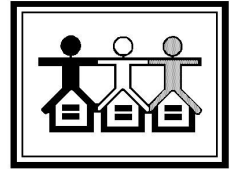


## The NYS Real Property Law - Section 235-F



### 235-f. Unlawful restrictions on occupancy.

1. As used in this section, the terms:

(a) "Tenant" means a person occupying or entitled to occupy a residential rental premises who is either a party to the lease or rental agreement for such premises or is a statutory tenant pursuant to the emergency housing rent control law or the city rent and rehabilitation law or article seven-c of the multiple dwelling law.

(b) "Occupant" means a person, other than a tenant or a member of a tenant's immediate family, occupying a premises with the consent of the tenant or tenants.

2. It shall be unlawful for a landlord to restrict occupancy of residential premises, by express lease terms or otherwise, to a tenant or tenants or to such tenants and immediate family. Any such restriction in a lease or rental agreement entered into or renewed before or after the effective date of this section shall be unenforceable as against public policy.

3. Any lease or rental agreement for residential premises entered into by one tenant shall be construed to permit occupancy by the tenant, immediate family of the tenant, one additional occupant, and dependent children of the occupant provided that the tenant or the tenant's spouse occupies the premises as his primary residence.

4. Any lease or rental agreement for residential premises entered into by two or more tenants shall be construed to permit occupancy by tenants, immediate family of tenants, occupants and dependent children of occupants; provided that the total number of tenants and occupants, excluding occupants' dependent children, does not exceed the number of tenants specified in the current lease or rental agreement, and that at least one tenant or a tenants' spouse occupies the premises as his primary residence.

5. The tenant shall inform the landlord of the name of any occupant within thirty days following the commencement of occupancy by such person or within thirty days following a request by the landlord.

6. No occupant nor occupant's dependent child shall, without express written permission of the landlord, acquire any right to continued occupancy in the event that the tenant vacates the premises or acquire any other rights of tenancy; provided that nothing in this section shall be construed to reduce or impair any right or remedy otherwise available to any person residing in any housing accommodation on the effective date of this section which accrued prior to such date.

7. Any provision of a lease or rental agreement purporting to waive a provision of this section is null and void.

8. Nothing in this section shall be construed as invalidating or impairing the operation of, or the right of a landlord to restrict occupancy in order to comply with federal, state or local laws, regulations, ordinances or codes.

9. Any person aggrieved by a violation of this section may maintain an action in any court of competent jurisdiction for:

(a) an injunction to enjoin and restrain such unlawful practice;

(b) actual damages sustained as a result of such unlawful practice; and

(c) court costs.

**DISTRIBUTED BY: Long Island Housing Services, Inc.**  
**Suffolk: 631-567-5111 Nassau: 516-292-0400 Fax: 631-467-5131**  
**Website: [www.LIFairHousing.org](http://www.LIFairHousing.org)**

## Long Island Housing Services – in brief!

Elimination of unlawful housing discrimination\* ranks as the agency's priority. However, in addition to Fair Housing counseling and investigations, seeking redress for victims where compelling evidence is gathered, we also serve in many other capacities to improve housing conditions for residents. Routinely, clients are referred to us by word-of-mouth and a wide variety of private and public agencies to assist in counseling to resolve many landlord-tenant disputes related to: relationships/communication with housing providers; illegal eviction actions (such as denial of essential services like heat, water, electricity); securing or maintaining housing; improving conditions of habitability (e.g. sanitation/plumbing, infestation, fallen ceilings, leaking roofs/windows); denial of reasonable accommodation (e.g. for creating ramp or parking accessible for tenant's use); setting illegal occupancy rules, etcetera. Examples of local government agencies from which clients are commonly referred are: County Courts and Departments of Health, Handicapped, Senior and Social Services, Police, as well as Town Building and Code Enforcement Departments.

Long Island Housing Services also counsels homeowners that are in danger of foreclosure because of changed economic circumstances (e.g. loss of or diminished income related to hospitalization, illness, job loss, death or separation of families). Besides our unique fair housing services, LIHS is also distinguished from any other HUD-approved, certified Housing Counseling agency that serves Long Island. Our Housing Counseling Program Coordinator is the only one to have passed HUD-AARP's rigorous examination, a prerequisite for counseling for seniors 62 and over that wish to explore the option of a reverse mortgage. Home Equity Conversion Mortgage ("HECM") loans require this specialized and highly sensitive counseling to safeguard from abusive lending practices that can actually cause all of one's equity to be stripped into homelessness.

Visit [www.LIFairHousing.org](http://www.LIFairHousing.org)

Toll-free (for Nassau & Suffolk): 1-800-660-6920

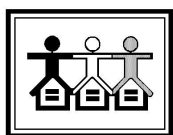
\*The Federal Fair Housing Act and the New York State Human Rights Law (aka NYS Executive Law, Article 15, Section 296 et seq.) include prohibitions about denial of equal opportunity and treatment, aiding/abetting discrimination, harassment and interference for rentals, sales, financing and insurance related to the following protected classes. The **bold face type** indicates additional covered classes in the NYS law's jurisdiction.

- ◆ race
- ◆ color
- ◆ national origin
- ◆ religion/creed
- ◆ sex (gender)
- ◆ familial status (families with children under 18 years of age)
- ◆ handicap/disability (mental and physical)
- ◆ **marital status**
- ◆ **age (over 18)**
- ◆ **military status**
- ◆ **sexual orientation**

The Nassau County Human Rights Law\*\* includes all of the above (excluding marital status and military status) and has these additional covered classes: **source of income, ethnicity.**

The Suffolk County Human Rights Law\*\* includes all of the above state and federal classes and in **12/2014**, will also prohibit **source of income discrimination.**

\*\* Local Human Rights Law has been enhanced/strengthened effective January, 2007 in NC, 2014 in SC.



*Our mission is the elimination of unlawful housing discrimination  
and promotion of decent and affordable housing through advocacy and education.*