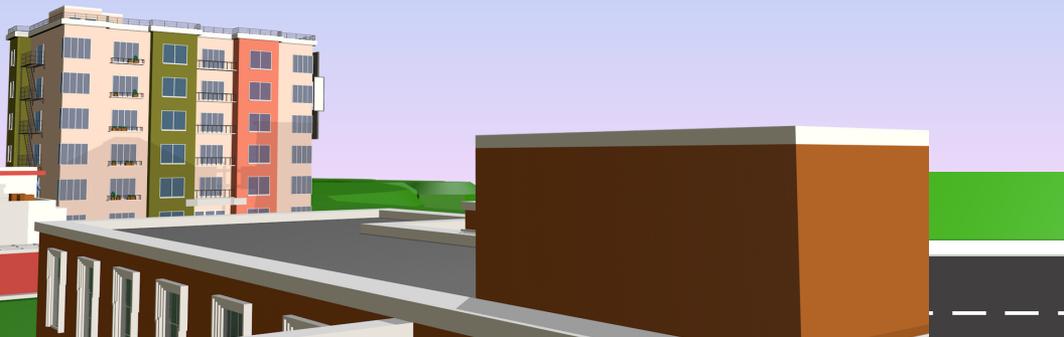




Division of
Human Rights

FAIR HOUSING

under the NYS Human Rights Law



**NEW YORK STATE
DIVISION OF HUMAN RIGHTS
FAIR HOUSING GUIDE**

**ONE FORDHAM PLAZA, 4TH FLOOR
BRONX, NEW YORK 10458
(844) 862-8703
DHR.NY.GOV**

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I. Introduction

Housing discrimination is an evil that hurts both its victims and society as a whole. It goes against our vision of a free society, and its elimination is a New York State and national priority. Housing discrimination seriously injures its victims, causing them emotional and financial harm.

There are strong national, state, and local laws against housing discrimination. They provide many places to file complaints. The laws also order many different forms of remedy to victims and to society, including monetary damages and fines. The laws give a court or administrative body the power to order violators to stop discriminating and to make up for past wrongdoing.

In New York State, the Human Rights Law prohibits housing and lending discrimination, as well as other forms of discrimination. The New York State Division of Human Rights is responsible for enforcing the Human Rights Law. The Division receives and investigates housing and lending discrimination complaints and, if warranted, holds hearings and issues enforceable orders.

If you think your rights have been violated, you can file a complaint with the Division and the agency will investigate. You do not need a lawyer to file a complaint. You may also file a complaint under the Human Rights Law in a court of law.

This booklet describes your fair housing rights under the Human Rights Law. It describes who is protected by the law, who must follow the law, what actions are prohibited, and what to do if your rights have been violated. It is important to remember that there are also federal and local laws prohibiting discrimination. If an issue is not covered by the Human Rights Law, you should consult federal and local law, because they might cover it.

To help you determine whether your rights have been violated, this publication offers examples of behavior that may violate the law. Generally, however, more investigation is necessary to decide whether a behavior is illegal. The government agencies and organizations listed at the end of this pamphlet can conduct such investigations.

Overview of DHR

The New York State Division of Human Rights (DHR) was created to enforce the state's Human Rights Law. The mission of the agency is to ensure that "every individual . . . has an equal opportunity to participate fully in the economic, cultural, and intellectual life of the State."

DHR protects New Yorkers against discrimination in employment, housing accommodations, nonreligious educational institutions, places of public accommodation, commercial spaces, and credit transactions.

DHR takes legal action in response to complaints about discrimination, initiates investigations of individual and systemic cases of discrimination, and conducts outreach to communities throughout the State of New York.

What Housing is Covered?

The New York State Human Rights Law applies to nearly all housing accommodations.

The only exceptions are:

Rental units in two-family homes occupied by the owner.

Example: A two-family home where the owner lives in one of the units is not covered by the Human Rights Law.

