

NEW YEAR – NEW STATUTE OF LIMITATIONS FOR COMPLAINTS FILED WITH THE NEW YORK STATE DIVISION OF HUMAN RIGHTS

Hodgson Russ Labor & Employment Alert
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New York has extended the statute of limitations for administrative complaints under the New York State Human Rights Law. On November 17, 2023, Governor Kathy Hochul signed into law Senate Bill S.3255, which amended Section 297-5 of the New York Executive Law. This amendment extends, from one year to three years, the time in which a person may file a complaint of unlawful discrimination with the New York State Division of Human Rights. The Division is the administrative agency that investigates and enforces New York State's Human Rights Law.

Before this amendment, the NYS Human Rights Law contained a one-year statute of limitations for all administrative claims of discrimination other than sexual harassment. The statute of limitations for administrative claims of sexual harassment was three years. Under the new amendment, effective February 15, 2024, the statute of limitations for all administrative claims that arise on or after that date will be three years. Such claims include discrimination on the basis of race, color, creed, national origin, citizenship or immigration status, age, sexual orientation, disability, military status, and other protected classes, as well as claims of unlawful retaliation under the NYS Human Rights Law.

The statute of limitations for filing a claim in court under the NYS Human Rights Law is already three years. The amendment provides that administrative claims filed with the NYS Division of Human Rights will now have the same three-year time limit from the date of the alleged unlawful practice.

If you have any questions about this new statute of limitations, the New York State Division of Human Rights, or the New York State Human Rights Law, please contact [Elizabeth D. McPhail](#) (716.848.1530), [Charles H. Kaplan](#) (646.218.7513), [Glen P. Doherty](#) (518.433.2433), or any other member of the Hodgson Russ LLP's [Labor & Employment Practice](#).

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