



New York State
Division of Housing and Community Renewal
Office of Rent Administration

Policy Statement 2014-1 (October 1, 2016)

***Filing Requirements Upon Vacancy
of Rent Controlled Apartment***

This Policy Statement delineates the procedure which owners are to follow when the legal status of a rent controlled apartment changes because of a voluntary vacating by the tenant. Section 2203.2 (a) of the New York City Rent and Eviction Regulations states that the owner "of a housing accommodation specified in Section 2200.2 (f) (11) (12) and (17) of this Title shall file a report of such decontrol, upon forms prescribed by the administrator, within 30 days following the date of vacancy on or after June 30, 1971, or the date of first rental of such accommodations after decontrol (whichever date shall be prescribed in such form), or June 1, 1962 whichever date is later, unless a decontrol report was heretofore filed as required by the State Rent Commission". Pursuant to Section 2203.2 (a) of the Rent and Eviction Regulations, owners are required to file form RA42V-NYC (Owner Report of Vacancy Decontrol) upon the vacancy of a rent controlled tenant.

In a building which also has units subject to rent stabilization:

When the new tenant enters into a rent stabilized lease, owners must also file an Initial Apartment Registration form and an Initial Apartment Registration Summary form within 90 days of the initial occupancy.

However, when a previously rent controlled apartment is vacated and the rent charged to the next tenant is at or above the Deregulation Rent Threshold, the apartment is exempt from rent regulation pursuant to High-Rent Vacancy Deregulation. This first deregulated tenant must be served with a DHCR High-Rent Vacancy Deregulation notice (HRVD-N) and an "exit" apartment registration form, as per the Rent Code Amendments of 2014. Owners are required to use the DHCR annual apartment registration form for this purpose. The tenant may challenge the deregulation by filing a Fair Market Rent Appeal with DHCR within 90 days of service of this notice or service of a copy of the registration statement, whichever occurs first. DHCR reserves the right to convert an overcharge complaint to a Fair Market Rent Appeal, based on the previous regulatory status of the apartment.

When the legal status of a rent controlled apartment in a building which is not subject to the Rent Stabilization Law changes, the RA42V-NYC is the only form required to be filed. The Rent and Eviction Regulations do not contain any penalty for a failure to file the RA42V-NYC form and the failure to file the form does not affect the legal status of the apartment.

Woody Pascal
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for Rent Administration*

This document is being issued for informational purposes only.

The original document which contains signatures of authorization is on file at DHCR's Office of Rent Administration.