

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 Protected Classes

The federal Fair Housing Act of 1968 protects individuals against housing discrimination on the basis on race, color, national origin, religion, sex, familial status, and disability. New York Human Rights Law includes these federally protected classes and also grants additional protections on the basis of age, marital status, military status, domestic violence survivor status, sexual orientation, gender identity and expression, and source of income.¹ This means that landlords and lending agencies cannot deny housing and/or loans to individuals on the sole basis of membership in these classes. For example, landlords cannot give preference to married applicants over single applicants or discriminate against individuals based on their sexual orientation. Similarly, a landlord cannot refuse to rent to transgender individuals. In terms of military status, a service member or reservist cannot be denied housing based on an assumption that they would be called to active duty before the terms of the lease are completed. Nor can a landlord evict a domestic violence survivor because of a disturbance caused by an abusive household member. Finally, New York state now prevents landlords and lenders from discriminating against individuals who receive Section 8, social security, disability, or any lawful source of income.

Housing discrimination often goes unrecognized as individuals in protected classes are not usually overtly told, "You are not welcome here!" but are instead simply told, "Sorry, we have nothing available." Such disguised discrimination can often only be uncovered through fair housing testing. LawNY conducts fair housing testing in eight counties across New York State: Monroe, Ontario, Livingston, Seneca, Tompkins, Tioga, Steuben, and Chautauqua. Testers are trained to do in-person or phone testing to collect evidence about possible housing discrimination. For example, a pair of testers might be used to investigate possible age discrimination in which a younger tester is first sent to inquire about an apartment. If the tester is told there is nothing available, an older tester could then be used to test for availability.

If you are a member of one of the federal or state protected classes and feel you are being discriminated against in your attempt to secure and/or maintain housing, please feel free to contact LawNY. LawNY is also looking for fair housing testers to help investigate housing discrimination in western New York State.

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