

NEW YORK CITY
COMMISSION ON
HUMAN RIGHTS



MICHAEL R. BLOOMBERG, MAYOR
PATRICIA L. GATLING, COMMISSIONER



DISCRIMINATION IS ILLEGAL IN NEW YORK CITY

THE NEW YORK CITY HUMAN RIGHTS LAW is one of the most comprehensive civil rights laws in the nation. The Law prohibits discrimination in employment, housing and public accommodations based on race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status or partnership status. In addition, the Law affords protection against discrimination in employment based on arrest or conviction record and status as a victim of domestic violence, stalking or sex offenses. In housing, the Law affords additional protections based on lawful occupation and family status. The City Human Rights Law also prohibits retaliation and bias-related harassment.



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New York City is the Capital of the World. Our residents have come here from hundreds of countries and all walks of life. However, when discrimination appears, it threatens our unity and our spirit. It is illegal and will not be tolerated.

Our Human Rights Law is one of the strongest in the nation and protects New Yorkers from discrimination in employment, housing, and public accommodations. The Commission on Human Rights is the law enforcement agency empowered to enforce this Law and provide protection to those who need our help.

The Commission prepared this informational booklet describing the provisions of the Law so that you can learn about your rights and what you should do if you are a victim of discrimination. With increased tolerance and understanding, we can make our communities stronger.


Mayor Michael R. Bloomberg



I invite you to read through this booklet to become more familiar with one of the most rigorous civil rights laws in the nation, the New York City Human Rights Law.

As a former prosecutor for over seventeen years and a child who grew up in the south during the civil rights era, I know firsthand the importance of fighting discrimination. Discrimination has no place in this City. Both Mayor Bloomberg and I are committed to the vigorous enforcement of the Human Rights Law. That same commitment also extends to fostering racial and ethnic harmony among our diverse communities.

I am grateful to the Mayor for the opportunity to serve as Commissioner, advocating Human Rights on behalf of the people of the City of New York and its visitors.

Patricia L. Gatling
Commissioner Patricia L. Gatling

HUMAN RIGHTS LAW IN PLAIN LANGUAGE

This booklet is a summary of the City's Human Rights Law and the services the New York City Commission on Human Rights provides. It is intended as a guide to help you understand the jurisdictional areas that the Law covers and which specific groups are protected under the Law. It is not intended to be a comprehensive legal reference or offer legal advice. To read the Human Rights Law in its entirety, refer to Title 8 in the Administrative Code of the City of New York online at www.nyc.gov/cchr. Also, you can call 311 or our main office at (212) 306-7450 where a staff attorney or an investigator will assist you with your particular case.

EMPLOYMENT

A company must have four or more workers for its employees to be protected by the City Human Rights Law. The Law prohibits discrimination in hiring and firing as well as work assignments, salary, benefits, promotions, performance evaluations, and discipline based upon race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, arrest or conviction record, marital status, partnership status or status as a victim of domestic violence, stalking or sex offenses. Making statements, asking questions during interviews,

or circulating job announcements that suggest a preference for or prejudice against hiring individuals based on the groups previously listed may be evidence of discrimination by your employer. The Law also applies to employment agencies and labor organizations.

Reasonable Accommodation for Persons with Disabilities in the Workplace

If you have a disability, your employer is required to make a reasonable accommodation to enable you to perform and fulfill the requirements of your job. The City Human Rights Law defines a disability as any physical, medical, mental or psychological impairment, or a history or a record of an impairment. A reasonable accommodation to a person with a disability is one that will not cause an undue hardship in the operation of the employer's business.

It is your responsibility as an employee with a disability to inform your employer that you need an accommodation. Your employer may ask for written documentation from your health care provider to support the request.

If you are applying for a job and have a disability, your prospective employer may not ask you about the existence, nature or severity of a disability, although you may be asked about your ability to perform specific job functions. An employer may not make medical inquiries or



An attorney from the Commission's Law Enforcement Bureau speaks with a complainant prior to filing a formal complaint.

conduct a medical examination of you, the applicant, until a job offer has been made. Medical examinations of employees must be job-related and consistent with the employer's business needs.

