

# ANTI-DISCRIMINATION PROTECTIONS FOR SURVIVORS OF DOMESTIC VIOLENCE, SEX OFFENSES, OR STALKING

## Know Your Rights and Obligations

The New York City Commission on Human Rights is a resource to educate New Yorkers about their rights and responsibilities under the New York City Human Rights Law.

The Human Rights Law protects employees, job applicants, tenants, and individuals seeking housing against discrimination because they are “victims of domestic violence, sex offenses or stalking.”

**Domestic violence** includes acts and threats of violence by a family member, intimate partner, or household member.<sup>1</sup> These acts or threats can include physical assault, verbal abuse, or economic abuse.<sup>2</sup>

**Sex Offenses** and **Stalking** mean acts that constitute violations of article 130 of the NYS penal law or violations of sections 120.45, 120.50, 120.55, or 120.60 of the NYS penal law.

### It is a violation of the New York City Human Rights Law when:

- Landlords, property managers, real estate brokers, and others making housing decisions treat applicants seeking housing, or current tenants, differently because of their status as a survivor.
- Employers treat employees or applicants differently because of their status as a survivor.
- Employers fail to provide a reasonable accommodation to individuals who have experienced domestic violence, sex offenses, or stalking. Employers must engage in a cooperative dialogue and provide a reasonable accommodation unless doing so would create an undue hardship.

### Who is Protected?

**In the workplace:** Any survivor working for an employer of 4 or more employees or one or more domestic workers in New York City, or applying for such a position.

**In housing:** Any survivor living in or seeking housing in New York City, unless the housing is a:

- two-family home that is owner-occupied and the unit was not advertised or
- a room or rooms in housing where the owner or owner’s family also resides.

*These protections apply regardless of immigration status.*

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<sup>1</sup> The term “victim of domestic violence” means a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or by a person who is or has continually or at regular intervals lived in the same household as the victim. NYC Admin Code § 8-102.

<sup>2</sup> Economic abuse includes acts or omissions that control, obstruct, or interfere with a person’s ability to use or maintain economic resources to which they are entitled or to acquire economic resources, including by coercion, deception, fraud, or manipulation. NYC Admin Code § 8-102.

## Prohibited Conduct Includes:

### In the workplace:

- Firing an employee experiencing domestic violence, sex offenses, or stalking because of concerns about workplace disruptions.
- Failing to engage in cooperative dialogue or failing to provide a reasonable accommodation— if it does not create undue hardship— such as flex time or leave, changing an employee’s work location for safety reasons, or changing contact information. Addressing impacts of domestic violence, sex offenses, or stalking, whether in courts or with financial institutions, may require such time or flexible hours.

### In housing:

- Turning away a survivor because they have an order of protection against a former partner.
- Refusing to lease to a survivor because of a low credit score where they can show it was caused by coercion of an abusive partner.
- Evicting a survivor or victim from an apartment because the police have been called in response to domestic disputes.
- Refusing to accept rental assistance regularly provided to survivors. Landlords cannot refuse housing vouchers, which include Section 8 and CityFHEPS, among others.

If you want to report discrimination, call the Commission on Human Rights at **212-416-0197** or visit our website. You can file a complaint or leave an anonymous tip. If a housing provider or employer violates the Human Rights Law, you may be able to obtain housing or employment opportunities or receive damages. The covered entity may also have to change policies and pay a fine.

To learn more or to sign up for a free workshop on your rights as a tenant or employee, or obligations as an employer or housing provider, visit [our website](#).

If you are currently experiencing Domestic Violence, contact the Mayor’s Office to End Domestic and Gender Based Violence Hotline at **800-621-HOPE**. More resources are in the [NYC HOPE Resource Directory](#).

To learn about paid safe and sick time in NYC, visit [this website](#).