustments for Fuel Cost remain in effect, (3) that any Order reducing rent for failure to supply heat and/or hot water in the building(s) was superseded by a rent restoration order issued at least twelve months prior to the filing of this Report and (4) that I will promptly provide all data requested by DHCR to support the Fuel Cost Adjustment calculations and I am aware that failure to do so may result in revocation of the increases for the subject property.

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Signature of Owner, Officer or Agent: \_\_\_\_\_

## Questions & Answers

1. **Q:** Who must pay these fuel cost adjustments?  
**A:** Tenants in rent controlled apartments where the building owner files for a "Fuel Cost Adjustment". By law, owners can pass along to their tenants 75% of the annual change in heating fuel costs. When owners provide heat and/or hot water, they may be entitled to a fuel cost adjustment. Owners who are denied Maximum Base Rent increases are still eligible for the fuel cost adjustment.
- An owner **cannot** collect a fuel cost adjustment from:
- (1) Senior citizens with Rent Exemption Orders (SCRIE) for such part of the increase as would raise their Maximum Collectible Rent above one third (1/3) of their monthly disposable income (Senior citizens applying for an exemption within 90 days of receiving the fuel cost increase notice, who are approved, will have their exemption retroactive to the date of the increase);
  - (2) Tenants with outstanding DHCR Orders reducing their rent for lack of heat and/or hot water **and** for 12 months after the effective date of a DHCR Order restoring the rent; and
  - (3) Tenants whose Maximum Collectible Rent plus this additional fuel cost adjustment totals more than their Maximum Base Rent unless the owner can certify that the total (MBR + the total amount calculated for fuel) does not raise the income of the building beyond the legal limit (8 1/2 % of its equalized assessed value).
2. **Q:** Does this charge affect my Maximum Base Rent?  
**A:** No. The law states that the fuel cost adjustment is not to be included when Maximum Base Rent Increases are computed.
3. **Q:** How is my charge computed?  
**A:** The amount of fuel delivered to your building during the previous year is divided by the number of rooms in the building. (The result can not exceed the **Annual Maximum Consumption Standard Per Room** for the type of fuel used.) This figure is then multiplied by the amount of the fuel price change since the preceding year, divided by 12 months and multiplied by 75%. Multiply this change per room by the number of rooms in your apartment. Your charge is cumulative. Your present fuel cost adjustment will either go up or down depending upon price and consumption changes.
4. **Q:** What do you mean by a "room" and "maximum consumption standards"?  
**A:** A "room" means living rooms, dining rooms, bedrooms, and kitchens over 59 sq. ft. in floor area. These rooms are counted whether or not they contain a radiator or a window. Bathroom, foyers, alcoves, pantries, closets, kitchenettes, and kitchens 59 sq. ft. or less in area, are not considered rooms for this calculation.
- If your building contains stores, offices or other commercial units, the owner must assign a room count as an equivalent area of residential space.
- "Maximum Consumption Standards" are the highest amounts of heating fuel per room allowed for computing this charge. Even if more fuel was used, your owner will be credited for no more usage per room than these standards allow - they may have used less. DHCR computes the "Annual Maximum Consumption Standard Per Room" for apartments: (1) where the owner provides both heat and hot water; and (2) where the owner only provides hot water. DHCR releases these standards each year along with the price changes for each type of fuel. Both the standards and price changes are printed in the City Record.
5. **Q:** I have never been charged before. Can my building owner begin collecting this year?  
**A:** Yes, provided the owner is eligible, and files properly. If the owner fails to meet the April 1, 2010 deadline, your increase is not retroactive to January 1 and will not take effect until the first day of the month immediately following the filing date. The law also requires that the owner give you a rent bill or receipt that separates the fuel cost adjustment from the amount of your collectible rent.
6. **Q:** Who decides the price of oil or other utilities used?  
**A:** The NYC Rent and Eviction Regulations direct DHCR to research and publish the changes in the price of heating fuels each year. Local Law 20 (1980) describes how those figures should be determined - compare the prices of all types of heating fuel on December 31 of the preceding year to the costs for those same fuels on January 1 of the preceding year. This is a "point to point" comparison - one point in time compared to another point in time - not an annual average.
- For oil, DHCR uses the "point to point" costs reported by the National Journal of Commerce. All costs are compared to last year's costs to determine the changes (up or down) for each type of heating fuel. For gas, electric and steam fuel provided by other utilities, price changes are computed directly from rate data supplied by the public service commission.
7. **Q:** How will I be notified of these charges?  
**A:** You cannot be charged a rent increase for 2010 fuel costs until you and DHCR receive the completed Owner's Report, Certification and Notice of Fuel Cost Adjustment Eligibility (Form RA-33.10). You should receive Parts I, II, III, and V of that form and the Questions and Answers.
- In addition, if more than one type of fuel was delivered to the property, you should also be served with a completed copy of Schedule A-Conversion Table, or Schedule B-Conversion Table. (Form RA-33.10). You should receive Parts I, II, III, and V of that form and the Questions and Answers.
8. **Q:** When will I begin paying for this year's fuel cost adjustment?  
**A:** If the owner filed last year, you already pay a fuel cost adjustment based on last year's prices. When are the new costs effective? DHCR released the price changes and the maximum consumption standards for 2009 in January 2010. The owner has until April 1, 2010 to file for an adjustment retroactive to January 1, 2010. Those retroactive monthly charges will be due in a lump sum or in monthly installments equal to the number of months between the effective date of January 1, 2010 and the next rent payment date. If you have a refund due (your fuel costs less this year than last); the owner must refund or credit you with the retroactive amount in a lump sum.
9. **Q:** What temperature is the owner required to maintain?  
**A:** By law, owners must provide all tenants with the following levels of heat and hot water:
- Heat** - October 1 through May 31 (Heating Season)  
Between 6 a.m. and 10 p.m. heat must register 68 degrees Fahrenheit when the outside temperature falls below 55 degrees. Between 10 p.m. and 6 a.m. heat must register 55 degrees Fahrenheit when the outside temperature falls below 40 degrees.
- Hot Water** - 24 hours a day, 365 days a year. Hot water must register at or above a constant temperature of 120 degrees at the tap. In New York City, if a tub or shower is equipped with an anti-scald valve that prevents the hot water temperature from exceeding 120 degrees Fahrenheit, the minimum hot water temperature for that tub or shower is 110 degrees Fahrenheit.
10. **Q:** What do I do if my building owner makes a mistake or does not notify me properly?  
**A:** First, get a clarification from the owner. If that does not resolve your differences, file a challenge within 35 days of receiving the Owner's Report. File "Tenant's Challenge to Owner's Report and Certification of Fuel Cost Adjustment" (Form RAC-2202.13). If you do not receive the Report, you have until December 31st of the application year to challenge the increase. The forms are available at any DHCR Borough Rent Office or by calling DHCR at (718) 739-6400.