Some examples of a reasonable accommodation include:

- Making existing workplace facilities readily accessible to and usable by an employee with a disability;
- Job restructuring;
- Modification of work schedules;
- Reassignment to a vacant position;
- Acquiring or modifying equipment or devices;
- Adjusting or modifying examinations, training materials, or policies;
- Providing qualified readers or interpreters.

Employers are not required to lower quality or quantity standards to make an accommodation nor are they obligated to provide you with personal items, such as glasses or hearing aids.

Religious Observance

Under the Law, employers are required to make a reasonable accommodation for the religious needs of employees and job applicants, including the observance of the Sabbath and other holy days. Accommodation issues typically arise when an employee's religious practices conflict with their assigned work schedule. If you take time off for religious observance, the employer does not have to pay for the time taken off.

Sexual Harassment

Sexual harassment is a form of gender discrimination. Unwelcome verbal or physical conduct of a sexual nature constitutes unlawful sexual harassment when:

- Granting sexual favors is used as the basis for employment decisions or as a requirement to keep your job;
- Such conduct unreasonably interferes with job performance, or creates an intimidating, hostile or offensive work environment.

The harasser and the target can be a man or a woman. Harassment can be verbal, physical or pictorial and can include: sexual comments, jokes, innuendo, pressure for dates, sexual

touching, sexual gestures, and sexual graffiti. The complainant does not have to be the person at whom the offensive conduct is directed, but can be anyone affected by the conduct.

If you believe you are a victim of sexual harassment, you should clearly communicate to the harasser that the conduct is unwelcome. You should also immediately inform a manager or the equal employment opportunity officer.

Retaliation

It is against the Law for your employer to retaliate against you because you opposed an unlawful discriminatory practice or made a charge, testified, assisted or participated in an investigation, proceeding or hearing. The Law protects you against retaliation as long as you have a reasonable good faith belief that the employer's conduct is illegal, even if it turns out that you were mistaken as to the legality of the employer's conduct.

HOUSING

The City Human Rights Law protects residents of most types of housing in New York City against discrimination. If you reside in an apartment building or multiple family dwelling, co-op, condominium, government-assisted housing, or residential hotel, you are covered under the Law. But the Law does not extend to residents of two-family houses if the owner or a member of the owner's family resides in one of

the housing accommodations and the available housing accommodation was not advertised. Individuals who are renting rooms in apartments or houses are not covered by the Law.

It is unlawful for landlords, superintendents, building managers, condominium owners, and cooperative owners and boards to discriminate in the sale, rental or lease of a housing accommodation or in the provision of services and facilities because of a person's actual or perceived race, color, national origin, gender (including gender identity), disability, sexual orientation, creed, marital status, partnership status, alienage or citizenship status, age, lawful occupation, or because children are or may be residing with the person.

Reasonable Accommodation for Persons with Disabilities in Housing

The City Human Rights Law protects the rights of people with disabilities by requiring that



Housing providers have a right to screen applicants but must not be influenced by race, national origin or other protected factors.

landlords, co-ops and condominiums reasonably accommodate the needs of disabled tenants, shareholders or owners. Reasonable accommodations can be structural, such as a ramp at the primary entrance to provide wheelchair access, or installing grab bars in the bathroom. They can also involve policy or rule changes, such as permitting a tenant who is blind or has a psychological disability to have a guide dog or a companion animal, despite a building's "no pets" policy. The Law provides guidance in assessing requests for a reasonable accommodation, taking into account the nature and cost of the proposed accommodation and the financial resources of the landlord.

The City Human Rights Law also requires the housing provider to pay for an accommodation if it is deemed to be reasonable.

If you have a disability and need an accommodation, you should inform the housing provider and identify the type of accommodation you need. You may have to give the landlord a note from your doctor or other health care professional stating that you have a disability and describing the functional limitations that your disability imposes. You do not have to give the landlord your medical records.

