

Long Island Housing Services, Inc.

The Fair Housing Agency of Nassau and Suffolk Counties

FAIR HOUSING ADVOCACY & ENFORCEMENT SINCE 1969

GET ACQUAINTED

FAIR HOUSING RIGHTS GUIDE

FOR LONG ISLAND



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BERNARD J. KLEINA

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



Long Island Housing Services, Inc.
Suffolk: 631-567-5111 / Nassau: 516-292-0400
www.LIFairHousing.org
640 Johnson Avenue, Suite 8, Bohemia, NY 11716-2624

Ian Wilder, Esq., Executive Director • Connie Lassandro, President

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LONG ISLAND HOUSING SERVICES
is a charitable organization that provides all of its services free of charge to clients.

**DONATIONS ARE ALWAYS
WELCOME, NEEDED AND
FULLY TAX DEDUCTIBLE!**

INTRODUCTION

This booklet is offered by Long Island Housing Services, Inc. (LIHS) as a guide to highlight basic fair housing rights and resources for challenging unlawful housing discrimination. Unlawful bases for discriminating in housing and real estate related transactions as defined in local, state and federal law include: race, color, national origin, religion, sex, sexual orientation, handicap, familial status, marital status, military status, source of income, age, victims of domestic violence, veterans status, gender, gender expression or identity, group identity, ethnicity, first responders, arrest (favorably resolved, an adjournment in contemplation of dismissal (ACOD), and a sealed conviction record, or a youthful offender adjudication).

This publication is intended to provide general information, and not to be construed as comprehensive instruction on fair housing or any of the laws referenced. Provisions are technical and some exceptions may apply. It is always advisable to consult with an attorney experienced in the area of specific concern.

This booklet is also available in Spanish and Chinese. Visit our website www.LIFairHousing.org for a downloadable version of each. Facilities and services are accessible for all: we will accommodate to extent resources allow!

Si usted cree que ha sido discriminado al buscar vivienda, llame a Long Island Housing Services al 631-567-5111 ext. 378 para hablar con un investigador o defensor de vivienda justa capacitado. También puede enviar un correo electrónico a info@LIFairHousing.org.

Housing Discrimination is Polite –

"I'm terribly sorry, but

- *The apartment already has a deposit on it"*
- *The owner has taken the house off the market"*
- *Another broker already rented it and I was not told"*
- *We don't allow children on the second floor"*
- *I don't make the decisions. Just fill out the application and we'll let you know if you are accepted"*

...But It's Illegal!

Because it's not always possible to detect discrimination, we encourage you to call and speak to us about your fair housing concerns. Long Island Housing Services may investigate your complaint, conduct testing (if appropriate), and determine whether a violation of your fair housing rights has occurred. Where substantial evidence is found, Long Island Housing Services will assist you in pursuing your administrative (NYS or HUD) and judicial (Federal District Court) remedies. No fees are charged for individual services.

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

OFFICE HOURS: MONDAY THRU FRIDAY 9:00 AM - 5:00 PM

*"The healthiest society is one that is racially, culturally, and economically inclusive."
- Michelle Santantonio, Executive Director Emeritus*

Long Island Housing Services Provides:

LANDLORD/TENANT COUNSELING

**Rights
Security
Eviction
Habitability**

FAIR HOUSING ADVOCACY AND ENFORCEMENT

**Discrimination
Investigations
Counseling
Training
Advocacy**

MORTGAGE COUNSELING

**Mortgage
Pre/Post Purchase
Default ~Anti Scam
Prevent Foreclosure**

Long Island Housing Services' programs are made possible with support from the U.S. Department of Housing and Urban Development Fair Housing Initiatives Program; U.S. Department of Housing and Urban Development Comprehensive Housing Counseling Program; New York State Office of the Attorney General Homeowner Protection Program; New York State Homes and Community Renewal; Suffolk County Office of Community Development; Nassau County Office of Housing and Community Development; Babylon Community Development Agency; Brookhaven Department of Housing and Human Services; Huntington Community Development Agency; Islip Community Development Agency; United Way of Long Island; , and contributions from corporate, foundation, and private donors.

Donations to Long Island Housing Services are 100% tax deductible!

Long Island Housing Services does not charge clients for our services. However, as a not-for-profit, 501(c)(3), charitable organization, we seek to secure grants, private and corporate donations, in order to continue our fair housing work.

Our volunteer Board of Directors and professional staff serve as a resource in the field of fair housing to other non-profit agencies, corporations, government, and individuals.

Professional group presentations and training can be provided. Contact our office for detailed information. *Se habla español. Language Line available as needed.*



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Housing Services Inc.

