

Can I Have A House Mate

I want someone to move in with me, but my landlord says I can't. Can my landlord stop me?

No. Under New York State law, a tenant may bring in one additional person and that person's dependent children.

My lease says I can't have a house mate. Am I still protected by this law?

Yes. It is unlawful for a landlord to restrict occupancy by the terms of a lease agreement.

Is there a limit to the number of people who can move in with me?

Yes. If you rented the apartment by yourself, you can also allow your immediate family, one additional person and their dependent children to move in. You or your spouse must continue to live in the premises.

If you rented the apartment with one or more other people, you can also allow your immediate families, additional occupants and dependent children of those occupants to move in as long as the total number of tenants and occupants (not including your occupant's dependent children) does not exceed the total number of tenants specified in the lease agreement. At least one tenant or the spouse of one tenant must continue to live in the premises.

Do I have to tell my landlord that I am going to have a new house mate?

Yes. You must tell the landlord the name of any new occupant within 30 days from the time that person moves in, or within 30 days following a request by the landlord.

I live in public housing. Am I still protected by this law?

Yes. However, when you live in public housing, your rent is based on your total household income. If your house mate earns any money, you must report this income to your manager, or to the housing development.

I live in subsidized housing. Am I protected by this law?

Yes. Again, if your rent is based on your income, you must report your house mate's income to your caseworker or manager.

What should I do if my landlord threatens to evict me because I have a new house mate or serves me with eviction papers?

Contact Neighborhood Legal Services at (585) 343-5450 or call your local legal services provider. A court can stop your landlord from violating your rights under this law.