

The New York Immigration Coalition

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Immigrant Housing Concerns Fact Sheet

*Following are answers to commonly asked questions regarding housing.
Please note that the information contained in this fact sheet does not
constitute legal advice.
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Q: Where can I go if I'm homeless?

Anyone, regardless of immigration status, can apply for emergency shelter assistance by calling the New York City Department of Homeless Services Emergency Shelter Hotline at (800) 994-6494. This is an automated hotline that will tell you where you need to go for assistance after you answer a few brief questions about your age, marital status and family size.

Q: What if my apartment doesn't have heat or hot water?

By law, hot water must be available 24 hours a day, 7 days a week. Heat must be available from October 1 through May 31. Between 6am and 10pm, when the outside temperature falls below 55 F (13 C), the indoor temperature must be at least 68 F (20 C). At night, between 10pm and 6am, when the outside temperature is below 40 F (4 C), the indoor temperature must be at least a minimum of 55 F (13 C). If you have a complaint, dial 311 and ask for the New York City Central Complaint Bureau of the Department of Housing Preservation and Development (HPD). However, if you receive a heat or hot water shut-off notice from the oil company and are responsible for these bills, you should contact your service provider immediately to set up a payment plan, which will allow you to pay the bill over a period of time. If you cannot make an arrangement with the oil company, you may then call the New York State Public Service Commission at (800) 342-3355 to request that they help you come to an agreement with the utility company (note: they will only assist you if your services are scheduled to be turned off within two days). For other questions related to heat and hot water, rights contact the New York State Division of Housing and Community Renewal (DHCR) Rent Info Line at (718) 739-6400.

Q: My apartment needs repairs.

What is my landlord required to fix? You have a right to repairs regardless of your immigration status. Landlords are required by law to keep apartments in good repair, to clean common areas like the staircases and the lobby, and to keep the electrical, plumbing, heating, and appliances they provide (such as refrigerators and stoves) in good working order. If you need a repair, notify the landlord orally and in writing as soon as possible. If the building has a superintendent or an employee of the landlord, you should also contact that person. If your landlord doesn't fix the problem, you can call 311 and ask for the Central Complaint Bureau of the Department of Housing Preservation and Development (HPD) to request an inspector to see and verify the problem. Another option is to contact the City Wide Task Force on Housing Court at (212) 982-5512 and pursue this issue through the housing court. In Queens, call (718) 657-0599.

Q: The landlord or superintendent threatened to call Immigration if I complain to the city about the apartment. What are my rights?

This threat is called harassment and it is illegal for a landlord to threaten to call Immigration. Landlords found guilty of harassment can be fined up to \$5,000. If you live in a regulated apartment (usually buildings with six or more units), contact the New York State Division of Housing and Community Renewal Rent Info Line at (718) 739-6400 to report harassment. For tenants of non-regulated apartments, contact the New York City Commission on Human Rights (borough telephone numbers are listed on last page). Although the New York City Commission on Human Rights will not investigate landlord-tenant harassment, they will investigate a complaint relating to an individual being treated differently because of immigra-

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tion status. If your legal status is brought up during this process, it is unlikely that these organizations will contact Immigration.

Q: I live in an illegal basement or apartment. If the landlord won't make repairs, should I call the city to complain?

This is a delicate situation. While you have a right to call the Department of Housing Preservation and Development (HPD) to document that repairs are needed, the inspection may result in you having to leave the apartment because it is illegal. If you receive a notice to leave (a "vacate order") from a judge or from HPD, you must leave the apartment. Papers received directly from a landlord, however, must be handled by the housing court and do not require you to immediately leave the apartment.

Q: How much can the landlord require for a security deposit?

Landlords can ask for a security deposit before the tenant moves in, usually limited by law to one month's rent in regulated apartments. If the building has six or more units, the security deposit must be placed in an interest-bearing bank account, and the landlord has to give the tenant the interest that the security deposit earns every year (minus one percent of the deposit for administrative fees). If the building has less than six apartments, the landlord is not required to put the money into a bank account, but if the landlord chooses to do so, the interest (minus one percent) belongs to the tenant.

Q: I am ready to move out of my apartment.