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LONG ISLAND HOUSING SERVICES, INC. AGENCY HISTORY

Long Island Housing Services, Inc. (hereafter LIHS) is a private, not-for-profit 501(c)(3) corporation with its principal place of business located at 640 Johnson Avenue, Suite 8, Bohemia, New York. LIHS is the island's only private fair housing advocacy and enforcement agency serving Nassau and Suffolk counties. The mission is the elimination of unlawful housing discrimination and promotion of decent and affordable housing through advocacy and education.

Within a week after the tragic assassination of Dr. Martin Luther King Jr., the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 was passed. The next year, what has developed into Long Island's premier and unique Fair Housing organization was formed through Smithaven Ministries. The idea came together from volunteers representing civic and religious group leaders concerned about racially discriminatory practices and segregation on Long Island. Well-qualified prospective black purchasers and renters were unable to secure housing and get honest information about the opportunities so easily available to whites.

In the early 1970's, the group incorporated and became an independent non-profit fair housing agency that came to be well known as Suffolk Housing Services. The group successfully challenged real estate agencies, management companies, landlords, and owners where investigation revealed solid evidence for discrimination. In the mid-1980's, the agency became nationally acclaimed for its investigative and testing abilities after receiving a landmark jury award of \$565,000.00 in favor of two black air traffic controllers in federal court. LIHS conducted tests, which proved that black prospective tenants were falsely denied rental housing at the Watergate Apartments in Patchogue, New York.

In 1991, the agency expanded its services to investigate discrimination in Nassau County and became Long Island Housing Services (LIHS). The work in challenging all kinds of discrimination, but especially race, handicap, and familial status has received national attention. For example, in 1994, LIHS' successful testing program was highlighted on CBS' 48-Hours News Magazine show. The story featured our undercover black and white testers being given false information about availability of housing by the broker.

Now, in the 21st Century, LIHS continues to lead in challenging race, national origin, disability, familial status and all types of illegal discrimination and has worked to outlaw Source of Income discrimination in Nassau and Suffolk Counties. LIHS has successfully conciliated landmark complaints against several major developers in pursuing compliance with the Fair Housing Act's requirements for accessibility in multi-family design and construction; has challenged discriminatory advertisers; is screening and investigating for predatory lending and reporting mortgage rescue scams to protect consumer and public interests.

In 2015, landmark efforts were initiated to eliminate restrictive zoning and residency preferences and to challenge a municipality's violations of the Fair Housing Act and Constitutional rights stemming from discriminatory and abusive code enforcement practices. In addition, work continues to eliminate discriminatory advertising and practices involving Source of Income and familial status discrimination.

In an historic case, (Long Island Housing Services, Inc., et al. v. German American Settlement League) we filed suit in Federal Court and reached an Agreement in 2016 to eliminate the community's discriminatory restrictions on membership, leasing, and resale of homes which served as a barrier to prospective homebuyers who are not white and of German ancestry. In numerous other cases, our clients now enjoy housing with accessible features or accommodations. In continuing response to the mortgage crisis so deeply affecting LI communities, we have expanded services to provide free legal services for those facing foreclosure and have helped nearly hundreds of homeowners secure affordable loan modifications. Annually, hundreds of tenants have received counseling and advocacy to secure their rights or improve their housing conditions. LIHS' outreach and advocacy efforts to alert and educate the public on avoiding mortgage rescue scams and helping to report scams continue.

LIHS' founding objectives are to promote racial and economic integration and equal housing opportunity throughout Long Island; to reduce and eliminate unlawful housing discrimination, to encourage the development of low-income and affordable housing, and to educate and assist the public regarding housing rights and opportunities in the region. Activities include fair housing investigations and testing (rentals, sales, insurance and lending); advocacy to facilitate enforcement/compliance; public/industry education; serving as a clearing-house for information. To meet these objectives, we continue to provide rental counseling and referrals; education and outreach; legal services and counseling for mortgage default/foreclosure prevention and loan modification rescue scam counseling and reporting.

LIHS does not charge for services to individuals. However, as a non-profit 501(c)(3) charitable organization we seek to secure grants, private and corporate donations in order to continue our housing work. Donations are 100% tax deductible. LIHS' Board of Directors, Advisory Council and professional staff serve as a unique resource for non-profits, industry, government, and individuals.

Ian Wilder, Esq., Executive Director

Connie Lassandro, President

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

LIHS accommodates people with disabilities including
vision, mobility and cognitive impairments.

