



Tenant Harassment

Protections for New York State Tenants

Protections for Tenants Facing Retaliation in New York State



It is illegal for landlords in New York to retaliate against tenants who make a good faith complaint to them or to a government agency. These complaints may include violations of health and safety laws, issues with habitability or non-repair of the premises, or violations of rights under a lease. All tenants* are protected from this kind of retaliation by law. It is presumed that a landlord is retaliating if:

- Within one year of making a good faith complaint, your landlord brings an eviction case against you. If you inform the court that you made such a complaint within one year of the eviction proceeding, the law requires your landlord to show that the eviction isn't retaliatory. The eviction proceeding will be terminated if your landlord fails to prove that the eviction was not retaliatory.
- Within one year of a tenant's complaint, the landlord substantially alters the terms of the tenant's rental agreement. This includes: refusing to continue to rent to you; failing to renew a lease after your lease has expired; or offering a new lease with an unreasonable rent increase.

* Includes all tenants except those living in owner-occupied dwellings with fewer than four units.

Landlords found to have illegally retaliated against tenants are subject to fines and fees.

Protections for Rent Stabilized and Rent Controlled Tenants

Landlords are prohibited from harassing tenants living in rent controlled or rent stabilized apartments. Under New York State's Rent Regulation Laws, harassment is defined as conduct by a landlord that directly or indirectly interferes with, or is intended to interfere with, your privacy, comfort, and enjoyment of your dwelling.

- If you are living in a rent-stabilized or rent-controlled apartment, you can file a complaint with New York State Homes and Community Renewal (HCR) at (866) ASK-DHCR ((866) 275-3427) or by visiting nyshcr.org.
- An apartment is rent controlled if it has been occupied continuously by a tenant since July 1, 1971 and the building was constructed before February 1, 1947.
- In most cases, an apartment is rent stabilized if it is in a building constructed before January 1, 1974 and the building has six or more units.

Resources

For Help Finding an Attorney

- You may qualify for free legal help. To see if you are eligible, visit lawhelpny.org.
- Those not eligible for free assistance can find a referral through their local Bar Association. Visit the New York State Bar Association's lawyer referral page at nysba.org/lawyerreferral/please or the website for your county bar association.

Additional Resources

- For additional resources related to landlord issues and eviction assistance, tenants may also visit nyhousingsearch.gov/resources.html.