

Title II of the Civil Rights Act of 1964 prohibits discrimination because of race, color, religion, or national origin in certain places of public accommodation, such as hotels, restaurants, and places of entertainment. The Department of Justice can bring a lawsuit under Title II when there is reason to believe that a person has engaged in a pattern or practice of discrimination in violation of Title II. The Department can obtain injunctive, but not monetary, relief in such cases. Individuals can also file suit to enforce their rights under Title II and other federal and state statutes may also provide remedies for discrimination in places of public accommodation.

Protections in Places of Public Accommodation under the New York State Human Rights Law

The New York State Human Rights Law prohibits discrimination in places of public accommodation on the basis of several "protected characteristics." It is against the law for someone to discriminate against you because of one of these protected characteristics:

- Creed/Religion
- Disability
- Gender Identity or Expression
- Marital Status
- Military Status
- National Origin
- Race/Color
- Sex
- Sexual Orientation

What Are Places of Public Accommodation?

Places of public accommodation can include but are not limited to:

- Health clinics and hospitals
- Hotels and motels
- Movie theatres and music halls
- Public buildings and government offices
- Restaurants and barrooms
- Retail stores

Prohibited Discriminatory Conduct

- Places of public accommodation are prohibited from discriminating based on any of the characteristics listed and must make their goods and services accessible
- Places of public accommodation cannot deny goods or services to individuals based on any of the characteristics listed
- Places of public accommodation are prohibited from publishing or circulating any written materials that would indicate a denial of accommodations, advantages or privileges based any of the characteristics listed

The Human Rights Law also prohibits particip

Section 40 Equal rights in places of public accommodation, resort or amusement Civil Rights (CVR)

Equal rights in places of public accommodation, resort or amusement. All persons within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any places of public accommodations, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any such place shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly publish, circulate,

issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color or national origin, or that the patronage or custom thereat, of any person belonging to or purporting to be of any particular race, creed, color or national origin is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort or amusement within the meaning of this article, shall be deemed to include inns, taverns, road houses, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants, or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; retail stores and establishments, dispensaries, clinics, hospitals, bath-houses, barber-shops, beauty parlors, theatres, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses, and all educational institutions under the supervision of the regents of the state of New York; and any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course, or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public; garages, all public conveyances, operated on land or water, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. With regard to institutions for the care of neglected and/or delinquent children supported directly or indirectly, in whole or in part, by public funds, no accommodations, advantages, facilities and privileges of such institutions shall be refused, withheld from or denied to any person on account of race or color. Nothing herein contained shall be construed to modify or supersede any of the provisions of the children's court act, the social welfare law or the domestic relations court act of New York city in regard to religion of custodial persons or agencies or to include any institution, club, or place of accommodation which is in its nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

No institution, club, organization or place of accommodation which sponsors or conducts any amateur athletic contest or sparring exhibition and advertises or bills such contest or exhibition as a New York state championship contest or uses the words "New York state" in its announcements shall be deemed a private exhibition within the meaning of this section.

The **New York Human Rights Law (NYHRL)** is article 15 of the Executive Law (which is itself chapter 18 of the Consolidated Laws of New York) which prohibits discrimination on the basis of "age, race, creed, color, national origin, sexual orientation, military status, sex, marital status or disability" in employment, housing, education, credit, and access to public accommodations[1] The law was originally passed in 1945 as the Law Against Discrimination.[2] and was the first of its kind in the United States.[2] It is enforced by the New York State Division of Human Rights.

References

1. N.Y. Executive Law §§291, 296-a (McKinney 2005)
- Holland v. Edwards, 282 A.D. 353, 357 (N.Y. App. Div. 1953)
- New York State Division of Human Rights