YOUR FAIR HOUSING RIGHTS

Title VIII of the Civil Rights Act of 1968, together with the Fair Housing Amendments Act of 1988, is called the Fair Housing Act. This federal law says that discrimination based on race, color, national origin, religion, sex (including sexual orientation and gender identity), familial status and handicap is illegal in the sale or rental of most dwellings. These categories are commonly referred to as “*protected classes*”. Mortgage financing, appraisal, title insurance, and homeowner’s/renter’s insurance are also covered transactions.

The Civil Rights Act of 1866 is a different federal law which bars **all** discrimination in the sale or rental of both residential and commercial dwellings and vacant property based on race or color.

WHAT DOES THE FEDERAL FAIR HOUSING ACT PROHIBIT?

It is against the law because of race, color, national origin, sex, religion, familial status or handicap to:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable or deny that housing is available
- Set different terms, condition, or privileges for the sale or rental of housing
- Advertise that housing is available only to persons of a certain race, color, national origin, religion, sex, or without handicap or children. This includes verbal statements and graphic ads indicating preference or limitation
- Deny anyone access to or membership in any real estate service such as multiple listing services
- Blockbusting- an unlawful tactic used in neighborhoods undergoing racial or ethnic change used by real estate agents or speculators approaching existing homeowners to frighten them into selling their home quickly and cheaply, so a greater profit will be realized on the resale
- Steer - the attempt to direct racial or ethnic classes to specific areas in an effort to maintain segregated living patterns
- Redline - Lenders and insurance companies exclude geographic areas by refusing to make loans or issue insurance policies in certain neighborhoods because of the racial or ethnic composition of the area, regardless of the economic qualifications of the borrower or (prospective) homeowner
- Deny or create different terms or conditions for a mortgage, home loan, insurance, or other “real estate related transaction”
- Threaten, coerce, or intimidate anyone exercising a fair housing right or assisting others in exercising those rights

NEW YORK STATE HUMAN RIGHTS LAW

In addition to the protected classes defined in the Fair Housing Act, the NYS Human Rights Law also prohibits discrimination based on victims of domestic violence, marital status, sexual orientation, age (18 and older), military status, gender identity, gender expression, and source of income (e.g. public assistance, Section 8, Social Security, SSD, SSI, court ordered child support) and arrest (favorably resolved, an adjournment in contemplation of dismissal (ACOD), and a sealed conviction record, or a youthful offender adjudication).

It covers commercial space and land, terms, advertisements, real estate activities, and credit. It is also important to note that New York State's Human Rights Law aka NYS Executive Law, Article 15, Section 296 exempts 2-family owner-occupied housing. However, federal law protection may still apply.

A major distinction in NYS law through a 2010 amendment requires housing providers to pay for reasonable modifications in public or common use spaces (NYS Exec. Law, Art. 15, Sec. 296.18). An explanation of a reasonable modification is given later in this booklet.

LOCAL HUMAN RIGHTS LAWS

In addition to the protective laws described above, Suffolk County has a local Human Rights law that addresses discrimination which outlaws housing discrimination based on status as a Victim of Domestic Violence, Group Identity (including age, alienage, citizenship, sexual orientation, and military status) and Veteran Status. Nassau County has the same protections covered under Federal and State laws, plus Veterans' status, First Responder Status and Ethnicity. Contact Long Island Housing Services for information related to enhanced enforcement provisions of the Counties' local laws. Reporting these violations is urged!

WHAT HOUSING IS COVERED BY THE FAIR HOUSING ACT?

- Single family homes owned by private persons when a real estate broker and/or discriminatory advertising is used to sell or rent the home
- Single family homes not owned by private persons (such as corporations or partnerships) even if a broker is not used to sell or rent the home
- Multifamily dwellings with five or more units including rooming houses
- Multifamily dwellings with four or less units, if the owner does not live in one of the units



WHAT HOUSING IS NOT COVERED BY THE FAIR HOUSING ACT?

The law does not apply to noncommercial housing run by religious organizations and private clubs that limit occupancy solely to members.

WHAT ABOUT FAIR HOUSING RIGHTS FOR TENANTS OR LANDLORDS?

Long Island Housing Services promotes fair housing practices on Long Island through education, advocacy and enforcement. As a resource, we also provide guidance pertaining to your “Tenant’s Rights” regarding apartment renting. It is vital that tenants and landlords throughout New York State know about the laws affecting the principal rights of rental housing including occupancy standards, habitability, equal treatment, access, rent regulations and special rules applicable to certain dwellings.

In addition to tenants’ rights information we’ve included in this booklet, you may also wish to obtain a free copy of the “*Tenant’s Rights Guide*” published by the NY State Attorney General’s Office, call in Nassau County (516) 248-3300 or in Suffolk County (631) 231-2400.

