

# Know Your Fair Housing Rights!

**A Guide to Fair Housing Laws and  
How to Take Action Against  
Housing Discrimination**



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# What are Fair Housing laws?

In the New York City, there exist laws and protections on the local, state, and federal levels that make it illegal to discriminate in housing matters.

*Federal Fair Housing Act: It is illegal to “refuse to rent... or otherwise make unavailable” a place of residence because of race, color, religion, sex, familial status, or national origin” and to “discriminate against any person in the terms, conditions, or privileges of sale or rental” or in the services provided because of race, color, religion, sex, familial status, or national origin.*

*Civil Rights Act of 1866: All racial discrimination is illegal in the sale and rental of housing. Discrimination must be intentional.*

*New York State Human Rights Law: It is illegal to discriminate in the “terms, conditions, or privileges of the...rental or lease of...housing accommodations or in the furnishing of facilities or services in connection therewith” by any “person having the right...to rent or lease” those accommodations.*

*New York City Human Rights Law: Discriminatory practices in the “terms, conditions, or privileges of the sale, rental or lease of a housing accommodation” or in the services connected to that housing accommodation are illegal.*

Fair housing laws protect all of us from being discriminated against in our homes or when we're trying to find a home.

It is unlawful for you to be treated differently or unfairly by your landlord, a real estate agent, another tenant, your super, a broker, etc. because of a certain protected characteristic (defined on the next page).

Use this guide to help determine whether you've been a victim of housing discrimination. You can also find out what to do if you feel that you've been discriminated against.

# “Protected Characteristics”

Protected characteristics are traits about yourself with which you identify. They’re called “protected” because if you identify with them, you are protected from discrimination because of them.

**These characteristics are:**

<b>Race</b>	People who are Latino, African American, Asian, Caucasian, etc.
<b>Color</b>	People who are brown, black, white, etc.
<b>National Origin</b>	People who are immigrants or refugees, or whose family is comprised of immigrants
<b>Religion</b>	Christians, Muslims, Jews, Atheists, etc.
<b>Sex</b>	Male or Female
<b>Disability</b>	People with any physical, medical, mental, psychological impairment, or if they are regarded as having such an impairment
<b>Family Status</b>	Families with children under 18, including pregnant women
<b>Age</b>	Adults, elderly people, and children
<b>Military Status</b>	Active or reserve members in the U.S. Army, Navy, etc. Includes honorably discharged veterans
<b>Gender Identity</b>	Transgender and gender non-conforming individuals
<b>Partnership Status</b>	Individuals in a domestic partnership
<b>Alienage/Citizenship Status</b>	Immigration status or citizenship of an individual
<b>Lawful Occupation</b>	An individual’s lawful profession
<b>Lawful Source of Income</b>	Any form of public or housing assistance, including Section 8 vouchers
<b>Sexual Orientation</b>	Individuals who are gay, lesbian, queer, heterosexual, etc.
<b>Limited English Proficiency</b>	A landlord may be violating your fair housing rights based on your “national origin”

# So What Am I Protected Against?

Anyone involved in renting, leasing, or maintaining your housing (landlord, real estate agent, broker, super, building manager, tenant, subtenant) **CANNOT based on a protected characteristic...**

## **[Different Treatment and Conditions for Your Apartment]**

- ...Provide different housing services or facilities for different tenants
- ...Refuse or delay repairs for your apartment while providing them for others
- ...Limit the use of services or facilities in a building
- ...Deny or limit services or facilities in connection with the sale or rental of your home

## **[Selling, Renting, or Leasing Housing]**

- ...Refuse to sell, rent or lease housing
- ...Misrepresent the availability of housing
- ...Make different arrangements and terms in the lease, such as rental charges or security deposits, or policies for lease violations
- ...Fail to process an offer for sale or rental or to communicate an offer accurately to some applicants but not others