**Schedule A - Conversion Table - 2010**

Subject Building(s): \_\_\_\_\_ Borough: \_\_\_\_\_

(Use With Owner's Report, Certification and Notice of Fuel Cost Adjustment Eligibility)

This Schedule must be completed if, as indicated in Item 8 of the Report, **more than one type of Fuel was delivered during the period.** (See instructions on reverse side.)

|   | Column A |        | Column B |
|---|----------|--------|----------|
| 21. Enter types of Fuel delivered:  | 21.      |        | 21.      |
| 22. Enter quantities of Fuel delivered:   | 22.      |        | 22.      |
| 23. Enter Conversion Factor: (from Conversion Table below)  | 23. 1.00 |        | 23.      |
| 24. Multiply amounts in Item 22 by Factors in Item 23:  | 24.      |        | 24.      |
| 25. Add amounts in Item 24, Columns A and B:  |          | 25.    |          |
| 26. Divide Item 25 by the Total "Rooms," Item 7 of Report:  |          | 26.    |          |
| 27. Enter Annual Maximum Consumption Standard per Room for type of Fuel shown in Column A: (see Item 8 of Report) |          | 27.    |          |
| 28. Divide amount in Item 27 by Item 26 and enter result (if greater than 1.00, enter 1.00)                       |          | 28.    |          |
| 29. Multiply amount in Item 22, Columns A and B by Item 28  | 29.      |        | 29.      |
| 30. Enter Price Changes for types of Fuel indicated in Items 21 above: (see Items 8 and 8(a) of Report)           | 30. \$   |        | 30. \$   |
| 31. Multiply amounts in Item 29 by Item 30:   | 31. \$   |        | 31. \$   |
| 32. Add amounts in Item 31, Columns A and B:  |          | 32. \$ |          |
| 33. Divide amount in Item 32 by the Total "Rooms," Item 7 of Report: (enter this amount in Item 18 of Report)     |          | 33. \$ |          |

