

1391

2011-2012 Regular Sessions

I N S E N A T E

January 7, 2011

Introduced by Sens. PERKINS, BRESLIN, DIAZ, DUANE, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, PARKER, SMITH, SQUADRON, STAVISKY -- 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:

1 Section 1. Section 143-b of the social services law is amended by
2 adding a new subdivision 7 to read as follows:
3 7. NO STATE OR LOCAL AGENCY SHALL ARRANGE TO PLACE A FAMILY CONSISTING
4 OF A PERSON OR PERSONS UNDER SIX YEARS OF AGE OR PREGNANT WOMEN IN ANY
5 DWELLING UNIT CONSTRUCTED PRIOR TO NINETEEN HUNDRED SEVENTY, OR, IN
6 CITIES WITH A POPULATION OF ONE MILLION OR MORE, ANY DWELLING UNIT
7 CONSTRUCTED PRIOR TO NINETEEN HUNDRED SIXTY, FOR WHICH THE RENT IS PAID
8 IN ANY PART WITH STATE FUNDS UNLESS SUCH DWELLING UNIT HAS BEEN FIRST
9 INSPECTED BY A PERSON ACCREDITED PURSUANT TO THE REQUIREMENTS OF 40
10 C.F.R. 745.325 OR SUCCESSOR REGULATION, GOVERNING THE ACCREDITATION OF
11 INDIVIDUALS ENGAGING IN LEAD-BASED PAINT ACTIVITIES, AND DETERMINED TO
12 BE FREE OF LEAD-BASED HAZARDS, AS DEFINED BY 42 U.S.C. S4851B(15) AND 40
13 C.F.R. S745.103, OR SUCCESSOR STATUTE AND REGULATION. A WRITTEN REPORT
14 SHALL BE PREPARED OF SUCH INSPECTION AND SHALL BE PROVIDED TO THE
15 TENANT.
16 S 2. The real property law is amended by adding a new section 236-a to
17 read as follows:
18 S 236-A. DISCRIMINATION AGAINST PERSONS AND FAMILIES RECEIVING PUBLIC
19 ASSISTANCE OR GOVERNMENTAL HOUSING SUBSIDIES PROHIBITED. 1. ANY PERSON,
20 FIRM OR CORPORATION OWNING OR HAVING IN CHARGE ANY APARTMENT HOUSE,
21 TENEMENT HOUSE OR OTHER BUILDING OR MANUFACTURED HOME PARK USED FOR
22 DWELLING PURPOSES WHO SHALL REFUSE TO RENT ANY OR PART OF ANY SUCH
23 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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1 DISCRIMINATES IN THE TERMS, CONDITIONS, OR PRIVILEGES OF ANY SUCH
2 RENTAL, ON THE GROUND THAT SUCH PERSON OR FAMILY RECEIVES PUBLIC ASSIST-
3 ANCE OR ANY OTHER GOVERNMENT SUBSIDY FOR PAYMENT OF RENT SHALL BE GUILTY
4 OF A MISDEMEANOR AND ON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE
5 OF NOT LESS THAN FIVE HUNDRED NOR MORE THAN ONE THOUSAND DOLLARS FOR
6 EACH OFFENSE.

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

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

16 S 3. This act shall take effect immediately.