



Office of the New York State Attorney General
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A photograph of a multi-story brick building with several windows and ornate black metal fire escapes. The image is overlaid with a blue gradient that darkens towards the bottom.

Immigrant tenants' rights

**A guide to tenant protections against
harassment and discrimination**

Immigrant tenants' rights

As a tenant in New York state, you have the same legal rights as all other tenants – no matter your immigration status.

Your landlord cannot harass you, treat you differently from other tenants, or punish you for complaining about their illegal actions. Your neighbors cannot threaten or harass you. If Immigration and Customs Enforcement (ICE) agents show up at your door, you have certain rights.

Your landlord cannot harass or victimize you

Whether you have a green card, visa, U.S. citizenship, or no documentation, your landlord cannot do any of the following:

- » harass you — learn more about tenant-harassment protections in:
 - » New York state: <https://ag.ny.gov/tenant-harassment-outside-nyc>
 - » New York City: <https://ag.ny.gov/tenant-harassment-nyc>
- » lock you out of your apartment or threaten to do so, without first going to court — learn more:
 - » <https://hcr.ny.gov/leases#vacancy-and-renewal-leases-in-rent-stabilized-apartments>
- » improperly raise your rent or refuse to renew your lease if your unit is rent stabilized (HCR) or if you are covered by the good-cause eviction law — learn more:
 - » Rent stabilized: <https://hcr.ny.gov/rent-stabilization-and-emergency-tenant-protection-act>
 - » Good-cause eviction law: <https://ag.ny.gov/good-cause-eviction>
- » improperly refuse to return your security deposit — learn more:
 - » <https://ag.ny.gov/recovering-rent-security>
- » punish you for exercising your rights

Read more information about landlord and tenant rights and responsibilities:



ag.ny.gov/tenants-rights-guide

If you require help with a specific issue, please consult an attorney.

Your landlord cannot treat you differently because of your immigration status



Your landlord cannot discriminate against you because you are an immigrant, or because they think you are an immigrant.

They cannot discriminate against you because you are not from the U.S. Your landlord cannot do any of the following because of your immigration status or national origin:

- » use insulting or offensive terms, including “illegal alien,” to intimidate, humiliate, or shame you
- » refuse to rent to you, or have different rental requirements for you
- » threaten to lock you out of your home
- » ask you to provide certain documents that they do not require from other tenants who are not immigrants
- » harass you
- » refuse to do repairs or give you worse housing conditions
- » threaten to call ICE to harass, scare, or intimidate you

Your landlord cannot punish you for making a complaint or exercising your rights



In New York, your landlord cannot punish you for asserting your rights. Punishing you for asserting your rights is called retaliation.

It is illegal for your landlord to threaten or punish you for making a good-faith complaint to them, or to a court or government agency.

These types of complaints can include:



violations of health and safety laws



unacceptable living conditions or lack of repairs



violations of your lease

For example, if you complain because your landlord turned off your hot water, it is illegal for them to punish you for complaining about your hot water being turned off (**New York State Real Property Law section 223-b**).



Your protections come from various laws

In New York state and New York City, there are a few different laws that protect your rights.

You are protected by the New York State Human Rights Law. In New York City, you are also protected by the New York City Human Rights Law. These laws prohibit discrimination based on your immigration status, or what someone thinks your immigration status is. This means that your landlord cannot deny you a lease, refuse to rent to you, or demand special papers from you just because of your immigration status. Under the human-rights laws of both New York City (**New York City Admin. Code section 8-107(5)**) and New York state (**New York State Executive Law section 296(7)**), your landlord cannot punish you for complaining that they have discriminated against you.

New York state's hate-crime laws protect you from violence, threats, and harassment based on your race, national origin, or ancestry. For example:

- » It is illegal for anyone to call the police on you because of your race, national origin, or ancestry.
- » If your landlord has no reason to think you committed a crime, but they report you to the police or hurt, threaten, or harass you because you are an immigrant, they can be subject to criminal and civil penalties.

As a general rule, **it is not a crime** for an undocumented person to remain in the United States.



What to do if ICE shows up



You may encounter ICE agents from the U.S. Department of Homeland Security or other immigration enforcement agents. They may even show up at your home without warning or talk to your landlord. ICE agents are not police officers, even if their uniforms say “police” or “federal agent.”

Everyone living in the United States, including immigrants without legal documentation, has civil rights. Protect yourself by knowing your rights in the event ICE comes to your home.

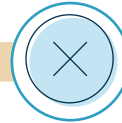
ICE agents cannot enter your home without either your permission or a warrant signed by a judge.

The warrant must give them authorization to search or arrest someone at your address. If you open the door when they knock, this does not give them permission to enter your home. You can also refuse to open the door without a judicial warrant.

If an ICE agent knocks down the door or forces their way in, you have the right:



to speak with an attorney



to refuse to answer questions
or say anything

Try to note as many details about the incident as possible, such as the description of the officers, the date and time of their entry, and any other important details. Your notes could be important later for any legal case.

If ICE reaches out to your landlord

ICE may also try to pressure your landlord to let them in or provide information about you.

Your landlord does not have to provide information to ICE or cooperate with them, unless the ICE agent has a subpoena or a warrant. Even if your landlord receives one of these documents, they may not have to comply or might be able to challenge the subpoena or warrant in court.

Whether or not your landlord cooperates with ICE, it is illegal for them to threaten to call ICE in retaliation or otherwise use ICE to evict or harass you.

Your neighbors cannot harass or threaten you because you are an immigrant



If other tenants are threatening or harassing you, remember that the law gives you rights and protections.

In New York, it is illegal to harass or intimidate you or try to force you to do something through harassment.

You may have protections under state laws, such as Human Rights Law, Civil Rights Law, and hate crimes law.

What to do right away

- » Document everything. Save all evidence of any threats, including text messages, emails, voicemails, or notes. Keep a log of dates, times, and exactly what was said.
- » Stay calm. Do not escalate the situation. Do not try to fight back.
- » Do not feel pressured to tell anyone your immigration status. You do not have to explain your immigration or citizenship status to ICE, your neighbor, or your landlord.

Resources

If you experienced housing discrimination, or your landlord has punished you for making a complaint

File a complaint:

Statewide: New York State Division of Human Rights

1-888-392-3644 toll free

In New York City: New York City Commission on Human Rights

Call 311

If you have been threatened because of your immigration status, or you have specific questions about your rights

Contact the following to be referred to a lawyer or legal help:

New York State Office of New Americans legal-service hotline

1-800-566 7636 toll free

New York City Mayor's Office of Immigrant Affairs legal support hotline

1-800-354-0365 toll free

Law Help NY:



lawhelpny.org

Try to document all communication between yourself and your landlord. This documentation may help your case.

If you believe your landlord or other tenants may be violating state law on hate crimes.

File a complaint with OAG:



ag.ny.gov/civil-rights-complaint

For more information on tenants' rights and landlords' responsibilities.

Read the OAG Tenants' Rights Guide



ag.ny.gov/tenants-rights-guide

Consult know-your-rights materials developed by nonprofit organizations (not by OAG):

Immigrant Defense Project:



immigrantdefenseproject.org/know-your-rights-with-ice

Make the Road New York:



maketheroadny.org/we-protect-us

New York Immigration Coalition:



nyic.org/resources-training/kyr



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Our office provides resources and guidance on immigrants' rights.

Learn more about the laws and your rights as a resident, student, health care provider, employee, or employer.



ag.ny.gov/immigrants-rights

Helpline: 1-800-771-7755

Deaf or hard of hearing: 1-800-788-9898

ag.ny.gov