

Briefing for Legislative Changes to Suffolk County Human Rights Laws

Background: ERASE Racism conducted a study and released the results on April 19, 2005 in the report "*Long Island Fair Housing: A State of Inequity.*" The study addressed 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.

This briefing document presents some of the legislative changes to amend their respective human rights laws.

Purpose of Proposed Legislation: ERASE Racism, in a collaborative effort with the Anti-Discrimination Center of Metro New York, proposes the following changes to Suffolk County's Human Rights Law. The new law would obtain maximum protection for Long Island residents, while creating a local enforcement system that is effective, efficient and accessible to all Long Islanders.

The new legislation proposes changes to the human rights laws and includes ways to finance an enforcement system. Some of the proposed changes would make the County eligible to access a variety of federal funds earmarked for fair housing enforcement purposes.

Proposed New Law Highlights:

Substantive Changes:

- The definition of "couple" protects unmarried heterosexual couples from marital status discrimination (same sex couples already protected)
- Explicitly states that employers are responsible for the actions of their employees and agents (e.g. realty & property management companies, mortgage brokerage firms etc.)
- Establishes a claim for a victim who was "perceived" to be a member of a protected class by the aggressor
- Imports the federal Fair Housing Act's construction and design requirements for newly constructed dwellings

Procedural Changes:

- Sets up an administrative enforcement system with qualified administrative law judges
- Outlines clear procedural steps for obtaining redress and answering a complaint of housing discrimination
- Enumerates the statute of limitations, possible forms of remedies, civil penalties and attorneys' fees
- Provides clear steps for investigations and requirements for final investigative reports
- County Attorneys will pursue pattern and practice cases
- Allows for attorneys fees
- Increases civil penalties
- Enumerates the types of injunctive relief available under the administrative enforcement system

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

The goal is to introduce the bill to Suffolk County Legislature in the first half of 2006. ERASE Racism asks for your support in helping to move this legislation forward.

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