

FACT SHEET



Andrew M. Cuomo, Governor

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DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

#45 Fact Sheet for Building Owners: Housing Rights of Foreign-Born Tenants

Introduction

New York State has launched an educational campaign for building owners and tenants on the rights of tenants who are immigrants. This Fact Sheet is to inform owners about the laws around discrimination, harassment and retaliation pertaining to immigrant tenants.

It is illegal to discriminate against tenants - The federal Fair Housing Act and New York State Human Rights Law make it illegal for an owner or an owner's agent to discriminate against tenants on the basis of certain protected characteristics, such as race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status or familial status (the presence of minor children in the household). Further, certain local laws, such as the New York City Human Rights Law, also make it illegal to discriminate against tenants on the basis of their alienage or citizenship status.

These laws make it illegal to, among other discriminatory acts, (1) refuse to rent, sell, finance, insure or negotiate on the basis of certain protected characteristics; (2) set different terms or conditions or provide unequal service on the basis of certain protected characteristics; (3) make, print, publish or circulate discriminatory statements or advertisements; (4) make false representations about the availability of dwellings on the basis of certain protected characteristics; (5) interfere, coerce or intimidate those seeking to exercise their rights; (6) harass, threaten, intimidate or coerce a tenant on the basis of certain protected characteristics; and (7) retaliate against a tenant for seeking redress of his or her rights.

It is illegal for an owner or an owner's agent to discriminate against a tenant regardless of the tenant's immigration status. For example:

- An owner who refuses to repair the apartment of a tenant because such tenant is of Mexican origin will be in violation of the law. This tenant is entitled to legal relief regardless of his or her immigration status.
- An owner who only requests background information and proof of citizenship status from individuals of South Asian origin and not all others will be in violation of the law. These individuals are entitled to legal relief regardless of their immigration status.
- An owner who only charges a higher rent or security deposit to individuals of African origin will be in violation of the law. These individuals are entitled to legal relief regardless of their immigration status.

It is illegal to harass tenants - Tenant harassment by an owner is a course of action intended to force a tenant out of his or her apartment or to cause a tenant to give up rights granted under the Rent Stabilization Law or Rent Control Law. In New York State, an owner or an owner's agent is prohibited from interfering with a tenant's privacy, comfort or quiet enjoyment. This includes cutting off or reducing services, locking a tenant out of his or her apartment, or threatening a tenant in a manner designed to cause him or her to vacate the apartment.

It is illegal for an owner or an owner's agent to harass a tenant regardless of the tenant's immigration status. For example:

- An owner who turns off a tenant's heat during the winter will be in violation of the law. This tenant is entitled to legal relief regardless of his or her immigration status.

It is illegal to retaliate against tenants - The law protects tenants from retaliation. It is illegal for an owner to retaliate against a tenant because such tenant has filed a complaint and sought legal relief.

Foreign-born individuals who are rent regulated tenants must be treated the same as other rent regulated tenants - Tenants who currently live in rent stabilized or rent controlled apartments are entitled to additional protections under New York law.

Rent control laws limit the rent an owner may charge for an apartment and restricts the right of any owner to evict tenants. Rent control tenants are also entitled to receive essential services. These protections exist regardless of such rent control tenant's immigration status. For example:

- An owner who raises the rent in a manner inconsistent with the regulations, will be in violation of the law. This tenant is entitled to legal relief regardless of his or her immigration status.

Rent Stabilization laws provide protections to tenants in the form of limitations on the amount of rent, an entitlement to receive required services, the right to have their leases renewed and a protection from eviction except on grounds allowed by law. These protections exist regardless of such rent stabilized tenant's immigration status.

It is illegal for an owner to require a rent stabilized tenant to provide immigration status information or a Social Security number as a condition to renewing their lease.

Other examples:

- An owner who threatens immigrant tenants with eviction on baseless grounds or charges additional fees in an attempt to drive them out of their rent regulated apartments will be in violation of the law. These tenants are entitled to legal relief regardless of their immigration status.
- An owner who refuses to continue a tenant's preferential rent because the tenant is foreign born or a member of a protected class will be in violation of the law. This tenant is entitled to legal relief regardless of his or her immigration status.

For additional information on the law covering rent regulated units, see the New York State Homes and Community Renewal's Office of Rent Administration Fact Sheet #1 Rent Stabilization and Rent Control, which can be found at www.nyshcr.org/Rent/FactSheets/orafac1.pdf.

QUESTIONS?

If you are the owner of rent regulated units and have any questions, contact New York State Homes and Community Renewal Office of Rent Administration

<http://www.nyshcr.org/rent/>

InfoLine: (718) 739-6400

Rentinfo@nyshcr.org

For additional information, visit the websites of the Office of New Americans

<https://www.newamericans.ny.gov>

or New York State Division of Human Rights

<https://www.dhr.ny.gov>

For more information or assistance, call the DHCR Rent Infoline,
or visit your Borough or County Rent Office.

Queens

92-31 Union Hall Street
6th Floor
Jamaica, NY 11433

Brooklyn

55 Hanson Place
7th Floor
Brooklyn, NY 11217

Upper Manhattan

163 West 125th Street
5th Floor
New York, NY 10027

Lower Manhattan

25 Beaver Street
5th Floor
New York, NY 10004

Bronx

1 Fordham Plaza
4th Floor
Bronx, NY 10458

Westchester

75 South Broadway
3rd Floor
White Plains, NY 10601