



Legislative Affairs
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2025 – 2026 Legislative Memorandum

Subject: An act to amend the real property law, in relation to prohibiting the use of a facial recognition system by a landlord on any residential premises
S.8223 (Kavanaugh) / A.6363 (Walker)

Position: SUPPORT

Facial recognition has no business being used against us in our homes. The deployment of face surveillance systems at people’s homes raises constitutional concerns and intrudes on tenants’ rights of self-determination and privacy. It risks conditioning entry into one’s home—the place where our constitutional rights are at their most robust—on the provision of one’s most sensitive biological data. Residents should not have to live in fear that landlords—who already wield outsized power in relation to their tenants—are tracking their comings and goings and amassing sensitive data on them and their guests.

S.8223 (Kavanaugh) / A.6363 (Walker) would bar landlords from obtaining, retaining, accessing, or using any facial recognition technology or information on any residential premises. The law also gives the Attorney General the power to enforce these provisions against landlords who violate them and creates a private right of action for tenants and their guests to hold landlords accountable.

Face surveillance in residential buildings causes harm not only to tenants’ privacy rights, but also their civil rights to access housing on equal and nondiscriminatory terms. Facial recognition’s well-known biases, especially when it comes to women or non-binary people, children, and people of color, risk tenants being locked out of their homes due to misidentifications or inaccurate data.¹ Without legislative intervention, the collection of

¹ Mei Wang and Weihong Deng, *Deep Face Recognition: A Survey*, 215 *Neurocomputing* 429 (March 14, 2021), <https://doi.org/10.1016/j.neucom.2020.10.081>; National Institute of Standards and Technology, *NIST Study Evaluates Effects of Race, Age, Sex on Face Recognition Software* (2019), <https://www.nist.gov/news-events/news/2019/12/nist-study-evaluates-effects-race-age-sex-face-recognition-software>; Joy Buolamwini and Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, 81 *Proceedings in Machine Learning Research* 1, Conference on Fairness, Accountability and Transparency (2018),

biometric data can be forced upon not just residents, but any guests they have over as well, disproportionately impacting Black, Brown, and gender non-confirming guests who may be barred from visiting friends and family due to the high likelihood of facial recognition errors.

In one case, residents of a predominantly Chinese affordable housing complex in New York City regularly reported being unable to enter their homes because the facial recognition system did not recognize them—a problem that was further compounded by everyday conditions such as rainy or sunny days that reduced the already limited efficacy of the system.² Children as young as eight had their faces scanned and needed regular scans to keep up with their changing faces as they aged.³

Facial recognition technology has also allowed landlords of rent-stabilized buildings to single out or retaliate against tenants, including by enabling them to spy on tenants to raise their rent, fine them, or evict them for trivial policy violations.⁴ One single mother was even 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.⁵

Furthermore, the use of facial recognition systems may 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 disproportionately target marginalized communities with added facial recognition technology.⁶ This legislation would help ensure that landlords and property managers do not become “one of the arms of the police department.”⁷

As the Department of Homeland Security continues to rely on surveillance technologies to target immigrant communities, immigrants live in fear not just while in public, but even in

<https://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>; Joseph Goldstein and Ali Watkins, *She Was Arrested at 14. Then Her Photo Went to a Facial Recognition Database*, N.Y. TIMES, Aug. 1, 2019, <https://www.nytimes.com/2019/08/01/nyregion/nypd-facial-recognition-children-teenagers.html>.

² 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>.

³ *Id.*

⁴ Erin Durkin, *New York tenants fight as landlords embrace facial recognition cameras*, THE GUARDIAN, May 30, 2019, <https://www.theguardian.com/cities/2019/may/29/new-york-facial-recognition-cameras-apartment-complex#:~:text=The%20two%20brick%20high%20Drises,%2C%20and%20that's%20not%20necessary.%E2%80%9D>.

⁵ 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/>.

⁶ *Id.*; Zachary Groz, *NYPD Plans Massive Expansion of Real-Time Surveillance in NYCHA Housing*, Oct. 1, 2025, N.Y. FOCUS, <https://nysfocus.com/2025/10/01/nypd-nycha-surveillance-hearing>.

⁷ 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/>.

their own homes.⁸ Immigration authorities have reportedly already issued administrative subpoenas to landlords, requesting entire files on tenants to further their mass deportation efforts.⁹ Once facial recognition systems collect data in residential settings, it risks creating and amassing highly personal information that could be exploited by immigration officers.

While landlords allege that facial recognition technology is an important safety mechanism, the technology actually poses long-term security threats to tenants as landlords cannot be trusted to implement sufficient protocols to ensure sensitive data is securely stored.¹⁰ Unlike other personal identifiers, biometric identifiers are immutable and cannot be changed in response to a leak.¹¹ Therefore, when a hacker acquires another person's biometric data, it puts them at risk for identity theft for the rest of their lives.¹²

This legislation would make clear that invasive face surveillance has no place in New York housing. The NYCLU supports S.8223 / A.6363 and calls for its immediate passage by the Legislature.

⁸ *American Dragnet: Data-Driven Deportation in the 21st Century*, GEORGETOWN LAW CENTER ON PRIVACY & TECHNOLOGY, May 10, 2022, <https://americandragnet.org/>; 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>.

⁹ R. J. Rico, *Immigration agents demand tenant information from landlords, stirring questions and confusion*, ASSOC. PRESS, July 14, 2025, <https://www.ap.org/news-highlights/spotlights/2025/immigration-agents-demand-tenant-information-from-landlords-stirring-questions-and-confusion/>.

¹⁰ Dellinger, *Hackers Defeat Vein Authentication by Making a Fake Hand*, ENGADGET, Dec. 28, 2018, <https://www.engadget.com/2018-12-28-hackers-defeat-vein-authentication-by-making-a-fake-hand.html>.

¹¹ 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/>.

¹² *Is Your Identity at Risk from Biometric Data Collection?*, BEYONDTRUST (last accessed Oct. 6, 2022), <https://www.beyondtrust.com/blog/entry/is-your-identity-at-risk-from-biometric-data-collection>.