Advertising

Advertising that discriminates against any of the protected groups



A case brought before the Commission resulted in the installation of a ramp for a tenant.

is against the Law. Additionally, as it relates to the purchase, rental, or lease of a housing accommodation, it is unlawful to use any form of application or to make any inquiry that discriminates against the protected groups.

Lending Practices

The City Human Rights Law also prohibits discriminatory lending practices by any person, bank, trust company, private banker, savings bank, savings and loan association, credit union, investment company, mortgage company, insurance company or any other financial institution or lender when you apply for a loan, mortgage or other financial assistance for construction, repairs or maintenance of your property. It is also against the Law for financial institutions to redline, the practice of denying

mortgages to prospective purchasers in certain communities.

PUBLIC ACCOMMODATIONS

Anyone who provides goods or services to the general public is considered a public accommodation. It is against the Law for a public accommodation, based on your race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity), sexual orientation, disability, marital status or partnership status, to withhold or refuse to provide those goods or services; charge a different amount for the same goods or services; set different terms for obtaining those goods or services; discourage certain people from using them; or advertise or make statements that would make you feel unwelcome. Please note that there are limited exemptions from the provisions of this Law based upon gender and age.

Some examples of public accommodations include stores, banks, medical or dental offices, government agencies, hair salons, health clubs, hospitals, hotels, libraries, theaters, restaurants, schools, and taxis.

Access to Public Accommodations for Persons with Disabilities

Many people with disabilities may need a reasonable accommodation to safely and independently enter or use a public accommodation. The City Human Rights Law requires that public accommodation providers make reasonable efforts to grant access and services to all customers. A reasonable accommodation may require a structural change, such as constructing a ramp or it may require a policy change, such as providing accessible parking spaces or permitting service animals to accompany a disabled person into a restaurant.



A major bank implemented changes to many of their branches to accommodate persons with disabilities.



The bank also installed wheel-chair accessible ATM machines (bottom photo) as well as lowered windows so persons with disabilities can easily talk with service representatives.

Shoppers

It is against the Law to be denied access to a store or refused services based on your race, creed, color, national origin, gender (including gender identity), disability, sexual orientation, alienage or citizenship status, marital status, partnership status or age.

A store may reserve the right to inspect your bags, require you to check your bags at the door or take measures to prevent shoplifting, provided all customers are treated equally.

BIAS-RELATED HARASSMENT

Bias-related harassment or violence is conduct that is motivated by the victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital status or family status, disability, partnership status, alienage or citizenship status and it is against the Law. Types of bias-motivated conduct include: a pattern of threatening verbal harassment; the use of force, intimidation or coercion; or defacing or damaging real or personal property.

If you are a victim of bias-related harassment, especially of a violent bias-related crime, you should report it immediately to the police, as well as report the incident to the City Commission on Human Rights.

HOW TO FILE A COMPLAINT

If you believe you have been the victim of discrimination in the City of New York, you may file a complaint with the Law Enforcement Bureau of the City's Commission on Human Rights, located at 40 Rector Street, 9th Floor, in lower Manhattan or at any of the Community Service Centers

listed on page 14 of the brochure. The Law requires that the complaint be filed within one year of the last alleged act of discrimination.

To schedule an appointment, please dial 311 or (212) 306-7450. If you are unable to travel to the Commission's offices, we will make alternative arrangements.

When you visit the Commission on Human Rights, you will meet with a Human Rights Specialist or a staff attorney. To expedite the interview process, please bring all relevant information covered in the complaint with you such as names, addresses and phone numbers of the people or organizations you are charging and the exact dates of the events.

PROCESSING THE COMPLAINT

The initial process begins in Intake where an investigator or attorney conducts an interview with you, the



A staff attorney interviews a complainant during the Intake process.

complainant. The investigator or attorney will attempt to resolve the situation if appropriate.

Mediation

Both sides are encouraged to participate in conciliation efforts through the Commission's mediation program.

Investigation

After a complaint has been filed, a neutral fact-finder—the investigator or attorney—may interview the parties and witnesses, review the respondent's answer and supporting documentation, issue interrogatories and document requests, conduct field visits and test where appropriate.

