

Know Your Rights

Get educated, get organized

You have the right...

to safe and habitable living conditions.

Warranty of Habitability (Real Property Law §235-b)

Tenants have the right to a livable, safe and sanitary apartment, a right that is implied in every written or oral residential lease. Examples of a breach of this warranty include the failure to provide heat or hot water on a regular basis, or the failure to rid an apartment of an insect infestation. Public areas of the building are also covered by the warranty of habitability.

This is coupled by the landlord's legal responsibility to maintain buildings and properties in good repair.

Landlord's Duty of Repair (NYC Admin. Code § 27-2011, Multiple Dwelling Law §78 and §80; Multiple Residence Law §174.

Landlords of multiple dwellings must keep the apartments and the building's public areas in "good repair" and clean and free of vermin, garbage or other offensive material. Landlords are required to maintain electrical, plumbing, sanitary, heating and ventilating systems and appliances landlords install (such as refrigerators and stoves) in good and safe working order. All repairs must be made within a reasonable time period - though time periods may vary depending on the severity of repairs. In NYC, the landlord is required to maintain the public areas in a clean and sanitary condition.

You have the right...

To withhold your rent, sue your landlord, and/or seek a rent reduction.

Seeking Rent Reduction (Real Property Law §227)

If a landlord breached the warranty of habitability, the tenant may sue for a rent reduction. The tenant may also withhold rent, but in response, the landlord may sue the tenant for non-payment of rent. In such case, the tenant may countersue for breach of warranty.

The court may grant a rent reduction if it finds the landlord violated the warranty of habitability. The reduction is computed by subtracting from the actual rent the estimated value of the apartment without essential services. For a tenant to receive a reduction, the landlord must have actual or constructive notice of the existence of the defective condition.

In extenuating circumstances, tenants may make necessary repairs and deduct reasonable repair costs from the rent. For example, when a landlord has been notified that a door lock is broken and willfully neglects to repair it, the tenant may hire a locksmith and deduct the cost from their rent. Tenants should keep receipts for such repairs and copies of all communications with the landlord about the repairs.

You have the right...

to organizing with neighbors to apply pressure when landlords...

Tenants' Right to Organize (Real Property Law § 230)

Tenants have a legal right to organize. They may form, join, and participate in tenant organizations for the purpose of protecting their rights. Landlords must permit tenant organizations to meet, at no cost, in any community or social room in the building, even if the use of the room is normally subject to a fee. Tenant organization meetings are required to be held at reasonable times and in a peaceful manner which does not obstruct access to the premises.

And landlords are legally prohibited from retaliating.

Landlords CANNOT Retaliate (Real Property Law § 223-b)

Landlords are prohibited from harassing or retaliating against tenants who exercise their rights. For example, landlords may not seek to evict tenants solely because tenants (a) make good faith complaints to a government agency regarding violations of any health or safety laws; (b) take good faith actions to protect their rights under the lease; or (c) participate in tenant organizations. Tenants may collect damages from landlords who violate this law.

You have the right...

to secretly or publicly AUDIO record conversations you have with your housing manager or other NYCHA representatives - or landlord for neighbors who don't live in public housing.

New York Wiretapping Law

New York's wiretapping law is a "one-party consent" law. New York makes it a crime to record or eavesdrop on an in-person or telephone conversation unless one party to the conversation consents. N.Y. Penal Law §§ 250.00, 250.05. Thus, if you operate in New York, you may record a conversation or phone call if you are a party to the conversation or you get permission from one party to the conversation in advance. That said, if you intend to record conversations involving people located in more than one state, you should play it safe and get the consent of all parties.

Source: Digital Media Law Project:
<https://www.dmlp.org/legal-guide/new-york-recording-law>



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