

Fair Housing Laws Fact Sheet



Fair Housing Laws

Fair housing laws protect all of us from housing discrimination. In the New York City region, there are federal, state, and local laws that prohibit discrimination in the rental, sale, insuring, and financing of housing. In addition to these laws, there are fair lending laws that apply to credit and home mortgage financing. And there are other federal civil rights laws that prohibit housing discrimination when federal financial assistance is involved.

The federal Fair Housing Act prohibits discrimination based on:

- Race
- Religion
- Color
- Sex
- National origin
- Familial status
- Disability

The New York State Human Rights Law includes all of the federally protected characteristics and also prohibits discrimination based on:

- Sexual orientation
- Age
- Marital status
- Military status

The New York City Human Rights Law includes all of the federal and state protected characteristics, except military status, and also prohibits discrimination based on:

- Gender identity
- Domestic partnership status
- Alienage/citizenship status
- Lawful occupation
- Lawful source of income
- Status as victim of domestic violence, sex offenses, and stalking

There are other local jurisdictions within the New York City region with fair housing laws that prohibit discrimination in housing based on additional protected characteristics. Please contact the FHJC about protections available under these local laws.

What Conduct is Prohibited by Fair Housing Laws?

Discrimination can take many forms and occurs at different stages of a housing transaction. Here are some of the practices prohibited under fair housing laws:

- Refusing to rent, sell, insure or finance housing, or refusing to negotiate for housing, or otherwise making housing unavailable.
- Advertising or making any statement that indicates a preference, limitation, or discrimination.
- Misrepresenting the availability of housing.
- Steering individuals into or away from certain buildings, parts of buildings, or neighborhoods to segregate populations.
- Discriminating in the terms or conditions of housing or providing unequal services and facilities.
- Refusing to allow a reasonable modification to the premises for persons with disabilities.

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- Refusing to provide a reasonable accommodation by altering rules, policies, practices, or services for persons with disabilities.
- Failing to design and construct new multifamily housing built since 1991 in an accessible manner.
- Harassing or failing to take corrective action regarding complaints about harassment.
- Threatening, coercing, intimidating, interfering with or retaliating against a person for exercising or assisting others to exercise their fair housing rights.

Housing providers may adopt policies and qualifications for prospective home buyers and renters provided these policies 1) are applied in a uniform and neutral manner to all applicants; 2) do not discriminate based on any of the protected characteristics; and 3) do not have the effect of discriminating against groups of people based on any of the protected characteristics.

What Remedies Are Available Under Fair Housing Laws?

Fair housing laws open doors, break down barriers, and repair the harm caused by discriminatory housing practices. In general, when someone prevails with a housing discrimination complaint, the following types of remedies and penalties are available:

- Court orders or injunctions to stop the illegal discrimination. These orders can require a housing provider to take steps to ensure discrimination will not occur in the future, such as non-discriminatory policies, training for agents, affirmative advertising, and similar activities.
- Monetary compensation to be paid to the victim of discrimination for out-of-pocket expenses, economic loss, lost housing opportunity, emotional distress, and other damages.
- Punitive damages and civil penalties to punish the discriminating parties and deter others in the community from discriminating in the future. Punitive damages are paid to the victim of discrimination. A civil penalty is a monetary fine paid to the government.
- Attorney fees and costs can, in most cases, be ordered by prevailing plaintiffs in fair housing cases.

In situations where people have been illegally denied housing, harassed, or threatened with an eviction or non-renewal of a lease for discriminatory reasons, court orders have been issued that enable individuals or families to obtain the housing sought or remain in their current housing.

For direct assistance with a complaint, please call (212) 400-8201 or email us at fhjc@fairhousingjustice.org to send us a brief note about your complaint and we will get back to you.

ABOUT THE FAIR HOUSING JUSTICE CENTER

The Fair Housing Justice Center (FHJC) is a nonprofit civil rights organization dedicated to eliminating housing discrimination; promoting policies and programs to foster open, accessible, and inclusive communities; and strengthen fair housing enforcement in the New York City region. Learn more at www.fairhousingjustice.org.