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

1144

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sens. PERKINS, BRESLIN, DIAZ, DUANE, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, ONORATO, PARKER, SAVINO, SCHNEIDERMAN, SMITH, STACHOWSKI, STAVISKY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law and the real property law, in relation to protecting homeless children from lead paint poisoning

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

Section 1. Section 143-b of the social services law is amended by adding a new subdivision 7 to read as follows:

7. NO STATE OR LOCAL AGENCY SHALL ARRANGE TO PLACE A FAMILY CONSISTING OF A PERSON OR PERSONS UNDER SIX YEARS OF AGE OR PREGNANT WOMEN IN ANY DWELLING UNIT CONSTRUCTED PRIOR TO NINETEEN HUNDRED SEVENTY, OR, IN CITIES WITH A POPULATION OF ONE MILLION OR MORE, ANY DWELLING UNIT CONSTRUCTED PRIOR TO NINETEEN HUNDRED SIXTY, FOR WHICH THE RENT IS PAID IN ANY PART WITH STATE FUNDS UNLESS SUCH DWELLING UNIT HAS BEEN FIRST INSPECTED BY A PERSON ACCREDITED PURSUANT TO THE REQUIREMENTS OF 40 C.F.R. 745.325 OR SUCCESSOR REGULATION, GOVERNING THE ACCREDITATION OF INDIVIDUALS ENGAGING IN LEAD-BASED PAINT ACTIVITIES, AND DETERMINED TO BE FREE OF LEAD-BASED HAZARDS, AS DEFINED BY 42 U.S.C. S4851B(15) AND 40 C.F.R. S745.103, OR SUCCESSOR STATUTE AND REGULATION. A WRITTEN REPORT SHALL BE PREPARED OF SUCH INSPECTION AND SHALL BE PROVIDED TO THE TENANT.

S 2. The real property law is amended by adding a new section 236-a to read as follows:

S 236-A. DISCRIMINATION AGAINST PERSONS AND FAMILIES RECEIVING PUBLIC ASSISTANCE OR GOVERNMENTAL HOUSING SUBSIDIES PROHIBITED. 1. ANY PERSON, FIRM OR CORPORATION OWNING OR HAVING IN CHARGE ANY APARTMENT HOUSE, TENEMENT HOUSE OR OTHER BUILDING OR MANUFACTURED HOME PARK USED FOR DWELLING PURPOSES WHO SHALL REFUSE TO RENT ANY OR PART OF ANY SUCH BUILDING OR MANUFACTURED HOME PARK TO ANY PERSON OR FAMILY, OR WHO

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

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DISCRIMINATES IN THE TERMS, CONDITIONS, OR PRIVILEGES OF ANY SUCH RENTAL, ON THE GROUND THAT SUCH PERSON OR FAMILY RECEIVES PUBLIC ASSISTANCE OR ANY OTHER GOVERNMENT SUBSIDY FOR PAYMENT OF RENT SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIVE HUNDRED NOR MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE.

2.(A) WHERE DISCRIMINATORY CONDUCT PROHIBITED BY THIS SECTION HAS OCCURRED, AN AGGRIEVED INDIVIDUAL SHALL HAVE A CAUSE OF ACTION IN ANY COURT OF COMPETENT JURISDICTION FOR DAMAGES, DECLARATORY AND INJUNCTIVE RELIEF.

(B) IN ALL ACTIONS BROUGHT UNDER THIS SECTION, THE COURT SHALL ALLOW THE PREVAILING PLAINTIFF REASONABLE ATTORNEY'S FEES AND, UPON A FINDING THAT THE DEFENDANT'S DISCRIMINATORY CONDUCT WAS WILLFUL, AN ADDITIONAL AMOUNT AS LIQUIDATED DAMAGES EQUAL TO TWO THOUSAND FIVE HUNDRED DOLLARS SHALL BE AWARDED.

S 3. This act shall take effect immediately.