

Selendy & Gay Continues Winning Streak on Behalf of New York Tenants

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In March and September of this year, Selendy & Gay, along with the Legal Aid Society and Legal Services New York, successfully obtained dismissal of three lawsuits challenging the constitutionality of New York's rent stabilization regime, as amended by the Housing Stability and Tenant Protection Act of 2019 (HSTPA).

Rent stabilization has protected tenants in New York for a century. In 1969, New York City adopted rent stabilization laws to temper runaway rent prices and maintain neighborhood stability by helping tenants stay in their homes. In the decades since, the state has repeatedly amended the laws and modified the regulatory scheme. In 2019, the HSTPA was enacted to strengthen tenant protections by, among other things, further limiting landlords' ability to impose oppressive rent increases and evict tenants with short notice.

The three suits we have been litigating were filed in late 2019 and early 2020 by several New York landlords and landlord associations in the Southern District of New York. They alleged that New York's rent stabilization laws violate the Takings and Due Process Clauses of the U.S. Constitution, and sought to have the court invalidate the HSTPA and the entirety of New York's rent stabilization laws.

Selendy & Gay, the Legal Aid Society and Legal Services New York [intervened in these lawsuits](#) to defend New York's rent stabilization regime on behalf of non-profit tenant-advocacy organizations N.Y. Tenants & Neighbors (T&N), Community Voices Heard (CVH) and Coalition for the Homeless (CH). These organizations provide vital services for those tenants, who are often unable to afford legal protection and would be severely impacted were the landlords to succeed. On behalf of Intervenor, Selendy & Gay, along with the State and City, moved to dismiss the complaints in these actions.

[This past March, Judge Ramos dismissed](#) in its entirety the action challenging the whole of New York's rent stabilization laws. [In September, Judge Karas likewise dismissed](#) in full the lawsuits challenging the HSTPA.

These victories build on [last fall's successes](#) on behalf of New York's rent-stabilized tenants in *CHIP v. City of New York* and *74 Pinehurst v. State of New York*, in which Judge Komitee (EDNY) dismissed nearly all the challenges brought by landlords and landlord associations to the rent stabilization laws.

Three of these cases are currently on appeal to the Second Circuit, where Selendy & Gay, together with the Legal Aid Society and Legal Services New York, will continue to represent T&N, CVH, and CH on behalf of rent-stabilized tenants in New York.

The Selendy & Gay pro bono team includes Sean Baldwin, Caitlin Halligan, Michael Duke, Babak Ghafarzade, Sophie Lipman, Sam Breidbart, and Katya Stynes.

Attorneys

- Sean Baldwin
- Babak Ghafarzade

Practices

- Appellate
- Public Interest and Pro Bono