At the conclusion of the investigation, the Commission will make a determination of "probable cause" or "no probable cause."

Where there is insufficient evidence to establish that discrimination occurred, the Commission will issue a "no probable cause" determination and the case will be dismissed.

If the complainant receives a "probable cause" determination, it will be referred to the Office of Administrative Trials and Hearings for a trial.

The Hearing Process

If the parties do not settle at the pre-trial conference, the case will be heard by an administrative law

PROCESSING THE COMPLAINT

Intake

An investigator or attorney conducts the interview and tries to intervene and resolve the issue before generating a complaint.

Complaint is Filed

Office of Docketing files and serves the complaint; parties are invited to mediate.

Investigation

Investigator or attorney interviews witnesses, reviews documents.

Determination

Probable Cause: assignment to an attorney for prosecution. No Probable Cause: case is dismissed, complainant may appeal to the Commission Chair.

The Hearing Process

Administrative law judge holds a pre-trial conference. If case does not settle, administrative law judge conducts a hearing and issues a Report and Recommendation.

Final Decision and Order

The Commission issues a Final Decision and Order. If no liability found: case dismissed. If liability found: relief ordered.

judge of the City's Office of Administrative Trials and Hearings.

After the hearing is completed, the judge will issue a Report and Recommendation.

A panel of Commissioners, appointed to the Commission on Human Rights by the Mayor, will review the administrative law judge's Report and Recommendation and issue a Final Decision and Order.

Remedies

The Commission will exercise its broad remedial powers if it determines that the respondent engaged in unlawful discrimination.

Remedies may include requiring the respondent to hire, reinstate or promote a complainant; to compensate the complainant for lost wages; to provide a reasonable accommodation for a complainant's disability; to rent or sell a housing accommodation to a complainant; and/or to compensate a complainant for emotional distress. In addition, the Commission has the power to order respondents to implement anti-discrimination policies or participate in training. Finally, the Commission may impose a civil penalty of up to \$250,000 if the Commission finds that the discrimination was the result of a willful or malicious act.

COMMUNITY RELATIONS

The Neighborhood Human Rights Program (NHRP) helps cultivate mutual understanding and respect among New York City's many communities. The NHRP works on a grassroots level with block, tenant, merchant and civic groups to improve and stabilize their communities.



Human Rights Specialists from the Commission's borough offices visit community events and meetings.

The NHRP has field offices in Brooklyn, the Bronx, Manhattan, Queens and Staten Island. These field offices have borough-wide responsibilities that include identifying areas at risk for intergroup tension and conflicts, supporting multi-ethnic coalitions, and developing long-term programs on leadership, cultural diversity and ethnic sensitivity training. Major areas of focus include issues such as fair housing, equal treatment in employment and public accommodations, community development and

conflict resolution, equal access, and human dignity.

The NHRP conducts many educational and intervention programs on specific issues or for specific populations as described below:

Immigrant Employment Rights

The Commission on Human Rights' Immigration Employment Rights Program provides training for

immigrant workers, employers and immigrant advocacy organizations to advise them of their rights and responsibilities under the Law. For example, it is illegal for employers, landlords, businesses or services to treat immigrants differently because they might "appear" or "sound" foreign or to reject proper work authorization and identity

documents from immigrants. Additionally, most "citizen only" employment practices are illegal.

School Program

Commission staff members visit schools throughout the City and teach students in grades 6-12 three basic curricula: the Human Rights Law, Sexual Harassment and Conflict Resolution. The Conflict Resolution workshops are the most requested and often lead to the Commission's Peer Mediation Training Program.



Commission staff members conduct school workshops on The Human Rights Law, Sexual Harassment, and Conflict Resolution.

The Peer Mediation Training program prepares middle and high school students to become Peer Mediators. These students then assist their peers in resolving differences before they escalate into violence. CRB's approach to teaching young students how to be peer mediators is grounded in the principles that underlie the Human Rights Law—tolerance, human dignity, and respect.

