

Housing Discrimination

What is unlawful housing discrimination in New York State?

Housing discrimination occurs when someone is denied the opportunity to rent or buy a house because of their race, color, national origin, religion, gender, disability, marital status, children, age, military status, or sexual preference. It is illegal to make decisions about housing based on race, color, national origin, religion, gender, disability, marital status, children, age, military status, or sexual preference. In some cities and towns in New York, it is unlawful to discriminate against someone based upon their lawful source of income, or the way in which they express their gender. However, the laws apply in different ways to different housing situations.

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

No one can refuse to rent or sell housing to someone because of their race or color. No one can change the conditions of a rental or sale 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, gender, marital status, age, military status, sexual orientation, or because I have children?

Generally speaking, the answer is no; no one can refuse to rent to you for those reasons. However, the laws about discrimination based on these classifications do have some exceptions. Certain housing, such as apartments in owner-occupied doubles, may not be covered by these laws.

Does the law protect people with disabilities from discrimination?

If you are a person with a disability, the same law that says that your landlord cannot discriminate against you, also requires him 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 door bell 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?

The law also says that a landlord cannot discriminate against you because you have children. There are some exceptions, but usually a landlord cannot refuse to rent to you or raise your rent because you have children, or become pregnant. In addition, your landlord cannot generally evict you because you have someone move in with you.

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

No, not if you live in Buffalo, West Seneca or Hamburg. The state and federal laws do not protect against discrimination based on your source of income. But if you live in Buffalo, West Seneca or Hamburg, there are local laws that say the landlord cannot discriminate against you if you don't work but have enough money coming in from another source to allow you to afford the apartment. For example, if your income is from the Department of Social Services or if you receive Section 8, a landlord cannot refuse to rent to you for that reason as long as your income is enough to afford to rent the apartment.

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

New York State passed the Sexual Orientation Non Discrimination Act which protects individuals against discrimination based upon sexual preference.

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, not if you live in Buffalo. The Buffalo Fair Housing Ordinance says that a landlord may not refuse to rent to you or treat you differently than other tenants based on how you express your gender. That means if you dress or act in a way that is different from what is traditionally associated with your birth gender, you are protected against housing 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.

Another way to tell is to compare notes with your neighbors. 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. The laws regarding discrimination vary, but in many cases you have as little as one year to file a claim. Also, any investigation of your claim by the following agencies will be most helpful if conducted soon after the discrimination occurs.

You may contact the Housing Unit of Neighborhood Legal Services, Inc. at 847-0650 for more information. The Housing Unit accepts a limited number of calls every day, Monday through Friday between the hours of 9:00 a.m. to 12:00 p.m.

Other agencies that handle housing discrimination claims are Housing Opportunities Made Equal (HOME) at 854-1400; New York State Division of Human Rights at 847-7632, the United States Department of Housing and Urban Development (HUD) at 1-800-669-9777 or at the HUD website at www.hud.gov/complaints/housediscrim.cfm, or Independent Living Center at 836-0822.