

# Your Rights As A New York City Tenant

Tenants living in privately owned buildings in New York City containing at least three apartments have the rights listed below:

## Eviction

Only a marshal or sheriff with a court order can legally perform an eviction in New York against you

- if your landlord has ever accepted rent from you, or
- if you have a valid lease for the apartment, even if the lease has expired, or
- if you have lived in the apartment for 30 days or more, even if no rent was paid and there is no lease.

If any of the above criteria apply, it is illegal for anyone other than a city marshal or sheriff to remove you or your possessions, prevent you from entering your apartment, or discontinue essential services such as water, heat, or electricity as a means of forcing you out. You can report such actions to the police, or seek re-entry and a restoration of services by bringing an illegal lockout case at your borough's housing or civil court.

Before having the right to hire a marshal or sherrif, your landlord must first obtain a judgment and a warrant of eviction from a court, and you have the right to defend yourself in the court case. The landlord, court, and marshal, are all separately required to notify you if you are subject to an eviction case. These rights apply to everyone, including roommates, family members, subtenants, and guests.

## Repairs and Services

Your landlord must maintain your building in good repair, keep the hallways and public areas clean, paint your apartment every three years, exterminate rats, mice, roaches, bedbugs, other vermin, and deal with any other matter dangerous to life or health, in a timely manner. Your landlord must also maintain electrical, plumbing, sanitary, heating, and ventilating systems, and appliances installed by your landlord, in good working order. These rights cannot be waived.

## Heat and Hot Water

Every tenant has the right to hot water all year long at all times at a minimum temperature of 120° F, and to adequate heat, with an inside temperature of 68° F from 6 a.m. to 10 p.m., when the outside temperature is below 55° F, and an inside temperature of 55° F from 10 p.m. to 6 a.m. when the outside temperature is below 40° F, during the period of October 1 through May 31.

## Roommates

You have the right to have family members reside with you so long as the apartment does not become overcrowded. If only one person has signed a lease, you also have the right to share your apartment with one other adult not related to you, and that person's dependent children, but overcharging roommates in rent stabilized apartments is prohibited. Exceptions and restrictions to the rights to share your apartment apply to tenants living in subsidized housing and those who receive rental assistance based on income-eligibility. Always check your program's rules before taking in another household member.

## Subletting

In privately owned buildings with at least four units, your landlord may not unreasonably deny your request to sublet your apartment. You must follow specific rules when making a request to sublet. Subletting without making a proper request and/or obtaining consent from your landlord may be grounds for eviction. Tenants in subsidized housing, or who receive rental assistance based on income-eligibility, may not have the right to sublet while participating in the programs. Always check your program's rules.

## Discrimination

It is illegal for landlords and their agents to discriminate in the rental of housing, or the provision of services, based on actual or perceived race, creed, color, national origin, gender (including gender identity), disability, age, marital or partnership status, the presence of children, lawful occupation, sexual orientation or citizenship status. If your building - or another building owned by your landlord - contains six or more dwelling units, you are also protected against discrimination based on a lawful source of income: The landlord may not refuse to rent to a tenant based on his or her intention to pay the rent using a rent subsidy, or to refuse such subsidy from an existing tenant. If you have been discriminated against, you may contact the New York City Human Rights Commission by calling 311.

## Taking Your Landlord To Court

If your landlord does not maintain the building and/or your apartment, or fails to provide reliable services, you can go to your borough's housing court by yourself or with other tenants in your building and start a court case called a Housing Part (HP) Action against your landlord, and request the court to order repairs or the restoration of services. Low-income tenants can ask for the court fees to be waived.

## Tenant organizations

You have the right to form, join, and participate in a tenants' organization for the purpose of protecting your rights. Tenants organizations have the right to use common areas of the building, including the lobby if a community room is not available, free of charge for meetings. Your landlord is forbidden by law to harass you for tenant-organizing activities.

## Seniors and Tenants With Disabilities

For tenants living in rent stabilized, rent controlled, and Mitchell-Lama apartments: If you are sixty-two years of age or older or a disabled tenant, and you pay one-third or more of your income in rent, and your income falls below a certain income threshold, you can apply to have your rent frozen through the Senior Citizen Rent Increase Exemption (SCRIE) or Disability Rent Increase Exemption (DRIE) programs. You may apply for such programs through the Department of Finance by calling 311. If you are disabled, your landlord must provide reasonable accommodations so that you may enjoy equal access to your housing

## Additional rights of Rent-Regulated Tenants

Rent-stabilized and rent-controlled tenants (rent-regulated tenants) have additional rights relating to maximum legal rents, causes for eviction, and leases. Consult the New York State Homes and Community Renewal for more about your rights as a rent-regulated tenant. Call 718-739-6400 or visit [nysdhcr.gov/rent](http://nysdhcr.gov/rent)

## Lease renewals and riders

Landlords can only end the tenancy of rent-regulated tenants for specific reasons set forth in the laws governing rent-regulation. In most cases when tenants are in compliance with their leases, rent-controlled tenants have rights to continuous occupancy, and rent-stabilized tenants must be offered the option of either a one-or two-year renewal lease, but if a renewal is not offered, the old lease remains in effect. Rent-stabilized tenants are not obligated to sign any riders or amendments that change the terms of their original lease.

## Succession

Certain family members (including non-traditional family members) who live with a regulated tenant for a period of time before the primary tenant moves or dies have the right to take over the lease for the apartment under the same terms, conditions, and rent levels as the departing tenant.

## Rent reductions

Regulated tenants may apply for a reduction of rent with HCR for decreased services or for repairs that are not addressed in a timely manner.

## Illegal overcharges

A rent-regulated apartment's unique history determines its legal maximum rent. You can contact HCR to investigate, challenge, and seek a rent adjustment and refund of an overpayment, if you believe that you're being overcharged or if you believe that your apartment was illegally deregulated.