



NEW YORK STATE SENATOR

Brian Kavanagh

## Senator Kavanagh, Assemblymembers Lasher, Wright Propose Legislation to Safeguard Fair Housing Protections from Trump

BRIAN KAVANAGH February 2, 2025

| ISSUE: **FAIR HOUSING ACT**



Supported by Reverend Al Sharpton, New Bill will Put Federal Housing Discrimination Enforcement Provisions into State law

**NEW YORK** – A group of New York State legislators today proposed legislation that would codify critical Federal fair housing protections into State law. Together with Reverend Al Sharpton, founder and President of the National Action Network, Senator Brian Kavanagh, Assemblymember Micah Lasher, and Assemblymember Jordan Wright gathered together at

the House of Justice in Harlem to announce the bill, which is supported by more than forty members of the State Legislature.

The legislation, bill [S4067/A4040](#), would incorporate into New York State law the "disparate impact" (or "discriminatory effects") standard, which is critical to enforcement of the Federal Housing Act (Title VIII of the Civil Rights Act of 1968). The first Trump administration attempted to repeal disparate impact, and the new Trump administration is expected to do so again. At the same time, the growing conservative majority on the Supreme Court represents a separate threat to disparate impact and, in turn, to fair housing enforcement nationwide.

By making disparate impact part of the New York State Human Rights law, this legislation would ensure that the New York State Attorney General, the State Division of Human Rights, and private plaintiffs can continue to take action against housing discrimination even if disparate impact is repealed or struck down at the Federal level.

*"We cannot celebrate Black history and not make some Black history," said **Reverend Al Sharpton** at the National Action Network rally on the first day of Black History Month. "I really want us to support this legislation. We see this as a civil rights bill and we hope that all the Assembly and the State Senate understand what we are doing. And we are doing this in unison."*

**New York Attorney General Letitia James** said: *"Fair access to housing is a basic right that all New Yorkers are entitled to. Now more than ever, New York needs laws that will ensure our tenants, homeowners, and communities are protected against the harmful effects of housing discrimination. This bill ensures that New York state won't be caught flat-footed in the event of a rollback of Federal housing protections. I thank Senator Kavanagh, Assemblymember Lasher, and Assemblymember Wright for advancing this bill, and I look forward to working with my partners in government to ensure that all New Yorkers have equitable opportunities to find safe housing."*

**Senator Brian Kavanagh, Chair of the NYS Senate Housing Committee and sponsor of the bill,** said: *"As individuals, families, and whole communities continue to suffer the consequences of racial bias and*

*other forms of housing discrimination, we must reaffirm our commitment to securing the rights of every New Yorker to live in the home and the community of their choice. Unfortunately, we now have a federal administration that does not share this commitment, to say the least. Enshrining the disparate impact standard in New York law is a pivotal step to ensure we have the tools we need to promote equality. I thank Assemblymembers Lasher and Wright for championing this legislation in the Assembly, the Reverend Al Sharpton for lending his powerful voice to this effort, Attorney General James for partnering with us, and our colleagues in the legislature and the many housing and civil rights advocates for joining us, and for working every day to fight for justice.”*

*“This bill is a crucial, proactive step as we work to Trump-proof New York. It will put critical protections against housing discrimination into State law that are almost certain to come under attack at the federal level,” said **Assemblymember Micah Lasher**. “New York has a longstanding commitment to the Fair Housing Act. Donald Trump, by contrast, has a long history with housing discrimination. This bill ensures New York can keep up the fight.”*

*“We will not stand by and let this current Trump administration take us backwards. For far too long, Black and Brown New Yorkers have fought for housing equality and the ability to provide adequate, affordable living circumstances for our families. Our people deserve the right to quality housing and will settle for nothing less.” said **Assemblymember Jordan Wright**.*

*“New York must vigorously enforce our laws against housing discrimination,” said **Senator Zellnor Myrie**. “I’m proud to co-sponsor this bill which would codify these protections in State law. We will always safeguard New Yorkers’ rights against a Trump administration seeking to undo them.”*

*“We are only a few weeks into the Trump administration and we have already seen “fighting DEI” used as an excuse to violate long standing laws and norms,” said **Senator Brad Hoylman-Sigal**. “We have every reason to believe that if we do not take action, the Fair Housing Act, a federal law that protects against discrimination in buying and renting homes, could be next. That’s why I am co-sponsoring Senator Kavanaugh’s legislation to codify the disparate impact standard, derived from the Fair Housing Act, into New York State’s Human Rights Law. Disparate impact has long been used to fight against housing discrimination by allowing for outcome-based evidence, rather than solely requiring proof of intent to discriminate. By codifying this standard into state law we can proactively safeguard against any potential attempts by the federal Government to change how the Fair Housing Act is enforced in New York State.”*

*"Housing discrimination is not always blatant—but its impact is unmistakable," said **State Senator Nathalia Fernandez**. In New York, we believe that housing opportunities should not be dictated by the color of your skin, the language you speak, or where you come from. The disparate impact standard ensures that policies harming protected communities—whether intentional or not—can still be challenged under law. By codifying the disparate impact standard, we're making it clear that no matter what happens in Washington, New York will not stand by while barriers to fair housing are rebuilt. We are a state that protects its people, and that's exactly what this legislation does."*

