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## COURT OF APPEALS LIMITS THE USE OF NYC HUMAN RIGHTS LAW TO THOSE WHO WORK OR RESIDE IN NEW YORK CITY

The Court of Appeals recently changed an employee's right to sue under the New York City and New York State Human Rights Laws. Previously, a nonresident employee could invoke the anti-discrimination protections of the New York City Human Rights Law ("NYCHRL") even if the employee did not work in New York City as long as he could prove that a negative determination was made in the City. In Hoffman, the Court of Appeals essentially eliminated claims by those who neither work nor reside in the City under NYCHRL. In order to pursue a NYCHRL claim, Hoffman requires a nonresident to demonstrate an impact in the City. See Hoffman v. Parade Publications, 15 N.Y.3d 285, 907 N.Y.S.2d 145, 933 N.E.2d 744 (2010). The holding applies similarly to the use of the New York State Human Rights Law ("NYSHRL").

NYCHRL prohibits an employer from engaging in discriminatory practices and employing discriminatory procedures based on the employee's or applicant's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status.<sup>1</sup> See N.Y.C. ADMIN. CODE § 8-107. Under NYCHRL, an employee may sue his employer or prospective employer for monetary damages, including punitive damages, based on termination or demotion occasioned by a non-legitimate business reason and/or for acts of retaliation as they relate to discriminatory practices.

In Hoffman, the Court of Appeals analyzed the legislative intent of the statutes and noted the statutes were intended to protect the City's "inhabitants." The Court concluded that a local impact requirement is appropriate for a nonresident plaintiff in order to prevent inconsistent and arbitrary results, and to prevent the unintended expansion of the statutes' beneficiaries. In sum, the Court held that a nonresident plaintiff must show more than a "tangential relationship" with the City in order to make use of the statute.

Although the Court assessed the propriety of a local impact requirement, the case effectively limits the use of NYCHRL to those who either reside or work in the City. Likewise, under NYSHRL, the employee must either live or work in the State.

We hope this update has been useful. If you would like to discuss the impact of this decision in greater detail or any other matter, please do not hesitate to contact us. In addition, please visit our website at [www.cuomollc.com](http://www.cuomollc.com) for further information about our firm.

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<sup>1</sup> Similarly the NYSHRL protects against discrimination based on age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status. See N.Y. EXEC. L. § 296.