FEDERAL LAWS PROTECT AGAINST DISCRIMINATION BASED UPON RACE/COLOR/NATIONAL ORIGIN

The *Civil Rights Act of 1866* and a 1968 United States Supreme Court decision, *Jones v Mayer*, say that ALL housing, public and privately owned or managed, must be sold or rented without regard to a person’s race or color. The *Fair Housing Act* (Title VIII of the Civil Rights Act of 1968, as amended in 1988) outlaws the practices referred to on the previous pages.

Why do I need both these laws to protect me from racial discrimination in housing?

All of the unlawful acts and kinds of housing that are described in the federal Fair Housing Act pertaining to race and color are also covered by the *Civil Rights Act of 1866*. (Some courts have included protection for national origin and religion as well.)

Sometimes, when discrimination based on race or color occurs, the Fair Housing Act will not apply. For example: two-family, owner occupied housing may be exempt. Because most housing on Long Island is single family or 2-family owner-occupied you need to know about both of these important laws to protect yourself against this type of discrimination. Different means to formally protest discrimination are available. Long Island Housing Services can give you advice as to the particular options and recourse these laws provide.

THE FAIR HOUSING ACT PROTECTS FAMILIES WITH CHILDREN

The Fair Housing Amendments Act of 1988 gives families with children under age 18 (*familial status*) specific protection from discrimination in housing.

“Children under 18” includes:

- Children living with legal custodians or an adult designated to care for the children
- Pregnant women
- People in the process of securing custody of children, such as adoption
- In addition to the general protection provided by the Fair Housing Act of 1968, the Fair Housing Amendments Act of 1988 makes it illegal to:
- Refuse to rent or sell a home or apartment to a family because they have children
- Require an additional security deposit or charge for families with children that is not required of other residents
- Segregate families with children to certain areas of a housing complex, mobile home park, etc.
- Limit the use of the housing complex’s pools, elevators and other services to adults only, though reasonable safety rules are permissible
- Evict a family after a baby is born or adopted unless reasonable occupancy standards are violated



WHEN CAN FAMILIES WITH CHILDREN BE EXCLUDED FROM HOUSING?

The Fair Housing Act allows “housing for older persons” to exclude families with children. *“Housing for older persons” is strictly defined:*

- All the people living in the housing complex, including both spouses, must be age 62 and older; or
- The housing meets the criteria set by HUD to be legitimately exempt
- 80%* of all the units in a complex must be occupied by at least one person age 55 or older

*Currently on Long Island, some Municipal Town codes may restrict the senior development to require 100% of the units for age 55 and older occupants.

THE FAIR HOUSING ACT PROTECTS PERSONS WITH DISABILITIES

If you, or someone associated with you (such as a family member or companion), have a mental or physical disability (including AIDS), the Fair Housing Amendments Act of 1988 provides specific protection from discrimination.

WHO IS HANDICAPPED OR DISABLED?

“Handicap” means a physical or mental impairment which substantially limits one or more of a person’s major life activities. This includes mobility impairment, visual impairment, emotional health, mental health, intellectual developmental and alcoholism. It does not apply to current illegal use of, or addiction to, drugs.

The law makes it illegal for a landlord, cooperative, condominium, homeowners’ association or agent to:

- Demand an additional security deposit because you are handicapped
- Inquire into the nature or severity of your disability
- Segregate handicapped tenants in certain areas of a housing complex
- Deny access to recreation facilities, parking privileges or other privileges and services available to other residents
- Unreasonably refuse modifications, at your expense, to the dwelling, such as widening doorways, installing grab bars in the bathroom, lowering kitchen cabinets, etc.

REASONABLE ACCOMMODATIONS / MODIFICATIONS FOR PEOPLE WITH DISABILITIES

People with disabilities are entitled to the same access, use and enjoyment where they live as those without disabilities. It is important to note that the fair housing law requires not only equal treatment and opportunity for people with disabilities, but also contains special provisions to allow access and full enjoyment of housing. It is unlawful to deny or otherwise make housing unavailable. Landlords may be obligated to make a “reasonable accommodation” in rules, policies, practices or services if necessary to use (or have access to) the housing. An example of this is allowing a guide dog even if the building has a “no pets” policy. The landlord also may not refuse to allow reasonable modifications to your dwelling or common use areas, at your expense,* if necessary to make the housing accessible. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)

*In 2010, NYS Human Rights Law Sec. 296.18(2) was amended so that housing providers may be obligated to pay for public/common space modifications.

