

13.3: SELECTING TENANTS

A person's ability to pay rent and willingness to preserve an apartment are the two major considerations of a landlord in selecting a tenant.

Landlords usually use an application form which requests the following information:

- Name, social security number, and current residence address
- Number and names of people who will occupy rental unit
- Residence and work telephone numbers
- Annual income and source
- Employer's name, address, and length of time on the job
- Bank accounts – name of bank and account number(s)
- Past residence addresses over several years
- Motor vehicle make, model, year, and plate numbers
- Credit and character references
- Whom to contact in the event of an emergency
- Written permission from the applicant to run a credit report on them

Discrimination: In selecting a tenant, a landlord is prohibited under New York's Human Rights Act and the federal government's Fair Housing Amendments Act of 1988 from illegally refusing to rent or refuse to renew a lease based on race, color, religion, national origin, age, sex, marital status, disabilities, sexual orientation, military status, and children. These are what are called under the laws "protected categories" that prohibit discrimination in residential lease transactions.

However, landlords in owner-occupied rental units of four units or less, and in renting a room in a home in which the owner resides, are exempt from both these state and federal discrimination laws.

Sexual Harassment in Housing: Sexual harassment in housing is a form of sex discrimination prohibited by the Fair Housing Act and other federal and state laws. There are two main types of sexual harassment: (1) quid pro quo sexual harassment; and (2) hostile environment sexual harassment.

Quid pro quo harassment is when a landlord, property manager, or maintenance person requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining or maintaining housing or housing-related services.

Hostile environment harassment is when a landlord, property manager, or maintenance person subjects a person to severe or pervasive unwelcome sexual conduct that interferes with the rental, the availability of a rental, or the terms, conditions, or privileges of housing or housing-related services.

CC licensed content, Shared previously

- Adaptation of Understanding New York Law, 2013-14 Edition. **Authored by:** Michael H. Martella, Esq., David Pogue, Elizabeth Clifford and Alan L. Schwartz. **Provided by:** published by Upstate Legal Publishers. **License:** [CC BY: Attribution](#).
License Terms: Adapted and republished with permission

13.3: SELECTING TENANTS is shared under a [not declared](#) license and was authored, remixed, and/or curated by LibreTexts.