Rentals in rooming houses occupied by the owner or member of the owner's family.

Example: A rooming house with a resident owner is not covered by the Human Rights Law.

It is important to remember that although the Human Rights Law does not apply to these housing accommodations, federal or local fair housing laws may apply.



II. Who is Protected?



Who is Protected?

The New York State Human Rights Law prohibits housing discrimination on the basis of several “protected characteristics.” It is unlawful for someone to discriminate against you because of one of the following protected characteristics.

Race/Color

Creed

Exception: A religious institution can, under certain circumstances, limit the sale or rental of housing to a member of the same religion to further its religious principles.

Sex

Exception: Single-sex housing accommodations such as female- or male-only dormitories at a college are permitted.

Age

Exception: Housing accommodations for seniors are permitted; housing discounts to people 65 years or older are permitted.

Disability

Exception: Housing discounts to people with disabilities are permitted.

Arrest Record resolved on your favor, an adjournment in contemplation of dismissal, a sealed conviction record, or a youthful offender adjudication.

National Origin

Marital Status

Military Status

Family Status

Sexual Orientation

Gender Identity/Expression

Lawful Source of Income

The Human Rights Law does not give preference to any one particular race, creed, color, national origin, sex, age, disability, marital status, family status, sexual orientation, or gender identity. If someone denies housing to you, and the reason is one of these characteristics, whatever that characteristic happens to be, it is unlawful.

Who Must Follow the Law?

Anyone who sells, rents, or leases housing must follow the New York State Human Rights Law.

- **Owners**
- **Tenants**
- **Subtenants**
- **Managing agents**
- **Real estate brokers**
- **Real estate agents**
- **Agents and employees of the above persons**

Examples:

A real estate agent may not aid a landlord who asks not to rent apartments in his building to “minorities.”

A housing complex cannot establish a “no children” rental policy.

A family member who assists her relative in selling her home cannot discriminate.

A tenant of an apartment cannot discriminate if subletting the apartment to another person.

A contractor making repairs may not engage in sexual harassing behaviors against tenants.

What is Prohibited?

I. DISCRIMINATION IN CONNECTION WITH THE SALE, RENTAL, OR LEASING OF HOUSING

The Human Rights Law makes it illegal to discriminate in the sale, rental, or leasing of housing because of a protected characteristic. Specifically, the law makes it illegal to do the following because of a protected characteristic:

Refuse to sell, rent, or lease housing.

Example: An owner refuses to sell a home to Asian-Americans.

Example: A woman receives child support from the father of her children, and with this support she is qualified to rent an available apartment. The landlord tells her that he does not take into account child support because fathers sometimes stop paying.

Example: A renter has the appearance and gender identity of a male, and checked off “male” on the application. The landlord later learns that the sex assigned to the renter at birth was female. The landlord tries to evict the renter, stating he lied on his application, and also harasses him to try to get him to leave.

Discriminate in the terms, conditions, or privileges in the sale, rental, or lease of housing.

Example: A landlord requires higher security deposits from African-American families in connection with renting apartments.

Example: A homeowner decides to require a larger down payment from a Latino family in connection with the sale of a home.

Discriminate in providing facilities or services in connection with the sale, rental, or lease of housing.

Example: A landlord refuses to allow Latino children to play at a playground.

Example: A man is denied the use of fitness equipment available to other tenants because he receives governmental housing assistance to pay part of his rent.

Print or circulate a statement, advertisement, or publication expressing a limitation, specification, or discrimination in the sale, rental, or lease of housing.

Example: An advertisement for a vacant apartment expresses preference for a specific national origin.

Use an application for housing that expresses any limitation, specification, or discrimination in the sale, rental, or lease of housing.

Example: A real estate application asks questions about a protected characteristic.

Make any record or inquiry in connection with the prospective purchase, rental, or lease of housing that expresses any limitation, specification, or discrimination.

Example: A landlord asks the religion of prospective tenants.