**Conversion Table**

Type of Fuel Shown in **Column B** to be converted from \_\_\_\_\_ to \_\_\_\_\_ Type of Fuel shown in **Column A**.

| Fuel type from Item 21, Column B | Oil (Gallons) | Gas (CCF) | Steam (MLBS) | Electricity (KWH) | Coal (Tons) |
|----------------------------------|---------------|-----------|--------------|-------------------|-------------|
| Oil (per gallon)                 |               | 1.35      | .139         | 40.6              | .0054       |
| Gas (per CCF)                    | .74           |           | .102         | 30                | .004        |
| Steam (per MLB)                  | 7.2           | 9.8       |              | 293               | .039        |
| Electricity (per KWH)            | .025          | .033      | .0034        |                   | .00013      |
| Coal (per ton)                   | 185           | 250       | 25.7         | 7540              |             |

How to use this Table:

**Note:** If in Item 21 you have indicated one grade of Oil in Column A and another grade of Oil in Column B, enter 1.00 in Item 23, column B.

For Example: If in Item 21 you have indicated Gas (Column A) and #2 Oil (Column B), you must convert the quantity of Oil shown in Item 22B to its equivalent amount of Gas. Assume you wish to convert 100 gallons of Oil to Gas. Multiply 100 by the conversion factor 1.35 = 135 ccf gas.

## Instructions For Schedule A

### Explanatory Comments

Since the Law prescribes Annual Maximum Consumption Standards per room, the purpose of the calculations is to establish an amount that can be considered as representative of all Fuels delivered during the period shown in Item 8 or 9 of the Report, as if they were all of one type. In this manner, comparisons can be made to determine whether or not actual Fuel deliveries exceeded the Consumption Standards.

### Specific Instructions

- Item 21. Enter types of Fuel delivered for the period, e.g., Gas in Column A; #2 Oil in Column B.
- Item 22. Enter the quantity of one type of Fuel in each Column, as above.
- Items 23-27. Self-explanatory.
- Item 28. This entry will determine, to three decimal places, what portion of the actual fuel delivered to the building in 2009 may be considered in calculating the rent adjustment, after comparison with the Relevant Maximum Consumption Standard.
- Item 29. This entry will determine the quantities of each type of Fuel delivered to be used in the attached Report to determine the Monthly Rent Adjustment per Room.
- Item 30. Enter the Price Changes listed in Item(s) 8 and 8(a) of the attached Report for the types of Fuel indicated in Item 21, Columns A & B. Care should be taken when indicating the Price Change for Gas. Make sure that you use the one applicable to the Vendor from whom you made your purchases. Further, if you used Gas and Oil and your heating system is temperature controlled or an interruptible gas system, make sure that you use the correct Price Changes.
- Items 31 & 32. Self-explanatory.
- Item 33. The amount determined by this computation is the amount to be entered in Item 18 of the attached Report.



