

Rent Regulation:

A Summary of Rent Stabilized & Rent Control

Understanding New York's complex rent regulations can be difficult even for the most experienced lawyers and advocates. Both rent stabilization and rent control offer three basic protections: the right of tenure (you cannot be evicted without good cause), protection from sharp increases in rent, and the guarantee of the continuation of services and repairs. The purpose of the system is to provide affordable housing to tenants in a market that is skewed by severe housing shortages.

Background There are two parallel systems governing rents in New York City, Nassau, Rockland and Suffolk County. *Rent control* generally covers only tenants that have been in their units since 1971, or remaining family members who "succeeded" to those tenancies, and who live in buildings built before 1947. *Rent Stabilization* generally covers buildings built before 1974 that have 6 units or more, including formerly rent controlled apartments which were vacated after July 1, 1971.

If you think the laws are needlessly complex, you're right! But don't blame tenant advocates. Tenants have lobbied for years for a simpler system, but the landlords have used their lobbying might (and our rent money) to block changes. Landlords benefit from the complicated rent system because they get high rent increases (especially for apartments under rent control) and because tenants, confused about their rights and intimidated, don't act to enforce them.

Most rights are similar for rent controlled or rent stabilized tenants. Among these rights is the right of remaining family members - including

"nontraditional" families such as gay or unmarried heterosexual partners - to inherit or succeed to the tenancy under certain circumstances upon the departure of the tenant of record. Rent stabilized tenants usually have leases which may govern the rights of the landlord and the tenant, if not inconsistent with the law. Rent regulated tenants are protected against unlawful rent increases, but must challenge the increases in court or by filing a challenge with the New York State Division of Community Renewal. In certain circumstances these challenges are subject to a 4-year time limit, so tenants should pursue suspected overcharges and make sure they file a timely challenge.

Rent regulations offer tenants protections that unregulated tenants don't have. Regulated tenants pay lower rents than unregulated (this varies by neighborhood, but city-wide, the difference is over \$150 per month) and they can complain about repairs and services without fear of reprisal. Month to month tenants have very few protections; they are only entitled to a 30 day notice when the owner wants the tenant to move out or to pay a higher rent.

Rent regulation is under attack - the real estate lobby is working diligently to erase it from the books and endanger the homes of over 2.3 million New Yorkers living in one million regulated apartments. Landlords constantly push on the laws (they won weakening amendments in the 1990's and in 2003), and push to remove regulated tenants from their buildings. Tenants should educate themselves on their rights, and join the tenant movement to strengthen both the laws, and the city and state enforcement of the laws. Contact us for more information at the numbers below.

For more detailed information about your rights as a tenant, or for assistance in organizing a tenants' association:

METROPOLITAN COUNCIL ON HOUSING

339 Lafayette Street, New York, NY 10012 • www.metcouncil.net

Tenant Hotline: 212-979-0611 (Mondays, Wednesdays and Fridays 1:30-5:00 p.m.)

Free Tenant Clinic: Tuesdays 6:30 p.m., Cooper Square 61 East 4th Street (between Bowery & 2nd Ave.)