

MEMORANDUM IN SUPPORT

Date: October 27, 2025

To: All Assembly Members, New York State Assembly; All Senators, New York State Senate; Governor Kathy Hochul

From: The Legal Aid Society

Re: Memorandum in Support of the Residential Facial Recognition Ban ([S.8223](#)/[A.6363](#))

Since 1876, the Legal Aid Society has provided free legal services to New York City residents who are unable to afford private counsel. Annually, through our criminal, civil, and juvenile offices, our staff handles approximately 300,000 cases for low-income families and individuals. In addition to representing individual clients, the Legal Aid Society works to advance systemic change through affirmative litigation and policy advocacy.

The Legal Aid Society strongly supports the Residential Facial Recognition Ban (S.8223/A.6363). Submitting to corporate or government surveillance should not be a condition of going home. But across New York, landlords are using facial recognition technology to determine who is permitted to enter residential buildings. This practice leaves residents, guests, and workers vulnerable to discriminatory exclusion, as facial recognition technology tends to be less accurate in identifying faces that are dark-skinned, young, old, female, or observably affected by disabilities or medical conditions.¹ In fact, Black residents have found themselves stuck outside their own apartments, unable to enter alongside their lighter-skinned neighbors because facial recognition systems fail to recognize them.² And common occurrences such as rain or sun can reduce the already limited functionality of the systems.³

The use of facial recognition systems may also put residents in danger by eliciting unwarranted law enforcement intrusion. Unsettling apartment-police surveillance partnerships are already in place and are likely to be even more intrusive and discriminatory when facial recognition technology is involved.⁴ Banning landlords' use of facial recognition in residential buildings would help ensure that

¹ See, e.g., Joy Buolamwini, *Unmasking the Bias in Facial Recognition Algorithms*, MIT MANAGEMENT SLOAN SCHOOL (Dec. 13, 2023), <https://mitsloan.mit.edu/ideas-made-to-matter/unmasking-bias-facial-recognition-algorithms>; National Academies of Sciences, Engineering, and Medicine, *Facial Recognition Technology: Current Capabilities, Future Prospects, and Governance* at 56, THE NATIONAL ACADEMIES PRESS (2024), <https://doi.org/10.17226/27397>; Matt Burgess, *When Face Recognition Doesn't Know Your Face Is a Face*, WIRED (Oct. 15, 2025), <https://www.wired.com/story/when-face-recognition-doesnt-know-your-face-is-a-face/>.

² See, e.g., Lyla Renwick-Archibold, *Op-Ed: Facial Recognition locked Me Out of my Own Apartment. NYS Must Ban it*, NEW YORK AMSTERDAM NEWS (May 30, 2024), <https://amsterdamnews.com/news/2024/05/30/op-ed-nys-must-ban-facial-recognition/>.

³ Elizabeth Kim, *We're Like Guinea Pigs': How An Affordable Lower East Side Complex Got Facial Recognition*, GOTHAMIST (Sep. 8, 2019), <https://gothamist.com/news/were-guinea-pigs-how-affordable-lower-east-side-complex-got-facial-recognition>.

⁴ Douglas MacMillan, *Eyes on the Poor: Cameras, Facial Recognition Watch Over Public Housing*, WASHINGTON POST (May 16, 2023), <https://www.washingtonpost.com/business/2023/05/16/surveillance-cameras-public-housing/>; Amy Harmon, *As Cameras Track Detroit's Residents, a Debate Ensues Over Racial Bias*, N.Y. TIMES (Jul. 8, 2019), <https://www.nytimes.com/2019/07/08/us/detroit-facial-recognition-cameras.html>.

landlords and property managers do not become “one of the arms of the police department.”⁵ Additionally, as the Department of Homeland Security continues to rely on surveillance technologies to target immigrant communities, many immigrants live in fear not just while in public, but even in their own homes.⁶ In New York City, landlords have already been accused of sharing tenants’ most sensitive information — phone numbers, photos, and even Social Security numbers — with immigration officials.⁷ Once facial recognition systems collect data in residential settings, it is only a matter of time before that data could end up in the hands of immigration officers. To protect immigrant communities in our state, we must prevent landlords from collecting tenants’ biometric data.

Moreover, landlords themselves may use facial recognition technology to justify evicting tenants from rent-stabilized units for inconsequential behavior such as not being home enough.⁸ In fact, vendors already proudly advertise this technology for such purposes.⁹ In public housing, its use has led to eviction proceedings over trivial violations of building policy. One single mother was targeted after she started night classes and asked her ex-husband to spend more time at her home watching their children, causing her to be flagged for potentially violating the housing authority’s visitor policy.¹⁰ Others were targeted for spitting in a hallway and removing a cart from a communal laundry room.¹¹

Compounding these harms is the risk of hacking and identity theft. Biometric identifiers are frequently used to access important services, like public benefits and bank accounts.¹² Unlike other

⁵ MacMillan, *supra* note 4.