Discriminate against a person with a vision impairment because of their use of a guide dog, or a person with hearing impairment because of their use of a hearing dog. Discriminate against a person with a disability because of their use of a service dog. Discriminate against a person with a disability because of their use of an emotional support animal, where the animal is needed to use and enjoy the premises.

II. RETALIATION, AIDING AND ABETTING, AND COERCION

The Human Rights Law also prohibits participating in discrimination or retaliating against someone for helping to enforce the Law. Specifically, the Law prohibits:

Aiding, abetting, inciting, compelling, or coercing someone to violate the Human Rights Law.

Example: A co-op board informs an owner that it will not approve a sale to an African-American buyer. (Should they actually vote to deny a sale because the buyer is of a protected class, the co-op board will be liable directly for discrimination, as will each member of the board who voted to deny).

Retaliating against someone for opposing housing discrimination, filing a complaint, or testifying or assisting in any enforcement action under the Law.

Example: A real estate agency fires an employee for reporting that a landlord refused to rent to her Latino client.

III. DISCRIMINATION BASED ON ASSOCIATION WITH MEMBERS OF A PROTECTED CLASS

It is unlawful to discriminate against an individual because of that individual's known relationship with a member of a protected class under the Human Rights Law.

Example: A landlord refused to rent an apartment to a couple when he learns they are interracial.

IV. REAL ESTATE BROKERS, SALESPERSONS, AND EMPLOYEES; REAL ESTATE BOARDS

In addition to the above restrictions, the Human Rights Law adds additional obligations on real estate brokers, real estate salespersons and their employees.

Specifically, it is illegal for them to:

Refuse to negotiate for the sale, rental, or lease of housing.

Example: A real estate agent refuses to negotiate with a person with a disability for the rental of housing.

Represent that housing is not available for sale, rental, or lease when it is available.

Example: A real estate salesperson shows housing to a white person, but then tells a minority person that the same housing is not available for rental.

It is also illegal for a real estate board to exclude or expel any person, or discriminate against a person in the terms, conditions, and privileges of membership on the board because of a protected characteristic.

Example: A lesbian locates an apartment she would like to rent. The landlord's broker calls to tell her the apartment has been rented to someone else after she mentioned her wife. She find out through a friend that the apartment is available and the broker continues to show it to prospective tenants.

V. REASONABLE ACCOMMODATIONS

In addition to prohibiting housing discrimination on the basis of disability, the Human Rights Law requires persons covered by the law to accommodate the needs of persons with disabilities.

Examples: A landlord makes an exception to a "no pet" policy to permit a tenant to keep an emotional support animal where the animal allows the person to use and enjoy their home.

Example: You rent an apartment in an apartment building and need to use a wheelchair to enter and leave your apartment. You cannot get up the steps at the front of the building without assistance of others. Your landlord may be required to provide you with a ramp or other reasonable means to permit you to access the building.

Discrimination in Lending

The Law also prohibits discrimination in connection with lending, including real estate lending. It is unlawful to discriminate in connection with lending on the basis of the same characteristics* that are protected in connection with the sale or rental of housing.

*Age can be considered in determining the creditworthiness of an applicant when age has a demonstrable and statistically sound relationship to determining creditworthiness.

The Law prohibits the following in connection with an application for a loan for the purchase, acquisition, construction, rehabilitation, or repair or maintenance of a home:

Discriminating in granting, withholding, extending, renewing, or setting the terms, rates, or conditions of the loan.

Example: A lender charges higher interest rates to African-Americans.

Using an application for a loan or making any record on an inquiry about an applicant that expresses any limitation, specification, discrimination.

Example: A credit application asks about the applicant's medical history.



Discrimination in Lending

Asking an applicant about her capacity to have children or about the use or advocacy of any form of birth control or family planning.

Example: A loan officer asks a couple applying for a loan whether they plan to have children.

Refusing to consider sources of an applicant's income or discounting an applicant's income because of a protected characteristic, including childbearing potential.

