

in the law itself which is contained in section 26-510(b) of the Rent Stabilization Law, contained in Appendix A.

The Board may not abdicate its regulatory authority over the rent stabilized housing stock nor any part of it; only the City Council may permit such deregulation, and then only after a public hearing in accordance with section 3(b) of the Emergency Tenant Protection Act of 1974 (hereafter “ETPA”).

To support the Board’s investigative functions, all City and State agencies are required to cooperate with the Board by responding to all reasonable requests for information and assistance.¹³

HISTORY OF THE BOARD AND THE RENT REGULATION SYSTEM

Table II.
Highlights of Rent Regulation in New York

1920	Emergency Rent Laws of 1920 adopted in the wake of sharp increases in dispossession proceedings and declining construction following World War I.
1927	Construction of new dwelling units reaches an all-time high of 107,185 for the year.
1929	Rent Laws of 1920 terminated as vacancy rates approached 8%.
1943	Federal rent controls first adopted as a wartime measure to address anticipated housing shortages.
1946	New York State adopts “stand-by” rent control legislation in the event federal controls expire.
1947	Federal law exempts new construction from rent controls as of February 1st.
1951	New York State takes over administration of rent control as federal controls expire.
1953	Vacant apartments in one- and two-family homes decontrolled. Across the board rent increases of 15% adopted for units not previously receiving increases under rent control.
1958	Apartments renting for more than \$416.66 unfurnished or \$500 furnished are decontrolled. This affected about 600 units.
1962	Administration of 1.8 million rent controlled apartments is transferred from the State to the City. Enabling legislation is adopted permitting local governments to enact rent regulations.
1964	City adopts luxury decontrol for certain high rent apartments, resulting in decontrol of about 5,000 rent controlled apts.
1968	City adopts luxury decontrol for certain high rent apartments, resulting in decontrol of about 7,000 rent controlled apts.
1969	Rent Stabilization Law enacted in response to plummeting vacancy rates. Buildings with six units or more constructed after 2/1/47 and previously decontrolled apartments in buildings with six units or more units are covered. Rent Guidelines Board is established. Real estate industry groups given power to promulgate a stabilization code subject to City review.
1971	Vacancy decontrol adopted for all units. City is prevented from adopting rent regulations more stringent than those already in effect.
1974	Decontrolled and destabilized units are re-regulated under the Emergency Tenant Protection Act of 1974.

¹³ See ETPA, L. 1974, c.576, 4[13].

Table II. (continued)

Highlights of Rent Regulation in New York

1983	Omnibus Housing Act transfers administration of rent regulations from the City to the State Division of Housing and Community Renewal.
1985	Official involvement of the Rent Stabilization Association and the Metropolitan Hotel Industry Stabilization Association in promulgating codes governing rent stabilized units is terminated.
1993	Under the Rent Regulation Reform Act of 1993, the state begins deregulating high rent (\$2,000+) apartments upon vacancy. Also adopted is a high-income deregulation provision for occupied units with rents of \$2,000 or more as of October 1, 1993 with tenants whose household income exceeded \$250,000 in two previous years.
1997	Under the Rent Regulation Reform Act of 1997, the state expands high-income decontrol to cover households with incomes of \$175,000 or more. In addition, the state adopts a mandatory formula for rental increases upon vacancy.
2003	The Rent Law of 2003, in effect until 2011, limits the ability of NYC to pass laws concerning rent regulatory issues controlled by the State; allows for the deregulation of an apartment upon vacancy if the legal regulated rent may be raised above \$2000, even if the new rent the tenant pays is not actually an amount above \$2000; and permits an owner, upon renewal, to increase a rent stabilized tenant's rent to the maximum legal regulated rent, regardless of whether a tenant has been paying a preferential rent (but does not prohibit contractual agreements between owners and tenants to maintain the preferential rent after renewal).
2011	The Rent Act of 2011, in effect until 2015, limits the frequency of vacancy increases to one per calendar year; changes the formula for individual apartment improvements in buildings with more than 35 apartments to allow the landlord to increase the legal regulated rent by 1/60th of the cost of the improvements (was 1/40th under the prior Rent Law); raises the threshold for high-rent/vacancy deregulation to \$2,500 (up from \$2,000 under the prior Rent Law); and changes the threshold for high-rent/high-income deregulation to \$2,500 in rent and a household income of more than \$200,000 (up from \$2,000 and \$175,000 respectively).
2015	The Rent Act of 2015, in effect until 2019, raises the threshold for vacancy deregulation to \$2,700 (up from \$2,500 under the prior Rent Act); increases the threshold for vacancy deregulation each year per the one-year guidelines passed by the Rent Guidelines Board; changes the amortization period for Major Capital Improvements (MCIs) from 84 months to 96 months for buildings with 35 or fewer units and 108 months for buildings with more than 35 units; and alters the computation of the vacancy allowance for certain apartments where the previous tenant was paying a preferential rent.
2019	The Housing Stability and Tenant Protection Act (HSTPA) of 2019, passed by the New York State Legislature on June 14, 2019, promulgated many new provisions for rent regulated units. Among these changes, deregulation of rent stabilized units is no longer permitted, nor are vacancy allowances for vacant units. In addition, preferential rents are considered the base rent of the apartment until the unit is vacated; the formulas for IAs, MCIs and rent controlled rent increases were reformed; and HCR will look back six years when processing overcharge complaints. The law does not have a sunset date.

Rent Regulation Prior to the Establishment of the Board

Laws and social customs have promoted and regulated economic activities since ancient times. Rent regulation is one policy among countless others impacting on the economy and property interests. Royal charters establishing private corporations created a vehicle for