

Anti-Discrimination Law Quick Reference

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EMPLOYMENT DISCRIMINATION LITIGATION

Forum Type	Forum Name	Laws enforced	Statute of Limitations	Prerequisites to court filing?
Administrative Agency - Federal	U.S. Equal Employment Opportunity Commission (EEOC)	Title VII ADEA ADA	300 days	n/a
Administrative Agency - State	N.Y.S. Division of Human Rights (State Division)	NYS HRL	1 year	n/a
Administrative Agency - Local	N.Y.C. Commission on Human Rights (City Commission)	NYC HRL	1 year	n/a
Federal Court	U.S. District Court for the Eastern or Southern District of New York (Eastern District includes Brooklyn, Queens, Long Island; Southern District includes Manhattan, Bronx, Westchester)	All of above (court has supplemental jurisdiction of state and local claims where there is a federal claim) and Section 1981	90 days after receiving a right-to-sue letter from EEOC; 3 years for Section 1981	Yes. Must have timely filed administratively, and have received a right to sue letter for Title VII; No prerequisite for a Section 1981 filing
State Court	N.Y.S. Supreme Court (State Supreme operates county by county)	NYS and NYC HRLs	3 years	No.

HOUSING DISCRIMINATION LITIGATION

Forum Type	Forum Name	Laws enforced	Statute of Limitations	Prerequisites to court filing?
Administrative Agency - Federal	U.S. Dept. of Housing & Urban Development (HUD)	Title VIII	1 year	n/a
Administrative Agency - State	N.Y.S. Division of Human Rights (State Division)	NYS HRL	1 year	n/a
Administrative Agency - Local	N.Y.C. Commission on Human Rights (City Commission)	NYC HRL	1 year	n/a
Federal Court	U.S. District Court for the Eastern or Southern District of New York (Eastern District includes Brooklyn, Queens, Long Island; Southern District includes Manhattan, Bronx, Westchester)	All of above (court has supplemental jurisdiction of state and local claims where there is a federal claim) and Sections 1981 and 1982	2 years for Title VIII; 3 years for Section 1981 or 1982	No.
State Court	N.Y.S. Supreme Court (State Supreme operates county by county)	NYS and NYC HRLs	3 years	No.

Protections by Protected Class

Protected Class	Fed protection: employment	State protection: employment	Local protection: employment	Fed protection: housing	State protection: housing	Local protection: housing
Race	Title VII Section 1981	NYS HRL	NYC HRL	Title VIII Section 1981 Section 1982	NYS HRL	NYC HRL
Color	Title VII	NYS HRL	NYC HRL	Title VIII	NYS HRL	NYC HRL
National Origin	Title VII	NYS HRL	NYC HRL	Title VIII	NYS HRL	NYC HRL
Religion	Title VII	NYS HRL	NYC HRL*	Title VIII	NYS HRL	NYC HRL
Gender	Title VII Equal Pay Act	NYS HRL	NYC HRL**	Title VIII	NYS HRL	NYC HRL**
Age	ADEA	NYS HRL	NYC HRL		NYS HRL	NYC HRL

*Creed and religious observance **Including gender identity

Note re sexual orientation: same-sex harassment based on sex
(as distinct from sexual orientation) is actionable under Title VII and Title VIII

Protected class	Fed protection: employment	State protection: employment	Local protection: employment	Fed protection: housing	State protection: housing	Local protection: housing
Disability	ADA	NYS HRL	NYC HRL	Title VIII	NYS HRL	NYC HRL
Sexual Orientation	No, but see note below	NYS HRL	NYC HRL	No, but see note below	NYS HRL	NYC HRL
Familial Status				Title VIII	NYS HRL	NYC HRL***
Marital Status		NYS HRL	NYC HRL		NYS HRL	NYC HRL
Domestic partner status			NYC Human Rights Law++			NYC Human Rights Law
Occupational Status						NYC HRL
Arrest record		NYS HRL****	NYC HRL****			
Criminal conviction		NYS HRL****	NYC HRL****			
Alienage or citizenship status			NYC HRL****			NYC HRL****
Lawful Source of Income						NYC HRL

Whether children are or would be residing in unit in question *Significant limitations on scope of coverage

++ Except as may be partially limited by ERISA

Exclusions/Remedies

Statute	Minimum Employees / Housing Units	Remedies
Title VII	15	Compensatory and punitive, but with caps; equitable, attorneys fees (but only if you get into court)
ADEA	20	Back pay plus double liquidated if willful; equitable, attorneys fees
ADA	15	Compensatory and punitive, but with caps; equitable, attorneys fees
Section 1981	No minimum	Compensatory, punitive, equitable, attorneys fees
Section 1982	No minimum	Compensatory, punitive, equitable, attorneys fees
NYS HRL	4 employees / 2-family owner-occupied not covered	Admin: compensatory, equitable; plus, in housing cases only, attorneys fees after public hearing and limited civil penalties Court: compensatory, equitable; plus, in housing cases only, punitives and attorneys fees
NYC HRL	4 employees / generally no minimum on rentals or sales	Admin: compensatory, equitable, civil penalties to City Court: compensatory, punitive, equitable, attorneys fees
Title VIII	owner-occupied 4 units and under not covered; single family sales without advertising or broker not covered	Admin: compensatory, equitable, attorneys fees, civ pen to govt. Court: compensatory, punitive, equitable, attorneys fees