Example: When considering the loan application of a married couple, a creditor refuses to consider the income of the wife because she is of childbearing age.

In connection with considering an applicant's credit worthiness, considering statistics or assumptions relating to a protected characteristic, including the likelihood of bearing children.

Example: A creditor refuses to lend in predominantly minority neighborhoods.



**PEOPLE WITH A DISABILITY
HAVE A RIGHT TO EQUAL
OPPORTUNITY TO USE AND
ENJOY THEIR HOME.**



Reasonable Accommodation for a Disability

The NYSHRL prohibits housing providers from refusing to sell, rent, lease or otherwise deny any person a housing accommodation on account of disability; and discriminating against any person because of disability in the terms, conditions, or privileges of the sale, rental, or lease of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

Housing providers are obligated to reasonably accommodate persons with disabilities to allow them the use and enjoyment of their homes. Such accommodations may include removing architectural barriers, providing accessible parking, and waiving no pet policies for persons who have a disability-related need for a service or emotional support animal. Housing providers are required to pay and provide for reasonable modifications to common areas to make them accessible to persons with disabilities. New multifamily housing built on or after March of 1991 must meet basic design and construction requirements to ensure that access to and inside the dwellings are provided to persons with disabilities.

III. Filing a Complaint



Filing a Complaint

It is FREE to file.

There is no cost or fees associated with filing a complaint.

You do not need an attorney.

DHR will assign an attorney for you if your case goes to a public hearing. However, you may retain a private attorney if you prefer.

Different ways to file.

You may file by phone, email, mail, or in person. You can find our complaint form at dhr.ny.gov/complaint.

Phone: 1-844-862-8703

Email: info@dhr.ny.gov

We can help.

If you need assistance or have any questions, please contact us.

If you are blind or a person with a vision disability, you can contact John Herrion at 718-741-8332 or john.herrion@dhr.ny.gov to receive the form in an alternative format, including Braille in English or Spanish.

You may request a complaint form in a different language by calling 1-888-392-3644.

If you are unsure about filing, contact us. We can answer your questions. You may also feel free to check out our self-screening questionnaire at <https://dhr.ny.gov/self-screening-questionnaire>.

DHR Complaint Process

- Visit dhr.ny.gov/complaint to file a complaint of discrimination within one year of the last act of discrimination. DHR will investigate your complaint to determine if there is probable cause to believe that the law may have been violated. If there is no probable cause, the complaint is dismissed and closed.
- If there is probable cause, DHR will prosecute your complaint at a public hearing before an administrative law judge.
- After the public hearing, DHR's Commissioner will issue an order with a final decision either dismissing or sustaining the complaint.
- If the complaint is sustained, possible remedies may include a change in policies and/or practices; reinstatement to a job; back pay with interest or benefits lost due to the discriminatory practice; the provision of services; equal treatment in an accommodation, institution, or program; and/or compensation for emotional distress. Civil fines may also be assessed.



1 File a complaint



2 DHR Investigation



3 No Probable Cause Determination -
The case is dismissed.
Can be appealed to NYS Supreme Court.



3 Probable Cause



4 Public Hearing



5 Recommended Order
by an Administrative
Law Judge



6 Final Order
issued by the Commissioner



IV. Resources

If you suspect that you may have been the victim of discrimination, there are a number of government agencies and private organizations that can help.

DHR REGIONAL OFFICES

Bronx Central Office

One Fordham Plaza, 4th Floor
Bronx, NY 10458
(718) 741-8400

Albany Regional Office

Agency Building 1, 2nd Floor
Empire State Plaza
Albany, New York 12220
(518) 474-2705

Binghamton Satellite Office

NYS Office Building Annex
44 Hawley Street, 6th Floor
Binghamton, NY 13901-4465
(607) 721-8467

Brooklyn Regional Office

Shirley A. Chisholm State Office Building
55 Hanson Place, Room 304
Brooklyn, NY 11217
(718) 722-2385

