

rent stabilized tenants you might be paying too much for rent



Location **New York**
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Tenants in NYC should be aware that the old rule that you can only challenge the rent of a rent stabilized apartment going back four years has changed because of this decision by the Court of Appeals (the highest court in New York State): http://www.nycourts.gov/reporter/3dseries/2010/2010_07379.htm

That decision affirmed this 2009 decision by the Appellate Division: http://www.nycourts.gov/reporter/3dseries/2009/2009_06653.htm

which affirmed this 2007 decision by the Supreme Court: http://www.nycourts.gov/reporter/pdfs/2007/2007_34184.pdf

According to this article -- "Complaining about a rent overcharge in New York City" -- filing a rent overcharge complaint with DHCR is not recommended because DHCR is considered pro-landlord: <http://www.tenant.net/alerts/articles/complaining.html>

Is your apartment no longer rent stabilized because your landlord de-regulated your apartment, but you have proof that your landlord committed fraud by falsely claiming the legal rent was over \$2,000 (which is needed to de-stabilize a vacant rent stabilized apartment)?

Or, are you a rent stabilized tenant (or were you given a non-rent stabilized lease but your apartment was once rent stabilized) and you believe that you have been overcharged in rent?

Do you have any proof that your landlord overcharged you by committing some kind of fraud?

Some common examples of such fraud are:

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<p>your landlord claims a price reduction on your apartment, with a falsely paid rent, but your rent has not changed, and your apartment may be illegal.</p>	<p>your landlord claims that your apartment was vacant for years, but actually it was occupied, or your landlord claims that your apartment's prior rent was raised because of the cost of apartment improvements that were made, but actually no such apartment improvements were ever made, or</p>	<p>your landlord falsely told you that your apartment is not rent stabilized (and gave you a non-rent stabilized lease) when actually your apartment should be rent stabilized.</p>							

So, if you have proof that your landlord committed fraud you can challenge your rent (or the de-regulation of your apartment) going back to whenever the fraud was committed. And, you might be able to have your apartment's rent permanently reduced and get a refund.

If you think your landlord overcharged you by committing fraud you should do the following:

First, contact DHCR and get a computer printout of your apartment's rent history from 1984 (when apartment registrations started) to the present -- you can get it in the mail or go to a local office and pick it up on the spot (you will have to prove that you are the tenant, your lease is the best proof). DHCR's computer printout is free. Here is DHCR's contact info: <http://www.dhcr.state.ny.us/AboutUs/contact.htm>

Please be aware that even if DHCR's staff tells you (or the printout shows) that your apartment is no longer rent stabilized, you may still be able to prove that your apartment should be rent stabilized. This is so because DHCR's apartment registration information is whatever the landlord reports to DHCR. DHCR does not independently verify the accuracy of the information reported by the landlord.

Second, after you have obtained your apartment's rent history from DHCR you should respond to this ad, so that a consultation meeting can be arranged with an experienced tenant attorney who specializes in rent overcharge cases (especially those involving landlords committing fraud).

When responding to this ad please state the borough you live in, explain briefly why you believe you are being overcharged and what proof you have that fraud was committed by your landlord and provide a contact number.

Exploring your possible legal options is what will happen during a consultation meeting.

The consultation meeting fee is \$300.00, which could be a very wise expenditure if you learn that your apartment should be rent stabilized, or that your rent is illegally high and could be permanently reduced and you might be able to get a refund from your landlord of the rent you paid that was too high because of rent overcharging. (Sometimes two years worth of the rent overcharge amount can be tripled, if the landlord cannot prove that the overcharging was not willful.) Also, if there is a lawsuit your landlord could be required to pay all of the attorney's fees you incurred.

All of these topics and more will be explained in detail at a consultation.