

STATE OF NEW YORK

9601

IN ASSEMBLY

March 24, 2022

Introduced by M. of A. LUCAS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting discrimination based on status as a victim or survivor of domestic violence

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 34 of section 292 of the executive law, as
2 added by chapter 176 of the laws of 2019, is amended to read as follows:

3 34. The term "victim or survivor of domestic violence" shall have the
4 same meaning as is ascribed to such term by section four hundred fifty-
5 nine-a of the social services law.

6 § 2. Subdivision 1 of section 296 of the executive law, as amended by
7 chapter 365 of the laws of 2015, paragraphs (a), (b), (c) and (d) as
8 amended by chapter 8 of the laws of 2019, paragraph (h) as amended by
9 chapter 161 of the laws of 2019, paragraph (a) as separately amended by
10 chapter 176 of the laws of 2019, is amended to read as follows:

11 1. It shall be an unlawful discriminatory practice:

12 (a) For an employer or licensing agency, because of an individual's
13 age, race, creed, color, national origin, sexual orientation, gender
14 identity or expression, military status, sex, disability, predisposing
15 genetic characteristics, familial status, marital status, or status as a
16 victim or survivor of domestic violence, to refuse to hire or employ or
17 to bar or to discharge from employment such individual or to discrimi-
18 nate against such individual in compensation or in terms, conditions or
19 privileges of employment.

20 (b) For an employment agency to discriminate against any individual
21 because of age, race, creed, color, national origin, sexual orientation,
22 gender identity or expression, military status, sex, disability, predis-
23 posing genetic characteristics, familial status, ~~[or]~~ marital status, or
24 status as a victim or survivor of domestic violence, in receiving, clas-
25 sifying, disposing or otherwise acting upon applications for its
26 services or in referring an applicant or applicants to an employer or
27 employers.

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

LBD14828-03-2

(c) For a labor organization, because of the age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, ~~[ex]~~ marital status, or status as a victim or survivor of domestic violence, of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, ~~[ex]~~ marital status, or status as a victim or survivor of domestic violence, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to ~~[insure]~~ ensure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, sexual orientation or gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he or she has opposed any practices forbidden under this article or because he or she has filed a complaint, testified or assisted in any proceeding under this article.

(f) Nothing in this subdivision shall affect any restrictions upon the activities of persons licensed by the state liquor authority with respect to persons under twenty-one years of age.

(g) For an employer to compel an employee who is pregnant to take a leave of absence, unless the employee is prevented by such pregnancy from performing the activities involved in the job or occupation in a reasonable manner.

(h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim or survivor of domestic violence ~~[victim-status]~~, or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint, testified or assisted in any proceeding under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims. Such harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one

1 or more of these protected categories. The fact that such individual did
2 not make a complaint about the harassment to such employer, licensing
3 agency, employment agency or labor organization shall not be determina-
4 tive of whether such employer, licensing agency, employment agency or
5 labor organization shall be liable. Nothing in this section shall imply
6 that an employee must demonstrate the existence of an individual to whom
7 the employee's treatment must be compared. It shall be an affirmative
8 defense to liability under this subdivision that the harassing conduct
9 does not rise above the level of what a reasonable victim of discrimi-
10 nation with the same protected characteristic or characteristics would
11 consider petty slights or trivial inconveniences.

12 § 3. Subdivision 1-a of section 296 of the executive law, as amended
13 by chapter 365 of the laws of 2015, paragraphs (b), (c) and (d) as
14 amended by chapter 8 of the laws of 2019, is amended to read as follows:

15 1-a. It shall be an unlawful discriminatory practice for an employer,
16 labor organization, employment agency or any joint labor-management
17 committee controlling apprentice training programs:

18 (a) To select persons for an apprentice training program registered
19 with the state of New York on any basis other than their qualifications,
20 as determined by objective criteria which permit review;

21 (b) To deny to or withhold from any person because of race, creed,
22 color, national origin, sexual orientation, gender identity or
23 expression, military status, sex, age, disability, familial status, ~~[ex]~~
24 marital status, or status as a victim or survivor of domestic violence,
25 the right to be admitted to or participate in a guidance program, an
26 apprenticeship training program, on-the-job training program, executive
27 training program, or other occupational training or retraining program;

28 (c) To discriminate against any person in his or her pursuit of such
29 programs or to discriminate against such a person in the terms, condi-
30 tions or privileges of such programs because of race, creed, color,
31 national origin, sexual orientation, gender identity or expression,
32 military status, sex, age, disability, familial status ~~[ex]~~, marital
33 status, or status as a victim or survivor of domestic violence;