Does the landlord have to give back my security deposit? Yes, you should get your deposit back when you move. However, it is possible the landlord may keep some or all of the money for cleaning, damages or unpaid rent. If this happens, you can ask the landlord to give you an itemized list detailing exactly what deductions were made and why. If you disagree with the deductions made by the landlord and believe they are not fair, you can take your landlord to Small Claims Court to try to recover the balance of your security deposit (note: to pursue a case in Small Claims Court the amount of the claim must be less than \$3000). For more information, call the New York City Civil Court Small Claims Part (borough telephone numbers are listed on the last page of this fact sheet).

Q: Is the landlord required to provide a lease?

In buildings that are rent-regulated, (usually six or more units), the landlord is required to provide a lease and you are allowed to choose between signing either a one- or two-year lease. Although not required in smaller buildings, having a lease will secure the price of the rent for the length of the lease term. If you do not have a lease, you are considered a month-to-month tenant. Month-to-month tenants have the same heat, hot water, and repair rights as other tenants, but landlords can request an increase on the rent whenever they want. In addition, month-to-month tenants can be evicted for any reason, except for discriminatory reasons (this includes race, color, creed, age, national origin, alienage or citizenship status, gender [including gender identity and sexual harassment], sexual orientation, disability, or marital status). Call the New York City Commission on Human Rights for more information (borough telephone numbers listed on last page).

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Q: I just got an eviction notice. Do I have to leave the house immediately?

No. Without court consent, it is illegal for landlords to take the law into their own hands and lock tenants out of the apartment, remove their possessions, or shut off water or heat. In the event that a court process did not take place and you have been illegally locked out of your home, the police are required to let you back in. A landlord must first successfully file a request for eviction (called a "holdover proceeding") in housing court to have a tenant removed from an apartment, after which only a sheriff, marshal or constable can evict a tenant. If he/she chooses to a tenant can challenge this eviction notice by filing an "Order to Show Cause" in housing court. For legal advice and possible representation, contact The Legal Aid Society (borough numbers listed on the last page of this fact sheet) or contact the City-Wide Task Force on Housing Court, which also has an information table in each housing court and a general inquiry line at (212) 982-5512.

Q: Can the landlord evict me because I have too many people living with me?

Tenants are allowed to have their immediate family and a roommate live with them. Laws limit the number of people who may live in an apartment by the size of the apartment (generally, each person, other than children under four, must have a living area of 80 square feet). Landlords may file a request in court to make a tenant leave (called a "holdover proceeding") and try to limit the total number of people living in an apartment only if the number of persons exceeds the legal overcrowding standards. It is rare, but possible, for landlords to get a ruling for an eviction because of overcrowding.

Q: Are there organizations that provide emergency rental assistance to immigrants and immigrant families facing eviction?

Yes, both nonprofit organizations and government can help. Many nonprofit agencies provide emergency rental assistance regardless of immigration status, whereas access to government benefits is more complicated. In general, persons with a lawful immigration status may be eligible for some form of rental assistance. For instance, some green-card holders, refugees, asylees, and some others may be able to get cash from welfare or be eligible to get public housing. Individuals may be eligible for this help even if they earn too much to qualify for welfare. Dial 311 or call (877) 472-8411 to contact the Human Resources Administration (HRA) Job Center in your area to apply for grant assistance. In addition, all the housing courts have legal representatives who provide free advice and referrals to low-income tenants in need of housing court advice or information about paying back rent. The City Wide Task Force on Housing Court also gives advice in the courthouses most mornings and can also refer you to a nonprofit agency. To reach the City Wide Task Force on Housing Court, call (212) 982-5512 or (718) 657-0599 in Queens.

Q: Do I have the right to organize a tenant association?

Yes, tenants have a legal right to form, join, and participate in tenants' organizations, regardless of immigration status. Your landlord cannot harass or penalize you for joining or establishing an association. Tenant organizations are legally allowed to meet in any "common" area in the building such as in the lobby, hallway or the laundry room. When tenants work together through an association, their collective voice often results in action much faster than acting alone. Call the City Wide Task Force on Housing Court for referrals to appropriate nonprofit agencies that may be able to help: (212) 982-5512, or in Queens, (718) 657-0599.