## **[Reasonable Accommodations and Modifications]**

- ...Refuse to make reasonable changes to rules, policies, services and the physical structure of a building to ensure that people with disabilities can also enjoy their housing accommodations on an equal basis with non-disabled tenants

## **[Advertising and Applications for Housing]**

- ...Publish an advertisement that expresses any specifications, limitations, or preferences based on a protected characteristic
- ...Ask about a protected characteristic on a housing application or in an interview

## **[Retaliation]**

- ...Punish, harass, or threaten someone who asserts his/her fair housing rights or someone who helps others to assert their rights

# Examples of Housing Discrimination

It can be hard to tell whether you're experiencing housing discrimination or not. Below are some examples of situations that involve violations of fair housing laws.

A Section 8 voucher holder attempts to rent an apartment, but the landlord tells him that they don't accept Section 8 vouchers.

*This is source of income discrimination. It is illegal to refuse housing to someone because they receive public or housing benefits of any kind.*

Advertisements for an available apartment say "No children allowed."

*This is preferential advertising, and a violation of fair housing laws because it discriminates against families.*

A landlord makes repairs in the apartments of white tenants, but refuses to make repairs in the apartments of Latino tenants.

*This is discrimination based on race, and it is illegal. A landlord cannot provide different services to tenants of different races.*

An African American tenant is issued a notice of eviction because she has a washing machine in her unit. The landlord knows about a washing machine in a Caucasian tenant's apartment, but does not issue a notice of eviction to them.

*This is discrimination based on race. Tenants are treated differently because of their races.*

A female applicant for housing is told that the deposit for an apartment is \$800. A male applicant is told that the deposit for the same apartment is \$200.

*This is discrimination based on sex. It is illegal for a housing provider to set different terms for potential tenants based on sex or gender.*

An immigrant from Mexico with limited English proficiency is asked to provide her Social Security Number for a background check before she is allowed to move into an apartment. A white applicant who speaks English fluently does not have to go through a background check when attempting to rent the same apartment.

*This could be discrimination based on national origin, race, and/or citizenship status. A housing provider cannot set different requirements for different applicants based on these protected characteristics.*

A landlord tells a tenant who is a recovering alcoholic that he will not renew his lease because he received a noise complaint against him. The landlord renews the lease of a tenant who is not a recovering alcoholic, even though he received a noise complaint against her as well.

*Recovering alcoholics are protected from housing discrimination as alcoholism is considered a disability. This tenant must be treated the same as all other tenants.*

A woman who uses a wheelchair is not allowed to install grab bars in her bathroom.

*This is a refusal to allow for “reasonable modifications.” A landlord is not required to pay for the alteration to the apartment, but is required to allow a tenant to make her apartment more accessible through reasonable alterations.*

A tenant files a housing discrimination complaint against her landlord. Her landlord shuts off her heat when he finds out.

*Under fair housing laws, it is illegal to punish or threaten a person who exercises his or her fair housing rights.*

A landlord does not recognize the succession rights of a man whose husband passes away in a rent-stabilized apartment.

*This may be discrimination based on sexual orientation if the requirements under applicable laws for succession have been satisfied.*

# **I think I've experienced housing discrimination. What should I do?**

Call a fair housing organization or agency as soon as possible! A fair housing expert can speak with you to figure out if there's been a violation of fair housing law and help you to take action. You are also free to make a complaint or take legal action on your own.

## **What fair housing agencies can I call?**

**Brooklyn Legal Services Corp. A**

718-487-2324

**Fair Housing Justice Center**

212-400-8201

## **What kind of action can they help me take?**

These agencies can help you initiate a complaint with the Department of Housing and Urban Development (HUD), with the New York Division of Human Rights (NYDHR), or to bring an action in State or Federal Court. Additionally, the Office of the Attorney General may, under certain circumstances, choose to prosecute your claim.

