

1055

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, GALEF, EDDINGTON, P. RIVERA, HOYT, LATIMER, ALFANO, SCHROEDER, ENGLEBRIGHT, N. RIVERA, GABRYSZAK, BALL, ESPAILLAT, KAVANAGH -- Multi-Sponsored by -- M. of A. ABBATE, ALESSI, BARRA, BENJAMIN, BING, BOYLAND, CAHILL, CHRISTENSEN, COLTON, COOK, CYMBROWITZ, DINOWITZ, FARRELL, GLICK, GOTTFRIED, GREENE, GUNTHER, HIKIND, JOHN, V. LOPEZ, LUPARDO, MAGEE, MCENENY, ORTIZ, PAULIN, PEOPLES, PHEFFER, RAMOS, SAYWARD, SWEENEY, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting discriminatory practices against domestic violence victims

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 34 to read as follows:
3 34. THE TERM "DOMESTIC VIOLENCE VICTIM" MEANS AN INDIVIDUAL WHO IS OR
4 IS PERCEIVED BY THE ACTOR TO BE A VICTIM OF DOMESTIC VIOLENCE AS DEFINED
5 IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW, OR
6 STALKING AS DEFINED IN ARTICLE ONE HUNDRED TWENTY OF THE PENAL LAW.
7 S 2. Paragraphs (a), (b) and (c) of subdivision 2-a of section 296 of
8 the executive law, as amended by chapter 106 of the laws of 2003, are
9 amended to read as follows:
10 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
11 hold from any person or group of persons such housing accommodations
12 because of the race, creed, color, disability, national origin, sexual
13 orientation, military status, age, sex, marital status, DOMESTIC
14 VIOLENCE VICTIM STATUS, or familial status of such person or persons, or
15 to represent that any housing accommodation or land is not available for
16 inspection, sale, rental or lease when in fact it is so available.
17 (b) To discriminate against any person because of his or her race,
18 creed, color, disability, national origin, sexual orientation, military

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

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1 status, age, sex, marital status, DOMESTIC VIOLENCE VICTIM STATUS, or
2 familial status in the terms, conditions or privileges of any publicly-
3 assisted housing accommodations or in the furnishing of facilities or
4 services in connection therewith.

5 (c) To cause to be made any written or oral inquiry or record concern-
6 ing the race, creed, color, disability, national origin, sexual orien-
7 tation, membership in the reserve armed forces of the United States or
8 in the organized militia of the state, age, sex, marital status, DOMES-
9 TIC VIOLENCE VICTIM STATUS, or familial status of a person seeking to
10 rent or lease any publicly-assisted housing accommodation; provided,
11 however, that nothing in this subdivision shall prohibit a member of the
12 reserve armed forces of the United States or in the organized militia of
13 the state from voluntarily disclosing such membership.

14 S 3. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of
15 section 296 of the executive law, as amended by chapter 106 of the laws
16 of 2003, are amended to read as follows:

17 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
18 from any person or group of persons such a housing accommodation because
19 of the race, creed, color, national origin, sexual orientation, military
20 status, sex, age, disability, marital status, DOMESTIC VIOLENCE VICTIM
21 STATUS, or familial status of such person or persons, or to represent
22 that any housing accommodation or land is not available for inspection,
23 sale, rental or lease when in fact it is so available.

24 (2) To discriminate against any person because of race, creed, color,
25 national origin, sexual orientation, military status, sex, age, disabili-
26 ty, marital status, DOMESTIC VIOLENCE VICTIM STATUS, or familial status
27 in the terms, conditions or privileges of the sale, rental or lease of
28 any such housing accommodation or in the furnishing of facilities or
29 services in connection therewith.

30 (3) To print or circulate or cause to be printed or circulated any
31 statement, advertisement or publication, or to use any form of applica-
32 tion for the purchase, rental or lease of such housing accommodation or
33 to make any record or inquiry in connection with the prospective
34 purchase, rental or lease of such a housing accommodation which
35 expresses, directly or indirectly, any limitation, specification or
36 discrimination as to race, creed, color, national origin, sexual orien-
37 tation, military status, sex, age, disability, marital status, DOMESTIC
38 VIOLENCE VICTIM STATUS, or familial status, or any intent to make any
39 such limitation, specification or discrimination.

40 S 4. Subdivision 5 of section 296 of the executive law is amended by
41 adding a new paragraph (h) to read as follows:

42 (H) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR ANY PERSON OR
43 ENTITY TO OBTAIN FOR, OR PROVIDE TO, ANY PERSON HAVING THE RIGHT TO
44 SELL, RENT OR LEASE A HOUSING ACCOMMODATION, OR ANY AGENT OR EMPLOYEE
45 THEREOF, INFORMATION RELATING TO THE DOMESTIC VIOLENCE VICTIM STATUS OF
46 AN INDIVIDUAL WHO RENTS, LEASES OR SUB-LEASES A HOUSING ACCOMMODATION OR
47 WHO SEEKS TO PURCHASE, RENT, LEASE OR SUB-LEASE A HOUSING ACCOMMODATION.

48 S 5. This act shall take effect immediately.