

5947

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 23, 2009

---

Introduced by M. of A. ESPAILLAT, V. LOPEZ, POWELL -- Multi-Sponsored by  
-- M. of A. DIAZ, J. RIVERA, TOWNS -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law and the civil rights law, in relation  
to outlawing discrimination because of alien status

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

1     Section 1. Subdivisions 1 and 2 of section 291 of the executive law,  
2     as amended by chapter 106 of the laws of 2003, are amended to read as  
3     follows:  
4     1. The opportunity to obtain employment without discrimination because  
5     of age, race, creed, color, ALIEN STATUS, national origin, sexual orientation,  
6     military status, sex or marital status is hereby recognized as  
7     and declared to be a civil right.  
8     2. The opportunity to obtain education, the use of places of public  
9     accommodation and the ownership, use and occupancy of housing accommodations  
10    and commercial space without discrimination because of age,  
11    race, creed, color, ALIEN STATUS, national origin, sexual orientation,  
12    military status, sex or marital status, as specified in section two  
13    hundred ninety-six of this article, is hereby recognized as and declared  
14    to be a civil right.  
15    S 2. Section 292 of the executive law is amended by adding a new  
16    subdivision 34 to read as follows:  
17    34. THE TERM "ALIEN STATUS" MEANS:  
18    (A) THE CITIZENSHIP STATUS OF ANY PERSON; OR  
19    (B) THE IMMIGRATION STATUS OF ANY PERSON WHO IS NOT A CITIZEN OR  
20    NATIONAL OF THE UNITED STATES, BUT WHO IS AUTHORIZED TO ACCEPT EMPLOY-  
21    MENT UNDER THE POLICIES AND PRACTICES OF THE IMMIGRATION AND NATIONALITY  
22    ACT.

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

LBD08375-01-9

1 S 3. Subdivisions 8 and 9 of section 295 of the executive law, as  
2 amended by chapter 106 of the laws of 2003, are amended to read as  
3 follows:

4 8. To create such advisory councils, local, regional or state-wide, as  
5 in its judgment will aid in effectuating the purposes of this article  
6 and of section eleven of article one of the constitution of this state,  
7 and the division may empower them to study the problems of discrimi-  
8 nation in all or specific fields of human relationships or in specific  
9 instances of discrimination because of age, race, creed, color, ALIEN  
10 STATUS, national origin, sexual orientation, military status, sex, disa-  
11 bility or marital status and make recommendations to the division for  
12 the development of policies and procedures in general and in specific  
13 instances. The advisory councils also shall disseminate information  
14 about the division's activities to organizations and individuals in  
15 their localities. Such advisory councils shall be composed of represen-  
16 tative citizens, serving without pay, but with reimbursement for actual  
17 and necessary traveling expenses; and the division may make provision  
18 for technical and clerical assistance to such councils and for the  
19 expenses of such assistance.

20 9. To develop human rights plans and policies for the state and assist  
21 in their execution and to make investigations and studies appropriate to  
22 effectuate this article and to issue such publications and such results  
23 of investigations and research as in its judgement will tend to inform  
24 persons of the rights assured and remedies provided under this article,  
25 to promote good-will and minimize or eliminate discrimination because of  
26 age, race, creed, color, ALIEN STATUS, national origin, sexual orien-  
27 tation, military status, sex, disability or marital status.

28 S 4. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 296  
29 of the executive law, as amended by chapter 75 of the laws of 2005, are  
30 amended to read as follows:

31 (a) For an employer or licensing agency, because of the age, race,  
32 creed, color, ALIEN STATUS, national origin, sexual orientation, mili-  
33 tary status, sex, disability, predisposing genetic characteristics, or  
34 marital status of any individual, to refuse to hire or employ or to bar  
35 or to discharge from employment such individual or to discriminate  
36 against such individual in compensation or in terms, conditions or priv-  
37 ileges of employment.

38 (b) For an employment agency to discriminate against any individual  
39 because of age, race, creed, color, ALIEN STATUS, national origin, sexu-  
40 al orientation, military status, sex, disability, predisposing genetic  
41 characteristics, or marital status, in receiving, classifying, disposing  
42 or otherwise acting upon applications for its services or in referring  
43 an applicant or applicants to an employer or employers.

