

Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

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New York State Fair Housing Protections

Legal Assistance of Western New York (LawNY) is one of six recipients of a new state fair housing grant through a partnership with Enterprise Community Partners and the New York State Attorney General's Office. The two year pilot program is called Eliminating Barriers to Housing in New York (EBHNY), and aims to extend fair housing testing ability and provide increased education and outreach on statewide fair housing protections. LawNY has conducted fair housing testing -an investigative tool used to help uncover housing discrimination- through its Department of Housing and Urban Development (HUD) funded Fair Housing Enforcement Project since 1998.

The HUD funding allows LawNY's fair housing team to investigate housing discrimination in Monroe, Livingston, Ontario, Seneca, Yates, and Wayne counties, based on the following federally protected classes: race, color, religion, national origin, sex, familial status, and disability. State funding for EBHNY will allow LawNY to extend our advocacy efforts to also include state protected classes under the New York State Human Rights Law, such as age, sexual orientation, gender identity and expression, marital status, military status, domestic violence survivor status, and lawful source of income. The EBHNY program covers Monroe, Livingston, Ontario, Seneca, Tioga, Tompkins, Chautauqua, and Steuben counties.

Protections against housing discrimination with regard to lawful source of income is a new development in the New York State Human Rights Law as of April 2019. Because of this change in the law, individuals who pay for their housing using public assistance, supplemental security income, social security disability, unemployment benefits, child support or alimony, foster care subsidies, or housing choice vouchers such as Section 8, may not be discriminated against. Housing discrimination may be overt or subtle, and may include refusing to rent or sell someone housing, setting different terms or conditions related to rentals and sales for certain people, falsely denying housing is available, or steering certain people to live in specific neighborhoods.

The Fair Housing Act prohibits housing providers from discriminating in their advertisements by indicating a limitation or preference based on the protected classes. For example, a landlord may not indicate in a housing advertisement that they prefer to rent to a young couple over a family with a child, as familial status is a protected characteristic. Source of income protections in the New York State Human Rights law now prohibit housing providers from advertising apartments with statements such as "No Section 8 or DSS accepted," or showing preference for a renter with

income from employment only.

LawNY is actively recruiting for testers to help us with our EBHNY project. To learn more about fair housing testing, or sign up for our next training to become a tester, please visit <https://tinyurl.com/y4ak52bk> or call 1-866-671-FAIR (1-866-671-3847).

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<http://www.lawny.org/node/428/new-york-state-fair-housing-protections>

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