



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

Policy Statement 2023-1 (June 1, 2023)
(Replaces Policy Statement 2014-1)

*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 RA-42V-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:

The Housing Stability and Tenant Protection Act (HSTPA) of 2019 repealed High-Rent Vacancy Deregulation effective June 14, 2019. The prior version of this Policy Statement issued on October 1, 2016 is now being amended to reflect this change and eliminates prior related instructions. The following information remains unchanged.

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.

When the legal status of a rent controlled apartment in a building which is not subject to the Rent Stabilization Law changes, the RA-42V-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 RA-42V-NYC form and the failure to file the form does not affect the legal status of the apartment.

Woody Pascal
Deputy Commissioner
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.