44 (c) For a labor organization, because of the age, race, creed, color,  
45 ALIEN STATUS, national origin, sexual orientation, military status, sex,  
46 disability, predisposing genetic characteristics, or marital status of  
47 any individual, to exclude or to expel from its membership such individ-  
48 ual or to discriminate in any way against any of its members or against  
49 any employer or any individual employed by an employer.

50 (d) For any employer or employment agency to print or circulate or  
51 cause to be printed or circulated any statement, advertisement or publi-  
52 cation, or to use any form of application for employment or to make any  
53 inquiry in connection with prospective employment, which expresses  
54 directly or indirectly, any limitation, specification or discrimination  
55 as to age, race, creed, color, ALIEN STATUS, national origin, sexual  
56 orientation, military status, sex, disability, predisposing genetic

1 characteristics, or marital status, or any intent to make any such limi-  
2 tation, specification or discrimination, unless based upon a bona fide  
3 occupational qualification; provided, however, that neither this para-  
4 graph nor any provision of this chapter or other law shall be construed  
5 to prohibit the department of civil service or the department of person-  
6 nel of any city containing more than one county from requesting informa-  
7 tion from applicants for civil service examinations concerning any of  
8 the aforementioned characteristics, other than sexual orientation, for  
9 the purpose of conducting studies to identify and resolve possible prob-  
10 lems in recruitment and testing of members of minority groups to insure  
11 the fairest possible and equal opportunities for employment in the civil  
12 service for all persons, regardless of age, race, creed, color, ALIEN  
13 STATUS, national origin, sexual orientation, military status, sex, disa-  
14 bility, predisposing genetic characteristics, or marital status.

15 S 5. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of  
16 the executive law, as amended by chapter 106 of the laws of 2003, are  
17 amended to read as follows:

18 (b) To deny to or withhold from any person because of race, creed,  
19 color, ALIEN STATUS, national origin, sexual orientation, military  
20 status, sex, age, disability[, ] or marital status, the right to be  
21 admitted to or participate in a guidance program, an apprenticeship  
22 training program, on-the-job training program, executive training  
23 program, or other occupational training or retraining program;

24 (c) To discriminate against any person in his or her pursuit of such  
25 programs or to discriminate against such a person in the terms, condi-  
26 tions or privileges of such programs because of race, creed, color,  
27 ALIEN STATUS, national origin, sexual orientation, military status, sex,  
28 age, disability or marital status;

29 (d) To print or circulate or cause to be printed or circulated any  
30 statement, advertisement or publication, or to use any form of applica-  
31 tion for such programs or to make any inquiry in connection with such  
32 program which expresses, directly or indirectly, any limitation, spec-  
33 ification or discrimination as to race, creed, color, ALIEN STATUS,  
34 national origin, sexual orientation, military status, sex, age, disabili-  
35 ty or marital status, or any intention to make any such limitation,  
36 specification or discrimination, unless based on a bona fide occupa-  
37 tional qualification.

38 S 6. Paragraph (a) of subdivision 2 of section 296 of the executive  
39 law, as amended by chapter 106 of the laws of 2003, is amended to read  
40 as follows:

41 (a) It shall be an unlawful discriminatory practice for any person,  
42 being the owner, lessee, proprietor, manager, superintendent, agent or  
43 employee of any place of public accommodation, resort or amusement,  
44 because of the race, creed, color, ALIEN STATUS, national origin, sexual  
45 orientation, military status, sex, [or] disability or marital status of  
46 any person, directly or indirectly, to refuse, withhold from or deny to  
47 such person any of the accommodations, advantages, facilities or privi-  
48 leges thereof, including the extension of credit, or, directly or indi-  
49 rectly, to publish, circulate, issue, display, post or mail any written  
50 or printed communication, notice or advertisement, to the effect that  
51 any of the accommodations, advantages, facilities and privileges of any  
52 such place shall be refused, withheld from or denied to any person on  
53 account of race, creed, color, ALIEN STATUS, national origin, sexual  
54 orientation, military status, sex, [or] disability or marital status, or  
55 that the patronage or custom thereat of any person of or purporting to  
56 be of any particular race, creed, color, ALIEN STATUS, national origin,

1 sexual orientation, military status, sex [or], marital status[,] or  
2 having a disability is unwelcome, objectionable or not acceptable,  
3 desired or solicited.

