

STATE OF NEW YORK

8417--A

IN SENATE

February 28, 2022

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

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:

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

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

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

1. It shall be an unlawful discriminatory practice:

(a) For an employer or licensing agency, 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, or status as a victim or survivor of domestic violence, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency to discriminate against any individual because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, [~~or~~] marital status, or status as a victim or survivor of domestic violence, in receiving, classifying, disposing or otherwise acting upon applications for its

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

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1 services or in referring an applicant or applicants to an employer or
2 employers.

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

11 (d) For any employer or employment agency to print or circulate or
12 cause to be printed or circulated any statement, advertisement or publi-
13 cation, or to use any form of application for employment or to make any
14 inquiry in connection with prospective employment, which expresses
15 directly or indirectly, any limitation, specification or discrimination
16 as to age, race, creed, color, national origin, sexual orientation,
17 gender identity or expression, military status, sex, disability, predis-
18 posing genetic characteristics, familial status, ~~[or]~~ marital status, or
19 status as a victim or survivor of domestic violence, or any intent to
20 make any such limitation, specification or discrimination, unless based
21 upon a bona fide occupational qualification; provided, however, that
22 neither this paragraph nor any provision of this chapter or other law
23 shall be construed to prohibit the department of civil service or the
24 department of personnel of any city containing more than one county from
25 requesting information from applicants for civil service examinations
26 concerning any of the aforementioned characteristics, other than sexual
27 orientation, for the purpose of conducting studies to identify and
28 resolve possible problems in recruitment and testing of members of
29 minority groups to ~~[insure]~~ ensure the fairest possible and equal oppor-
30 tunities for employment in the civil service for all persons, regardless
31 of age, race, creed, color, national origin, sexual orientation or
32 gender identity or expression, military status, sex, disability, predis-
33 posing genetic characteristics, familial status, or marital status.

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

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

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

46 (h) For an employer, licensing agency, employment agency or labor
47 organization to subject any individual to harassment because of an indi-
48 vidual's age, race, creed, color, national origin, sexual orientation,
49 gender identity or expression, military status, sex, disability, predis-
50 posing genetic characteristics, familial status, marital status, status
51 as a victim or survivor of domestic violence ~~[victim status]~~, or because
52 the individual has opposed any practices forbidden under this article or
53 because the individual has filed a complaint, testified or assisted in
54 any proceeding under this article, regardless of whether such harassment
55 would be considered severe or pervasive under precedent applied to
56 harassment claims. Such harassment is an unlawful discriminatory prac-

tice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of these protected categories. The fact that such individual did not make a complaint about the harassment to such employer, licensing agency, employment agency or labor organization shall not be determinative of whether such employer, licensing agency, employment agency or labor organization shall be liable. Nothing in this section shall imply that an employee must demonstrate the existence of an individual to whom the employee's treatment must be compared. It shall be an affirmative defense to liability under this subdivision that the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic or characteristics would consider petty slights or trivial inconveniences.

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

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

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

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

(c) To discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, familial status ~~or~~ marital status, or status as a victim or survivor of domestic violence;

(d) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, familial status ~~or~~ marital status, or status as a victim or survivor of domestic violence, or any intention to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

§ 4. Paragraph (a) of subdivision 2 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 person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability ~~or~~ marital status, or status as a victim or survivor of domestic violence, of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or

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

13 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
14 296 of the executive law, as amended by section 3 of part T of chapter
15 56 of the laws of 2019, are amended to read as follows:

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

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

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

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

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

3-b. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, marital status, status as a victim or survivor of domestic violence, or familial status of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

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

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

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

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

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

(3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orien-

1 tation, gender identity or expression, military status, sex, age, disa-
2 bility, marital status, status as a victim or survivor of domestic
3 violence, lawful source of income or familial status, or any intent to
4 make any such limitation, specification or discrimination.

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

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

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

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

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

1 terms, conditions or privileges of the sale, rental or lease of any such
2 land or commercial space; or in the furnishing of facilities or services
3 in connection therewith;

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

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

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

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

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

1 income or familial status; or any intent to make any such limitation,
2 specification or discrimination.

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

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

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

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

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

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

53 (a) It shall be an unlawful discriminatory practice for any fire
54 department or fire company therein, through any member or members there-
55 of, officers, board of fire commissioners or other body or office having
56 power of appointment of volunteer firefighters, directly or indirectly,

1 by ritualistic practice, constitutional or by-law prescription, by tacit
2 agreement among its members, or otherwise, to deny to any individual
3 membership in any volunteer fire department or fire company therein, or
4 to expel or discriminate against any volunteer member of a fire depart-
5 ment or fire company therein, because of the race, creed, color,
6 national origin, sexual orientation, gender identity or expression,
7 military status, sex, marital status, status as a victim or survivor of
8 domestic violence, or familial status, of such individual.

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

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

22 (a) Boycotts connected with labor disputes; or

23 (b) Boycotts to protest unlawful discriminatory practices.

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

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

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

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

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

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

1 e. To refuse to consider sources of an applicant's income or to
2 subject an applicant's income to discounting, in whole or in part,
3 because of an applicant's race, creed, color, national origin, sexual
4 orientation, gender identity or expression, military status, age, sex,
5 marital status, status as a victim or survivor of domestic violence,
6 childbearing potential, disability, or familial status;

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

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

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

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

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

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

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

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

51 c. print or circulate or cause to be printed or circulated any state-
52 ment, advertisement or publication, or to use any form of application
53 for employment as an intern or to make any inquiry in connection with
54 prospective employment, which expresses directly or indirectly, any
55 limitation, specification or discrimination as to age, race, creed,
56 color, national origin, sexual orientation, military status, sex, disa-

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

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

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

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

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

35 § 13. This act shall take effect immediately.