



New NYC Commission on Human Rights Legal Guidance on Anti-Discrimination Protections for New Yorkers with Disabilities in Housing, Employment, and Public Accommodations

The Guidance

New legal enforcement guidance by the NYC Commission on Human Rights defines discrimination against people with disabilities in housing, employment, and places of public accommodation under the NYC Human Rights Law to make sure that every New Yorker has equal access in New York City. The guidance includes clarification on discriminatory policies and practices, best practices on how to assess and provide reasonable accommodations to people with disabilities, and examples of reasonable accommodations.

Potential Violations

The guidance provides common examples of potential violations of the Law as well as examples of more subtle forms of discrimination against individuals with disabilities based on stereotypes or assumptions about their abilities or circumstances, including:

- A landlord who decides not to rent an apartment to an otherwise qualified applicant who has a mental health disability because of unfounded speculation that the individual poses a danger;
- An employer who decides not to hire an otherwise qualified applicant who uses a mobility device because of assumptions regarding the applicant's abilities to travel to off-site meetings, events, and conferences;
- A gym employee who asks an individual with a mobility disability to sign extra waivers that other patrons do not sign because of a fear that the individual poses a liability.

Best Practices

The guidance offers best practices on how employers, landlords, and business owners may avoid violations of the Law, including on how an entity can assess or grant requests for reasonable accommodations for people with disabilities:

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- Written policies that express limitations or prohibitions, such as a “maximum leave policy” in an employee handbook or a “no pets” policy in a lease, should be clear about the availability of and the process for seeking and granting an exception or modification to the policy as a reasonable accommodation;
- Advertisements or postings for housing should focus on the applicant’s ability to meet requirements of tenancy and should not ask whether applicants have a disability;
- Places of businesses should avoid “no dogs” signs; rather, word sign “service animals welcome: unfortunately, no pets allowed”;
- If an entity learns, either directly or indirectly, that an individual requires an accommodation due to their disability, the entity has an affirmative obligation to engage in a “cooperative dialogue” with the individual to evaluate their needs and consider the possible accommodations for the individual. The guidance suggests best practices on conducting cooperative dialogues and provides several scenarios.

Reasonable Accommodations

The guidance provides examples of reasonable accommodations to help entities understand how to better accommodate employees, residents, or customers with disabilities, including:

- Job restructuring for an employee with a disability that may also involve reallocating or redistributing some of the non-essential functions of a job, or “light-duty”;
- Housing providers could provide alterations such as installing grab bars to a bathtub, installing a roll-in shower, or adjusting the location of appliances or other fixtures to make units or common spaces more accessible to individuals with disabilities;
- A clothing store may alter the height at which they mount mirrors and shelves so they can be accessible for individuals using wheelchairs.

If you or someone you know believes they have been the victim of discrimination or harassment, call the Commission’s Infoline at **(718) 722-3131**.

For more information and to read the full guidance, visit **NYC.gov/HumanRights**



**Commission on
Human Rights**

**Mayor’s Office for
People with Disabilities**

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