4 S 7. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a and subdi-  
5 vision 3-b of section 296 of the executive law, paragraphs (a), (b) and  
6 (c) of subdivision 2-a and subdivision 3-b as amended and paragraph  
7 (c-1) of subdivision 2-a as added by chapter 106 of the laws of 2003,  
8 are amended to read as follows:

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

16 (b) To discriminate against any person because of his or her race,  
17 creed, color, ALIEN STATUS, disability, national origin, sexual orien-  
18 tation, military status, age, sex, marital status, or familial status in  
19 the terms, conditions or privileges of any publicly-assisted housing  
20 accommodations or in the furnishing of facilities or services in  
21 connection therewith.

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

31 (c-1) To print or circulate or cause to be printed or circulated any  
32 statement, advertisement or publication, or to use any form of applica-  
33 tion for the purchase, rental or lease of such housing accommodation or  
34 to make any record or inquiry in connection with the prospective  
35 purchase, rental or lease of such a housing accommodation which  
36 expresses, directly or indirectly, any limitation, specification or  
37 discrimination as to race, creed, color, ALIEN STATUS, national origin,  
38 sexual orientation, military status, sex, age, disability, marital  
39 status, or familial status, or any intent to make any such limitation,  
40 specification or discrimination.

41 3-b. It shall be an unlawful discriminatory practice for any real  
42 estate broker, real estate salesperson or employee or agent thereof or  
43 any other individual, corporation, partnership or organization for the  
44 purpose of inducing a real estate transaction from which any such person  
45 or any of its stockholders or members may benefit financially, to repre-  
46 sent that a change has occurred or will or may occur in the composition  
47 with respect to race, creed, color, ALIEN STATUS, national origin, sexu-  
48 al orientation, military status, sex, disability, marital status, or  
49 familial status of the owners or occupants in the block, neighborhood or  
50 area in which the real property is located, and to represent, directly  
51 or indirectly, that this change will or may result in undesirable conse-  
52 quences in the block, neighborhood or area in which the real property is  
53 located, including but not limited to the lowering of property values,  
54 an increase in criminal or anti-social behavior, or a decline in the  
55 quality of schools or other facilities.

1 S 8. Subdivision 4 of section 296 of the executive law, as amended by  
2 chapter 106 of the laws of 2003, is amended to read as follows:

3 4. It shall be an unlawful discriminatory practice for an education  
4 corporation or association which holds itself out to the public to be  
5 non-sectarian and exempt from taxation pursuant to the provisions of  
6 article four of the real property tax law to deny the use of its facili-  
7 ties to any person otherwise qualified, or to permit the harassment of  
8 any student or applicant, by reason of his race, color, ALIEN STATUS,  
9 religion, disability, national origin, sexual orientation, military  
10 status, sex, age or marital status, except that any such institution  
11 which establishes or maintains a policy of educating persons of one sex  
12 exclusively may admit students of only one sex.

13 S 9. Subdivision 5 of section 296 of the executive law, as amended by  
14 chapter 106 of the laws of 2003, is amended to read as follows:

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

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

26 (2) To discriminate against any person because of race, creed, color,  
27 ALIEN STATUS, national origin, sexual orientation, military status, sex,  
28 age, disability, marital status, or familial status in the terms, condi-  
29 tions or privileges of the sale, rental or lease of any such housing  
30 accommodation or in the furnishing of facilities or services in  
31 connection therewith.

