NEW YORK STATE | Homes and Community Renewal
Office of Rent Administration

FACT SHEET # 45

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

3 PAGES

Introduction

This Fact Sheet is intended to inform owners about the laws around discrimination, harassment and retaliation pertaining to immigrant tenants and applicants to housing.

It is illegal to discriminate against tenants on the basis of protected characteristics - The 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, citizenship or immigration status, national origin, creed/religion, color, disability, gender identity or expression, sexual orientation, military status, age, sex, marital status, familial status (the presence of minor children in the household), lawful source of income, status as a victim of domestic violence, and pending arrests or certain convictions resolved in the person's favor. Further, certain local laws, such as the New York City Human Rights Law, also make it illegal to discriminate against tenants and applicants on the basis of a protected characteristic.

These laws make it illegal to, among other discriminatory acts, (1) refuse to rent, sell, lease or otherwise deny or withhold a housing accommodation 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) refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling; (4) make, print, publish or circulate discriminatory statements or advertisements; (5) make false representations about the availability of dwellings on the basis of certain protected characteristics; (6) interfere, coerce or intimidate those seeking to exercise their rights; (7) harass, threaten, intimidate or coerce anyone on the basis of a protected characteristic; and (8) retaliate against a tenant for seeking redress of their 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 them 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 in order to drive the tenant out will be in violation of the law. This tenant is entitled to legal relief regardless of their immigration status.

It is illegal to retaliate against tenants - New York State law protect tenants from retaliation for seeking redress of their rights. 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. These protections exist regardless of tenants' immigration status or national origin.

Rent Stabilization and Rent Control laws provide protections to tenants in the form of limitations on the amount of rent, an entitlement to receive required services and a protection from eviction except on grounds allowed by law. In addition, rent stabilized tenants have their leases renewed except on grounds allowed by law. 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 appliable law and regulations will be in violation of the law. A tenant is entitled to legal relief for any such violations regardless of their 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. [1]

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 provide necessary repairs to a tenant's apartment 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 their 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.hcr.ny.gov.

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[1] Please note: The New York State Human Rights Law ("NYSHRL") does not preclude verification of citizenship or immigration status where required by law. Additionally, the NYSHRL does not preclude an adverse action based on verification of citizenship or immigration status be prohibited where such adverse action is required by law. See NY CLS Exec § 292 (2025).

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. Contact information for Office of Rent Administration is found at the end of this Fact Sheet.

For additional information, visit the websites of the

Office of New Americans:
1-800-566-7636
www.newamericans.ny.gov

or

New York State Division of Human Rights:
1-844-862-8703
www.dhr.ny.gov

Rent Connect:
rent.hcr.ny.gov

Ask a question:
portal.hcr.ny.gov/app/ask

For translation help:
hcr.ny.gov/language-accessibility

Our website:
hcr.ny.gov/rent

To visit a Borough Rent Office, by appointment only, please contact:

QUEENS
92-31 Union Hall Street
6th Floor
Jamaica, NY 11433
718-482-4041

UPPER MANHATTAN
163 W. 125th Street
5th Floor
New York, NY 10027
212-961-8930

BRONX
1 Fordham Plaza
4th Floor
Bronx, NY 10458
718-430-0880

BROOKLYN
55 Hanson Place
6th Floor
Brooklyn, NY 11217
718-722-4778

LOWER MANHATTAN
25 Beaver Street
New York, NY 10004
212-480-6238

WESTCHESTER
75 South Broadway
3rd Floor
White Plains, NY 10601
914-948-4434