## **What's the difference between HUD and NYDHR?**

Both the state and federal governments have their own laws governing fair housing. While the laws are very similar, New York City and State have broader coverage for certain groups. For example, while both federal and state laws protect against discrimination based on race or nationality, only the state laws protect against discrimination based on sexual orientation, and only city laws protect against discriminating against a person on the basis of gender or transgender identity. Only city laws protect against discrimination based on source of income.

HUD is an agency that handles claims under federal law.

NYDHR handles claims under state and/or city law as well as under federal law. If you have experienced discrimination in violation of state or city laws, you should file a claim with the NYDHR. The NYDHR is also able to prosecute any additional federal claims you have under federal law.

Don't worry if you bring your complaint to the wrong agency. Both HUD and NYDHR will direct you to the right place.

# Fair Housing Law Enforcement in New York State

<u>Agency action</u>	<u>How long do I have to bring the complaint?</u>	<u>What does it cover?</u>	<u>Where is it filed?</u>
<b>United States Department of Housing and Urban Development (HUD)</b>	Claim must be brought within <b>1 year</b> of the last act of discrimination.	Discriminatory conduct based on race, color, national origin, religion, sex, familial status or disability.	With the HUD offices. May be initiated by mail, telephone or online.
<b>New York Division of Human Rights (NYDHR)</b>	Claim must be brought within <b>1 year</b> of the last act of discrimination.	Discriminatory conduct based on race, color, national origin, religion, sex, familial status, disability, military status, sexual orientation, gender identity.	With the offices of the NYDHR.  Call to schedule an appointment with an NYDHR attorney.
<b>Federal Court</b>	Claim must be brought within <b>2 years</b> of the act of discrimination.	Discriminatory conduct based on race, color, national origin, religion, sex, familial status or disability.	In federal or State court.
<b>State Court</b>	Claim must be brought within <b>2 years</b> of the act of discrimination.	Discriminatory conduct based on race, color, national origin, source of income, religion, sex, familial status, disability, military status, sexual orientation, gender identity.	In federal or state court.

## **How do I file a complaint with HUD?**

Anyone can file a fair housing complaint with HUD for free. A person filing a complaint is called the “complainant” while the person (or persons) against whom the complaint is filed is called the “respondent.” The respondent may be your landlord, landlord’s employees, or a broker. You can initiate your complaint with HUD by telephone, mail or online. After HUD has reviewed your initial complaint, an intake specialist will be assigned to conduct a follow-up interview with you.

## **How do I file a complaint with the NYDHR?**

Filing a fair housing complaint with NYDHR is also free. You may begin the process of filling your complaint by calling the NYDHR offices and scheduling an appointment to meet with a staff attorney. You may also download a complaint form online, fill it out, and mail it into NYDHR.

## **How does the agency (HUD or NYDHR) process a complaint?**

After the intake specialist has interviewed you, a HUD investigator will make a determination whether or not to pursue an investigation. If HUD decides to investigate, the investigator will make a written complaint on your behalf. The investigator will mail you the complaint, which you must sign and return to HUD. Within 10 days after the signed complaint has been returned, HUD will notify the respondent of your complaint. The respondent in turn has 10 days to “file an answer.” As part of its investigation process, HUD will interview both you and respondent and collect any relevant evidence.

After collecting and reviewing evidence and testimony from both sides, HUD will decide whether there is reasonable cause to charge the respondent with violating the law. If HUD determines that there is reasonable cause, the agency will inform both sides and send the claim to be heard in front of an administrative law judge. However, if either party so chooses, HUD may instead send the charge to be heard in federal court. If you would like to go to federal court, you must decide to do so within 20 days of receiving the agency’s decision to issue a charge.

The NYDHR process is nearly identical to HUD’s.

## **Do I need to get an attorney?**

You do not need an attorney to file a complaint with HUD or the NYDHR. However, an attorney may be helpful with the process. If you decide to take your case directly to court, you should speak with a lawyer. There are many legal organizations that will take on cases for free for low-income victims of discrimination.

