

Fair Housing Law in New York State

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Based on the New York State Home and Community Renewals (HCR)



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What Are Fair Housing Laws?

- Federal, New York State, and local laws prohibit housing discrimination and promote equal access to housing opportunities.



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Key Laws

- Federal Fair Housing Act
- New York State Human Rights Law
- Local fair housing protections



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3

Federal Protected Classes

- Race
- Color
- Religion
- National Origin
- Sex
- Disability
- Familial Status



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4

Additional NY Protected Classes

- •Age
- •Marital Status
- •Military Status
- •Sexual Orientation
- •Gender Identity or Expression
- •Lawful Source of Income
- •Domestic Violence Status
- •Citizenship/Immigration Status



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5

Housing Covered

- Most housing with three or more units, including apartments, cooperatives, public housing, assisted living, shelters, and condominiums.



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6

Limited Exceptions

- •Owner-occupied two-family homes
- •Owner-occupied room rentals
- •Certain religious housing
- •Certain senior housing exemptions



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7

Who Must Comply?

- Landlords, brokers, agents, lenders, property managers, developers, homeowner associations, appraisers, and government agencies.



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8

Accessibility Requirements

- Many multifamily buildings constructed after 1991 must include accessibility features for persons with disabilities.



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9

Reasonable Accommodations

- Changes in rules, policies, or practices necessary to allow persons with disabilities equal use and enjoyment of housing.



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10

Examples of Accommodations

- **Service or assistance animals**
- **Application assistance**
- **Transfers to accessible units**
- **Policy modifications**



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11

Reasonable Modifications

- Tenants with disabilities may make necessary physical modifications to housing, subject to applicable legal requirements.



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12

Prohibited Conduct

- Refusing to rent or sell
- Different terms or conditions
- Steering
- False availability statements
- Retaliation



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13

Discriminatory Advertising

- Examples include advertisements stating 'No Children', 'Adults Preferred', or similar discriminatory preferences.



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14

Fair Lending Protections

- **Housing discrimination laws also apply to mortgages, home equity loans, insurance, and other housing-related financing.**



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15

Source of Income Protections

- New York law prohibits discrimination based on lawful sources of income, including housing vouchers.



Name of PowerPoint



16

Immigrant Housing Rights

- **New Yorkers are protected from housing discrimination regardless of immigration status.**



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17

Filing a Complaint

- Complaints may be filed with the New York State Division of Human Rights, HUD, the Attorney General, or fair housing organizations.



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18

Best Practices for Housing Providers

- Apply policies consistently.
- Use objective screening criteria.
- Respond promptly to accommodation requests.
- Avoid discriminatory statements.



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19

Sources

- New York State Homes and Community Renewal (HCR)
- Fair Housing Information
- New York State Human Rights Law
- Federal Fair Housing Act



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20

Warranty of Habitability



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21

Warranty of Habitability

Tenants have the right to a livable, safe, and sanitary apartment. This includes the public areas.



Warranty of Habitability



22

Examples of a breach of this warranty

- Failure to provide heat or hot water on a regular basis, or the failure to rid an apartment of an insect infestation.



Warranty of Habitability



23

Warranty of Habitability

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Warranty of Habitability



24

Must Not Be Cause By Tenant

Any uninhabitable condition caused by the tenant or persons under the tenant's direction or control does not constitute a breach of the warranty of habitability. In such a case, it is the tenant's responsibility to remedy the condition



Warranty of Habitability



25

Steps to Take to Get the Repairs

- Tell your landlord about the needed repairs and ask when the repairs will be done
- If the landlord doesn't keep their word or doesn't take care of the repairs quickly, send the landlord a letter asking them to make the repairs. Keep a record!



Warranty of Habitability



26

Steps to Take to Get the Repairs

- Is it that serious? Talk to a Lawyer!
- You want to make sure if you pay for the repair, you will get your money back
- Can Repair and Deduct (make the repair and take the money out of next month's rent (Risk)- get written estimates and inform LL in writing



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27

Steps to Take to Get the Repairs

- Withhold Rent until Repairs Are Made (Eviction Risk) (Rent Withholding)(Very Serious!) (Do not spend rent money on something else until receive judge's order)



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28

Steps to Take to Get the Repairs

- **Contact the Town's Building Inspector (also called a Code Enforcement Inspector), the Fire Marshall or the County's Department of Health (for things like no heat, cesspool backup, and lead paint issues) to look at the problem.**
- **All Carry Risks of Potential Condemnation!**



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29

Thank you for attending!

If you have any questions, please contact
(631)232-2400.

Check out our website at
www.legalservicesli.org



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30