

7613--A

I N S E N A T E

April 26, 2010

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to discrimination based upon the income of persons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 292 of the executive law is amended by adding a new
2 subdivision 35 to read as follows:
3 35. THE TERM "SOURCE OF INCOME" SHALL INCLUDE: WAGES FROM LAWFUL
4 EMPLOYMENT; CHILD SUPPORT; ALIMONY; FOSTER CARE SUBSIDIES; INCOME
5 DERIVED FROM SOCIAL SECURITY, OR ANY FORM OF FEDERAL, STATE OR LOCAL
6 PUBLIC ASSISTANCE; HOUSING AND RENTAL SUBSIDIES AND ASSISTANCE, INCLUD-
7 ING SECTION 8 VOUCHERS; SAVINGS, INVESTMENT AND TRUST ACCOUNTS; AND ANY
8 OTHER FORMS OF LAWFUL INCOME.
9 S 2. Paragraph (a) of subdivision 2 of section 296 of the executive
10 law, as amended by chapter 106 of the laws of 2003, is amended to read
11 as follows:
12 (a) It shall be an unlawful discriminatory practice for any person,
13 being the owner, lessee, proprietor, manager, superintendent, agent or
14 employee of any place of public accommodation, resort or amusement,
15 because of the race, creed, color, national origin, sexual orientation,
16 military status, sex, SOURCE OF INCOME, or disability or marital status
17 of any person, directly or indirectly, to refuse, withhold from or deny
18 to such person any of the accommodations, advantages, facilities or
19 privileges thereof, including the extension of credit, or, directly or
20 indirectly, to publish, circulate, issue, display, post or mail any
21 written or printed communication, notice or advertisement, to the effect
22 that any of the accommodations, advantages, facilities and privileges of
23 any such place shall be refused, withheld from or denied to any person
24 on account of race, creed, color, national origin, sexual orientation,
25 military status, sex, SOURCE OF INCOME, or disability or marital status,
26 or that the patronage or custom thereat of any person of or purporting

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 to be of any particular race, creed, color, national origin, sexual
2 orientation, military status, SOURCE OF INCOME, sex or marital status,
3 or having a disability is unwelcome, objectionable or not acceptable,
4 desired or solicited.

5 S 3. Paragraphs (a), (b) and (c) of subdivision 2-a of section 296 of
6 the executive law, as amended by chapter 106 of the laws of 2003, are
7 amended to read as follows:

8 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
9 hold from any person or group of persons such housing accommodations
10 because of the race, creed, color, disability, national origin, sexual
11 orientation, military status, age, sex, marital status, [or] familial
12 status, OR SOURCE OF INCOME of such person or persons, or to represent
13 that any housing accommodation or land is not available for inspection,
14 sale, rental or lease when in fact it is so available.

15 (b) To discriminate against any person because of his or her race,
16 creed, color, disability, national origin, sexual orientation, military
17 status, age, sex, marital status, [or] familial status, OR SOURCE OF
18 INCOME in the terms, conditions or privileges of any publicly-assisted
19 housing accommodations or in the furnishing of facilities or services in
20 connection therewith.

21 (c) To cause to be made any written or oral inquiry or record concern-
22 ing the race, creed, color, disability, national origin, sexual orien-
23 tation, membership in the reserve armed forces of the United States or
24 in the organized militia of the state, age, sex, marital status, [or]
25 familial status, OR SOURCE OF INCOME of a person seeking to rent or
26 lease any publicly-assisted housing accommodation; provided, however,
27 that nothing in this subdivision shall prohibit a member of the reserve
28 armed forces of the United States or in the organized militia of the
29 state from voluntarily disclosing such membership.

30 S 4. Subdivision 5 of section 296 of the executive law, as amended by
31 chapter 106 of the laws of 2003, is amended to read as follows:

32 5. (a) It shall be an unlawful discriminatory practice for the owner,
33 lessee, sub-lessee, assignee, or managing agent of, or other person
34 having the right to sell, rent or lease a housing accommodation,
35 constructed or to be constructed, or any agent or employee thereof:

36 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
37 from any person or group of persons such a housing accommodation because
38 of the race, creed, color, national origin, sexual orientation, military
39 status, sex, age, disability, marital status, [or] familial status, OR
40 SOURCE OF INCOME of such person or persons, or to represent that any
41 housing accommodation or land is not available for inspection, sale,
42 rental or lease when in fact it is so available.