34 (d) To print or circulate or cause to be printed or circulated any
35 statement, advertisement or publication, or to use any form of applica-
36 tion for such programs or to make any inquiry in connection with such
37 program which expresses, directly or indirectly, any limitation, spec-
38 ification or discrimination as to race, creed, color, national origin,
39 sexual orientation, gender identity or expression, military status, sex,
40 age, disability, familial status ~~[ex]~~, marital status, or status as a
41 victim or survivor of domestic violence, or any intention to make any
42 such limitation, specification or discrimination, unless based on a bona
43 fide occupational qualification.

44 § 4. Paragraph (a) of subdivision 2 of section 296 of the executive
45 law, as amended by chapter 8 of the laws of 2019, is amended to read as
46 follows:

47 (a) It shall be an unlawful discriminatory practice for any person,
48 being the owner, lessee, proprietor, manager, superintendent, agent or
49 employee of any place of public accommodation, resort or amusement,
50 because of the race, creed, color, national origin, sexual orientation,
51 gender identity or expression, military status, sex, disability ~~[ex]~~,
52 marital status, or status as a victim or survivor of domestic violence,
53 of any person, directly or indirectly, to refuse, withhold from or deny
54 to such person any of the accommodations, advantages, facilities or
55 privileges thereof, including the extension of credit, or, directly or
56 indirectly, to publish, circulate, issue, display, post or mail any

1 written or printed communication, notice or advertisement, to the effect
2 that any of the accommodations, advantages, facilities and privileges of
3 any such place shall be refused, withheld from or denied to any person
4 on account of race, creed, color, national origin, sexual orientation,
5 gender identity or expression, military status, sex, disability or mari-
6 tal status, or that the patronage or custom thereof of any person of or
7 purporting to be of any particular race, creed, color, national origin,
8 sexual orientation, gender identity or expression, military status, sex
9 or marital status, or having a disability is unwelcome, objectionable or
10 not acceptable, desired or solicited.

11 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
12 296 of the executive law, as amended by section 3 of part T of chapter
13 56 of the laws of 2019, are amended to read as follows:

14 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
15 hold from any person or group of persons such housing accommodations
16 because of the race, creed, color, disability, national origin, sexual
17 orientation, gender identity or expression, military status, age, sex,
18 marital status, status as a victim or survivor of domestic violence,
19 lawful source of income or familial status of such person or persons, or
20 to represent that any housing accommodation or land is not available for
21 inspection, sale, rental or lease when in fact it is so available.

22 (b) To discriminate against any person because of his or her race,
23 creed, color, disability, national origin, sexual orientation, gender
24 identity or expression, military status, age, sex, marital status,
25 status as a victim or survivor of domestic violence, lawful source of
26 income or familial status in the terms, conditions or privileges of any
27 publicly-assisted housing accommodations or in the furnishing of facili-
28 ties or services in connection therewith.

29 (c) To cause to be made any written or oral inquiry or record concern-
30 ing the race, creed, color, disability, national origin, sexual orien-
31 tation, gender identity or expression, membership in the reserve armed
32 forces of the United States or in the organized militia of the state,
33 age, sex, marital status, status as a victim or survivor of domestic
34 violence, lawful source of income or familial status of a person seeking
35 to rent or lease any publicly-assisted housing accommodation; provided,
36 however, that nothing in this subdivision shall prohibit a member of the
37 reserve armed forces of the United States or in the organized militia of
38 the state from voluntarily disclosing such membership.

39 (c-1) To print or circulate or cause to be printed or circulated any
40 statement, advertisement or publication, or to use any form of applica-
41 tion for the purchase, rental or lease of such housing accommodation or
42 to make any record or inquiry in connection with the prospective
43 purchase, rental or lease of such a housing accommodation which
44 expresses, directly or indirectly, any limitation, specification or
45 discrimination as to race, creed, color, national origin, sexual orien-
46 tation, gender identity or expression, military status, sex, age, disa-
47 bility, marital status, status as a victim or survivor of domestic
48 violence, lawful source of income or familial status, or any intent to
49 make any such limitation, specification or discrimination.

