

NYS DHR ENFORCES THE NYS HUMAN RIGHTS LAW

Since 1945 – years before the passage of federal civil rights laws such as the Civil Rights Act of 1964 and the Fair Housing Act of 1968 – New Yorkers suffering from racial discrimination have been protected by the New York State Human Rights Law (HRL). The HRL is the oldest statewide anti-discrimination law in the country. Today, the HRL is more expansive than ever, covering a wide range of protected categories and jurisdictions. The NYS Division of Human Rights (DHR) enforces the HRL by reviewing, investigating, and adjudicating complaints of alleged discrimination in employment, housing, credit, schools, and places of public accommodation. DHR also conducts Division Initiated Investigations to root out systemic discrimination. Relief can include but is not limited to monetary awards, changes in policy, reinstatement of employment or housing, and reasonable accommodations, in addition to possible civil penalties and fines.

RACE

Unequal treatment, bias, or harassment based on one's actual or perceived race and/or traits typically associated with race (such as skin color or hair texture) is prohibited under the HRL. For example, it is discriminatory and illegal for a realtor to only show a Black home buyer houses in communities of color when similar homes are available in other neighborhoods and are being showed to similarly situated White homebuyers.

COLOR

Discrimination based on an individual's skin color, complexion, or pigmentation is also prohibited and can be different from discrimination based on race. For example, a property manager who routinely fails to complete repairs for dark skinned tenants but not others may be discriminating based on color, even if other tenants that fall within the same racial category do receive repairs.

NATIONAL ORIGIN

The HRL prohibits discrimination based on an individual's country of origin or ancestry. This form of discrimination may be related to several different individual characteristics, including race, color, religion, and/or language. An overt example is if an employer refuses to hire anyone from Haiti. A more subtle example might include a manager enforcing an "English-only" rule solely against staff who speak Haitian-Creole.

FREQUENT AREAS OF DISCRIMINATION



EMPLOYMENT

Discrimination in employment is prohibited by the HRL and can take place during the application/hiring process, during an individual's tenure as an employee, or when someone is being terminated. Examples include being passed over for promotions in favor of a less qualified person, unequal disciplinary actions, derogatory comments, or disparate compensation.



HOUSING

The HRL prohibits housing providers, such as landlords, property managers and realtors from discriminating based on protected characteristics in the sale, renting, and leasing of housing. This may include steering customers of certain backgrounds to specific neighborhoods, predatory lending, availability of property, and disparate terms and conditions.



PUBLIC ACCOMMODATION

The HRL prohibits discrimination in places of public accommodation, including restaurants, hospitals, retail stores, recreation centers, and hotels. Examples of discrimination in public accommodations may include refusal of service, harassment, or provision of unequal goods or services.

ADDITIONAL FORMS OF DISCRIMINATION

As the manner in which racial discrimination is manifested evolves, the HRL also continues to evolve in order to ensure that equal opportunities are afforded to all New Yorkers. The following are examples of protections that were enacted to address forms of discrimination that were disproportionately impacting communities of color across New York.



HAIRSTYLES

The HRL now explicitly protects New Yorkers from discrimination based on traits historically associated with race, such as hair texture and hairstyles. For example, it is against the Law for your employer to deny you the ability to wear braids, locks, or twists, or deem these styles "unprofessional." The same applies when a school prevents an athlete from competing because of their braids.



SOURCE OF INCOME

The HRL prohibits housing providers, such as landlords, property managers, and realtors from discriminating against lawful sources of income. For example, a landlord may not refuse to accept a Section 8 voucher, or refuse to consider child support, alimony, or SSI in evaluating potential tenants.



ARREST/CONVICTION

The HRL also prohibits the manner in which arrest and conviction records may be used. For example, a person may not be asked about or discriminated against because of a favorably resolved arrest record in housing, employment, credit, licensing, or insurance. Employers may not implement blanket policies denying employment to individuals with conviction records but rather must consider the particulars of each case.

DO NOT FEAR RETALIATION

The HRL prohibits retaliation against someone for filing an internal complaint of discrimination or otherwise opposing practices that are discriminatory. Retaliation is also prohibited after the filing of a complaint with DHR, during the time the complaint is pending, or at any time thereafter. Retaliation claims can be filed and adjudicated as separate and independent complaints.

WHAT CAN YOU DO?

CONTACT THE NYS DIVISION OF HUMAN RIGHTS

The information provided in this document is a snapshot of how the NYS Human Rights Law protects New Yorkers against unlawful discrimination based on race, color, and other protected characteristics. We encourage you to visit our website for more information, or to contact us with your questions. We are also available to help you file a complaint or if you would like to report a suspected case of systemic discrimination to our Division Initiated Investigations Unit.

TALK TO US

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