

Rent Stabilization/Emergency Tenant Protection Act

Frequently Asked Questions

What is the Emergency Tenant Protection Act (ETPA)?

The Emergency Tenant Protection Act of 1974 (ETPA) is a state law that allows local municipalities to adopt strengthened rent, eviction, and maintenance protections for tenants. For a building to be covered by ETPA, it must be located in a municipality that has adopted the ETPA. In New York State, when people talk about “Rent Stabilization” they are typically talking about the system of tenant protection under the ETPA.

What are the main tenant protections in the ETPA?

The three main tenant protections under the law are rent, eviction, and maintenance protections.

- **Rent Protections:** Rent Guidelines Board sets the rent adjustments for lease renewals (a process often called rent stabilization because the Board disallows unlimited rent increases)
- **Eviction Protections:** tenants are offered leases, lease renewals, and can't be evicted without a Good Cause
- **Maintenance Protections:** if the landlord reduces services, tenants can apply for a reduction in rent

Which Buildings does the ETPA apply to?

If a locality opts into the law, the ETPA protections apply to buildings that have 6 or more units, that were built before 1974 and that are not already regulated by the State or Federal government.

How many tenants would benefit from the ETPA in Rochester?

It is estimated that anywhere from 10,000 to 12,000 units would be covered by the ETPA thereby protecting anywhere from 25,000 to 30,000 tenants. This would double the number of rent regulated tenants in the city.

Has Rochester ever had rent control before?

Yes. Rochester already has rent regulation for thousands of units regulated by federal and state programs (e.g., Public Housing, Project-Based Section 8, Mitchell-Lama, LIHTC). In addition, Rochester had expansive rent controls between 1943 to 1961 and it was taken away by the state over the objections of the Mayor and City Council in 1961. Rochester also had rent control from 1971 to 1973 under Nixon's national wage and price controls.

Is the ETPA/Rent Control just a New York City thing?

No, it is not just a NYC thing. 41 other cities, towns, and villages in New York State outside of New York City all have opted into the ETPA and have rent control. Some examples are Yonkers, Mt. Vernon, and Kingston.

Why are we talking about the ETPA now?

Although Rochester could have benefited from the ETPA before, until June 14, 2019 the ETPA only applied to 8 downstate counties. However, after the June 14, 2019 reform also municipalities in the State, including Rochester, can opt into stronger tenant protections.

How Does Rochester Opt into the ETPA?

First, Rochester can opt into the ETPA by first doing a rental vacancy survey demonstrating the city has a rental vacancy rate of 5% or less in the class of housing to be regulated. Second, the Rochester City Council would then pass a local resolution in favor of the ETPA and enacted by a signature of the Mayor.

Rent Stabilization Campaign

Two Legal Steps to Opt-in

- Step 1: re-doing a rental vacancy survey (with a strong methodology) demonstrating the city has a rental vacancy rate of 5% or less in the class of housing to be regulated
- Step 2: City Council pass resolution to Opt into Rent Stabilization of the NYS Emergency Tenant Protection Act of 1974

Formation Stages of the Campaign

- Door to door outreach in buildings eligible for rent stabilization
- Research/Power Analysis of Key Targets (Mayor Evans, Council President Melendez) as for wants, fears, influences, donors, etc.
- Assessing allied community organizations who may want to join the effort
- Planning a public campaign launch
 - Public campaign launch at press conference within 1 week of the Governor signing new vacancy study bill ([S1684/A6843A](#)) that makes it easier for Rochester opt-into rent stabilization
 - If the governor vetoes the bill, do a public campaign launch by early December