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

42 The provisions of this paragraph [(a)] shall not apply (1) to the  
43 rental of a housing accommodation in a building which contains housing  
44 accommodations for not more than two families living independently of  
45 each other, if the owner resides in one of such housing accommodations,  
46 (2) to the restriction of the rental of all rooms in a housing accommo-  
47 dation to individuals of the same sex or (3) to the rental of a room or  
48 rooms in a housing accommodation, if such rental is by the occupant of  
49 the housing accommodation or by the owner of the housing accommodation  
50 and the owner resides in such housing accommodation or (4) solely with  
51 respect to age and familial status to the restriction of the sale,  
52 rental or lease of housing accommodations exclusively to persons sixty-  
53 two years of age or older and the spouse of any such person, or for  
54 housing intended and operated for occupancy by at least one person  
55 fifty-five years of age or older per unit. In determining whether hous-  
56 ing is intended and operated for occupancy by persons fifty-five years

1 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the  
2 federal Fair Housing Act of 1988, as amended, shall apply.

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

7 (1) To refuse to sell, rent, lease or otherwise deny to or withhold  
8 from any person or group of persons land or commercial space because of  
9 the race, creed, color, ALIEN STATUS, national origin, sexual orien-  
10 tation, military status, sex, age, disability, marital status, or fami-  
11 lial status of such person or persons, or to represent that any housing  
12 accommodation or land is not available for inspection, sale, rental or  
13 lease when in fact it is so available;

14 (2) To discriminate against any person because of race, creed, color,  
15 ALIEN STATUS, national origin, sexual orientation, military status, sex,  
16 age, disability, marital status, or familial status in the terms, condi-  
17 tions or privileges of the sale, rental or lease of any such land or  
18 commercial space; or in the furnishing of facilities or services in  
19 connection therewith;

20 (3) To print or circulate or cause to be printed or circulated any  
21 statement, advertisement or publication, or to use any form of applica-  
22 tion for the purchase, rental or lease of such land or commercial space  
23 or to make any record or inquiry in connection with the prospective  
24 purchase, rental or lease of such land or commercial space which  
25 expresses, directly or indirectly, any limitation, specification or  
26 discrimination as to race, creed, color, ALIEN STATUS, national origin,  
27 sexual orientation, military status, sex, age, disability, marital  
28 status, or familial status; or any intent to make any such limitation,  
29 specification or discrimination.

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

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

44 (1) To refuse to sell, rent or lease any housing accommodation, land  
45 or commercial space to any person or group of persons or to refuse to  
46 negotiate for the sale, rental or lease, of any housing accommodation,  
47 land or commercial space to any person or group of persons because of  
48 the race, creed, color, ALIEN STATUS, national origin, sexual orien-  
49 tation, military status, sex, age, disability, marital status, or fami-  
50 lial status of such person or persons, or to represent that any housing  
51 accommodation, land or commercial space is not available for inspection,  
52 sale, rental or lease when in fact it is so available, or otherwise to  
53 deny or withhold any housing accommodation, land or commercial space or  
54 any facilities of any housing accommodation, land or commercial space  
55 from any person or group of persons because of the race, creed, color,  
56 ALIEN STATUS, national origin, sexual orientation, military status, sex,

1 age, disability, marital status, or familial status of such person or  
2 persons.

3 (2) 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 any housing accommodation,  
6 land or commercial space or to make any record or inquiry in connection  
7 with the prospective purchase, rental or lease of any housing accommo-  
8 dation, land or commercial space which expresses, directly or indirect-  
9 ly, any limitation, specification, or discrimination as to race, creed,  
10 color, ALIEN STATUS, national origin, sexual orientation, military  
11 status, sex, age, disability, marital status, or familial status; or any  
12 intent to make any such limitation, specification or discrimination.

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

25 (d) It shall be an unlawful discriminatory practice for any real  
26 estate board, because of the race, creed, color, ALIEN STATUS, national  
27 origin, sexual orientation, military status, [age,] sex, AGE, disabili-  
28 ty, marital status, or familial status of any individual who is other-  
29 wise qualified for membership, to exclude or expel such individual from  
30 membership, or to discriminate against such individual in the terms,  
31 conditions and privileges of membership in such board.

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

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

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

1 shall prohibit a member of the state organized militia from voluntarily  
2 disclosing such membership.

