

## **Rent Security Deposits (FAQ)**

- 1) Question: Is the landlord required to place a tenant's security deposit into an interest bearing account?**

Answer: If the building contains six or more apartments, then the landlord of the building must place the security deposit into an interest bearing New York bank account. The landlord must pay the tenant interest (to the extent any accrues) on the security deposit at prevailing interest rates. A landlord is entitled to withhold one percent of the security deposit as an administrative fee.

- 2) Question: If the building contains less than six apartments, where must the landlord place a tenant's security deposit?**

Answer: If the building contains less than six apartments, then the landlord is not required to place the security deposit into an interest bearing account. Nevertheless, regardless of the number of apartments in the building, a landlord is prohibited from commingling a tenant's security deposit with their own funds and the landlord must place the security deposit into an account separate from his/her own personal funds.

- 3) Question: If a unit owner of an individual apartment in a condominium or co-op rents out his/her apartment, is the unit owner required to place the tenant's security deposit into an interest bearing account?**

Answer: Although a unit owner can take the position that they are not the landlord of a building containing six or more apartments (in that they only own one apartment in a building which may contain six or more apartments), New York law is not clear on this matter. Accordingly, as a preventive measure, unit owners who collect security deposits from their tenants may want to open a separate interest-bearing New York bank account and place their tenant's security deposit into said account.

**Answers provide by  
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## 租金保證金(常見問題解答)

### 1) 問: 房東是否需要將租戶的保證金存入有利息帳戶?

答: 如果大樓包含六套以上公寓, 則該建築物的房東必須將保證金存入帶有紐約銀行帶利息的帳戶。房東必須以現行利率支付保證金的利息還給承租人(只要任何累積)。房東有權扣留保證金的百分之一作為管理費。

### 2) 問: 如果大樓包含少於六套公寓, 房東必須在哪裡放置租戶的保證金?

答: 如果該建築物包含少於六套公寓, 則房東無需將保證金存入有息帳戶。然而, 無論該樓公寓的數量如何, 房東都不得將房客的保證金與自己的資金混合, 房東必須將保證金存入一個與個人分開的帳戶。

### 3) 問: 如果房東適合作公寓(Co-Op) 或共有公寓 (Condo)的個別公寓的業主出租其公寓, 單位業主是否需要將租戶的保證金存入有息帳戶?

答: 雖然單位業主不是在包含六個或更多的公寓的業主, 他們可以採取的立場(因為他們只擁有一套公寓, 在一棟樓內, 可能包含六個或更多的公寓), 紐約法律是不清楚的。因此, 作為預防措施, 向租戶收取保證金的單位業主可能希望開立一個帶有紐約銀行帳戶的單獨利息, 並將租戶的保證金存入該帳戶。

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