If you are a person with a disability and need a reasonable accommodation, we recommend a letter to the landlord or housing provider. The following are the suggested procedures and sample requests for a reasonable accommodation.

Suggested Procedures/Sample Requests:

- Indicate that you qualify as a person with a disability as defined by civil rights laws. It is not necessary to reveal the nature or severity of your disability (unless you are challenging a discriminatory practice).

“I qualify as an individual with a disability as defined by the Federal Fair Housing Amendments Act of 1988.”

- State where you live and who is responsible for the building.

“I live at 805 W. Green Street, Apartment #2A. This building is managed by John Doe and owned by you, Jane Smith.”

- Describe the policy, rule, or architectural barrier that is problematic to you.

“There is not any reserved accessible handicapped parking in our building’s parking lot.”

- Describe how this policy or barrier interferes with your needs, rights, or enjoyment of your housing.

“I am unable to park in regular size parking places because I need additional space to transfer from my car into a wheelchair.”

- In clear and concise language, describe the change you are seeking in the policy, rule, or barrier.
“I am requesting that you designate a reserved, handicapped parking space for [me or my unit #]”
- Cite the applicable law which protects your rights.
- Ask for a written response within a certain amount of time.
- “Please respond in writing to my request within ten days.”
- Sign and date the request. Remember to keep a copy of your request.
- If the request is denied, contact Long Island Housing Services for help.

For Reasonable Modifications, quote the law as follows:

“Under the Federal Fair Housing Amendments Act of 1988, Section 804 (42 U.S.C. 3604) (f) (3) (A), it is unlawful discrimination for a housing provider to deny a person with a disability “reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises”

The landlord may allow interior changes only if you agree to restore the property to its original condition when you move, if the changes are not useable for others. There may be instances when it will be reasonable for the landlord to require payment into an escrow account as part of a restoration agreement.

For a **Reasonable Accommodation** request:

“Under the Federal Fair Housing Amendments Act of 1988, Section 804 (42 U.S.C. 3604) (f) (3) (B), it is unlawful discrimination for a housing provider to deny a person with a disability “to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.”



Future Construction and New Construction - Accessibility Features



For most “newly” constructed multifamily housing ready for occupancy by March 13, 1991, the Fair Housing Act says that the building must be designed with accessibility features, including:

- Doors wide enough for persons in wheelchairs
- Readily accessible public and common use areas
- Accessibly located light switches, electrical outlets and thermostats
- Reinforced bathroom walls for the installation of grab bars
- Ample space in kitchens and bathrooms for wheelchairs to maneuver
- Accessible routes into and through the dwelling

THE FAIR HOUSING ACT PROTECTS AGAINST DISCRIMINATION BASED ON RELIGION

The Fair Housing Act says that discrimination based on religion is illegal in the sale or rental of most housing. This means that, in addition to the general prohibitions in the Act, it is unlawful to:

- Question a potential purchaser or renter about their religion or religious affiliation in connection with the purchase, sale or rental of housing
- Advertise or publish a preference for selling or renting housing to persons of a particular religion unless permitted by law
- Refuse to rent or sell a home or apartment to a person of a particular religion or religious affiliation

Religious organizations can give preference to their members in the sale, rental or occupancy of noncommercial housing or lodges, as long as membership in the religion is not restricted on the basis of race, color or national origin.

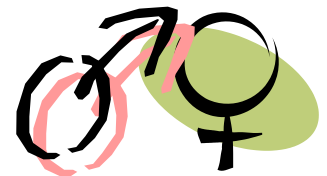
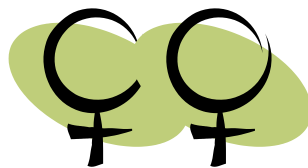


FAIR HOUSING ACT PROTECTS AGAINST DISCRIMINATION BASED ON SEX

The Fair Housing Act protects you from discrimination in the sale or rental of most housing based on sex. The law says that sellers, landlords, homeowners' associations, realty agents, etc. may not limit where you live because of gender.

In addition to the general protection provided by the Fair Housing Act, it is illegal to:

- Rent, sell or negotiate for housing with women on a different basis than men
- Require, directly or by implication, sexual favors in exchange for housing or real estate related transactions
- Imply that continued tenancy, different terms (e.g. rent rates), or services (e.g. repairs) will depend on submission to sexual advances
- Sexually harass tenant with unwelcome, sexual advances or behaviors



Sexual Orientation - The Fair Housing Act does now apply to Sexual Orientation and Gender Identity discrimination. In addition, the New York State Human Rights Law does prohibit sexual orientation discrimination, gender identity, and gender expression. Sexual orientation is defined as, “heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived”. The law affords protection where individuals are targeted either based on their actual sexual orientation, or based on what the discriminator believes their orientation to be. Both Nassau and Suffolk local laws also prohibit sexual orientation discrimination.

