

HOW TO FILE A COMPLAINT

If you believe that you have been discriminated against based upon your actual or perceived sexual orientation, you can file a complaint with the New York State Division of Human Rights.

A complaint must be filed with the Division within one year of the alleged discriminatory act.

To file a complaint:

- Visit the Division's website, at WWW.DHR.NY.GOV, and download a complaint form. Completed complaints must be signed before a notary public, and returned to the Division (by mail or in person).
- Stop by a Division office in person.
- Contact one of the Division's offices, by telephone or by mail, to obtain a complaint form and/or other assistance in filing a complaint.

For more information or to find the regional office nearest to your home or place of employment, visit our website at: WWW.DHR.NY.GOV.

SOME EXAMPLES:

You're a lesbian and locate an apartment you would like to rent. The landlord's broker calls to tell you the apartment has been rented to someone else. You find out through a friend that the apartment is available and the broker continues to show it to prospective tenants. Is this unlawful?

If the landlord and/or the real-estate broker made the decision not to rent the apartment to you based upon your sexual orientation, it would be unlawful.

You're straight and plan to have dinner with a number of friends, some of whom are gay, at a local restaurant. Although there are empty tables, the host refuses to seat your group, claiming the tables are reserved. After waiting for more than an hour, your group is still not seated and some of the tables remain empty. Is this unlawful?

If you were not seated based upon your actual or perceived sexual orientation, or the actual or perceived orientation of your friends, then the conduct was unlawful as it constitutes a denial of access to a place of public accommodation.

You've been at your job for two years. During this time, you have received a promotion and positive reviews. One of the senior executives makes homophobic jokes during meetings that make you feel uncomfortable. You decided to confront him and contact the Human Resources Department. After that, you start receiving negative reviews and are eventually fired. Is this unlawful?

The New York State Human Rights Law prohibits discrimination based on sexual orientation and also forbids retaliation, either for filing an internal complaint with your employer or with the Division. If your employer discriminated against you and fired you in retaliation for reporting the situation, that would be unlawful.



Division of
Human Rights

SEXUAL ORIENTATION Discrimination

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Sexual Orientation Discrimination

The New York State Human Rights Law prohibits discrimination based upon actual or perceived sexual orientation.

The term sexual orientation is defined in the Human Rights Law as “heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.”

In 1945, New York became the first state to enact an anti-discrimination statute. Since its enactment, the Human Rights Law has been consistently updated to reflect our changing society. In 2002, the Sexual Orientation Non-Discrimination Act (“SONDA”) was signed into law and added sexual orientation to the list of protected classes in the Human Rights Law.

New York remains on the cutting edge of legislative protections in an ever-changing society. If you believe you have been subjected to discrimination, you can file a complaint with the Division.

What Protection Does the Human Rights Law Provide?

Discrimination on the basis of actual or perceived sexual orientation is prohibited in various contexts including:

Employment: Refusal to hire, or a decision to fire, demote, lay-off, or in any way harass an employee, based upon sexual orientation is prohibited.

Places of Public Accommodation: Denial of access to, or enjoyment of, public places, such as restaurants, movie theaters, retail stores, and dental or medical offices based upon sexual orientation is prohibited.

Admission to Non-Sectarian Education Institutions: Denial of access to or use of public non-sectarian schools, colleges, and universities based upon sexual orientation is prohibited.

Housing: Refusal to sell or rent, or decisions to evict, based upon sexual orientation are prohibited. Also, harassment of tenants based upon sexual orientation is prohibited.

Credit and Lending: Decisions on the terms of loans, including the length of the term or interest rate, based upon sexual orientation are prohibited.

Does the Human Rights Law Have Any Exceptions?

Yes. The Human Rights Law exempts “religious or denominational institutions” and/or “organizations operated for charitable or education purposes” that are “operated, supervised, or controlled by or in connection with a religious organization.”

Religious or faith-based organizations falling under this exemption may limit employment, sales or rental of housing accommodations and admission to persons of the same religion; may give preferences to those of the same religion; and may take other actions calculated to promote the religious principles for which it is established or maintained.

In the context of housing, owner-occupied two-family homes are exempted from the Human Rights Law.

What Remedies Are Available Under the Human Rights Law?

Remedies include lost wages, benefits, and front pay in the context of employment. In most cases, compensatory damages are available for mental anguish suffered as a result of proven discriminatory conduct.

The Division may order a wrongdoer to take certain actions, such as reinstating or promoting an employee, renting or selling a housing accommodation, permitting access to public accommodations, or ordering that an individual or corporation cease and desist from engaging in illegal activity.