Subject Building(s): \_\_\_\_\_ Borough: \_\_\_\_\_

**Schedule B-CONVERSION TABLE FOR BUILDINGS USING THREE TYPES OF FUEL-2010**

|  | Column A  | Column B  | Column C  | Column D                                      |
|--|-----------|-----------|-----------|---|
| 1. Fuel quantity delivered.  | GAS _ _ _ | OIL _ _ _ | OIL _ _ _ |   |
| 2. Conversion factor.  | 1.00      | 1.35      | 1.35      |   |
| 3. Converted fuel quantity .<br>(Item # 1 Multiplied by Item # 2)  |           |           |           |   |
| 4. Total fuel quantity. (Add amounts in Item # 3<br>Columns A, B, and C. Enter sum in Column D)  |           |           |           | Total Equivalent Fuel<br>4. _ _ _             |
| 5. Total fuel quantity per room. (Item # 4 divided by<br>the number of "rooms" [Part I, Item # 7 of the Report]<br>in the building. Enter amount in Column D)                            |           |           |           | Total Equivalent Fuel<br>Per Room<br>5. _ _ _ |
| 6. Maximum Consumption Standard per room .<br>(Column A) (Already entered).  | 270       |           |           | 6. 270  |
| 7. Percent of maximum consumption. (Item # 6 divided<br>by Item # 5. If greater than 1, enter 1 in column D)   |           |           |           | 7. _ _ _                                      |
| 8. Adjusted quantity. (Multiply Item # 7 by Item # 1<br>(Columns A, B and C).  |           |           |           |   |
| 9. Fuel price change for types of fuel indicated in Item #1,<br>Columns A, B and C. (See Part II, Items # 8 and 8a of<br>the Report).  | \$        | \$        | \$        |   |
| 10. Cost change per room. (Multiply Item # 9 by Item # 8)  | \$        | \$        | \$        |   |
| 11. Total fuel cost change. (Add amounts in Item # 10<br>Columns A, B and C. Enter sum in Column D)  |           |           |           | 11. \$ _ _ _                                  |
| 12. Total cost change per "room." (Item # 11 divided by<br>the number of rooms in the building. Enter amount<br>in Column D).  |           |           |           | 12. \$ _ _ _                                  |
| 13. Total cost change per room/per month. (Item # 12<br>divided by 12 months. Enter amount in column D).   |           |           |           | 13. \$ _ _ _                                  |
| 14. Monthly Fuel Cost Adjustment. (Item # 13 multiplied<br>by .75). If the amount is a decrease, indicate by a<br>minus sign (-). Enter this amount in Part III, Item # 20<br>of Report. |           |           |           | 14. \$ _ _ _                                  |





**Schedule F - Fuel Cost Adjustment  
 Request For Calculation Of Equivalent Maximum Base Rents (2010-2011)**

**Mailing Address of Owner/Agent:**

Name: \_\_\_\_\_

Number/Street: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

**Subject Building:**

Number/Street: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

**Equivalent MBRs are requested for apartments containing the following numbers of rooms:** (Circle the various apartment sizes within your building):    1    2    3    4    5    6    7    8    9

The owner of the above referenced building requests that an equivalent to the 2010-11 Gross Building Maximum Base Rent be calculated, for the purpose of filing the Fuel Cost Adjustment Report.

**Total Number of Units:** \_\_\_\_\_

**Total Number of Rooms:** \_\_\_\_\_

**Elevator Building:**     No     Yes

**Year of Construction:** \_\_\_\_\_

**Assessed Valuation (2009-2010):** \$ \_\_\_\_\_

**Real Estate Taxes (2009-2010):** \$ \_\_\_\_\_

**Water Charges (2009-2010):**    \$ \_\_\_\_\_

**Sewer Charges (2009-2010):**    \$ \_\_\_\_\_

**Total Annual Payroll (2009):**    \$ \_\_\_\_\_  
 (See Instruction 9 to Form RA-MBR 2010-11)

**Monthly Commercial Income (2008-09):** \$ \_\_\_\_\_  
 (Average Fiscal)

**Number of Floors In Building:**    \_\_\_\_\_

\_\_\_\_\_  
 Signature of Owner/Agent

**Equivalent To Maximum Base Rents For Use In Submitting Fuel Cost Reports  
 (For DHCR Use Only)**

| Number of Rooms | Basement | 1st Floor | 2nd Floor | 3rd Floor | 4th Floor | 5th Floor | 6th Floor | 7th Floor | 8th Floor | 9th Floor |
|-----------------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                 |          |           |           |           |           |           |           |           |           |           |

\_\_\_\_\_  
 Date Issued

\_\_\_\_\_  
 Director, MBR Section