



## **Legal Alert: Court of Appeals Permits Retroactive Application of HSTPA to Vitiate Final Deregulation Orders**

**January 9, 2025**

On January 9, 2025, New York Apartment Law Insider published an article authored by Niles C. Welikson, Esq., founding member and special counsel to the firm, entitled “Court of Appeals Permits Retroactive Application of HSTPA to Vitiate Final Deregulation Orders”. The article is available [here](#).

The article discusses the Court of Appeals decision issued December 19, 2024 in *Matter of 160 E. 84th St. Assoc. LLC v NYS DHCR*, - N.E.3d -, 2024 NY Slip. Op. 06377, and eight companion appeals. Appellants-owners were represented by this firm. Oral argument was held on November 20, 2024, the appeals were argued by partner of the firm, Jillian N. Bittner, Esq.

The article, and the recent decision show how politics dictate not only the law, but its application by the state’s highest court. The publication highlights the sentiment expressed by former Court of Appeals Judge Fahey, who “aptly noted in oral argument on Jan. 7, 2020, in *Regina Metropolitan Co., LLC v. NYS Div. of Hous. & Cmty. Renewal*, 35 N.Y.3d 332 (decided April 2, 2020), [that] the law changed because the politics changed.”

Appellants-owners filed a motion for leave to reargue the Court of Appeals decision on January 8, 2025.