Universal Rent Control for New York State

Housing Justice for All is a campaign led by the Upstate Downstate Housing Alliance. We are a diverse coalition of tenants, homeless people, manufactured housing residents, and advocates. We represent New Yorkers from every part of the state who believe housing is a human right; that all people should live without the fear of eviction.

Half of New Yorkers rent their homes. Strengthening renters’ rights is critical to strong neighborhoods, educational and health outcomes, and economic stability for all New Yorkers. Rent controls protect tenants from unjust evictions and arbitrary rent increases. But, thanks to the influence of the real estate industry, rent stabilization only applies to tenants in 8 counties. It has been weakened with loopholes that encourage harassment, rent hikes, and eviction. Since 1994, we have lost nearly 300,000 units of affordable, rent stabilized housing. Five million New Yorkers have no renter protections whatsoever—simply because of where or what kind of housing they live in.

As predatory equity companies buy up more and more housing, we need a pathway to real community ownership over our homes. Too many tenants don’t have the right to take action against their landlord in court. Our platform to strengthen and expand tenants’ rights, below, provides tenants with a clear pathway to self-determination and control over their own homes.

All tenants in New York State, no matter where they live, deserve the same basic protections.

In June 2019, New York State’s renter protection framework—commonly known as rent stabilization—will expire, giving tenants a moment of leverage to strengthen and expand their rights. The State has the chance to undo anti-tenant provisions in the law, and extend the protection framework to cover all New York tenants.

Our Housing Justice for All campaign is fighting for a legislative agenda that would stabilize neighborhoods and eliminate the control that corporate landlords have over housing in New York State. Our priorities are:

Expanding renters' rights to cover the whole state:

Remove geographic restrictions in the Emergency Tenant Protection Act (ETPA) (Breslin/Cahill): The ETPA of 1974 allows local municipalities to opt into rent stabilization in the event of a local housing emergency. Under rent stabilization, landlords are subject to regulated rent increases and tenants benefit from the right to a renewal lease. However, only municipalities in Nassau, Westchester, and Rockland counties and New York City are eligible to opt in to renters’ rights. This geographic restriction should be stricken from the ETPA so that renters across the State can fight to bring rent controls to their communities.

Pass new “good cause” eviction legislation to bring renters’ rights to unregulated tenants, including those in smaller buildings and in manufactured home communities (S2892/A5030): Rent stabilization only applies to buildings with 6 or more units. More and more, smaller buildings are being bought up by large corporate landlords, and tenants who live in them face escalating rents and displacement. In gentrifying parts of New York City, like East New York and Bushwick, the housing stock is overwhelmingly smaller buildings, and in formerly regulated buildings most tenants have no protections. As the housing affordability crisis seeps out of New York City and into the suburbs, it is imperative that we bring rent relief to smaller buildings and
market tenants as these residents increasingly come under threat of displacement. Good cause eviction would bring a right to a renewal lease limited rent increases set by a local price index.

**End rent hikes and tenant harassment caused by loopholes in rent stabilization:**

**Make preferential rents permanent (S2845/A4349):** A preferential rent is a discounted rent that tenants pay when the legally registered rent (which may incorporate illegal rent hikes) exceeds the actual market value of the apartment. But when tenants renew their leases, landlords can revert to the higher rent, leading to sudden and massive rent hikes. These rent hikes, often hundreds of dollars, accelerate gentrification by forcing tenants to give up their homes and move. Some landlords use this “bait-and-switch” tactic to oust tenants quickly to reap the benefits of vacancy bonuses. Some 266,000 families in New York City have preferential rents, as do thousands more in the three suburban counties—meaning that they may be one lease away from an eviction. This bill mandates that landlords renew rent stabilized leases with increases, if any, based upon the existing rent level the tenant pays.

**Eliminate the vacancy bonus (S185/A2351):** Under rent stabilization, landlords receive a 20% “statutory vacancy bonus” every time an apartment turns over. This bonus gives landlords a big incentive to harass and evict long-term tenants from the place they’ve called home for years. The preferential rent loophole and the eviction bonus are often used together. With these two enactments, the legislature created an outright scam that is victimizing tenants and destroying housing affordability, especially in low-income communities of color, and opened the wound that has led to the bleeding of thousands of units from the system.

**Eliminate rent hikes caused by major capital improvements (S3693/A6322) and individual apartment increases (S3770/A6465):** Under our current system, landlords that upgrade building systems and individual apartment finishes are able to pass the costs of those repairs on to tenants forever. However, many of these building systems repairs are necessary after years of neglect, and landlords often overstate the cost and extent of renovations. We would ban landlords from passing the costs of maintaining and upgrading their investments onto tenants.

**End vacancy decontrol (S2591A/A1198):** Under vacancy deregulation, landlords are able to take apartments out of rent regulation when the existing tenant leaves. Rent stabilization should be permanent. If vacancy decontrol is not repealed, the entire rent and eviction protection system will be phased out over time—a windfall for landlords and a catastrophic loss for tenants.

**Reform the Four Year Look Back Period. (S4169/A5251).** The rent regulation system relies on tenants to enforce the law. So if a landlord flouts the law and overcharges tenants, it is up to the tenant to complain and pursue a case against the landlord. Currently tenants have four years to make a complaint. However, this harsh rule has led to massive amounts of fraud being given legal status because tenants did not complain at the right time. This bill reforms the system by changing the look back period to six years and providing exceptions to the rule so that tenants can hold landlords accountable to following the law.

**Rent control relief (S299/A167):** Right now, New York has two systems of rent regulation: rent stabilization, which impacts the majority of rent regulated tenants, and rent control, which applies to about 40,000 people. Under the “Maximum Base Rent” system for rent control, tenants can face up to a 7.5% rent increase annually—much higher than the yearly adjustments for rent stabilized tenants. Our current system is confusing and arbitrary. This bill would bring rent control increases in line with the standard RGB increases.