

Briefing for Nassau County Fair Housing Legislation: Legislative Item # 292-06
Amendments to the Nassau County Human Rights Law

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Background: ERASE Racism conducted a study and released the results on April 19, 2005 in a report "*Long Island Fair Housing: A State of Inequity.*" The study exposed the ineffectiveness of the fair housing enforcement systems set up to serve victims of housing discrimination in Nassau and Suffolk Counties. As a result of ERASE Racism's efforts, Nassau and Suffolk County Executives publicly declared a commitment to creating effective laws and an enforcement system that properly addresses illegal housing discrimination.

To date, the two primary agencies responsible for fair housing enforcement have been the New York State Division of Human Rights (NYSDHR) and the Department of Housing and Urban Development (HUD). The results of ERASE Racism's study proved both government agencies to be broken, inefficient and ineffective when dealing with the vast majority of claims of housing discrimination.

Nassau and Suffolk Counties both have Human Rights Commissions and Human Rights Laws that were designed to protect Long Island residents from housing discrimination and provide redress. Neither agency has been investigating or pursuing fair housing cases due to a myriad of factors. Both agencies were relying on NYSDHR to properly address housing discrimination cases on Long Island, which was not occurring. Both County Human Rights Laws were lacking in procedural and substantive law and needed to be amended to be effective. Any protections that were provided under County laws were left dormant. The majority of victims of housing discrimination received little effective redress, if any at all. ERASE Racism, in a collaborative effort with the Anti-Discrimination Center of Metro New York, has worked with both Nassau and Suffolk County Executives and their staff to formulate changes to both Counties' local human rights laws. **The new Nassau law would obtain maximum protection for Nassau County residents, while creating a local enforcement system that is effective, efficient and accessible to all Nassau County residents.**

This briefing document presents some of the legislative changes to amend the Nassau County human rights law. The legislation will be introduced on July 24, 2006.

ERASE Racism enthusiastically supports the Nassau County Fair Housing Legislation and is excited to share some of the highlights from Nassau's proposed bill:

EXAMPLES OF PROTECTIONS:

- All individuals who are a member of a protected group will be protected from housing discrimination when the motive for the illegal act is because they are a member a protected group, which covers: race, creed, color, national origin, ethnicity, gender, religion, source of income, sexual orientation, marital status, familial status, age or disability.
- Allows claims by people who are discriminated against because they are mistaken as member of a protected group.
- A victim who is permitted to rent or buy a home, but experiences harassment after moving into the housing because s/he is a member of a protected group can file a complaint.
- Heterosexual couples who are not married, but financially and emotionally dependant on each other, are protected from marital status discrimination.

- Outlaws all forms of discrimination in housing listed under federal and New York State laws, including predatory lending and abusive insurance practices.
- Assures people with disabilities access and use of newly constructed dwellings by importing the federal Fair Housing Act's construction and design requirements.
- Additionally, it further increases access to all existing housing for people with disabilities by requiring that all forms of "reasonable accommodations," including financial accommodations, be subject to a "reasonableness" test on a case by case basis.
- Real Estate Brokerages and companies are held responsible for their agents' and representatives' actions regarding the rental and purchase of housing, including racial steering.

EXAMPLES OF ENFORCEMENT:

- Nassau County will have its own administrative enforcement system with qualified administrative law judges presiding.
- Clearly outlines the procedural rules and each step for all parties involved in a fair housing complaint, including an expanded list of remedies and increased civil penalties.
- Provides guidelines for County investigations and requirements for final investigative reports.
- Allows a victim of housing discrimination to file a lawsuit in County court under the Nassau County Human Rights Law. In some instances, authorizes eligible civil rights organizations to file cases on behalf of victims of housing discrimination and in the organizations own right when there is evidence of housing discrimination.
- In addition to allowing the County Attorney's Office to represent selected individual victims of housing discrimination, the County will be authorized to pursue pattern and practice cases, which are cases to tackle repetitive violations of fair housing laws by the same defendants.
- To make enforcement more viable, allows for the award of attorney's fees to be paid for the victim of discrimination when the defendant loses. This provision encourages fair housing enforcement by victims without the means to pay for private attorneys, while the Rules of Ethics and Civil Procedure deter frivolous lawsuits.

When enacted, Nassau's new legislation will resolve the procedural flaws in the existing Nassau County Human Rights Law; create accessible, timely redress for violations of fair housing under County law; and strengthen fair housing protection for all Nassau County residents.

ERASE Racism asks for your support in helping to move this legislation forward. Contact your local Nassau County Legislator and representatives and let them know you support the new Fair Housing Legislation.

For further information call Cathryn Harris at (516) 921-4863.