UNLAWFUL INTERFERENCE, COERCION OR INTIMIDATION

It is unlawful for any person who engages in the lending, purchasing, selling, brokering, renting, managing or appraising of residential real property to discriminate on the basis of the protected classes listed. Neighbors or others that intimidate, coerce, harass, or interfere with anyone from exercising or enjoying their Fair Housing rights can also be held liable.

FAIR HOUSING ISSUES IN THE HOUSING SEARCH AND OBTAINING A MORTGAGE LOAN

LAWS FOR ENFORCEMENT

As described above under the Civil Rights Act of 1866 and the Fair Housing Act, certain kinds of discrimination are unlawful. Additionally, the Equal Credit Opportunity Act and other laws provide for protection in unique ways. Collectively, they work to address various aspects of possible discrimination that may occur with respect to home buying. The laws apply not only to the lenders, but to the housing providers as well, including: owners selling homes, real estate or other agents or managers assisting the buyer or the seller.

PROHIBITED ACTS

Collectively, the following are factors covered under the three (3) protective laws listed above:

1. Denial of truthful information about what is available for inspection or sale;
2. Refusal to sell or negotiate or make a loan for housing;
3. Unequal terms and conditions of the sale or mortgage loan products;
4. Level of services offered (treatment);
5. Discriminatory advertising;
6. Assessment of creditworthiness of applicant;
7. Discriminatory property appraisal;
8. Steer - the attempt to direct or limit racial or ethnic groups to specific areas in an effort to maintain segregated living patterns;
9. Blockbust - an unlawful tactic used in neighborhoods undergoing racial or ethnic change used by real estate agents or speculators approaching existing homeowners to frighten them into selling their home quickly and cheaply, so a greater profit will be realized on the resale;
10. Redline - Lenders and insurance companies exclude geographic areas by refusing to make loans or issue insurance policies in certain neighborhoods because of the racial or ethnic composition of the area, regardless of the economic qualifications of the borrower or (prospective) homeowner.
11. Predatory Lending/Loans - Examples include high interest, excessive fees, and aggressively soliciting borrowers, selling defective properties at inflated prices, and failing to disclose essential information about the property or mortgage costs or terms, needless steering to sub-prime loans.

Fair lending is an integral part of a financial institution's legal responsibility to society. Although overt discrimination in mortgage lending is rare in today's market, unintentional discrimination may be found due to standard practices of loan underwriting or appraisals which have the unwarranted effect of denying a loan or offering less favorable terms on loans due to racial composition of property's location or a borrower's race/color, ethnicity, age, gender, mental and physical disability.

Another type of lending discrimination is known as "predatory lending." Some lenders make legitimate sub-prime loans to borrowers whose income and credit history disqualify them for a prime mortgage at current market rates. However, some of these 'sub-prime' lenders prey upon uninformed borrowers by charging unconscionably high interest rates or adding excessive points and fees into the loan together with a multitude of terms very unfavorable, often unexplained to the borrower.

BEFORE YOU SIGN A CONTRACT TO BUY A NEW HOME, FOLLOW THESE SIX IMPORTANT STEPS:

1. Meet with a HUD-approved, non-profit counseling agency. This service is usually free.
2. Only use a professional realtor to help you shop for a house and negotiate on your behalf.
3. Hire a licensed engineer to inspect the property. You should examine the report carefully. It will disclose defects and repairs that the house needs. You may request the seller to cure any defects before you purchase the house.
4. Choose your own lender. Be suspicious if anyone tries to steer you to a lender. Go to several lenders and compare all costs, including interest rates and all fees and points. Beware of predatory loans: that is, high interest rates* with fees, credit insurance, and other costs added to the loans. Review the terms with a HUD certified housing counselor. (This should be free.) * Rates are subject to change, another reason to comparison shop and get consumer education.
5. Choose your own attorney. Read everything carefully. Ask questions. Take time to understand the deal and see the property. Have it reviewed by an attorney skilled in real estate law.
6. Do not let anyone rush you into signing a contract. See a HUD certified housing counselor first.



Home Mortgage Disclosure Act (HMDA) Regulation C:

The intention of this Congressional Act (enacted in 1975 and amended from 1988-91) is for lending institutions to provide the public with data to determine if the institution is serving the housing needs of all community residents. It was enacted to assist in identifying possible discriminatory practices in lending and to assist public officials in distributing public sector investments. HMDA requires most lenders to report the sex, race and income of mortgage applicants and borrowers. Regulation C requires lenders to report data regarding loan applications, including information on origination and purchases.



