

HUMAN RIGHTS DEPARTMENT Frequently Asked Questions

After assessing an individual's concern and determining their specific needs, the Human Rights Department will discuss filing a Human Rights Complaint, and appropriate referrals would be made to local community resources.

Under the Human Rights Law in New York, every citizen has an "equal opportunity to enjoy a full and productive life."

This law protects you from discrimination in areas such as employment, education, credit, and purchasing or renting a home or commercial space based on your:

- Race
- Creed
- Color
- National origin
- Sexual orientation
- Military status
- Sex
- Age
- Marital status
- Domestic violence victim status
- Disability
- Pregnancy-related condition
- Predisposing genetic characteristics
- Prior arrest or conviction record
- Gender Identity or Expression
- Familial status
- Lawful source of income (in housing only)
- Retaliation for opposing unlawful discriminatory practices

If someone feels they have been discriminated against they can file a complaint with the Division of Human Rights. Once a complaint is filed, the Division of Human Rights will investigate and may present the case in a public hearing.

All Complaint Forms Can be found here: <https://dhr.ny.gov/complaint#file>

- **Employment (Includes Licensing, Internships, & Volunteer Firefighting) Discrimination Complaint Form:**
<https://dhr.ny.gov/sites/default/files/pdf/nysdhr-employment-complaint-form-fillable.pdf>
- **Housing and Housing-Related Credit Discrimination Complaint Form:**
<https://dhr.ny.gov/sites/default/files/pdf/nysdhr-housing-discrimination-complaint-form-fillable.pdf>
- **Education Discrimination Complaint Form:**
<https://dhr.ny.gov/sites/default/files/pdf/nysdhr-education-complaint-form-fillable.pdf>
- **Domestic Workers Employment Discrimination Complaint Form:**
<https://dhr.ny.gov/sites/default/files/pdf/nysdhr-domestic-workers-complaint-form-fillable.pdf>
- **General Complaint Form:**
<https://dhr.ny.gov/sites/default/files/pdf/complaint-form-fill-in.pdf>

You can also contact the regional office that covers Orange County. Below is their information:

NYS Division of Human Rights

Frequently Asked Questions

Q. I AM NOT SURE IF I HAVE BEEN DISCRIMINATED AGAINST. WHO CAN I CONTACT TO GET MORE INFORMATION ABOUT THE SPECIFICS OF MY SITUATION?

A. If you have any questions about your situation or the filing process, you should review carefully the information in our booklet and on our website - www.dhr.ny.gov. If you still have questions, you can call or visit the Bronx office or one of the Division's regional offices. A staff member will be happy to answer your questions. Remember, the staff member cannot and will not provide legal advice, and this consultation does not constitute filing a complaint. A complaint is filed only through the written and notarized process outlined in our booklet.

Q. DO I NEED AN ATTORNEY TO FILE A COMPLAINT IN THE DIVISION?

A. No. The Human Rights Law was designed as an alternative to the court system, and, thus, parties need not have a lawyer to file a complaint or to participate in the hearing process. The Division, however, has an interest in vindicating the human rights of New Yorkers, and, thus, a member of the Division staff will assist Complainants throughout the hearing process, free of charge.

Q. WHY DO I ONLY HAVE A YEAR TO FILE MY COMPLAINT?

A. In order to ensure that Complainants act promptly when they feel they have been discriminated against, the Law imposes a one-year time period for the filing of complaints in the Division. If your claim is older than a year, you should consult with an attorney to see if you are able to file your claim in state court.

Q. ARE ALL EMPLOYERS SUBJECT TO THE HUMAN RIGHTS LAW?

A. Only employers that have at least four employees are subject to the HRL with regard to all protected classes. These employees, however, need not work at the same location. However, a complaint of sexual harassment may be made against any employer, even if the employer has fewer than four employees.

Q. WHAT KIND OF ACCOMMODATION MUST AN EMPLOYER PROVIDE IF I HAVE A DISABILITY OR A PREGNANCY-RELATED CONDITION ?

A. If you need an accommodation because of your disability or pregnancy-related condition to complete the essential tasks of your job in a reasonable manner, your employer is required to provide an accommodation, if it is reasonable under the particular circumstances and does not cause an undue hardship to the employer.

You may be required to provide medical documentation of your need, which must be kept confidential by your employer.

Q. WHAT KIND OF ACCOMMODATION MUST A LANDLORD PROVIDE IF I HAVE A DISABILITY?

A. If you require a reasonable modification to your housing unit because of your disability, the housing provider is required to permit you to make such modification. However, you are responsible for the cost of the modification, and, in the case of rentals, the cost to return the unit to its original condition upon leaving. A housing provider must also make reasonable accommodations in rules, policies, practices, and services to enable a person with a disability to use and enjoy the premises.

Q. CAN I BE FIRED BY MY EMPLOYER OR EVICTED BY MY LANDLORD FOR FILING A COMPLAINT?

A. No. Retaliating against individuals who complain of any unlawful acts of discrimination, or who testify or assist in any proceeding under the Law, is unlawful. If you suspect that anyone has engaged in such retaliatory conduct against you, please contact the Division and ask whether such conduct gives rise to a separate complaint of discrimination.

Q. WHAT IS DISCRIMINATION IN CREDIT?

A. There are many ways that an individual may be discriminated against in the area of credit, including the denial of credit based on one of the traits or characteristics outlined at the beginning of this booklet, or the

granting of credit on less favorable terms based on one of these same traits or characteristics. Because these acts can be subtle, individuals who believe that they have been the subject of such discrimination should contact the Division for consultation.

Q. CAN I FILE A COMPLAINT WITH BOTH A FEDERAL AGENCY AND THE DIVISION?

A. The U. S. Equal Employment Opportunity Commission (better known as the EEOC) enforces federal anti-discrimination laws in the area of employment. The U.S. Department of Housing and Urban Development (HUD) enforces federal anti-discrimination laws related to housing. The Division enforces the New York State Human Rights Law, which only applies to New York State and goes beyond employment and housing into areas such as public accommodations, lending, and education. Although the federal laws and the Human Rights Law offer slightly different protections in the area of employment and housing, some complaints of employment discrimination and/or housing discrimination may be covered by both federal law and the state law. If this is true in your situation, you can protect all your rights by filing one complaint with the Division.