Buffalo Regional Office

Walter J. Mahoney State Office Building
65 Court Street, Suite 506
Buffalo, NY 14202
(716) 847-7632



Locate
our office
nearest
you!

dhr.ny.gov/contact-us



Upper Manhattan Regional Office

Adam Clayton Powell State Office Building
163 West 125th Street, 4th Floor
New York, NY 10027
(212) 961-8650

Long Island Regional Office

50 Clinton Street, Suite 301
Hempstead, NY 11550
(516) 539-6848

Hauppauge Satellite Office

State Office Building
250 Veterans Memorial Highway, Suite 2B-49
Hauppauge, NY 11787
(631) 952-6434

Rochester Regional Office

One Monroe Square
259 Monroe Avenue, 3rd Floor
Rochester, NY 14607
(585) 238-8250

Syracuse Satellite Office

State Office Building
333 East Washington Street, Room 543
Syracuse, NY 13202
(315) 428-4633

White Plains Regional Office

7-11 South Broadway, Suite 314
White Plains, NY 10601
(914) 989-3120

Office Of Sexual Harassment Issues/Queens

55 Hanson Place, Room 900
Brooklyn, NY 11217
(718) 722-2060

Resources

OTHER STATE RESOURCES

New York State Homes and Community Renewal - Fair Housing and Equal Opportunity Office

25 Beaver Street
New York, NY 10004
(866) 275-3427
www.nyshcr.org

Under the Human Rights Law, you can also file a lending discrimination complaint with the Superintendent of Banks at the following address:

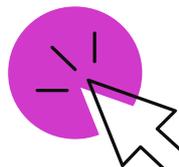
New York State Department of Financial Services

One State Street
New York, NY 10004
(800) 342-3736
www.dfs.ny.gov

LOCAL COMMISSIONS

You can also file a complaint with your city, municipality, or county if it has a law prohibiting housing or lending discrimination.

You may visit dhr.ny.gov/humanrightscommissions to find a list of such agencies.



Resources

HUD (FEDERAL)

Federal law also prohibits housing discrimination. You can file a housing discrimination complaint under federal law with:

The United States Department of Housing and Urban Development (HUD)

26 Federal Plaza, Room 3532

New York, NY 10278

(212) 264-5072

Lafayette Court, 465 Main Street

Buffalo, NY 14203

(716) 846-5785

Toll-Free Number: (800) 496-4294

United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity

451 Seventh Street, S.W., Room 5116

Washington, D.C. 20410-2000

(202) 708-2878

www.hud.gov

Nationwide Toll Free Number: (800) 669-9777

Resources

COMMUNITY ORGANIZATIONS

The following private, non-profit, fair housing enforcement organizations are dedicated to preventing and eliminating discriminatory housing practices:

Brooklyn Legal Services

105 Court Street

Brooklyn, NY 11211

(917) 661-4500

<https://www.legalservicesnyc.org/>

CNY Fair Housing

731 James Street, Suite 200

Syracuse, NY 13203

(315) 471-0420

www.cnyfairhousing.org

Fair Housing Justice Center, Inc.

30-30 Northern Blvd #302,

Long Island City, NY 11101

(212) 400-8201

www.fairhousingjustice.org

Resources

Housing Opportunities Made Equal, Inc.

1542 Main Street
Buffalo, NY 14209
(716) 854-1400
www.homeny.org

Legal Assistance of Western NY, Inc.

361 South Main Street
Geneva, NY 14456
(315) 781-1465
www.lawny.org

Long Island Housing Services, Inc.

640 Johnson Avenue
Bohemia, NY 11716
(631) 567-5111
www.lifairhousing.org

Westchester Residential Opportunities, Inc.

470 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-4507
www.wroinc.org

**If you believe that you have
been discriminated against, you
can file a complaint with the
NYS Division of Human Rights.**

**Visit DHR's website dhr.ny.gov
or call (844) 862-8703.**