50 § 6. Subdivisions 3-b and 4 of section 296 of the executive law, as
51 amended by chapter 8 of the laws of 2019, subdivision 4 as separately
52 amended by chapter 116 of the laws of 2019, are amended to read as
53 follows:

54 3-b. It shall be an unlawful discriminatory practice for any real
55 estate broker, real estate salesperson or employee or agent thereof or
56 any other individual, corporation, partnership or organization for the

1 purpose of inducing a real estate transaction from which any such person
2 or any of its stockholders or members may benefit financially, to repre-
3 sent that a change has occurred or will or may occur in the composition
4 with respect to race, creed, color, national origin, sexual orientation,
5 gender identity or expression, military status, sex, disability, marital
6 status, status as a victim or survivor of domestic violence, or familial
7 status of the owners or occupants in the block, neighborhood or area in
8 which the real property is located, and to represent, directly or indi-
9 rectly, that this change will or may result in undesirable consequences
10 in the block, neighborhood or area in which the real property is
11 located, including but not limited to the lowering of property values,
12 an increase in criminal or anti-social behavior, or a decline in the
13 quality of schools or other facilities.

14 4. It shall be an unlawful discriminatory practice for an educational
15 institution to deny the use of its facilities to any person otherwise
16 qualified, or to permit the harassment of any student or applicant, by
17 reason of his race, color, religion, disability, national origin, sexual
18 orientation, gender identity or expression, military status, sex, age
19 ~~[ex]~~, marital status, or status as a victim or survivor of domestic
20 violence, except that any such institution which establishes or main-
21 tains a policy of educating persons of one sex exclusively may admit
22 students of only one sex.

23 § 7. Subdivision 5 of section 296 of the executive law, as amended by
24 chapter 8 of the laws of 2019, paragraph (a) as amended by chapter 300
25 of the laws of 2021, subparagraphs 1 and 2 of paragraph (c) as amended
26 by section 5 and paragraph (d) as amended by section 6 of part T of
27 chapter 56 of the laws of 2019, is amended to read as follows:

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

32 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
33 from any person or group of persons such a housing accommodation because
34 of the race, creed, color, national origin, sexual orientation, gender
35 identity or expression, military status, sex, age, disability, marital
36 status, status as a victim or survivor of domestic violence, lawful
37 source of income or familial status of such person or persons, or to
38 represent that any housing accommodation or land is not available for
39 inspection, sale, rental or lease when in fact it is so available.

40 (2) To discriminate against any person because of race, creed, color,
41 national origin, sexual orientation, gender identity or expression,
42 military status, sex, age, disability, marital status, status as a
43 victim or survivor of domestic violence, lawful source of income or
44 familial status in the terms, conditions or privileges of the sale,
45 rental or lease of any such housing accommodation or in the furnishing
46 of facilities or services in connection therewith.

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

1 violence, lawful source of income or familial status, or any intent to
2 make any such limitation, specification or discrimination.

3 (4) (i) The provisions of subparagraphs one and two of this paragraph
4 shall not apply (1) to the rental of a housing accommodation in a build-
5 ing which contains housing accommodations for not more than two families
6 living independently of each other, if the owner resides in one of such
7 housing accommodations, (2) to the restriction of the rental of all
8 rooms in a housing accommodation to individuals of the same sex or (3)
9 to the rental of a room or rooms in a housing accommodation, if such
10 rental is by the occupant of the housing accommodation or by the owner
11 of the housing accommodation and the owner resides in such housing
12 accommodation or (4) solely with respect to age and familial status to
13 the restriction of the sale, rental or lease of housing accommodations
14 exclusively to persons sixty-two years of age or older and the spouse of
15 any such person, or for housing intended and operated for occupancy by
16 at least one person fifty-five years of age or older per unit. In deter-
17 mining whether housing is intended and operated for occupancy by persons
18 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
19 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
20 apply. However, such rental property shall no longer be exempt from the
21 provisions of subparagraphs one and two of this paragraph if there is
22 unlawful discriminatory conduct pursuant to subparagraph three of this
23 paragraph.

24 (ii) The provisions of subparagraphs one, two, and three of this para-
25 graph shall not apply (1) to the restriction of the rental of all rooms
26 in a housing accommodation to individuals of the same sex, (2) to the
27 rental of a room or rooms in a housing accommodation, if such rental is
28 by the occupant of the housing accommodation or by the owner of the
29 housing accommodation and the owner resides in such housing accommo-
30 dation, or (3) solely with respect to age and familial status to the
31 restriction of the sale, rental or lease of housing accommodations
32 exclusively to persons sixty-two years of age or older and the spouse of
33 any such person, or for housing intended and operated for occupancy by
34 at least one person fifty-five years of age or older per unit. In deter-
35 mining whether housing is intended and operated for occupancy by persons
36 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
37 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
38 apply.

