

## Project Services

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### Free Housing Legal Clinics

We offer tenants monthly housing legal clinics in Manhattan and bi-monthly housing legal clinics in Brooklyn on landlord/tenant and housing issues.

### Land Use/Anti-Gentrification Work

We provide legal and organizing support to community members and organizations combating land use and environmental racism issues that affect low-income communities of color.

### Community Education

We conduct education workshops and “Know Your Rights” trainings to inform and educate Asian Americans about their rights as tenants.

### Legal Representation/Referrals

We provide legal representation on cases concerning tenants’ rights and facilitate legal referrals to local attorneys and legal service providers. Call AALDEF’s hotline at 1-800-966-5946.

### Community Organizing Support

We will provide advice and support to you and other tenants to improve conditions in your apartment building and community.

AALDEF’s Housing & Environmental Justice Project provides legal representation, community education, and organizing support to low-income immigrant communities on issues of anti-gentrification and environmental justice. Our project connects tenants to existing resources and provides direct legal services on eviction and other landlord/tenant and fair housing issues. We also collaborate with low-income and limited English proficient people and community organizations to address land use and other relevant issues affecting low-income communities of color. At the heart of our anti-displacement work is the principle that every community should be able to choose what is best for itself.

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### For more information, contact:

Bethany Y. Li  
Equal Justice Works Fellow  
Phone: 212-966-5932 x213

### About AALDEF

Founded in 1974, the Asian American Legal Defense and Education Fund (AALDEF) protects and promotes the civil rights of Asian Americans through litigation, advocacy, and community education on issues such as immigrant rights, voting rights, economic justice, hate violence, tenants’ rights, and police misconduct.

## Housing & Environmental Justice Project

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Asian American Legal Defense and Education Fund



Asian American Legal Defense and Education Fund  
99 Hudson Street, 12th Floor  
New York, NY 10013  
Phone: 212-966-5932 Fax: 212-966-4303  
[www.aaldef.org](http://www.aaldef.org)

# Housing Fact Sheet: Know Your Rights!

*This Q&A is based on the rights of tenants in New York City. If you have a landlord/tenant issue and live outside of New York City, we can refer you to a legal services organization in your area.*

## **Q: Do I have to move out of my apartment if I receive a letter from my landlord telling me to leave?**

A: No. A landlord must take you to court and must get a warrant for your eviction and then only a sheriff, marshal, or constable can evict you. The landlord cannot just change the locks on you. If you receive papers like “Notice to Cure” or “Notice of Termination” from the landlord, you do not have to immediately leave your home.

## **Q: Can I take over my family’s rent controlled or rent stabilized apartment?**

A: Generally, if you are a “family member” of the primary tenant AND you have lived with the tenant for at least 2 years prior to the tenant’s permanent vacating or death (1 year if you are at least 62 years old or have a disability), you have the right to the apartment. You should have documents proving that you have lived in the rent regulated apartment for that time period, including utility bills, letters, or tax returns. “Family member” is: wife, husband, daughter, son, mom, dad, stepdaughter, stepson, stepmom, stepdad, sister, brother, grandmother, grandfather, granddaughter, grandson, mother/father/daughter/son-in-law of the tenant or someone who can prove emotional and financial commitment and interdependence with the tenant.

## **Q: What can I do if my landlord refuses to accept my rent?**

A: Send your check by certified mail and keep the receipt so you have proof that you attempted to pay rent and that the landlord received it. Set aside that money so you have it if you need to produce it.

## **Q: How many people can live with me?**

A: If your name is on the lease, you have a right to have your immediate family and one additional person and their dependent children live with you. However, the landlord could limit the total number of people based on apartment size. Inform the landlord about new tenants within 30 days of their move in date or after the landlord asks.

## **Q: Can the landlord refuse to renew my lease?**

A: If you live in private housing, a landlord can refuse to renew your lease for any non-discriminatory reason. If you live in rent-regulated housing, you generally have a right to continue living in your apartment. If you are a rent controlled tenant, you don’t need a lease. If you are a rent stabilized tenant, the landlord must send you a renewal lease 90 to 150 days before your current lease expires. From that date, you have 60 days to sign and return the lease. Then the landlord must give you a copy of the signed and dated lease within 30 days. A landlord might refuse to renew a rent regulated lease for certain reasons, including that you are not the primary resident. Consult an attorney in these situations.

## **Q: My apartment needs lots of repairs, but my landlord isn’t fixing them.**

A: If the landlord refuses to provide services such as heat, hot water, and extermination and repair poor conditions like overflowing sinks and moldy walls, call the Department of Housing and Preservation (HPD) at 311 (Ask for someone who speaks your language). Document your attempts to get the landlord to make repairs. Also keep a record of everything that need repairs (heat log, HPD inspection record, photos). This record is important because you can use it to bring a case against the landlord in Housing Court—called an HP Action—to get a court order to correct the conditions.

## **Q: Do I have any additional rights as a senior citizen?**

A: Some rights include: (1) You have a right to terminate your lease to enter residential health and adult care facilities or subsidized low-income and other senior citizen housing. (2) If you live in rent regulated housing, you may qualify for the Senior Citizens Rent Increase Exemption (SCRIE) program, exempting you from future rent increases. You must be at least 62 years old, your total household income after taxes must not exceed \$29,000 (as of 7/1/09), and your monthly rent must be more than 1/3 of monthly household income. Apply through the NYC Department of Aging.

## **Q: Can I organize a tenants association?**

A: Yes. You have a right to form, join or participate in a tenant group, committee or organizations formed to protect the rights of tenants. These groups also have the right to meet in any location in the building, including a community or social room, without having to pay a fee.

## **What is gentrification?**

Gentrification refers to the influx of wealthier people into urban neighborhoods. Gentrification can make communities safer and bring in more resources, but one of the chief consequences is also the involuntary displacement of residents. Long-time residents, who may have lower incomes, are often forced to leave because they cannot afford rising rents and higher costs of everyday goods that occur when wealthier residents move to the area. The lure of converting existing buildings into luxury development, sometimes encouraged by government policies, also increases pressures landlords put on low-income tenants to leave. Gentrification has contributed to turning many Chinatowns across the country from vibrant residential immigrant communities into spots that exist merely for tourism. Our project provides support to low-income people and communities of color fighting to counter this impact in our neighborhoods.

