

# What are your rights under new ownership?



SALE TO RAPHAEL TOLEDANO



# Do I have to move out once the building is sold?



- If you are rent-regulated (rent controlled or rent stabilized) you **DO NOT** have to leave even if your lease has expired. You have the right to a renewal lease and if the owner refuses you a new lease, he cannot raise your rent.
- The rent **CANNOT** be increased to Market Rent except under a very narrow set of circumstances.

# How Do I know If I'm Rent-Regulated



## 1) **Three Pronged Test**

- The building must be build prior to 1974
- The building must have six or more units
- You moved in with a rent below \$2500 (after June 24, 2011) or below \$2,000 (if moved in prior to June 24, 2011).

OR

2) Your landlord has a certain tax subsidy like J-51 or 421(a)

# How do I find Out For Sure?



- Check your original lease for a rent-regulation rider (if you don't have one, it doesn't mean you're not rent-regulated).
- Call DHCR and ask for your rent history going back to 1984 Phone: 718-739-6400
  - Or visit DHCR downtown for a printout (bring proof of address and photo ID)

**New York City**  
25 Beaver Street  
New York, New York 10004  
Phone: 212-480-6700

# What might happen under new management?



- Individuals purporting to represent the owners or managers will try to offer you a buyout agreement. They will pressure you sign an agreement quickly and state that those who wait to sign, will be evicted with no compensation. **This is likely false!**
- You will be told that the rent will increase “astronomically” due to improvements. **Also likely false.**

# What to Expect?



- You may be told that there is a police investigation and tenants who stick around will be questioned by the police.
- You may be told that the building is not structurally sound and will be demolished or condemned.
- Construction and threats of dangerous/noisy construction

# What Can I do?



- When units are vacant, they will become construction sites. Make sure you call 311 to report especially loud or dusty construction. The owner must follow a Tenant Protection Plan!
- Make sure to call 311 to report any housing code issues, including vermin, lack of trash pickup, and/or leaks.
- Meet with organizers to discuss your options for getting repairs or taking legal action.



# Why Is this Happening?



- The East Village is a strong rental market for landlords. One bedrooms can rent for more than \$4,000 at market.
- Landlords take out large mortgages that they can only afford to pay by evicting rent-regulated tenants and installing market rate tenants. By demolishing vacant units, landlords can take the rent to market and turn a profit.

# 10 Potential Threats and The Truth (or lack thereof) behind them



- **Your rent can go up exponentially and/or to market rate due to Major Capital Improvements (MCI).**
  - **FALSE.** There is a 6% yearly cap and tenants can challenge any MCI prior to its approval. This is why you need to stay organized. If tenants challenge, the MCI may take a period of years to go through (see MCI fact sheet from DHCR website).
- **FALSE BUT:** There is also a way for landlords to take rent increases for individual apartment improvements (IAI) such as installing new kitchen appliances. This can only be done if you sign a document consenting to an IAI.  
**Lesson: Don't sign!**

## Number 2: Your unit will not be rent-regulated once the rent hits \$2500.



- **Your unit will not be rent-regulated once the rent hits \$2500.**
  - **MOSTLY FALSE:** The unit stays rent regulated so long as you or your successor stays in possession.
  - **BUT:** The landlord can apply to have the apartment deregulated upon \$2500 if it is occupied by persons whose total annual federal adjusted gross incomes, as reported on their New York State Income Tax returns, have been in excess of \$200,000 for each of the two preceding calendar years. Again, this is a process overseen by the state (see DHCR fact sheet #36 online).

# Three & Four



- **#3 You must produce ID, Social Security Numbers, and proof of citizenship to continue to reside at the premises.**
  - **FALSE:** You cannot be required to give this information, even to get a key.
- **#4 You are not entitled to a roommate and/or your apartment is overcrowded:**
  - **VERY LIKELY FALSE:** The New York City Roommate law allows you to have one roommate (unrelated person) for every tenant of record. Family members of the tenant of record and of the roommate area also permitted.
  - **BUT:** There are fire department and housing maintenance code regulations regarding airspace and floor space required per person. It is unlikely you are violating these rules.
  - **BUT ALSO:** Using AirBnB and other short-term rental websites can subject you to an eviction case in housing court.

## #5: The landlord is demolishing the building and thus, you will have to move:



- **VERY LIKELY FALSE:** If the entire building is going to be demolished, the landlord can apply to DHCR for a demolition permit. But, this is *a long process* which tenants can oppose. If the landlord wins, the owner needs to pay rent-regulated tenants who are required to move. Here, it seems unlikely that the owner is going to demolish the entire building and/or that he would win approval to do so.

## #6: The construction will make your life miserable:



- **AT FIRST BUT...** You need to be in touch with local elected officials, HPD, and DOB such that they can penalize the landlord for illegal and disruptive practices. At the first sign of illegal or disruptive construction, *please call 311* to report problems. Do not hesitate to make multiple calls! This is why you need to organize.

## #7: I can be evicted immediately for alleged lease violations or non-payment of rent:



- **FALSE:** To be evicted, the landlord must commence a case against you in housing court. This case can take months or years. A mere notice to vacate has NO legal meaning. The threat that the landlord is going to send the Marshal to evict you is an empty one.

## #8: I will be locked out of my apartment for long periods of time/my belongings will be disposed of:



- **FALSE:** If the landlord locks you out, you can call the local precinct (which should have an illegal lock out unit) and present a copy of your lease and/or proof of address with picture ID. The landlord will be forced to let you back in and if he/she fails to respond, the officers will give you permission to change the locks or break in. If the officers don't let you in, you can go to court and file an illegal lock out case.
- **TIP:** Carry your lease or proof of address at all times. Talk to your local precinct ahead of time if you fear this happening. Carry the landlord or his agent's contact info (the police will call and threaten arrest!).

## #9: I have to decide about a buyout **VERY** **soon:**



- **FALSE:** There is no reason you would be under pressure to accept a buyout without ample time to consider. If the landlord is pressuring you, it's because they are desperate—not because time is of the essence. Never sign anything without consulting with an attorney.
- **TIP:** You do not need to meet with the landlord and/or his agents if you are not comfortable. You are legally permitted to record conversations in secret.

## #10: If I don't have a lease, I'm not a rent-regulated tenant anymore:



- **FALSE:** The only thing that happens to rent-regulated tenants with no leases is that the landlord does not have the right to raise the rent. If you need a lease to secure SCRIE or DRIE, you can file a complaint with DHCR for the landlord's failure to renew.