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

43 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
44 from any person or group of persons land or commercial space because of
45 the race, creed, color, national origin, sexual orientation, gender
46 identity or expression, military status, sex, age, disability, marital
47 status, status as a victim or survivor of domestic violence, or familial
48 status of such person or persons, or to represent that any housing
49 accommodation or land is not available for inspection, sale, rental or
50 lease when in fact it is so available;

51 (2) To discriminate against any person because of race, creed, color,
52 national origin, sexual orientation, gender identity or expression,
53 military status, sex, age, disability, marital status, status as a
54 victim or survivor of domestic violence, or familial status in the
55 terms, conditions or privileges of the sale, rental or lease of any such

1 land or commercial space; or in the furnishing of facilities or services
2 in connection therewith;

3 (3) To print or circulate or cause to be printed or circulated any
4 statement, advertisement or publication, or to use any form of applica-
5 tion for the purchase, rental or lease of such land or commercial space
6 or to make any record or inquiry in connection with the prospective
7 purchase, rental or lease of such land or commercial space which
8 expresses, directly or indirectly, any limitation, specification or
9 discrimination as to race, creed, color, national origin, sexual orien-
10 tation, gender identity or expression, military status, sex, age, disa-
11 bility, marital status, status as a victim or survivor of domestic
12 violence, or familial status; or any intent to make any such limitation,
13 specification or discrimination.

14 (4) With respect to age and familial status, the provisions of this
15 paragraph shall not apply to the restriction of the sale, rental or
16 lease of land or commercial space exclusively to persons fifty-five
17 years of age or older and the spouse of any such person, or to the
18 restriction of the sale, rental or lease of land to be used for the
19 construction, or location of housing accommodations exclusively for
20 persons sixty-two years of age or older, or intended and operated for
21 occupancy by at least one person fifty-five years of age or older per
22 unit. In determining whether housing is intended and operated for occu-
23 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
24 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
25 amended, shall apply.

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

28 (1) To refuse to sell, rent or lease any housing accommodation, land
29 or commercial space to any person or group of persons or to refuse to
30 negotiate for the sale, rental or lease, of any housing accommodation,
31 land or commercial space to any person or group of persons because of
32 the race, creed, color, national origin, sexual orientation, gender
33 identity or expression, military status, sex, age, disability, marital
34 status, status as a victim or survivor of domestic violence, lawful
35 source of income or familial status of such person or persons, or to
36 represent that any housing accommodation, land or commercial space is
37 not available for inspection, sale, rental or lease when in fact it is
38 so available, or otherwise to deny or withhold any housing accommo-
39 dation, land or commercial space or any facilities of any housing accom-
40 dation, land or commercial space from any person or group of persons
41 because of the race, creed, color, national origin, sexual orientation,
42 gender identity or expression, military status, sex, age, disability,
43 marital status, lawful source of income or familial status of such
44 person or persons.

45 (2) To print or circulate or cause to be printed or circulated any
46 statement, advertisement or publication, or to use any form of applica-
47 tion for the purchase, rental or lease of any housing accommodation,
48 land or commercial space or to make any record or inquiry in connection
49 with the prospective purchase, rental or lease of any housing accommo-
50 dation, land or commercial space which expresses, directly or indirect-
51 ly, any limitation, specification, or discrimination as to race, creed,
52 color, national origin, sexual orientation, gender identity or
53 expression, military status, sex, age, disability, marital status,
54 status as a victim or survivor of domestic violence, lawful source of
55 income or familial status; or any intent to make any such limitation,
56 specification or discrimination.

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

(d) It shall be an unlawful discriminatory practice for any real estate board, because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, disability, marital status, status as a victim or survivor of domestic violence, lawful source of income or familial status of any individual who is otherwise qualified for membership, to exclude or expel such individual from membership, or to discriminate against such individual in the terms, conditions and privileges of membership in such board.

(e) It shall be an unlawful discriminatory practice for the owner, proprietor or managing agent of, or other person having the right to provide care and services in, a private proprietary nursing home, convalescent home, or home for adults, or an intermediate care facility, as defined in section two of the social services law, heretofore constructed, or to be constructed, or any agent or employee thereof, to refuse to provide services and care in such home or facility to any individual or to discriminate against any individual in the terms, conditions, and privileges of such services and care solely because such individual is a blind person. For purposes of this paragraph, a "blind person" shall mean a person who is registered as a blind person with the commission for the visually handicapped and who meets the definition of a "blind person" pursuant to section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen entitled "An act to establish a state commission for improving the condition of the blind of the state of New York, and making an appropriation therefor".

