

6411

2013-2014 Regular Sessions

I N A S S E M B L Y

March 26, 2013

Introduced by M. of A. KATZ -- read once and referred to the Committee
on Housing

AN ACT to amend the real property law, in relation to prohibiting hous-
ing discrimination against victims of domestic violence

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

1 Section 1. The real property law is amended by adding a new section
2 237-b to read as follows:
3 S 237-B. DISCRIMINATION AGAINST VICTIMS OF DOMESTIC VIOLENCE. A. ANY
4 PERSON, FIRM OR CORPORATION OWNING OR HAVING IN CHARGE ANY APARTMENT
5 HOUSE, TENEMENT HOUSE OR OTHER BUILDING OR MANUFACTURED HOME PARK USED
6 FOR DWELLING PURPOSES WHO SHALL REFUSE TO RENT ANY OR PART OF ANY SUCH
7 BUILDING OR MANUFACTURED HOME PARK TO ANY PERSON OR FAMILY, OR WHO
8 DISCRIMINATES IN THE TERMS, CONDITIONS, OR PRIVILEGES OF ANY SUCH
9 RENTAL, SOLELY ON THE GROUND THAT SUCH PERSON OR FAMILY HAS BEEN OR IS
10 CURRENTLY THE VICTIM OF DOMESTIC VIOLENCE SHALL BE GUILTY OF A MISDEMEA-
11 NOR AND ON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE OF NOT LESS
12 THAN FIFTY NOR MORE THAN ONE HUNDRED DOLLARS FOR EACH OFFENSE; PROVIDED,
13 HOWEVER, THE PROHIBITION AGAINST DISCRIMINATION AGAINST VICTIMS OF
14 DOMESTIC VIOLENCE IN DWELLING HOUSES AND MANUFACTURED HOME PARKS
15 CONTAINED IN THIS SECTION SHALL NOT APPLY TO:
16 (1) HOUSING UNITS FOR SENIOR CITIZENS SUBSIDIZED, INSURED, OR GUARAN-
17 TEED BY THE FEDERAL GOVERNMENT; OR
18 (2) ONE OR TWO FAMILY OWNER OCCUPIED DWELLING HOUSES OR MANUFACTURED
19 HOMES; OR
20 (3) MANUFACTURED HOME PARKS INTENDED AND OPERATED FOR OCCUPANCY BY
21 PERSONS FIFTY-FIVE YEARS OF AGE OR OLDER. IN DETERMINING WHETHER HOUSING
22 IS INTENDED AND OPERATED FOR OCCUPANCY BY PERSONS FIFTY-FIVE YEARS OF
23 AGE OR OLDER, SEC. 807(B)(2)(C)(42 U.S.C. 3607(B)(2)(C)) OF THE FEDERAL
24 FAIR HOUSING ACT OF 1988, AS AMENDED, SHALL APPLY.
25 B. CIVIL LIABILITY:

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

LBD09351-01-3

1 (1) WHERE DISCRIMINATORY CONDUCT PROHIBITED BY THIS SECTION HAS
2 OCCURRED, AN AGGRIEVED INDIVIDUAL SHALL HAVE A CAUSE OF ACTION IN ANY
3 COURT OF APPROPRIATE JURISDICTION FOR DAMAGES, DECLARATORY AND INJUNC-
4 TIVE RELIEF;

5 (2) IN ALL ACTIONS BROUGHT UNDER THIS SECTION, REASONABLE ATTORNEY'S
6 FEES AS DETERMINED BY THE COURT MAY BE AWARDED TO A PREVAILING PLAIN-
7 TIFF.

8 S 2. This act shall take effect on the ninetieth day after it shall
9 have become a law.