

Protected Classes Under New York State Anti-Housing Discrimination Laws

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In 1968, the Fair Housing Act was enacted in order to offer protections to individuals in protected classes from housing discrimination. The protected classes include race, color, religion, national origin, sex (including gender identity and sexual orientation), familial status and disability. In addition, the New York State Human Rights Law also extends additional protections to individuals on the basis of their age, marital status, military status, citizenship or immigration status, sexual orientation, gender identity and expression as well as lawful source of income. It is important to note that individuals who are victims of domestic violence are also protected by both federal and state law.

Some examples of housing discrimination include a housing provider, or any lending agency, refusing to rent or sell housing, or otherwise make housing unavailable. Fair Housing discrimination also includes setting different terms and conditions for sale or rental of a dwelling. It is also illegal to indicate a preference, limitation or discrimination based on an individual's protected class.

For instance, a landlord cannot discriminate based on an individual's familial status. They cannot give a preference to individuals with no children and deny an individual with children when applying for a rental unit. Similarly, a landlord cannot evict someone or falsely deny that a unit is available for inspection, sale or rental based upon an applicant's status as being a victim of domestic violence. Furthermore, New York State protections also make it illegal for housing providers and lenders to discriminate based on an individual's lawful source of income, such as section 8 vouchers, SSI/SSD, or any other government assistance.

Often housing discrimination goes unnoticed because individuals are not directly told by housing providers that children automatically disqualify them, section 8 is not accepted or a lease can't be terminated even though the individual is a victim of domestic violence and has an order of protection. Housing discrimination is often revealed through fair housing testing in which testers are trained to do in-person testing or phone testing to gather evidence about possible housing discrimination. If you believe that you have been a victim of housing discrimination due to your membership in one or many of the federal or state protected classes, please contact LawNY. We are also actively looking for testers and paying a stipend for their work to help investigate housing discrimination all throughout Western New York State.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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