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

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

§ 8. Paragraph (a) of subdivision 9 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

(a) It shall be an unlawful discriminatory practice for any fire department or fire company therein, through any member or members thereof, officers, board of fire commissioners or other body or office having power of appointment of volunteer firefighters, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members, or otherwise, to deny to any individual

1 membership in any volunteer fire department or fire company therein, or
2 to expel or discriminate against any volunteer member of a fire depart-
3 ment or fire company therein, because of the race, creed, color,
4 national origin, sexual orientation, gender identity or expression,
5 military status, sex, marital status, status as a victim or survivor of
6 domestic violence, or familial status, of such individual.

7 § 9. Subdivision 13 of section 296 of the executive law, as amended by
8 chapter 8 of the laws of 2019, is amended to read as follows:

9 13. It shall be an unlawful discriminatory practice (i) for any person
10 to boycott or blacklist, or to refuse to buy from, sell to or trade
11 with, or otherwise discriminate against any person, because of the race,
12 creed, color, national origin, sexual orientation, gender identity or
13 expression, military status, sex, status as a victim or survivor of
14 domestic violence, disability, or familial status, or of such person, or
15 of such person's partners, members, stockholders, directors, officers,
16 managers, superintendents, agents, employees, business associates,
17 suppliers or customers, or (ii) for any person wilfully to do any act or
18 refrain from doing any act which enables any such person to take such
19 action. This subdivision shall not apply to:

20 (a) Boycotts connected with labor disputes; or

21 (b) Boycotts to protest unlawful discriminatory practices.

22 § 10. Subdivisions 1, 2 and 3 of section 296-a of the executive law,
23 as amended by chapter 8 of the laws of 2019, are amended to read as
24 follows:

25 1. It shall be an unlawful discriminatory practice for any creditor or
26 any officer, agent or employee thereof:

27 a. In the case of applications for credit with respect to the
28 purchase, acquisition, construction, rehabilitation, repair or mainte-
29 nance of any housing accommodation, land or commercial space to discrim-
30 inate against any such applicant because of the race, creed, color,
31 national origin, sexual orientation, gender identity or expression,
32 military status, age, sex, marital status, status as a victim or survi-
33 vor of domestic violence, disability, or familial status of such appli-
34 cant or applicants or any member, stockholder, director, officer or
35 employee of such applicant or applicants, or of the prospective occu-
36 pants or tenants of such housing accommodation, land or commercial
37 space, in the granting, withholding, extending or renewing, or in the
38 fixing of the rates, terms or conditions of, any such credit;

39 b. To discriminate in the granting, withholding, extending or renew-
40 ing, or in the fixing of the rates, terms or conditions of, any form of
41 credit, on the basis of race, creed, color, national origin, sexual
42 orientation, gender identity or expression, military status, age, sex,
43 marital status, status as a victim or survivor of domestic violence,
44 disability, or familial status;

45 c. To use any form of application for credit or use or make any record
46 or inquiry which expresses, directly or indirectly, any limitation,
47 specification, or discrimination as to race, creed, color, national
48 origin, sexual orientation, gender identity or expression, military
49 status, age, sex, marital status, status as a victim or survivor of
50 domestic violence, disability, or familial status;

51 d. To make any inquiry of an applicant concerning his or her capacity
52 to reproduce, or his or her use or advocacy of any form of birth control
53 or family planning;

54 e. To refuse to consider sources of an applicant's income or to
55 subject an applicant's income to discounting, in whole or in part,
56 because of an applicant's race, creed, color, national origin, sexual

1 orientation, gender identity or expression, military status, age, sex,
2 marital status, status as a victim or survivor of domestic violence,
3 childbearing potential, disability, or familial status;

4 f. To discriminate against a married person because such person
5 neither uses nor is known by the surname of his or her spouse.

6 This paragraph shall not apply to any situation where the use of a
7 surname would constitute or result in a criminal act.