Equal Credit Opportunity Act (ECOA) Regulation B:

ECOA was enacted to promote fair credit to applicants without regard to sex, race, color, religion, national origin, marital status, age, receipt of public assistance funds or the exercise of any right under the Consumer Credit Protection Act in 1974. Under ECOA, Regulation B prohibits creditor practices that discriminate on the basis of these protected classes.



Community Reinvestment Act (CRA):

In 1977 the CRA was enacted to encourage financial institutions to help meet the credit needs of low and moderate income neighborhoods within the communities by requiring each federal financial supervisory agency's compliance. Institutions are required to prepare an annual CRA statement which maps out the area they serve and the types of loans they provide. These files are to be maintained for two years along with any written comments about the CRA.

SOURCE OF INCOME DISCRIMINATION

New York State Human Rights Law, Nassau County Human Rights Law and Suffolk County Human Rights Law all protect individuals from housing discrimination based on their legal alternative Source of Income.

Lawful alternative income sources may include, but are not limited to, Section 8 housing voucher, Social Security Income (SSI), Social Security Disability (SSD), OLMSTEAD housing subsidies (OHS), Rapid Transition Housing program (RTHP), Nursing Home Transition and Diversion Medicaid Waiver program (NHTD), Traumatic Brain Injury Medical Waiver Program (TBI), Veterans Affairs Supportive Housing (VASH), VA Disability Compensation, child support, alimony, and various types of public services assistance.

Housing providers and lenders may not refuse to accept or include income that is derived from legal sources outside of employment. This applies to lenders when assessing whether to approve a borrower for a loan, as well as landlords when determining whether to rent a unit to a potential tenant.

Further, housing providers and lenders may not subject persons with legal alternative income sources to additional requirements or restrictions that are not required of other applicants.

Discrimination against persons due to Source of Income may come in many forms such as increase in rent and denial of a rental or loan application.

Housing providers CANNOT set unreasonable income formulas or wealth requirements for tenants. According to New York State Division of Human Rights (NYSDHR), “a requirement of yearly income 40 times the weekly rent, even though required of other tenants, would be unreasonable if applied to a tenant who has 70% of the rent paid by the vouchering agency.”

NYSDHR also states that ANY type of monetary assistance intended to aid tenants and applicants who need assistance paying rent, security deposit, move-in fees, or broker fees are also protected by the lawful source of income provision.

WHAT IF YOUR RIGHTS HAVE BEEN VIOLATED? HOW CAN DISCRIMINATION BE CHALLENGED?

On the Federal Level...

Long Island Housing Services may assist in filing housing discrimination complaints and provide related advocacy services, or the United States Department of Housing and Urban Development's (HUD) Fair Housing Enforcement Office may take complaints by mail or phone (1-800-669-9777, TTY 1-800-927-9275). You must file a complaint with HUD within one year of the housing discrimination incident.



On the State & Local Level...

Long Island Housing Services may assist in filing housing discrimination complaints and provide related advocacy services, or administrative complaints can also be filed with the New York State Division of Human Rights or your county Commission on Human Rights. Their numbers are listed in the telephone book.

In the Private, Non-Profit Sector serving the needs of the residents of Nassau and Suffolk...

Long Island Housing Services, the Fair Housing Agency of Nassau and Suffolk, has established a housing discrimination complaint line: 631-567-5111 extension 375 or email info@LIFairHousing.org. Long Island Housing Services will investigate your complaint, conduct testing (if appropriate), and determine whether a violation of your fair housing rights has occurred. Where substantial evidence is found, Long Island Housing Services may assist you in pursuing your administrative (NYS or HUD) and judicial (Federal District Court) remedies. No fees are charged for individual services.

Si usted cree que ha sido discriminado al buscar vivienda, llame a Long Island Housing Services al 631-567-5111 ext. 378 para hablar con un investigador o defensor de vivienda justa capacitado. También puede enviar un correo electrónico a info@LIFairHousing.org.

IS THERE A TIME LIMIT?

You must file an administrative complaint within one year of the housing discrimination occurrence. You have two years to file a Federal District Court complaint. If you are able to prove that you have been a victim of housing/lending discrimination, the Fair Housing Act may entitle you to receive compensation for actual damages, including humiliation, pain and suffering, and other relief. In some cases, the law may also allow punitive damages.



Long Island Housing Services, Inc.

