



**JAMES G. DIBBINI  
& ASSOCIATES, P.C.**  
*Attorneys At Law*  
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## **What to Do If You're Served with a NYS Division of Human Rights Complaint**

If you are a landlord, property manager, employer, or business owner in New York State, you may one day receive a notice that a complaint has been filed against you with the New York State Division of Human Rights (DHR). This agency is charged with enforcing the New York Human Rights Law—one of the broadest anti-discrimination statutes in the country.

Being served with a DHR complaint can be unsettling, but it is important to respond promptly and strategically to protect your rights and interests. Here's what you need to know:

### **1. Don't Ignore the Complaint**

The DHR will send a Notice of Complaint and a Verified Complaint, often accompanied by a request for a position statement or documentation. You will typically have 20 to 30 days to respond, depending on the instructions.

Failing to respond can result in:

- A default judgment against you
- Loss of opportunity to present your side
- Referral of the matter to the Attorney General's office

### **2. Understand the Allegations**

Carefully review the complaint. Allegations may include discrimination based on:

- Race, color, religion, national origin
- Sex, sexual orientation, gender identity
- Disability
- Familial status (in housing cases)
- Retaliation
- Source of income discrimination

Housing providers, in particular, must be mindful of claims involving refusal to rent, harassment, or failure to accommodate persons with disabilities.

### **3. Contact Legal Counsel Immediately**

Responding to a DHR complaint is not just a matter of explaining your side of the story—it is a legal process with significant consequences.

At James G. Dibbini & Associates, P.C., we:

- Analyze the allegations in light of applicable law
- Draft persuasive position statements
- Gather supporting documentation
- Represent clients through DHR investigations, mediations, and hearings

A carefully crafted legal response can often lead to the complaint being dismissed before it escalates.

## 4. Preserve Evidence and Documentation

Immediately gather:

- Leases, applications, notices, communications
- Employment records (if applicable)
- Policies and procedures
- Witness statements or logs

Avoid deleting emails or texts, and instruct staff not to discuss the matter informally.

## 5. Consider Settlement – But Strategically

DHR offers parties the opportunity to engage in early mediation. While settlement may be appropriate in some cases, any agreement should be carefully negotiated and reviewed by legal counsel to:

- Avoid admission of liability
- Protect future rights
- Ensure enforceability

## 6. Know the Risks of Adverse Findings

If DHR finds probable cause, the case may proceed to a public hearing before an administrative law judge. Penalties can include:

- Compensatory damages
- Civil fines
- Mandated training or policy changes
- Public reporting of the violation

Early intervention by experienced counsel can help avoid these outcomes.

## Final Thought

A complaint from the Division of Human Rights should be taken seriously—but it is not the same as a finding of guilt. With knowledgeable legal representation and a proactive approach, many cases can be resolved favorably, early, and discreetly.

If you have received a DHR complaint or would like guidance on preventing discrimination claims, contact James G. Dibbini & Associates, P.C. today.

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