

Nassau County's Human Rights Law prohibits discrimination in housing

Q: Why did the Nassau County Legislature amend its law that prohibits discrimination in housing?

A: As a result of public hearings held in 2006, the Nassau County Legislature determined that prejudice, intolerance, bigotry and discrimination on the basis of actual or perceived differences of race, color, creed, gender, age, disability, religion, source of income, sexual orientation, national origin, marital status, familial status or ethnicity are harmful to the health, morals, safety and welfare of the residents of Nassau County. The Nassau County Legislature also determined that segregation in housing creates economic instability by limiting access to quality education, health care and job opportunities for professionals and skilled workers, and creates pockets of poverty and increases the cost of housing in all neighborhoods. The amendments to the law allow the Nassau County Commission on Human Rights (NCCHR) to refer complaints to Administrative Law Judges hired by Nassau County to hold hearings to determine if the law has been violated.

Q: When does the new law go into effect?

A: The law became effective on January 1, 2007. Since it does not cover acts that occurred prior to January 1, 2007, complaints filed prior to January 1, 2007 must still be heard by the New York State Division of Human Rights.

Q: Who enforces the law prohibiting discrimination in housing?

A: The law is enforced by the Nassau County Commission on Human Rights (NCCHR), a Board that consists of unpaid members appointed by the County Executive and confirmed by the County Legislature. The staff of the NCCHR investigates the complaints. The NCCHR enforces the law through investigations, and when appropriate, through conciliation, mediation or hearings.

Q: What is discrimination under Nassau County law?

A: The law defines discrimination as any difference in treatment based on certain protected statuses, including race, creed, color, national origin, ethnicity, gender, religion, source of income, sexual orientation, age, marital status, familial status or disability, and segregation.

Q: How do I know if I am protected by this law?

A: The law has specific definitions that determine if an individual is a member of a protected status.

- "Disability" means (a) a physical, mental or medical impairment, resulting from anatomical, physiological, genetic or neurological conditions, that prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such impairment; or (c) a condition regarded by others as such impairment.
- "Familial status" refers to (a) a person who is pregnant or has a child or is in the process of securing legal custody of a person who has not attained the age of eighteen years, or (b) one or more persons who have not attained the age of eighteen years and are domiciled with a parent or another person having legal custody of such person or persons or the designee of such parent.

- “Marital status” refers both to the status of a person and to the status of a couple.
- “National origin,” for the purposes of this chapter, includes ancestry.
- “Protected status” means race, creed, color, gender, disability, age, religion, source of income, sexual orientation, ethnicity, familial status, marital status, or national origin.
- “Religious or denominational institution” means an institution operated for religious purposes or operated, supervised or controlled by religious or denominational organizations.
- “Sexual orientation” refers to a person’s actual or perceived identity as being homosexual, bisexual or heterosexual.
- “Source of income” means any lawful source of income, including federal, state, local, non-profit assistance or subsidy program.

Q: How will the Commission on Human Rights enforce the housing discrimination law?

A: The Commission will receive and investigate complaints and initiate its own investigations of housing discrimination based upon race, creed, color, national origin, ethnicity, gender, religion, source of income, sexual orientation, age, marital status, familial status and disability by private persons, associations, corporations and, after consultation with the County Executive, by county officials or agencies. Under certain circumstances, the Commission will schedule hearings to be held before an Administrative Law Judge.

Q: How will the Commission on Human Rights determine if the law has been violated?

A: The law allows the Commission to hold closed hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath and to require the production of any evidence relating to any matter under investigation or in question before the Commission.

Q: What is an illegal housing practice under the new law?

A: Acts of prejudice, intolerance, bigotry, and discrimination that deny a person the opportunity to sell, purchase or lease, rent, or obtain financing for the purchase or lease of housing accommodations because of actual or perceived race, creed, color, gender, disability, age, religion, source of income, sexual orientation, familial status, marital status, ethnicity or national origin are illegal.

Q: What are some examples of unlawful discriminatory practices?

A: Refusing to sell, rent, lease or provide financing for any housing accommodation because a person is a member of a protected class.

Discriminating against or harassing any person in the terms, conditions or privileges of the sale, rental, lease, or occupancy of housing because of the actual or perceived protected status of such person.

Q: Are any housing accommodations excluded from this law?

A: Yes. The law does not apply to (1) the rental of housing accommodations in a building which contains housing accommodations for not more than two families if the owner of such building actually maintains and occupies one of such housing accommodations as his or her residence, or (2) to the rental of a room or rooms in a housing accommodation by a person who actually maintains and occupies such housing accommodation as his or her residence.

Q: Can I file a complaint against a bank, mortgage company or credit union under this law?

A: Yes. Lending institutions (banks, credit unions, mortgage companies) are prohibited from discriminating on the basis of the actual or perceived protected status.

Q: Does the law protect me if I file a complaint under this new law?

A: Yes. The law prohibits landlords, real estate brokers, or lending institutions from intimidating, threatening, or harassing any person who has sought the protection of this law.

Q: How long do I have to file a complaint if I believe that I have been discriminated against?

A: You must file your complaint within one year after the discrimination occurs.

Q: How does the Commission on Human Rights enforce the new law?

A: The Commission receives and investigates complaints and initiates its own investigations of violations of the law. The Commission has the power to hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath, and require the production of any evidence relating to any matter under investigation or any question before the Commission. The Commission can also mediate disputes.

Q: Can I use this law if I've already filed a case in court?

A: No. The Commission cannot hear a complaint if the complainant already brought the same set of facts to court or to another state agency, unless that case has been dismissed without prejudice or **you have** withdrawn your complaint without prejudice.

Q: If I file a complaint with the Commission on Human Rights, can I drop the case if I choose to do so?

A: Yes. You can withdraw the complaint any time before a hearing begins, but you must do so in writing.

Q: Do I have to testify at a hearing?

A: A complainant has to cooperate with the Commission so that it can adequately investigate the complaint. This may require that you provide testimony as well as documents and information to prove your complaint.

Q: How long will this take?

A: The Commission must begin its investigation of a complaint within thirty (30) days of its filing. A determination as to whether the complaint falls under the law and whether there is probable cause to believe that the respondent named in the complaint has engaged or is engaging in activity prohibited under this section must be made within one-hundred (100) days.

Q: Will the Commission on Human Rights hold a hearing on every complaint?

A: No. When a complaint is filed, and the Commission determines that it has jurisdiction, the Commission is authorized to resolve the complaint by mediation and conciliation instead of with a full hearing.

Q: Do I need an attorney to file a complaint?

A: No. You can call or visit the Commission and the staff will review your situation and the filing of a complaint with you.

Q: What happens if the respondent ignores the complaint?

A: A hearing will still be held even if the respondent does not attend. The administrative law judge will proceed with the case, which will include testimony and written evidence.

Q: What will happen if the Commission on Human Rights finds that the complaint is true?

A: If the Commission finds that the person or company accused of the illegal practice has broken the law, it can ensure that you are treated without unlawful discrimination. It can also order the payment of compensatory damages or civil penalties to the County. The respondent also may be responsible for the complainant's reasonable attorney's and expert fees and costs.

Q: Are there any limitations on penalties that can be imposed?

A: Yes. The Commission or a court shall impose a civil penalty in an amount not more than fifty thousand dollars for each violation. If an unlawful discriminatory practice is the result of the respondent's wanton or malicious act, the Commission or court shall impose a civil penalty in an amount not more than one hundred thousand dollars for each violation.