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## **Human Rights Law is Amended to Provide for the Assessment of Civil Fines and Penalties**

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*Fines may be imposed in an amount up to \$50,000, or up to \$100,000 where the conduct is found to be willful, wanton or malicious.*

Division of Human Rights Commissioner Galen D. Kirkland announced that civil fines and penalties may be assessed against any respondent found to have engaged in an unlawful discriminatory practice. Such fines and penalties may be assessed in any discrimination case brought before the Division of Human Rights or directly in State court under the Human Rights Law. The amendment to the Human Rights Law applies to discriminatory conduct occurring on or after July 6.

“This amendment to our law will provide the Division with a very powerful tool to fight discrimination in the state. Now that we can assess fines and penalties in the majority of the cases received by the Division we will be better equipped to further the agency’s mission to protect the human rights of all New Yorkers,” said Commissioner Kirkland.

Previously, the imposition of civil fines under the Human Rights Law had been limited to cases of housing discrimination, but with this amendment, such fines and penalties may now be assessed in all cases of discrimination, including cases of employment discrimination -- which comprise over 80% of the Division’s cases -- and cases involving discrimination in educational institutions and places of public accommodation.

This amendment to the State’s Human Rights Law, which was signed into law by Governor Paterson on April 7, 2009, will greatly advance the Division’s mission to exercise the police power of the State for the protection of the public welfare, health and peace of the people of this State, and in fulfillment of the provisions of the constitution of this State concerning civil rights. N.Y. Exec. Law § 290.1. The fines imposed will further the goal of equal opportunity in New York State by acting to deter and reduce discrimination on the basis of race, color, creed, national origin, sex, age, disability, sexual orientation, marital status, military status, and other protected categories.

The amendment, contained in Chapter 57 of the Laws of 2009, expanded the application of civil fines and penalties beyond cases limited to housing discrimination previously set forth in N.Y. Exec. Law § 297.4(c)(vi), by adding a new section § 297.4(e). Civil fines and penalties may be ordered in installments for employers with fewer than fifty employees; standards for installment payments will be contained in forthcoming Division regulations.

The imposition of civil fines and penalties will be separately stated, and will be in addition to, and not reduce or offset, any compensatory damages awarded to a prevailing complainant. The fines are payable to the State, and will serve both to deter discrimination and to compensate for the harm caused to the public interest by unlawful discrimination.

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*New York has the proud distinction of being the first state in the nation to enact a Human Rights Law, which affords every citizen "an equal opportunity to enjoy a full and productive life." The New York State Division of Human Rights was created to enforce this important law and does so through, among other things, the vigorous prosecution of unlawful discriminatory practices and the receipt, investigation, and resolution of complaints of discrimination. Please visit the Division's website at [www.dhr.state.ny.us](http://www.dhr.state.ny.us) for additional information about the agency and its work.*