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

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I N A S S E M B L Y

January 31, 2012

Introduced by M. of A. M. MILLER -- 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:

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

35. THE TERM "DOMESTIC VIOLENCE VICTIM" MEANS AN INDIVIDUAL WHO IS OR IS PERCEIVED BY THE ACTOR TO BE A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW, OR STALKING AS DEFINED IN ARTICLE ONE HUNDRED TWENTY OF THE PENAL LAW.

S 2. Paragraphs (a), (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:

(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, DOMESTIC VIOLENCE VICTIM STATUS, or familial status 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.

(b) To discriminate against any person because of his or her race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status, DOMESTIC VIOLENCE VICTIM 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, marital status, DOMESTIC VIOLENCE VICTIM STATUS, or familial status of a person seeking to rent or lease any publicly-assisted housing accommodation; provided,

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

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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 3. Subparagraphs 1, 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:

(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, DOMESTIC VIOLENCE VICTIM STATUS, or familial status 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.

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

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

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

S 5. This act shall take effect immediately.