

1208

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

AN ACT to amend the executive law, in relation to prohibiting discrimi-
nation under certain circumstances based on a person's occupation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 "OCCUPATION" INCLUDES ANY LAWFUL VOCATION, PROFESSION, OR
4 FIELD OF SPECIALIZATION.
5 S 2. Paragraph (a) of subdivision 2 of section 296 of the executive
6 law, as amended by chapter 106 of the laws of 2003, is amended to read
7 as follows:
8 (a) It shall be an unlawful discriminatory practice for any person,
9 being the owner, lessee, proprietor, manager, superintendent, agent or
10 employee of any place of public accommodation, resort or amusement,
11 because of the race, creed, color, national origin, sexual orientation,
12 military status, sex, OCCUPATION, or disability or marital status of any
13 person, directly or indirectly, to refuse, withhold from or deny to such
14 person any of the accommodations, advantages, facilities or privileges
15 thereof, including the extension of credit, or, directly or indirectly,
16 to publish, circulate, issue, display, post or mail any written or
17 printed communication, notice or advertisement, to the effect that any
18 of the accommodations, advantages, facilities and privileges of any such
19 place shall be refused, withheld from or denied to any person on account
20 of race, creed, color, national origin, sexual orientation, military
21 status, sex, OCCUPATION, or disability or marital status, or that the
22 patronage or custom thereat of any person of or purporting to be of any
23 particular race, creed, color, national origin, sexual orientation,

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

LBD03309-01-9

1 military status, OCCUPATION, sex or marital status, or having a disabil-
2 ity is unwelcome, objectionable or not acceptable, desired or solicited.
3 S 3. Paragraph (a) of subdivision 2-a of section 296 of the executive
4 law, as amended by chapter 106 of the laws of 2003, is amended to read
5 as follows:

6 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
7 hold from any person or group of persons such housing accommodations
8 because of the race, creed, color, disability, national origin, sexual
9 orientation, military status, age, sex, marital status, or familial
10 status, OR WHERE A HOUSING ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESI-
11 DENTIAL PURPOSES, THE OCCUPATION of such person or persons, or to repre-
12 sent that any housing accommodation or land is not available for
13 inspection, sale, rental or lease when in fact it is so available.

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

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

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

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

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

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

46 (2) To discriminate against any person because of race, creed, color,
47 national origin, sexual orientation, military status, sex, age, OCCUPA-
48 TION, disability, marital status, or familial status in the terms,
49 conditions or privileges of the sale, rental or lease of any such hous-
50 ing accommodation or in the furnishing of facilities or services in
51 connection therewith.

52 (3) To print or circulate or cause to be printed or circulated any
53 statement, advertisement or publication, or to use any form of applica-
54 tion for the purchase, rental or lease of such housing accommodation or
55 to make any record or inquiry in connection with the prospective
56 purchase, rental or lease of such a housing accommodation which

1 expresses, directly or indirectly, any limitation, specification or
2 discrimination as to race, creed, color, national origin, sexual orien-
3 tation, military status, sex, age, OCCUPATION, disability, marital
4 status, or familial status, or any intent to make any such limitation,
5 specification or discrimination.

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

9 (1) To refuse to sell, rent or lease any housing accommodation, land
10 or commercial space to any person or group of persons or to refuse to
11 negotiate for the sale, rental or lease, of any housing accommodation,
12 land or commercial space to any person or group of persons because of
13 the race, creed, color, national origin, sexual orientation, military
14 status, sex, age, disability, marital status, or familial status, OR
15 WHERE A HOUSING ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESIDENTIAL
16 PURPOSES, THE OCCUPATION of such person or persons, or to represent that
17 any housing accommodation, land or commercial space is not available for
18 inspection, sale, rental or lease when in fact it is so available, or
19 otherwise to deny or withhold any housing accommodation, land or commer-
20 cial space or any facilities of any housing accommodation, land or
21 commercial space from any person or group of persons because of the
22 race, creed, color, national origin, sexual orientation, military
23 status, sex, age, disability, marital status, or familial status, OR
24 WHERE A HOUSING ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESIDENTIAL
25 PURPOSES, THE OCCUPATION of such person or persons.

26 (2) To print or circulate or cause to be printed or circulated any
27 statement, advertisement or publication, or to use any form of applica-
28 tion for the purchase, rental or lease of any housing accommodation,
29 land or commercial space or to make any record or inquiry in connection
30 with the prospective purchase, rental or lease of any housing accommo-
31 dation, land or commercial space which expresses, directly or indirect-
32 ly, any limitation, specification, or discrimination as to race, creed,
33 color, national origin, sexual orientation, military status, sex, age,
34 disability, marital status, or familial status, OR WHERE A HOUSING
35 ACCOMMODATION IS SOUGHT EXCLUSIVELY FOR RESIDENTIAL PURPOSES, THE OCCU-
36 PATION; or any intent to make any such limitation, specification or
37 discrimination.

38 S 8. This act shall take effect immediately.