LAWFUL SOURCE OF INCOME PROTECTIONS UNDER THE NYC HUMAN RIGHTS LAW

Your Housing Voucher Should Always Be Accepted Towards Rent and Security Deposits

The NYC Commission on Human Rights protects you from lawful source of income discrimination in housing, which means brokers and landlords cannot discriminate against you because of your housing voucher. These protections apply to any federal, state, or local public or housing assistance for the payment of rent, such as CityFHEPS, Section 8, Supplemental Security Income (SSI), HIV/AIDS Services Administration (HASA), FHEPS, and Veterans’ GI Bill, among others. Security vouchers and one-time emergency grants (“one shot deals”) that help cover rent or broker fees are also protected.

Know Your Rights as a CityFHEPS Program Participant:

1. Nearly all rentals in NYC, including apartments in co-op and condo buildings, are required to accept your housing voucher. You are protected under the NYC Human Rights Law and the state law prohibiting source of income discrimination.¹
2. Brokers, landlords and housing agents must not discourage you from applying for an apartment because you plan to use CityFHEPS for your rent or security deposit. Even if a broker or agent claims they are simply enforcing a landlord’s policy, it violates the law.
3. “No Vouchers Accepted,” “No Programs,” or similar ads indicating a refusal to accept rental assistance are unlawful.
4. Brokers, landlords and housing agents must not request additional payments for rent, a security deposit, or a broker’s fee because you receive rental assistance. If you are asked to pay upfront fees, a deposit of more than $20.00, or extra rent under the table because you have a housing voucher, it may be evidence of discrimination under the NYC Human Rights Law.
5. Your landlord cannot refuse or delay making repairs to your home because you pay rent with a form of public or housing assistance. Your landlord must make the repairs necessary to pass inspection for your program.
6. You have the right to be free from harassing, discriminatory, or threatening behavior or comments based on having received or applied for CityFHEPS or another form of housing assistance.

What does lawful source of income discrimination look like?

- A broker or landlord refuses to accept your voucher for rent payment.
- A broker or landlord stops communicating with you because you have a voucher.
- A broker or landlord says, “We accept everything except CityFHEPS.”
- You are told that there is a “waitlist” for people with vouchers or programs.
- A broker or landlord says you don’t meet a minimum income requirement, even though the rent falls within the voucher payment standard.
- A broker or landlord says that you can rent an apartment with a voucher, but only if you agree to pay six months of rent upfront.

¹ There are exceptions for (i) the rental of a room in a unit that is not publicly assisted and is shared with the owner or a member of the owner’s family, and (ii) the rental of a unit in a two-family building that is not publicly assisted, if one unit is occupied by the owner or a member of the owner’s family and the rental unit has not been publicly advertised. You do not need to know all of this information. If you aren’t sure if a building is covered, contact the Commission to ask!
• A broker or landlord says they require a minimum credit score for you to qualify, even though your voucher would cover 100% of the rent.
• For tenants in housing: Your landlord says that they do not take CityFHEPS or any other voucher for your unit and tells you to move.

What help can the NYC Commission on Human Rights provide?
If you have experienced discrimination, the Commission may require that the agent, broker, or landlord do one or more of the following:
• Rent you the apartment or a similar apartment.
• Pay you damages for your out-of-pocket expenses and emotional suffering.
• Pay your attorney’s fees, if you have a lawyer represent you in your case at the Commission.
• Pay the City of New York a civil penalty of up to $250,000 per willful violation.
The Commission may also continue to monitor the agent or landlord’s activity and/or report licensed brokers & salespeople who violate the law to the New York State Licensing Division.

What steps can I take to help my discrimination case?
It can be helpful to keep certain records, in case you experience housing discrimination.
• If responding to an ad, take a photo or screenshot of the ad immediately.
• Save all your text messages and e-mails in a safe place (not just on your phone).
• When possible, record your phone calls and conversations. (While this is permissible in New York, other states have different laws. Always consult with a lawyer if you have questions.)
• If you’re denied housing, keep notes about your experience and how the discrimination made you feel. Keep receipts for your expenses.
• Report denials to the Commission immediately, especially if the unit is still available.

How can I contact the NYC Commission on Human Rights?
To report discrimination based on your lawful source of income, call 311 and ask for “Human Rights” or call the Commission’s Infoline at (212) 416-0197. For more information and to download Fair Housing materials, visit NYC.gov/HumanRights.

Other government agencies who can help:
NYC Department of Social Services Fair Housing Litigation Unit: Call (929) 221-6576 or e-mail the Department at sol@dss.nyc.gov.
New York State Division of Human Rights: Call the Housing Discrimination Hotline (844) 862-8703 or email the Division at info@dhr.ny.gov.
Office of the State Attorney General, Civil Rights Bureau: Call (212) 416-8250 or fill out an online complaint form found at https://ag.ny.gov/bureau/civil-rights. Completed forms can be mailed to the Bureau, emailed to Civil.Rights@ag.ny.gov or faxed to (212) 416-6030.