S T A T E O F N E W Y O R K

1208--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, GOTTFRIED -- Multi-Sponsored by -- M. of A. V. LOPEZ, PERRY, TOWNS -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- 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 under certain circumstances based on a person's occupation

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

Section 1. Section 292 of the executive law is amended by adding a new subdivision 35 to read as follows:

35. THE TERM "OCCUPATION" INCLUDES ANY LAWFUL VOCATION, PROFESSION, OR FIELD OF SPECIALIZATION.

S 2. Paragraph (a) of subdivision 2 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, 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, military status, sex, OCCUPATION, or disability or marital status of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account

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

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of race, creed, color, national origin, sexual orientation, military status, sex, OCCUPATION, or disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, sexual orientation, military status, OCCUPATION, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

S 3. Paragraph (a) of subdivision 2-a of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

(a) To refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status, or familial status, OR WHERE A HOUSING ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESIDENTIAL PURPOSES, THE OCCUPATION 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.

S 4. Paragraphs (b) and (c) of subdivision 2-a of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

(b) To discriminate against any person because of his or her race, creed, color, disability, national origin, sexual orientation, military status, age, sex, OCCUPATION, marital status, or familial status in the terms, conditions or privileges of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, color, disability, national origin, sexual orientation, membership in the reserve armed forces of the United States or in the organized militia of the state, age, sex, OCCUPATION, marital status, or familial status of a person seeking to rent or lease any publicly-assisted housing accommodation; provided, however, that nothing in this subdivision shall prohibit a member of the reserve armed forces of the United States or in the organized militia of the state from voluntarily disclosing such membership.

S 5. Subparagraph 1 of paragraph (a) of subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

(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, military status, sex, age, disability, marital status, or familial status, OR WHERE A HOUSING ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESIDENTIAL PURPOSES, THE OCCUPATION 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.

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

(2) To discriminate against any person because of race, creed, color, national origin, sexual orientation, military status, sex, age, OCCUPATION, disability, marital status, 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 orientation, military status, sex, age, OCCUPATION, disability, marital status, or familial status, or any intent to make any such limitation, specification or discrimination.

S 7. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, or familial status, OR WHERE A HOUSING ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESIDENTIAL PURPOSES, THE OCCUPATION of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, or familial status, OR WHERE A HOUSING ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESIDENTIAL PURPOSES, THE OCCUPATION of such person or persons.

(2) 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 any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, or familial status, OR WHERE A HOUSING ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESIDENTIAL PURPOSES, THE OCCUPATION; or any intent to make any such limitation, specification or discrimination.

S 8. This act shall take effect immediately.