640 Johnson Ave., Suite 8, Bohemia, New York 11716-2624
Suffolk: 631-567-5111 ~ Nassau: 516-292-0400 ~ Fax: 631-567-0160
LIFairHousing.org
Protecting Civil Rights for Long Islanders since 1969



© Photograph by Bernard J. Kleina

WHAT IS FAIR HOUSING?

It is U.S. Policy and Law to promote equitable housing choice and eliminate segregation.

What does the federal FAIR HOUSING ACT Prohibit?

It is **against** the law because of **race, color, national origin, sex, religion, familial status, Sexual Orientation, Gender Identity or disability** to:

- Refuse to **rent** or **sell** housing
- Refuse to **negotiate** for housing
- Make housing **unavailable** or **deny** that housing is available
- Set **different** terms, conditions, or privileges for the sale or rental of housing
- Advertise that housing is available only to persons of a **certain** race, color, national origin, religion, sex, or without handicap or children. This includes verbal statements and graphic ads indicating preference or limitation
- Deny anyone **access** to or **membership** in any real estate service such as multiple listing services
- **Blockbust** - an unlawful tactic used in neighborhoods undergoing racial or ethnic change used by real estate agents or speculators approaching existing homeowners to frighten them into selling their home quickly and cheaply, so a greater profit will be realized on the resale
- **Steer** - the attempt to direct racial or ethnic classes to specific areas in an effort to maintain segregated living patterns
- **Redline** - Lenders and insurance companies exclude geographic areas by refusing to make loans or issue insurance policies in certain neighborhoods because of the racial or ethnic composition of the area, regardless of the economic qualifications of the borrower or (prospective) homeowner
- **Deny** or create **different** terms or conditions for a mortgage, home loan, insurance, or other "real estate related transaction"
- **Threaten**, coerce, or intimidate anyone exercising a fair housing right or assisting others in exercising those rights

Long Island
celebrates the

50th Anniversary
of the
Fair Housing Act

What does FAIR HOUSING ACT cover?

- Single family homes owned by private persons when a **real estate broker** and/or **discriminatory advertising** is used to sell or rent the home
- Single family homes **not owned by private persons** (such as **corporations** or **partnerships**) even if a broker is not used to sell or rent the home
- **Multifamily** dwellings with **five or more** units including rooming houses
- **Multifamily** dwellings with four or less units, if the **owner does not live** in one of the units

What does New York State HUMAN RIGHTS LAW Prohibit?

New York State's Human Rights Law is also known as NYS Executive Law, Article 15, Section 296. It exempts 2-family owner-occupied housing. However, federal law protection may still apply. NYS Human Rights Law covers **commercial space** and **land, terms, advertisements, real estate activities, and credit**. In addition to the protected classes defined in the Fair Housing Act, the NYS Human Rights Law also prohibits discrimination based on: **Age** (18 and older); **Victims of Domestic Violence**; **Military status**; **Marital status**; **Sexual orientation**; **Gender Identity or Expression**; **Creed**; **Source of Income** (Including **Public assistance**, Section 8, VASH, VA disability compensation, SSI, child support, W2, 1099); and **Arrest** (Includes Arrest includes favorably resolved arrest, an adjournment in contemplation of dismissal (ACOD), and a sealed conviction record, or a youthful offender adjudication.)

What does County HUMAN RIGHTS LAW Prohibit?

In addition to the protective laws described above, Suffolk County also prohibits discrimination based on **Veteran Status**, Status as a **Victim of Domestic Violence**, or **Group Identity**. (Group Identity includes actual or perceived **age, alienage** or **citizenship** status, **gender, sexual orientation**, and **military status**.) Nassau County also prohibits discrimination based **Veteran Status**, **First Responder status**, and **Ethnicity**.

Contact Long Island Housing Services (631-567-5111 or 516-292-0400) for information related to enhanced enforcement provisions of the counties' local laws *or to consult about disparate impact*. Reporting these violations is urged as a way to document the enforcement need in such cases *and promote change*.

A 501(c)(3), not-for-profit, fair housing agency

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

Updated May 26, 2022

YES! I support Long Island Housing Services, Inc.

Enclosed is my tax-deductible gift to help advance housing justice.

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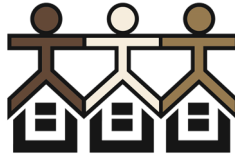
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Donations can be mailed to Long Island Housing Services, Inc., 640 Johnson Avenue, Suite 8, Bohemia, NY 11716 or made online at LIFairHousing.org

Questions can be addressed to Info@LIFairHousing.org or 631-567-5111 ext 314.

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