



JAMES G. DIBBINI
& ASSOCIATES, P.C.
Attorneys At Law
TRUST. COMMITMENT. INTEGRITY.



Are You in Compliance? The Risks of Failing to Register Your Rent-Stabilized Apartment

Whether you own rent-stabilized property in **New York City** under the **Rent Stabilization Law (RSL)** or in **Westchester County** under the **Emergency Tenant Protection Act (ETPA)**, it is crucial that you understand the legal obligation to **register your apartments annually** with the **New York State Division of Housing and Community Renewal (DHCR)**—and the serious consequences if you fail to do so.

What the Law Requires

Landlords of rent-stabilized apartments in both NYC and Westchester County must:

- **File an Initial Registration** when a unit first becomes subject to rent stabilization.
- **Submit Annual Registrations** with the DHCR by **July 31st of each year**, including:
 - Legal Registered Rent
 - Preferential Rent
 - Lease Terms
 - Vacancy Status
 - Rental Assistance Share
 - Current Tenant Name(s)

This applies to **all stabilized apartments**, regardless of occupancy or vacancy status.

What Happens If You Fail to Register?

DHCR May Freeze Rent

If you fail to register, **you may lose the right to collect any legal rent increases**, including:

- Rent Guidelines Board (RGB) increases
- Major Capital Improvement (MCI) or Individual Apartment Improvement (IAI) increases
- Preferential rent increases upon lease renewal

After you come into compliance, the penalty is eliminated prospectively.

Overcharge Liability

Issuing rent increases while out of compliance can expose you to **overcharge complaints**. If a tenant files with DHCR, you may be ordered to:

- **Refund overcharges**, and
- Pay **treble damages (triple the overcharge)** if the violation is deemed willful.

Legal Proceedings Can Be Dismissed

Courts and DHCR may not enforce a rent increase or eviction if the unit is not properly registered. That means your **non-payment or holdover cases could be thrown out**—even if the tenant owes rent.

Tenants May Refuse to Pay Increases

If your tenant finds out the apartment isn't registered, they may lawfully **refuse to pay the increased rent.**

How to Get Back in Compliance

If you've missed a filing:

1. **File late registrations** for all unfiled years through the DHCR portal
2. **Pay any associated fines**
3. **Provide accurate tenant and rent information**
4. Resume future rent increases only **after compliance is restored**

Remember: **you cannot retroactively apply increases** for the years you missed, these registrations have to be accurate representations of the rent collected.

Bottom Line:

Whether your building is in **NYC** or **Westchester**, issuing rent increases without proper DHCR registration can cost you thousands in lost rent, overcharge penalties, and court dismissals.

At James G. Dibbini & Associates, P.C., we represent owners and landlords throughout New York City and Westchester County. Our team is here to help you audit your rent roll, file late registrations, and ensure you're protected against tenant claims, regulatory penalties and represent clients on DHCR complaints.

The attorneys at James G. Dibbini & Associates, P.C. collectively have over 60 years of experience providing legal services in the areas of:

- [Landlord & Tenant Law](#)
- [DHCR Representation](#)
- [Business Formations](#)
- [Commercial & Residential Real Estate Closings](#)
- [General Business Law](#)
- [Civil Litigation](#)
- [Zoning Issues and Variances](#)
- [Housing and Building Code Violation Matters](#)
- [Wills, Trusts & Estates](#)

James G. Dibbini & Associates, P.C.

570 Yonkers Avenue

Yonkers, NY 10704

(914) 240-8270

This James G. Dibbini & Associates, P.C. Newsletter is a publication of James G. Dibbini & Associates, P.C. All Rights Reserved. Quotation with attribution is permitted. This newsletter offers general information and should not be taken or used as legal advice for specific situations, which depend on the evaluation of precise factual circumstances. Please note that James G. Dibbini & Associates, P.C. does not undertake to update its publications after their publication date to reflect subsequent developments. Prior results do not guarantee a similar outcome. This publication may contain attorney advertising.





Try email marketing for free today!