The 10-week after-school program also teaches these young students valuable life skills such as patience, persistence, active listening, and problem solving—while presenting alternatives to threats and violence. Students, faculty, and staff experience benefits from the program as well.



Students learn how to resolve conflicts among their peers in the Commission's Peer Mediation Program.

Equal Access

People with disabilities have a right to participate fully in all areas of life, including housing, public accommodations, employment, education and transportation. Federal, state and city civil rights laws prohibit discrimination based on disability and promote opportunity and equal access.

The Commission's Equal Access Program provides disability assistance and education to senior citizens, the disabled community and advocates, healthcare providers and community leaders. Many of New York's buildings, stores and other public accommodations are not accessible to people with disabilities. The program assists the disabled by identifying resources that are available, advocating on their behalf when dealing with landlords and/or services providers, and assisting them with legal actions if pre-complaint intervention fails.

The Commission has successfully negotiated numerous types of

modifications including: installing permanent and portable ramps at building entrances; installing lifts; curb cuts; bell and buzzer systems for entry to stores, offices, and



The Commission's Equal Access Program responds to individuals whose independence is threatened because of a few steps or other barriers outside their building, or at restaurants, doctor's offices or other public accommodations.

apartment buildings; creating accessible restrooms and widening aisles in stores; and unlocking access gates.

Mortgage Counseling and Discriminatory Lending Practices

This program helps reduce discriminatory lending practices by conducting seminars and individual counseling sessions to educate residents (particularly in lower-income communities) about these unethical and illegal practices. These lending practices include excessively high fees and commissions, misrepresentation of the mortgage's terms and conditions, high interest rates, repeated financing of loans, balloon payments and the financing of high-cost credit insurance.

TRAINING

The Commission provides training in all areas of the Human Rights Law to advocacy groups, employers, housing and public accommodation providers, government agencies, and student groups.

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

40 Rector Street
New York, NY 10006
www.nyc.gov/cchr

NY Relay Services:
English: (800) 421-1220 Spanish: (877) 662-4886

Dial 311 for NYC's Government Services and Information Center which operates 24 hours a day, 7 days a week. Caller assistance is available in 170 languages.

CCHR Community Service Centers

MANHATTAN

40 Rector Street, 10th Fl.
New York, NY 10006
① ⑨ W R to Rector St.
② ③ ④ ⑤ to Wall St.

BRONX

1932 Arthur Avenue, Suite 203A
Bronx, NY 10457
④ to East Burnside Ave.
⑤ to East Tremont Ave.,
West Farms Square.
BX40, BX42 to Arthur Ave.

BROOKLYN

275 Livingston Street, 2nd Fl.
Brooklyn, NY 11217
② ③ ④ ⑤ to Nevins St.
R M B Q to DeKalb Ave.
B37, B41, B45, B67 and B103 to
Livingston and Nevins Sts.
B25, B26, B38 and B52 to Fulton and
Bond Sts.

STATEN ISLAND

60 Bay Street, 7th Fl.
Staten Island, NY 10301
Opposite Staten Island Ferry.
Staten Island Railroad to St. George.
S42, S46, S48, S51, S61, S62, S66, S67,
S74, S76, S78, S81, S84, S91, S92, S96,
S98 to Bay St., S40, S44, S52, S90, S94 to
Richmond Terrace.

QUEENS

136-56 39th Avenue, 3rd Fl.
Flushing, NY 11354
⑦ to Flushing–Main St.
Q14, Q17, Q25, Q27, Q34, Q65, Q66,
QBx1 to Flushing Main St.
Q12, Q15, Q20A, Q20B, Q26, Q44,
Q48 to Roosevelt Ave.
Q13, Q16, Q28 to 37th Ave. and 138th
St. All bus lines stop approximately 1-2
blocks from the office.



The 54-mile Selma to Montgomery march for Black voting rights was a landmark event in the civil rights movement. Beginning on March 21, 1965 and lasting 5 days, the march included 25,000 people. Powerful Days ©1991 by Charles Moore with text by Michael S. Durham. Published by Stewart, Tabori and Chang, New York. Used with permission. All rights reserved.