43 (2) To discriminate against any person because of race, creed, color,
44 national origin, sexual orientation, military status, sex, age, disabili-
45 ty, marital status, [or] familial status, OR SOURCE OF INCOME in the
46 terms, conditions or privileges of the sale, rental or lease of any such
47 housing accommodation or in the furnishing of facilities or services in
48 connection therewith.

49 (3) To print or circulate or cause to be printed or circulated any
50 statement, advertisement or publication, or to use any form of applica-
51 tion for the purchase, rental or lease of such housing accommodation or
52 to make any record or inquiry in connection with the prospective
53 purchase, rental or lease of such a housing accommodation which
54 expresses, directly or indirectly, any limitation, specification or
55 discrimination as to race, creed, color, national origin, sexual orien-
56 tation, military status, sex, age, disability, marital status, [or]

1 familial status, OR SOURCE OF INCOME, or any intent to make any such
2 limitation, specification or discrimination.

3 The provisions of this paragraph [(a)] shall not apply (1) to the
4 rental of a housing accommodation in a building which contains housing
5 accommodations for not more than two families living independently of
6 each other, if the owner resides in one of such housing accommodations,
7 (2) to the restriction of the rental of all rooms in a housing accommo-
8 dation to individuals of the same sex or (3) to the rental of a room or
9 rooms in a housing accommodation, if such rental is by the occupant of
10 the housing accommodation or by the owner of the housing accommodation
11 and the owner resides in such housing accommodation or (4) solely with
12 respect to age and familial status to the restriction of the sale,
13 rental or lease of housing accommodations exclusively to persons sixty-
14 two years of age or older and the spouse of any such person, or for
15 housing intended and operated for occupancy by at least one person
16 fifty-five years of age or older per unit. In determining whether hous-
17 ing is intended and operated for occupancy by persons fifty-five years
18 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
19 federal Fair Housing Act of 1988, as amended, shall apply.

20 (b) It shall be an unlawful discriminatory practice for the owner,
21 lessee, sub-lessee, or managing agent of, or other person having the
22 right of ownership or possession of or the right to sell, rent or lease,
23 land or commercial space:

24 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
25 from any person or group of persons land or commercial space because of
26 the race, creed, color, national origin, sexual orientation, military
27 status, sex, age, disability, marital status, [or] familial status, OR
28 SOURCE OF INCOME of such person or persons, or to represent that any
29 housing accommodation or land is not available for inspection, sale,
30 rental or lease when in fact it is so available;

31 (2) To discriminate against any person because of race, creed, color,
32 national origin, sexual orientation, military status, sex, age, disabili-
33 ty, marital status, [or] familial status, OR SOURCE OF INCOME in the
34 terms, conditions or privileges of the sale, rental or lease of any such
35 land or commercial space; or in the furnishing of facilities or services
36 in connection therewith;

37 (3) To print or circulate or cause to be printed or circulated any
38 statement, advertisement or publication, or to use any form of applica-
39 tion for the purchase, rental or lease of such land or commercial space
40 or to make any record or inquiry in connection with the prospective
41 purchase, rental or lease of such land or commercial space which
42 expresses, directly or indirectly, any limitation, specification or
43 discrimination as to race, creed, color, national origin, sexual orien-
44 tation, military status, sex, age, disability, marital status, [or]
45 familial status, OR SOURCE OF INCOME; or any intent to make any such
46 limitation, specification or discrimination.

47 (4) With respect to age and familial status, the provisions of this
48 paragraph shall not apply to the restriction of the sale, rental or
49 lease of land or commercial space exclusively to persons fifty-five
50 years of age or older and the spouse of any such person, or to the
51 restriction of the sale, rental or lease of land to be used for the
52 construction, or location of housing accommodations exclusively for
53 persons sixty-two years of age or older, or intended and operated for
54 occupancy by at least one person fifty-five years of age or older per
55 unit. In determining whether housing is intended and operated for occu-
56 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)

1 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
2 amended, shall apply.

