

Federal Court Permits Tenant Advocacy Groups to Intervene in Defense of New York's Rent Stabilization Laws

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On Wednesday, a New York federal court permitted two non-profit tenant-advocacy organizations to intervene as defendants in two lawsuits challenging the constitutionality of the Housing Stability and Tenant Protection Act of 2019 (HSTPA).

Rent stabilization has protected tenants in the New York City area for half a century. In 1969, New York City enacted the Rent Stabilization Law to temper runaway rent prices and maintain neighborhood stability by helping tenants stay in their homes. In 1974, similar protections were extended to Westchester, Rockland, and Nassau Counties. The state has repeatedly amended the laws and modified the regulatory scheme in the decades since. In 2019, the state legislature enacted the HSTPA to strengthen tenant protections and make them available statewide.

The two suits were filed in December 2019 and January 2020 in the Southern District of New York by several New York City and Westchester County landlords and landlord associations. They allege the restrictions included in the new law violate the Takings, Due Process, Equal Protection, and Contracts Clauses of the U.S. Constitution, as well as the Fair Housing Act, and seek to have the court invalidate the HSTPA in its entirety and return the rent-stabilization laws to their previous state. New York State is a defendant in both lawsuits; New York City is a defendant in one.

In March, Selendy & Gay, along with The Legal Aid Society and Legal Services New York, filed motions to intervene in defense of the HSTPA on behalf of non-profit tenant-advocacy organizations N.Y. Tenants & Neighbors (T&N) and Community Voices Heard (CVH).

T&N was founded in 1974 and represents over 2,000 tenant members. CVH was founded in 1994 and its members are principally women of color and low-income families in New York. Both organizations have worked tirelessly to protect and promote tenants' rights, including by successfully lobbying state legislators to enact the HSTPA.

Despite vigorous opposition from the landlords, U.S. District Judge Kenneth M. Karas granted T&N and CVH's motions to intervene in defense of the 2019 amendments. Specifically, [Judge Karas ruled that permitting intervention would not unduly delay the proceedings or prejudice the landlords](#). He further determined that T&N and CVH have "a direct and substantial interest" in the outcome of the case and their "firsthand experience" would "undoubtedly contribute to full development of the underlying factual issues in the suit and to the just and equitable adjudication of the legal questions presented."

CVH and T&N have also intervened in three similar suits pending in New York federal courts. Motions to dismiss all five lawsuits are pending.

The Selendy & Gay team includes Sean Baldwin, Caitlin Halligan, Michael Duke, Babak Ghafarzade and Sophie Lipman.

Attorneys

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Practice

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