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Q: Can the landlord ask me for my Social Security number?

Landlords have a right to ask for your Social Security number as long as they are not doing so for discriminatory reasons. Generally, few landlords comply with the rent deposit laws, which would require a tenant's Social Security number. For federally subsidized housing, however, the landlord must ask for the Social Security number for each applicant along with all household members that are at least six years of age. The tenant must either provide the Social Security number for each applicable person or certify that a Social Security number has not been assigned.

GENERAL HOUSING NUMBERS*

| Organization | General Numbers | Languages Available |
|--|---|--|
| City Wide Task Force on Housing Court | (212) 982-5512 or (212) 962-4266 M-F: 2:00 pm-5:00 pm (hours for housing information) | Queens: (718) 657-0599 M-F: 2:00 pm-4:30 pm (hours for housing information) |
| City Civil Court Small Claims Part | Bronx (718) 590-2693 Brooklyn (718) 643-7914 Harlem (212) 360-4115 | Manhattan (212) 374-5779 Queens (718) 262-7123 Staten Island (718) 390-5421 |
| Commission on Human Rights | Bronx (718) 579-6900 Brooklyn (718) 722-3130 Manhattan (212) 306-5070 | Queens (718) 886-6162 Staten Island (718) 390-850 |
| Department of Homeless Services' Office of Client Advocacy | (800) 994-6494 [This is the Emergency Information Line. After you have selected a language, choose option 3 for Office of Client Advocacy] | |
| Department of Housing Preservation and Development (HPD)-Central Complaint Bureau | 311 [Ask for the HPD Central Complaint Bureau] | |
| Division of Housing and Community Renewal (DHCR) | (866) ASK-DHCR or (866) 275-3427 M-TH: 9:00 am-5:00 pm F: 8:00 am-4:00 pm | Rent Info Line: (718) 739-6400 M-F: 9:00 am-5:00 pm |

*Please note, numbers and hours of service are subject to change.

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GENERAL HOUSING NUMBERS* (cont'd)

| Organization | General Numbers | Languages Available |
|--|---|---|
| Human Resources Administration (To apply for rental arrears assistance, One Shot deals) | (877) 472-8411-Infoline M-F: 8:00 am-5:00 pm [To speak with an agent, press 0. Automated information is available 24 hours/day. Select 1 to hear automated information] | English, Spanish, Russian, Chinese (Cantonese and Mandarin), Vietnamese, and Creole. Interpretation services are available for other languages. |
| Legal Aid Society | Bronx Housing (718) 681-8712 Bronx Office (718) 991-4758 Brooklyn-Aging (718) 645-3111 Brooklyn Office (718) 722-3100 Brooklyn-Housing (718) 643-6613 Lower Manhattan (212) 577-3300 Manhattan (212) 766-2450 Harlem (212) 360-4700 Staten Island (718) 273-6677 Queens, except Far Rockaway (718) 286-2450 Queens Rockaway (718) 337- | English and Spanish (all locations). |
| Legal Services for New York City (LSNY) (Clients are required to have legal status) | Bronx (718) 928-3700 Brooklyn-Bed-Stuy (718) 636-1155 Brooklyn Branch (718) 852-8888 Brooklyn-Brighton (718) 852-8888 Brooklyn-Corp. A (718) 487-0800 Brooklyn-East (718) 487-1300 Brooklyn-South (718) 237-5500 Brooklyn-Williamsburg Brooklyn-Williamsburg Outreach (718) 643-9700 Manhattan (646) 442-3100 Manhattan-Harlem (212) 348-7449 Queens-Jamaica (718) 657-8611 Queens-Long Island City (718) 392-5646 | English and Spanish (all locations). Some locations have additional languages, depending on nearby populations. |
| New York City's Phone Number for Government Information & Services (For heat and hot water complaints, general repair) | 311 [311 can be accessed outside of New York City by dialing (212) NEW YORK] | English. Stay on the line for other languages. Services are provided in more than 170 languages. |
| New York State Public Service Commission | (800) 342-3355 (for gas & electric shutoff) | English and Spanish (No Spanish on Thursdays). |

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