



Immigration Status, Housing Discrimination and Tenant Harassment Frequently Asked Questions

1. What is housing discrimination?

Under the Fair Housing Act and the New York State Human Rights Law, it is illegal to (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 services on the basis of certain protected characteristics; (3) make, print, public 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) retaliate; (7) refuse to make or provide information for a loan or impose different terms or conditions for a loan on the basis of certain protected characteristics; and (8) harass, threaten, intimidate or coerce anyone.

2. Am I covered by the Fair Housing Act and the New York State Human Rights Law, regardless of my immigration status?

Yes. All New Yorkers are covered by the federal Fair Housing Act and the New York State Human Rights Law. Various localities may also have their own laws providing additional protections, in addition to the New York State Human Rights Law and the Fair Housing Act. These laws protect you from discrimination based on a number of protected characteristics (race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status or familial status). Discrimination on the basis of any of these characteristics is illegal regardless of a victim's immigration status.

For example:

- If a housing provider requires a larger down payment from you because of your race, that is illegal discrimination regardless of your immigration status.
- If a landlord charges you a different amount for rent or a higher security deposit because of your national origin, that is illegal discrimination regardless of your immigration status.

3. What is tenant harassment?

New York State law and some local laws prohibit the harassment of a tenant by a landlord and/or the landlord's agent(s). For example, the rent stabilization law and New York City local laws make it illegal for a landlord or any person acting on the landlord's behalf to take action which is intended to interfere with or disturb the comfort, peace, repose or quiet enjoyment of a tenant, or is intended to cause the tenant to vacate such housing accommodation.

For example:

- If a landlord threatens to report you or your family members to U.S. Immigration and Customs Enforcement ("ICE") if you do not vacate your rent-regulated apartment, that is illegal tenant harassment.

- If a landlord takes actions, such as banging on your door, turning off your heat in winter, or verbally abusing you, in order to get you to vacate your apartment, this may be illegal tenant harassment.

4. Am I protected from tenant harassment, regardless of my immigration status?

Yes. You are protected from tenant harassment under various housing laws that may apply. For example, the rent stabilization law protects you regardless of your immigration status, so long as you are in a rent-regulated apartment.

To find out if you are in a rent-regulated unit, contact NYS Homes and Community Renewal at the number below. For other inquiries, contact your local legal services provider.

5. What if a landlord or neighbor threatens to report me, a family member or friends to ICE if we report housing discrimination or harassment?

It is illegal to coerce, intimidate, threaten or interfere with your protections under federal and state fair housing laws. It is illegal to threaten to report you to ICE if you report housing discrimination or harassment. Neither New York State Homes and Community Renewal, nor the New York State Division of Human Rights asks about your immigration status when investigating claims of housing discrimination or harassment.

6. What is national origin discrimination?

National origin discrimination is when you are treated differently in housing because of your ancestry, ethnicity, birthplace, culture or language. This is illegal. Someone cannot deny you housing opportunities because you or your family is from a different country, because you have a name or accent associated with a national origin group or because you participate in customs associated with a national origin group.

7. What is religion/creed discrimination?

Religion or creed discrimination is when you are treated differently in housing because of your religion or your statements or systems of belief, principles or opinions. With certain limited exceptions, this is illegal. A housing provider cannot ask you about your religion and may not deny you housing opportunities because of your perceived or actual religion or creed.

8. Who should I contact if I believe I have been a victim of housing discrimination?

If you believe you have been a victim of discrimination, you can file a complaint by contacting:

New York State

Division of Human Rights

One Fordham Plaza

4th Floor

Bronx, New York 10458

Toll free (888) 392-3644

TDD/TTY (718) 741-8300

Home Page: <http://www.dhr.ny.gov/>

Fair Housing Guide: <https://dhr.ny.gov/sites/default/files/pdf/nysdhr-fair-housing-guide.pdf>

9. Who should I contact if I believe I have been a victim of tenant harassment?

If you live in a rent-regulated unit and believe you have been a victim of tenant harassment, please reach out to:

NYS Homes & Community Renewal
Tenant Protection Unit
25 Beaver Street
New York, NY 10004
Phone: (718) 739-6400
Email: TPUinfo@nyshcr.org
Home Page: <http://www.nyshcr.org/Rent/TenantProtectionUnit>

If you do not live in a rent-regulated unit and believe you have been a victim of tenant harassment, please contact your local legal services provider.