## Can I go directly to court?

Yes. Federal, State, and New York City fair housing law claims can be brought either through administrative agencies such as HUD, or in State or Federal Court. If you prefer to bring the complaint in front of a judge directly, you should gather your evidence and make an appointment to see an attorney who specializes in fair housing claims.

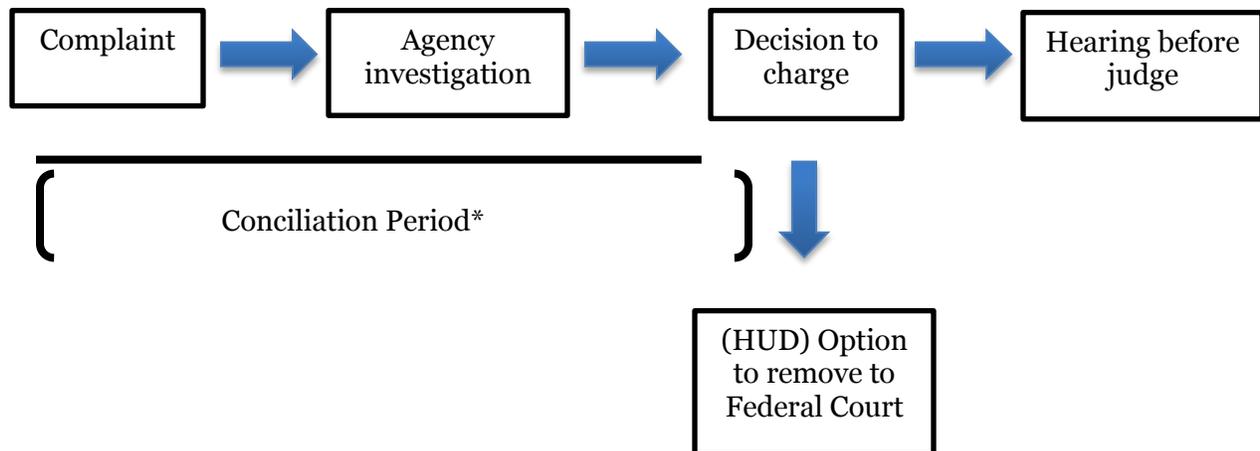
## Should I bring my claim to HUD, NYDHR, or an attorney?

It's your decision! You can, but don't have to, bring your claim to an attorney or agency who can help you in court. You can file a complaint on your own or contact a lawyer to go to court directly. If, however, more than one year has passed since the last incident of discrimination against you, neither HUD nor NYDHR will be able to take your complaint and your only option is to proceed in court.

## How can BKA help?

Brooklyn A is happy to help you navigate your options, including assisting you with filing an agency complaint or pursuing litigation in court. We can also help you to figure out how these actions might affect one another. For a list of referral agencies, see the next page.

## Overview of the HUD and NYDHR Administrative Process



\*Fair Housing Law requires HUD to try to settle the matter between you and the person you are accusing of discrimination before your case goes in front of a judge. NYDHR has a similar requirement. HUD or NYDHR will act as an intermediary to try to settle the matter during what is called the “**conciliation period**.” You are not obligated to settle during this time and are free to proceed to court.

# Referral Agencies for Fair Housing Claims

## **NYC COMMISSION ON HUMAN RIGHTS**

Brooklyn office: 275 Livingston St., 2nd Floor, Brooklyn NY 11217  
(718) 722-3130  
[www.nyc.gov/html/cchr](http://www.nyc.gov/html/cchr)

## **NY STATE DIVISION OF HUMAN RIGHTS (NYDHR)**

TOLL FREE: (888) 392-3644  
Bronx (Headquarters): One Fordham Plaza, 4th Floor Bronx, NY 10458  
(718) 741-8400  
Brooklyn office: 55 Hanson Place, Room 1084 Brooklyn, New York, NY 11217  
(718) 722-2385  
[www.dhr.state.ny.us](http://www.dhr.state.ny.us)