3 S 10. Subdivisions 1 and 2 of section 296-a of the executive law, as  
4 amended by chapter 106 of the laws of 2003, are amended to read as  
5 follows:

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

8 a. In the case of applications for credit with respect to the  
9 purchase, acquisition, construction, rehabilitation, repair or mainte-  
10 nance of any housing accommodation, land or commercial space to discrim-  
11 inate against any such applicant because of the race, creed, color,  
12 ALIEN STATUS, national origin, sexual orientation, military status, age,  
13 sex, marital status, disability, or familial status of such applicant or  
14 applicants or any member, stockholder, director, officer or employee of  
15 such applicant or applicants, or of the prospective occupants or tenants  
16 of such housing accommodation, land or commercial space, in the grant-  
17 ing, withholding, extending or renewing, or in the fixing of the rates,  
18 terms or conditions of, any such credit;

19 b. To discriminate in the granting, withholding, extending or renew-  
20 ing, or in the fixing of the rates, terms or conditions of, any form of  
21 credit, on the basis of race, creed, color, ALIEN STATUS, national  
22 origin, sexual orientation, military status, age, sex, marital status,  
23 disability, or familial status;

24 c. To use any form of application for credit or use or make any record  
25 or inquiry which expresses, directly or indirectly, any limitation,  
26 specification, or discrimination as to race, creed, color, ALIEN STATUS,  
27 national origin, sexual orientation, military status, age, sex, marital  
28 status, disability, or familial status;

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

32 e. To refuse to consider sources of an applicant's income or to  
33 subject an applicant's income to discounting, in whole or in part,  
34 because of an applicant's race, creed, color, ALIEN STATUS, national  
35 origin, sexual orientation, military status, age, sex, marital status,  
36 childbearing potential, disability, or familial status;

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

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

41 2. Without limiting the generality of subdivision one of this section,  
42 it shall be considered discriminatory if, because of an applicant's or  
43 class of applicants' race, creed, color, ALIEN STATUS, national origin,  
44 sexual orientation, military status, age, sex, marital status or disa-  
45 bility, or familial status, (i) an applicant or class of applicants is  
46 denied credit in circumstances where other applicants of like overall  
47 credit worthiness are granted credit, or (ii) special requirements or  
48 conditions, such as requiring co-obligors or reapplication upon  
49 marriage, are imposed upon an applicant or class of applicants in  
50 circumstances where similar requirements or conditions are not imposed  
51 upon other applicants of like overall credit worthiness.

52 S 11. Section 296-a of the executive law is amended by adding a new  
53 subdivision 3-b to read as follows:

54 3-B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, OR OF ANY  
55 LAW, RULE OR REGULATION TO THE CONTRARY IT SHALL NOT BE AN UNLAWFUL  
56 DISCRIMINATORY PRACTICE FOR ANY PERSON TO:



1 A. MAKE CREDIT DIFFERENTIATIONS OR DECISIONS RELATING TO CREDIT, IF  
2 SUCH CREDIT DIFFERENTIATIONS OR DECISIONS ARE BASED UPON THE APPLICANT'S  
3 ALIEN STATUS;

4 B. MAKE ANY INQUIRY AS TO THE APPLICANT'S ALIEN STATUS; OR

5 C. GIVE PREFERENCE TO AN APPLICANT WHO IS A CITIZEN OF THE UNITED  
6 STATES, OVER AN APPLICANT OF LIKE OVERALL CREDIT WORTHINESS WHO IS A  
7 RESIDENT ALIEN, WHEN SUCH PREFERENCE IS MANDATED OR PERMITTED BY ANY LAW  
8 OR REGULATION OF THE UNITED STATES.

9 S 12. Subdivision 2 of section 40-c of the civil rights law, as  
10 amended by chapter 2 of the laws of 2002, is amended to read as follows:

11 2. No person shall, because of race, creed, color, ALIEN STATUS,  
12 national origin, sex, marital status, sexual orientation or disability,  
13 as such [term is] TERMS ARE defined in section two hundred ninety-two of  
14 the executive law, be subjected to any discrimination in his or her  
15 civil rights, or to any harassment, as defined in section 240.25 of the  
16 penal law, in the exercise thereof, by any other person or by any firm,  
17 corporation or institution, or by the state or any agency or subdivision  
18 of the state.

19 S 13. This act shall take effect immediately.