

Renters and Housing Discrimination

What is unlawful housing discrimination in New York State?

It is generally unlawful to refuse to rent an apartment to someone or to treat a renter differently because of their race, religion, color, national origin, citizenship or immigration status, religion, gender identity or expression, disability, marital status, children (familial status), age, sex, military status, sexual orientation, status as a victim of domestic violence, or lawful source of income.

Can someone refuse to rent to me because of my race or color?

No one can refuse to rent housing to someone because of their race or color. No one can change the conditions of a rental because of someone's race or color. For example, a landlord cannot charge you more rent than your white neighbor just because you are African-American.

Can someone refuse to rent to me because of my national origin, religion, disability, marital status, sex, military status, status as a victim of domestic violence?

Generally speaking, no one can refuse to rent to you for those reasons. However, some types of housing are exempted from anti-discrimination laws, such as one- or two-family owner-occupied buildings, college dormitories or boarding houses where the residents are the same sex, housing intended for people over the age of 55 or over the age of 62; and room rentals in owner-occupied housing.

Does the law allow people with disabilities to change an apartment to accommodate their disability?

If you are a person with a disability, the same law that says that your landlord cannot discriminate against you also requires your landlord to allow you to make *reasonable changes* to your apartment so that you can fully use and enjoy it. For example, if you are hearing impaired, you might want to have a lighted doorbell installed. There are some rules you must follow when requesting permission to make changes or when making changes to an apartment. You may want to contact Neighborhood Legal Services for more information.

Does the law protect me against discrimination if I have children or roommates?

The law says that a landlord cannot discriminate against you because you have children. A landlord cannot refuse to rent to you if you are pregnant or planning to

become pregnant. In addition, generally your landlord cannot evict you because you have someone move in with you. There are special rules about this, and you may want to contact Neighborhood Legal Services for more information.

Can my landlord discriminate against me because of my lawful source of income?

No. It is illegal under state law for anyone to deny you housing based on your source of income. For example, if your income is from Social Security, the Department of Social Services, or if you have a Housing Choice Voucher, a landlord cannot refuse to rent to you for that reason if your income is enough to afford to rent the apartment.

Can my landlord discriminate against me due to my sexual preference, or sexual orientation?

No. State and federal law prohibit discrimination based on gender identity and sexual orientation. This also applies to harassing behavior by building staff based on sexual orientation.

What can I do if my landlord sexually harasses me?

Sexual harassment by your landlord is also a form of illegal discrimination. If you experience sexual harassment, you should call Neighborhood Legal Services or any of the other agencies listed below.

Can my landlord discriminate against me because of my gender identity or expression?

No. State law and Erie County's fair housing law protect against discrimination based on gender identity or expression. For instance, the Erie County law states that gender identity includes a "person's actual or perceived gender, as well as a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different than that traditionally associated with the person's sex at birth." In other words, if you dress or act in a way that is different from the traditional way people born with your gender dress or act, you are protected from discrimination.

How can I tell if I have been a victim of housing discrimination?

It is often very hard to tell if you have been the victim of discrimination. For example, very few landlords will tell you that they will not rent to you because of your race. They may just tell you that they have already rented the apartment. One way to tell is to keep an eye on the advertisements. If an ad for an apartment continues to run even after the landlord says the apartment is taken, keep copies of those newspapers. Housing Opportunities Made Equal (HOME) may be able to help you prove your discrimination case if you are told that an apartment has already been rented and you think it still may be available. HOME has a form on its website to report discrimination.

Another way to tell is to compare notes with your neighbors. For example, if you are paying a much larger security deposit than your neighbor, and you have three children, and she has none, you may have a discrimination case.

What should I do if I believe I have been discriminated against?

You should act quickly! Under New York State Human Rights Law, victims of unlawful discrimination have three years to file a claim. While that gives you time to bring your claim forward, any investigation of your claim by the following agencies will be most helpful if conducted soon after the discrimination occurs. Under Erie County law, you may be entitled to bring a private lawsuit against the perpetrator of the alleged unlawful discriminatory practice, but you must do so within one year of the act.

Who do I contact to report discrimination?

You may contact the Housing Unit of **Neighborhood Legal Services, Inc.** at **(716) 847-0650** for more information.

Other agencies that handle housing discrimination claims are:

Housing Opportunities Made Equal (HOME) at (716) 854-1400,
www.homeny.org/report-discrimination

New York State Division of Human Rights at (716) 847-7632 (Buffalo Office),
<https://dhr.ny.gov/>

United States Department of Housing and Urban Development (HUD) at (800) 669-9777,
www.hud.gov/complaints/housediscrim.cfm, or

Western NY Independent Living at (716) 836-0822, <https://wnyil.org>