## **U.S. DEPT. of HOUSING AND URBAN DEVELOPMENT (HUD)**

New York Regional Office  
Complaints\_office\_02@hud.gov  
26 Federal Plaza, Room 3532  
New York, NY 10278-0068  
Telephone (212) 542-7519 or 1-800-496-4294  
Housing Discrimination Hotline: 1-800-669-9777  
[www.HUD.gov](http://www.HUD.gov)

## **OFFICE OF THE ATTORNEY GENERAL**

Civil Rights Bureau  
120 Broadway,  
New York, New York, 10271  
212-416-8259  
[civil.rights@ag.ny.gov](mailto:civil.rights@ag.ny.gov)  
[www.ag.ny.gov](http://www.ag.ny.gov)

## **NY STATE HOMES AND COMMUNITY RENEWAL (HCR)**

Fair and Equitable Housing Office  
38-40 State St.  
Albany, NY 12207  
Phone: 518-473-3089  
Email: [FEHO@nyshcr.org](mailto:FEHO@nyshcr.org)

## **FAIR HOUSING JUSTICE CENTER**

5 Hanover Square, 17th Floor New York, New York 10004  
(212) 400-8201  
[www.fairhousingjustice.org](http://www.fairhousingjustice.org)

This is a copy of the HUD online complaint form. It must be filled out online.  
You can access this form by visiting:  
[http://portal.hud.gov/hudportal/HUD?src=/topics/housing\\_discrimination](http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination)

## HUD Form 903 Online Complaint

**Your housing discrimination complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the Fair Housing Act. The specialist will contact you for any additional information needed to complete this review. If your complaint involves a possible violation of the Fair Housing Act, the specialist will assist you in filing an official housing discrimination complaint.**

**\* denotes required field.**

### 1. Enter your personal information.

First Name\*:

Last Name\*:

Email: (optional)

Your Address\*:

City\*:

State\*:

Zip Code\*:

Daytime Phone No: (optional)

Evening Phone No: (optional)

Best Time to Call:

### 2. Who else can we call if we cannot reach you?

1. Contact's First Name\*:

Last Name\*:

Organization:

Daytime Phone Number\*:

Evening Phone Number:

Best Time to Call:

2. Contact's First Name\*:

Last Name\*:

Organization:

Daytime Phone Number\*:

Evening Phone Number:

Best Time to Call:

**3. What happened to you? How were you discriminated against? \* For example: were you refused an opportunity to rent or buy housing? Denied a loan? Told that housing was not available when in fact it was? Treated differently from others seeking housing? State briefly what happened. (4000 character limit)**

**4. Why do you believe you are being discriminated against?**

*Examples:*

- *Were you denied housing because of your race?*
- *Were you denied a mortgage loan because of your religion?*
- *Or turned down for an apartment because you have children?*
- *Were you harassed because you assisted someone in obtaining their fair housing rights?*

**Briefly explain why you think your housing rights were denied because of any the factors listed above. (4000 character limit) [It is a violation of the law to deny you your housing rights for any of the following factors: - race - color - religion - sex - national origin - familial status (families with children under 18) - disability.]**

**5. Who do you believe discriminated against you? Was it a landlord, owner, bank, real estate agent, broker, company, or organization?**

First Name:

Last Name:

Organization:

Address:

**6. Where did the alleged act of discrimination occur? Provide the address. For example: Was it at a rental unit? Single family home? Public or Assisted Housing? A Mobile Home? Did it occur at a bank or other lending institution?**

Address:

City:

State\*:

Zip Code:

**7. When did the last act of discrimination occur?**

Enter the date\*:

**8. Is the alleged discrimination continuous or ongoing?**

**Your housing discrimination complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the Fair Housing Act. The specialist will contact you for any additional information needed to complete this review. If your complaint involves a possible violation of the Fair Housing Act, the specialist will assist you in filing an official housing discrimination complaint.**