⁶ *American Dragnet: Data-Driven Deportation in the 21st Century*, GEORGETOWN LAW CENTER ON PRIVACY & TECHNOLOGY May 10, 2022, <https://americandrag.net/>; Luis Ferré-Sadurní, *An Immigrant Neighborhood Where Trump Made Inroads Now Fears ICE Raids*, N.Y. TIMES, Mar. 2, 2025, <https://www.nytimes.com/2025/03/02/nyregion/ice-raids-fears-corona-nyc-immigrants.html>; Miriam Jordan et. al, *Immigrant Communities in Hiding: ‘People Think ICE Is Everywhere’*, N.Y. TIMES, Jan. 30, 2025, <https://www.nytimes.com/2025/01/30/us/immigrant-communities-hiding-ice.html>.

⁷ Lauren Cook, *Queens Landlord Gave Tenant Information to ICE After Discrimination Complaint, Commission Says*, N.Y. DAILY NEWS, July 19, 2017, <https://www.amny.com/news/queens-landlord-gave-tenant-information-to-ice-after-discrimination-complaint-commission-says-1.13810387>.

⁸ *Ask Sam: What Are the Rules for Evicting Rent-Stabilized Tenants in NYC?*, HIMMELSTEIN MCCONNELL GRIBBEN & JOSEPH LLP, Dec. 8, 2021, <https://www.brickunderground.com/rent/rules-for-evicting-rent-stabilized-tenant-nyc#:~:text=The%20rent%20stabilization%20code%20requires,sh%20can%20begin%20eviction%20proceedings>.

⁹ Nick Keppler, *Meet the Spy Tech Companies Helping Landlords Evict People*, VICE, Jan. 4, 2023, <https://www.vice.com/en/article/meet-the-spy-tech-companies-helping-landlords-evict-people/>.

¹⁰ MacMillan, *supra* note 4.

¹¹ *Id.*

¹² Joel R. McConvey, *Digital ID Presents Challenges for Some Accessing Public Benefits Online: Report*, BIOMETRIC UPDATE (Sep. 10, 2025), <https://www.biometricupdate.com/202509/digital-id-presents-challenges-for-some-accessing-public-benefits-online-report>; Taryn Plumb, *Face Off: Attackers Are Stealing Biometrics to Access Victims’ Bank Accounts*, VENTURE BEAT (Feb. 22, 2024), <https://venturebeat.com/security/face-off-attackers-are-stealing-biometrics-to-access-victims-bank-accounts>; *US Government Hack Stole Fingerprints of 5.6 Million Federal Employees*, THE GUARDIAN (Sept. 23, 2015), <https://www.theguardian.com/technology/2015/sep/23/us-government-hack-stole-fingerprints>; Dan Rafter, *Biometrics and Biometric Data: What Is It and Is It Secure?*, NORTON (May 6, 2022), <https://us.norton.com/blog/iot/what-is-biometrics>.

personal identifiers, biometric identifiers are static and almost impossible to change.¹³ Therefore, when a hacker acquires another person's biometric data, it puts them at risk for identity theft for the rest of their lives.¹⁴ Banning landlords from using facial recognition technology in residential buildings is necessary to protect residents from hacking and identity theft, as landlords will often lack sufficient incentives or resources to ensure sensitive data is securely stored.

Finally, the use of facial recognition technology in residential buildings is entirely unnecessary, and far less secure than traditional security systems, such as physical keys. In addition to blocking residents from entering buildings to which they should have access, facial recognition systems also sometimes grant access to those who merely look like residents. This is especially true for relatives, as facial recognition technologies may be unable to distinguish between faces of family members.¹⁵ Many tenants have very good reasons not to want certain family members to have access to their homes, and facial recognition entrance systems put them in a vulnerable position.

For these reasons, we urge the legislature to pass and the Governor to sign the Residential Facial Recognition Ban (S.8223/A.6363).

If you have any questions, please contact Laura Moraff, Staff Attorney in The Legal Aid Society's Digital Forensics Unit: LMoraff@legal-aid.org; (929) 536-1637.

¹³ Anthony Ortega, *Do Biometrics Protect Your Data or Put Your Identity at Risk?*, SPICEWORKS (Oct. 8, 2018), <https://www.spiceworks.com/it-security/data-security/articles/do-biometrics-protect-your-data-or-put-your-identity-at-risk/>.

¹⁴ *Is Your Identity at Risk from Biometric Data Collection?*, BEYONDTRUST (last accessed Oct. 22, 2025), <https://www.beyondtrust.com/blog/entry/is-your-identity-at-risk-from-biometric-data-collection>.

¹⁵ *Warning: Your Child May Be Able to Unlock Your iPhone Simply by Looking at It*, INC. (Nov. 20, 2017), <https://www.inc.com/joseph-steinberg/warning-your-child-may-be-able-to-unlock-your-iphone-simply-by-looking-at-it.html>.