



Important Guidance: Responding to a DHCR Rent Overcharge Complaint

If you are a property owner and receive a rent overcharge complaint from the New York State Division of Housing and Community Renewal (DHCR), it is critical to take immediate and appropriate action. These complaints are not only serious but can have significant legal and financial implications.

[At James G. Dibbini & Associates, P.C.](#), we understand the complexities of the Emergency Tenant Protection Act (ETPA) and the evolving rent regulations impacting property owners. Below, we've outlined key considerations to keep in mind:

What Is a Rent Overcharge Complaint?

A rent overcharge complaint is filed by a tenant who believes they have been charged rent in excess of the legal regulated amount under the ETPA. DHCR will investigate to determine whether an overcharge has occurred and, if so, the amount owed to the tenant.

Why You Should Take These Complaints Seriously

Six-Year Lookback Period:

Under the Housing Stability and Tenant Protection Act of 2019 (HSTPA), DHCR can investigate a landlord's rent records for up to six years before the filing of a complaint. This extended lookback period allows DHCR to examine a longer history of rent registrations to determine the legal regulated rent.

Liability for Overcharges:

Landlords may be held liable for overcharges during the six-year period prior to the filing of a complaint. Additionally, if an overcharge is found to be willful, landlords may face treble damages, meaning they could owe up to three times the amount of the overcharge.

Fraudulent Activity:

While the six-year lookback is the general rule, if evidence of fraud is uncovered—such as intentionally concealing a unit's rent-stabilized status—DHCR or the courts may look back further to establish the proper legal rent.

How to Protect Your Interests

Consult an Experienced Attorney Immediately:

Rent overcharge cases often involve nuanced interpretations of rent regulations, including Individual Apartment Improvements (IAIs), Major Capital Improvements (MCIs), vacancy deregulation (if applicable), and registration requirements. An experienced attorney can ensure your rights are protected and provide the necessary defense.

Gather Documentation:

Be prepared to provide detailed records, including DHCR rent registrations, leases, and invoices, cancelled checks and construction contracts for IAIs or other improvements. Maintaining accurate rent records for at least six years is

essential to defending against complaints.

Understand the Timeline:

Prompt responses to DHCR inquiries are crucial to avoid adverse decisions. The agency's timelines are strict, and delays can lead to default judgments.

How We Can Help

At James G. Dibbini & Associates, P.C., we have the experience in navigating DHCR proceedings and defending property owners against rent overcharge claims. Our team will:

- Analyze your rent history and documentation to identify potential defenses.
- Represent you in negotiations and hearings with DHCR.
- Help mitigate liability, including potentially avoiding treble damages.

If you've received a rent overcharge complaint, don't wait. The sooner you act, the better positioned you will be to defend your property and protect your investment.

Contact us today at (914) 240-8270 or via email at jdibbini@dibbinilaw.com to schedule a consultation with one of our experienced attorneys.

The attorneys at James G. Dibbini & Associates, P.C. collectively have over 50 years of experience providing legal services in the areas of:

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[-DHCR Representation](#)
[-Business Formations](#)
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