*"I'm truly honored to serve as a newly elected assemblymember, and I've seen firsthand how hidden barriers in our housing system hurt families. That's why I've taken immediate action to co-sponsor this bill alongside my new colleagues in the Assembly. This bill isn't just another policy—it's a promise that we'll stand up against subtle, often invisible forms of discrimination. By enshrining the disparate impact standard into law, we're taking a bold step to ensure every New Yorker has a fair shot at a safe, welcoming home, because everyone deserves to feel they belong," said **Assemblymember Kwani O'Pharrow**.*

*"Every New Yorker deserves equal access to housing and the promise of housing equity for the future. We will not allow President Trump and his Administration to reverse critical housing protections - including enforcement of the landmark Fair Housing Act. That's why I'm co-sponsoring this critical legislation today introduced by my colleagues to codify the Affirmatively Furthering Fair Housing (AFFH) rule into NY state law. It is not enough to simply outlaw housing discrimination; we must continue to undo the structural harms that lie at its root," said **Assemblymember Emerita Torres**.*

*"Thank you to my colleagues Micah Lasher and Jordan Wright for their tremendous work on this legislation, and our Senate colleague Brian Kavanaugh who is a proven housing champion. Federal representatives in 1968 saw the need for these provisions, but given the uncertainty we're seeing in Washington, we can't leave New Yorkers at the whim of ongoing and unpredictable rollbacks of federal protections. This will keep New Yorkers protected, and I'm proud to stand behind my colleagues and offer my full support," said **Assemblymember Andrew Hevesi, Chair, Committee on Children and Families**.*

*"The Legal Aid Society thanks Senator Kavanaugh and Assembly Member Lasher for their leadership in introducing this important bill. By recognizing that discrimination can exist in its effect, regardless of intention, this ensures that those seeking housing have the tools to address it wherever it appears. Discrimination is not always direct or visible, and it's vital that it can be confronted, even when it operates in subtle or unintended ways. This commitment to building a more equitable housing system is a crucial step toward fairness and access to opportunity for all,"*

said **Robert Desir, Staff Attorney at the Legal Aid Society.**

*“With the prospect of the Trump Administration and the Supreme Court looking to turn the federal Fair Housing Act into a dead letter, it is timely and essential to pass legislation making clear to all those whose conduct has been regulated by the Fair Housing Act that our State Human Rights Law will fully pick up the slack.”* said **Craig Gurian, Executive Director of the Anti-Discrimination Center.**

*“The work of enforcing our fair housing laws is made more challenging by the fact that the vast majority of discriminatory housing providers are savvy enough to know better than to express their discriminatory intent in explicit terms,”* said **Aaron Carr, founder and executive director of Housing Rights**

**Initiative.** *“This bill will help empower more effective, realistic enforcement – and ultimately help more vulnerable New Yorkers access housing – by ensuring that brokers and landlords are judged not just by what they choose or don’t choose to say, but by the substantial outcomes of their practices.”*

*“The disparate impact standard is critically important to ensuring fair housing throughout New York State,”* said **Baaba Halm, senior vice president of programs, Enterprise Community Partners.** *“It makes it possible to identify and address housing discrimination that may not be readily apparent, but is nevertheless having a negative impact on individuals and communities. We have a lot of work still to do on reversing New York’s legacy of redlining and discrimination, and this legislation is a step toward ensuring strong protections remain in place.”*

*“We applaud the effort by Senators Kavanagh, Myrie, and Cleare and Assembly Members Lasher and Wright to codify the Fair Housing Act’s (FHA) Discriminatory Effects Standard, also referred to as Disparate Impact, within the New York State Human Rights Law. Disparate Impact prohibits unjustified policies and practices that have a disproportionate, adverse impact on protected classes. In short, this legislation would ensure the State Division of Human Rights and the New York Attorney General possess the ability to combat segregation and discrimination in housing regardless of whether a municipality has an intent to discriminate,”* said **Kalpana Bhandarkar, and Edward Pichardo, Esq., Co-chairs of the**

**Board of Directors at ERASE Racism.** *“On Long Island we have seen the importance of Disparate Impact first-hand. In 2014 the Federal Government sued the Town of Oyster Bay for violating the FHA, alleging that the two housing programs to develop market rate housing for first-time homeowners and senior citizens discriminated against Black residents because the programs had given preference to existing Oyster Bay residents. With Oyster Bay’s Black population being less than 3% of the Town’s total, and less than 1% of those families being eligible for the program, this produced a discriminatory result.”*

*"Since 2024's U.S. Supreme Court ruling in *Loper Bright Enterprises v. Raimondo*, which overturned 40 years of precedent, the Disparate Impact standard is at risk of further erosion; it is more important than ever for the State of New York to ensure that Fair Housing laws remain able to address housing discrimination. Even while the Federal government refuses to do so."*

*"The Trump Administration seeks to misuse Executive power by undermining civil rights protections, including the federal Fair Housing Act. Our organization has seen the devastating consequences of housing discrimination, which both remain alarmingly widespread. As such, we commend the dedication displayed by Senator Kavanaugh and Assemblymember Lasher to enshrine disparate impact in New York State law and to ensure that protections will exist regardless of what changes occur on the federal level. As New York City's only full-service fair housing organization, we are steadfast in our mission and will continue to work with state and local legislators to fight for a New York that is free from housing discrimination." - Britny McKenzie, Policy Director at the Fair Housing Justice Center (FHJC)*

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#### RELATED LEGISLATION

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### 2025-S4067

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate

- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Codifies the disparate impact standard in the human rights law

January 31, 2025

Senate Floor Calendar

Sponsored by **Brian Kavanagh**

Do you support this bill?