8 2. Without limiting the generality of subdivision one of this section,
9 it shall be considered discriminatory if, because of an applicant's or
10 class of applicants' race, creed, color, national origin, sexual orien-
11 tation, gender identity or expression, military status, age, sex, mari-
12 tal status [~~ex~~], status as a victim or survivor of domestic violence,
13 disability, or familial status, (i) an applicant or class of applicants
14 is denied credit in circumstances where other applicants of like overall
15 credit worthiness are granted credit, or (ii) special requirements or
16 conditions, such as requiring co-obligors or reapplication upon
17 marriage, are imposed upon an applicant or class of applicants in
18 circumstances where similar requirements or conditions are not imposed
19 upon other applicants of like overall credit worthiness.

20 3. It shall not be considered discriminatory if credit differen-
21 tiations or decisions are based upon factually supportable, objective
22 differences in applicants' overall credit worthiness, which may include
23 reference to such factors as current income, assets and prior credit
24 history of such applicants, as well as reference to any other relevant
25 factually supportable data; provided, however, that no creditor shall
26 consider, in evaluating the credit worthiness of an applicant, aggregate
27 statistics or assumptions relating to race, creed, color, national
28 origin, sexual orientation, gender identity or expression, military
29 status, sex, marital status, status as a victim or survivor of domestic
30 violence or disability, or to the likelihood of any group of persons
31 bearing or rearing children, or for that reason receiving diminished or
32 interrupted income in the future.

33 § 11. Subdivision 2 of section 296-c of the executive law, as added by
34 chapter 97 of the laws of 2014, is amended to read as follows:

35 2. It shall be an unlawful discriminatory practice for an employer to:

36 a. refuse to hire or employ or to bar or to discharge from internship
37 an intern or to discriminate against such intern in terms, conditions or
38 privileges of employment as an intern because of the intern's age, race,
39 creed, color, national origin, sexual orientation, military status, sex,
40 disability, predisposing genetic characteristics, marital status, or
41 status as a victim or survivor of domestic violence [~~victim status~~];

42 b. discriminate against an intern in receiving, classifying, disposing
43 or otherwise acting upon applications for internships because of the
44 intern's age, race, creed, color, national origin, sexual orientation,
45 military status, sex, disability, predisposing genetic characteristics,
46 marital status, or status as a victim or survivor of domestic violence
47 [~~victim status~~];

48 c. print or circulate or cause to be printed or circulated any state-
49 ment, advertisement or publication, or to use any form of application
50 for employment as an intern or to make any inquiry in connection with
51 prospective employment, which expresses directly or indirectly, any
52 limitation, specification or discrimination as to age, race, creed,
53 color, national origin, sexual orientation, military status, sex, disa-
54 bility, predisposing genetic characteristics, marital status or status
55 as a victim or survivor of domestic violence [~~victim status~~], or any
56 intent to make any such limitation, specification or discrimination,

1 unless based upon a bona fide occupational qualification; provided,
2 however, that neither this paragraph nor any provision of this chapter
3 or other law shall be construed to prohibit the department of civil
4 service or the department of personnel of any city containing more than
5 one county from requesting information from applicants for civil service
6 internships or examinations concerning any of the aforementioned charac-
7 teristics, other than sexual orientation, for the purpose of conducting
8 studies to identify and resolve possible problems in recruitment and
9 testing of members of minority groups to [~~insure~~] ensure the fairest
10 possible and equal opportunities for employment in the civil service for
11 all persons, regardless of age, race, creed, color, national origin,
12 sexual orientation, military status, sex, disability, predisposing
13 genetic characteristics, marital status or status as a victim or survi-
14 vor of domestic violence [~~victim-status~~];

15 d. to discharge, expel or otherwise discriminate against any person
16 because he or she has opposed any practices forbidden under this article
17 or because he or she has filed a complaint, testified or assisted in any
18 proceeding under this article; or

19 e. to compel an intern who is pregnant to take a leave of absence,
20 unless the intern is prevented by such pregnancy from performing the
21 activities involved in the job or occupation in a reasonable manner.

22 § 12. Paragraph b of subdivision 3 of section 296-c of the executive
23 law, as added by chapter 97 of the laws of 2014, is amended to read as
24 follows:

25 b. subject an intern to unwelcome harassment based on age, sex, race,
26 creed, color, sexual orientation, military status, disability, predis-
27 posing genetic characteristics, marital status, status as a victim or
28 survivor of domestic violence [~~victim-status~~], [~~or~~] national origin, or
29 where such harassment has the purpose or effect of unreasonably inter-
30 fering with the intern's work performance by creating an intimidating,
31 hostile, or offensive working environment.

32 § 13. This act shall take effect immediately.