



# Long Island Housing Services, Inc.

640 Johnson Avenue, Suite 8, Bohemia, New York 11716-2624  
Suffolk: 631-567-5111 ~ Nassau: 516-292-0400 ~ Fax: 631-567-0160  
www.LIFairHousing.org

July 27, 2017

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Commissioner Helen Diane Foster  
New York State Division of Human Rights  
One Fordham Plaza, 4th Floor  
Bronx, New York 10458

Re: New York State Division of Human Rights Complaint Form

Dear Commissioner:

We appreciate the long and fruitful working relationship that Long Island Housing Services, Inc. (LIHS) has had with New York State Division of Human Rights in serving the housing needs of our fellow New Yorkers. As a private fair housing advocacy and enforcement nonprofit agency, LIHS provides a full spectrum of services related to Long Islanders' real estate transactions since 1969. LIHS provides education, counseling and advocacy services such as investigation of individual claims and industry practices and enforcement concerning fair housing rights and options to challenge and remedy unlawful discrimination, landlord-tenant rights and obligations, and mortgage issues from a consumer protection prospective.

A primary service provided by LIHS is the investigation of housing discrimination complaints in the context of rentals, sales, lending, advertising and insurance. As resources allow, LIHS assists with investigations, formal administrative and judicial complaint filing, victim advocacy and resolution of unlawful housing discrimination complaints and enforcement of federal state and local fair housing laws.

In furtherance of our mutual goal of eliminating unlawful housing discrimination, we would request that the most recently revised language on New York State Division of Human Rights' Complaint Form be amended so as not to limit a Complainant's avenues of redress. On page 9 of the Intake Complaint Form, which is titled "Notarization of the Complaint," it currently requires the complainant to swear that

"I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice."

By agreeing to this restriction, a Complainant is both losing legally valid methods of redressing discrimination and limiting the amount of enforcement that is taking place. By limiting enforcement, the opportunities for education on Fair



**A 501 (c) (3),  
not-for-profit,  
fair housing  
agency serving  
Long Islanders  
since 1969.**

*Our mission is the elimination of unlawful housing discrimination  
and promotion of decent and affordable housing through advocacy and education.*

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Housing compliance are diminished since enforcement actions have the potential to create greater public awareness and publicity that may encourage and reinforce greater compliance in the interests of conscience and to deter the costs of noncompliance.

As the only Long Island based dedicated fair housing agency serving all of Nassau and Suffolk Counties, removing this restrictive language is central to LIHS' core mission and would serve the public interest in adherence to local, state and federal Fair Housing laws. One should not be constricted as to law or venue; assertion and recognition of each violation is critical to the public's interest to enhance compliance. Both counties have Human Rights laws that provide example as to why the prohibition on additional local administrative actions needs to be eliminated from the New York State Division of Human Rights Complaint Form. In recent past, the language only asked for confirmation/affirmation that complainant had no pending similar claim under State law; it is only in recent months that the wording has added ... 'or local' law.

Nassau County and Suffolk County Human Rights laws prohibit discrimination based on source of income (for example: public assistance, Section 8, SSD, SSI, court ordered child support). Suffolk County also prohibits discrimination based on alienage or citizenship status, veteran status and status as a victim of domestic violence. These classes of individuals are not (currently) protected directly by federal or state law. (We do hope that source of income protection is soon added to state law.)

Misconduct by the same Respondent(s) can simultaneously violate individuals' rights protected both in state and county law. It would best serve State interests for the Complainant to be able enforce their rights to the fullest extent of all laws. Removing the prohibition on bringing concurrent administrative actions would allow the Complainant to fully exercise their rights and avail themselves of the benefits under both state and local law; a Respondent found to have discriminated and violated more than one Fair Housing law should be held accountable, and not relieved merely to eliminate administrative burden.

The challenges we face to promote integration and eliminate discrimination are great and we thank you for your support and consideration of LIHS' comments. We look forward to continuing our mutual goals of delivering critically needed fair housing enforcement to New York State residents. We hope that we can come to agreement on the removal of the prohibition on concurrent actions from the New York State Division of Human Rights Complaint Form

Sincerely,



Michelle Santantonio  
Executive Director

C: General Counsel Caroline Downey