3 (c) It shall be an unlawful discriminatory practice for any real
4 estate broker, real estate salesperson or employee or agent thereof:

5 (1) To refuse to sell, rent or lease any housing accommodation, land
6 or commercial space to any person or group of persons or to refuse to
7 negotiate for the sale, rental or lease, of any housing accommodation,
8 land or commercial space to any person or group of persons because of
9 the race, creed, color, national origin, sexual orientation, military
10 status, sex, age, disability, marital status, [or] familial status, OR
11 SOURCE OF INCOME of such person or persons, or to represent that any
12 housing accommodation, land or commercial space is not available for
13 inspection, sale, rental or lease when in fact it is so available, or
14 otherwise to deny or withhold any housing accommodation, land or commercial
15 space or any facilities of any housing accommodation, land or
16 commercial space from any person or group of persons because of the
17 race, creed, color, national origin, sexual orientation, military
18 status, sex, age, disability, marital status, [or] familial status, OR
19 SOURCE OF INCOME of such person or persons.

20 (2) To print or circulate or cause to be printed or circulated any
21 statement, advertisement or publication, or to use any form of applica-
22 tion for the purchase, rental or lease of any housing accommodation,
23 land or commercial space or to make any record or inquiry in connection
24 with the prospective purchase, rental or lease of any housing accommo-
25 dation, land or commercial space which expresses, directly or indirect-
26 ly, any limitation, specification, or discrimination as to race, creed,
27 color, national origin, sexual orientation, military status, sex, age,
28 disability, marital status, [or] familial status, OR SOURCE OF INCOME;
29 or any intent to make any such limitation, specification or discrimi-
30 nation.

31 (3) With respect to age and familial status, the provisions of this
32 paragraph shall not apply to the restriction of the sale, rental or
33 lease of any land or commercial space exclusively to persons fifty-five
34 years of age or older and the spouse of any such person, or to the
35 restriction of the sale, rental or lease of any housing accommodation or
36 land to be used for the construction or location of housing accommo-
37 dations for persons sixty-two years of age or older, or intended and
38 operated for occupancy by at least one person fifty-five years of age or
39 older per unit. In determining whether housing is intended and operated
40 for occupancy by persons fifty-five years of age or older, Sec. 807 (b)
41 (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of
42 1988, as amended, shall apply.

43 (d) It shall be an unlawful discriminatory practice for any real
44 estate board, because of the race, creed, color, national origin, sexual
45 orientation, military status, age, sex, disability, marital status, [or]
46 familial status, OR SOURCE OF INCOME of any individual who is otherwise
47 qualified for membership, to exclude or expel such individual from
48 membership, or to discriminate against such individual in the terms,
49 conditions and privileges of membership in such board.

50 (e) It shall be an unlawful discriminatory practice for the owner,
51 proprietor or managing agent of, or other person having the right to
52 provide care and services in, a private proprietary nursing home, conva-
53 lescent home, or home for adults, or an intermediate care facility, as
54 defined in section two of the social services law, heretofore
55 constructed, or to be constructed, or any agent or employee thereof, to
56 refuse to provide services and care in such home or facility to any

1 individual or to discriminate against any individual in the terms,
2 conditions, and privileges of such services and care solely because such
3 individual is a blind person. For purposes of this paragraph, a "blind
4 person" shall mean a person who is registered as a blind person with the
5 commission for the visually handicapped and who meets the definition of
6 a "blind person" pursuant to section three of chapter four hundred
7 fifteen of the laws of nineteen hundred thirteen entitled "An act to
8 establish a state commission for improving the condition of the blind of
9 the state of New York, and making an appropriation therefor".

10 (f) The provisions of this subdivision, as they relate to age, shall
11 not apply to persons under the age of eighteen years.

12 (g) It shall be an unlawful discriminatory practice for any person
13 offering or providing housing accommodations, land or commercial space
14 as described in paragraphs (a), (b), and (c) of this subdivision to make
15 or cause to be made any written or oral inquiry or record concerning
16 membership of any person in the state organized militia in relation to
17 the purchase, rental or lease of such housing accommodation, land, or
18 commercial space, provided, however, that nothing in this subdivision
19 shall prohibit a member of the state organized militia from voluntarily
20 disclosing such membership.

21 S 5. This act shall take effect immediately.