

# SUFFOLK COUNTY HUMAN RIGHTS COMMISSION

2015 Human Rights Law Updates

# Human Rights Commission

## Commissioners

- 15 Volunteers
- Appointed and Confirmed
- Representatives of the Community

## Staff

- Executive Director, Investigators and Clerk-Typist
- Complaint Investigation
- Outreach and Education

# Investigations

## Jurisdiction

- ✓ Suffolk County
- ✓ One-year statute of limitations
- ✓ Area (Employment, Housing, Public Accommodations, Credit)
- ✓ Unlawful Practice (Protected Category)

# Protected Categories

- Race
- Color
- Creed
- National Origin
- Gender
- Disability
- Age
- Marital Status
- Sexual Orientation
- Familial Status
- Alienage & Citizenship Status
- Veteran Status
- Military Status
- Status as a Victim of Domestic Violence
- Lawful Source of Income
- Arrest/Conviction Record (employment only)

# Veteran or Military Status

## Veteran Status

- Past Participation
- Discharge Status (other than dishonorable)

## Military Status

- Current Participation
- Active
- Reserves

# Status as a Victim of Domestic Violence

**An individual who is a victim of an act which would constitute a family offense pursuant to subdivision 1 of § 812 of the Family Court Act.**

# Group Identity

- Includes the actual or perceived race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status or familial status
- As well as the actual Military Status, Veteran Status and Status as a Victim of Domestic Violence

# Lawful Source of Income

Includes, but is not limited to, income derived from Social Security, or any form of federal, state, or local public assistance or housing assistance including the Housing Choice Voucher Program.

Applies to:

- housing accommodations with 3 or more units; and
- to housing accommodations offered for sale, rental or lease by any person with the right to sell, rent or lease 3 or more housing accommodations within Suffolk County



# So what is a Housing Accommodation?

Any building, structure or portion thereof which is used or occupied, or is intended or designed to be used or occupied as the home, residence or sleeping place of one or more human beings.



# Lawful Source of Income

## Example:

- A Landlord owns an apartment building in Suffolk County which contains three or more rental units and is offering one or more for rent.

## Example:

- A Landlord plans to rent an entire single family home to one family and the Landlord owns at least two other housing accommodations within Suffolk County.

In both examples, the Lawful Source of Income provision would apply.

In both examples, the Landlord has the right to lease three or more housing accommodations in Suffolk County. It is irrelevant that all the units are not in the same structure, as long as they are all located within Suffolk County.

# Owner-Occupied Exemption

*a/k/a “Mrs. Murphy” exemption*

The exemption under Suffolk County Human Rights Law applies to the rental of housing accommodations in a building with no more than 2 housing accommodations if:

the owner or a member of his or her family resides in one of the housing accommodations.

# Discriminatory Advertising

It is unlawful to make, print or publish any statement, advertisement or publication, or to use an application which expresses directly or indirectly any limitation, specification, or discrimination with respect to group identity or lawful source of income.



# Unlawful Practices

**When based on an individual's group identity or lawful source of income, it is unlawful to:**

- refuse to sell, rent or lease a housing accommodation
- refuse to negotiate for the sale, rental or lease (realtors)
- discriminate in the terms, conditions or privileges of the sale, rental or lease of a housing accommodation
- misrepresent the availability of the housing accommodation or the terms and conditions of the transaction

# Unlawful Practices (cont'd)

- refuse to permit reasonable modifications of the premises for individuals with disabilities, if necessary to afford full enjoyment of the premises
- refuse to make reasonable accommodations in rules, policies, practices, or services to afford an individual with a disability equal opportunity to use and enjoy a housing accommodation.

# Unlawful Practices (cont'd)

- threaten, intimidate, or interfere with individuals in their enjoyment of housing accommodation because of their group identity or lawful source of income or because of the group identity of their guests.

Additional unlawful practices include:

- Discriminatory Advertising
- Blockbusting
- Steering
- RETALIATION

# Remedies Available to Victims

Include, but are not limited to:

- Compensatory Damages
- Punitive Damages
- Attorney's Fees

In addition, if, upon all the evidence at a hearing, there is a finding that unlawful discrimination has occurred, civil penalties of up to \$50k may be imposed (up to \$100k in cases of willful, wanton or malicious discrimination).





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