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

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 housing discrimination against victims of domestic violence

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

Section 1. The real property law is amended by adding a new section 237-b to read as follows:

S 237-B. DISCRIMINATION AGAINST VICTIMS OF DOMESTIC VIOLENCE. A. 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 DISCRIMINATES IN THE TERMS, CONDITIONS, OR PRIVILEGES OF ANY SUCH RENTAL, SOLELY ON THE GROUND THAT SUCH PERSON OR FAMILY HAS BEEN OR IS CURRENTLY THE VICTIM OF DOMESTIC VIOLENCE SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY NOR MORE THAN ONE HUNDRED DOLLARS FOR EACH OFFENSE; PROVIDED, HOWEVER, THE PROHIBITION AGAINST DISCRIMINATION AGAINST VICTIMS OF DOMESTIC VIOLENCE IN DWELLING HOUSES AND MANUFACTURED HOME PARKS CONTAINED IN THIS SECTION SHALL NOT APPLY TO:

(1) HOUSING UNITS FOR SENIOR CITIZENS SUBSIDIZED, INSURED, OR GUARANTEED BY THE FEDERAL GOVERNMENT; OR

(2) ONE OR TWO FAMILY OWNER OCCUPIED DWELLING HOUSES OR MANUFACTURED HOMES; OR

(3) MANUFACTURED HOME PARKS INTENDED AND OPERATED FOR OCCUPANCY BY PERSONS FIFTY-FIVE YEARS OF AGE OR OLDER. IN DETERMINING WHETHER HOUSING IS INTENDED AND OPERATED FOR OCCUPANCY BY PERSONS FIFTY-FIVE YEARS OF AGE OR OLDER, SEC. 807(B)(2)(C)(42 U.S.C. 3607(B)(2)(C)) OF THE FEDERAL FAIR HOUSING ACT OF 1988, AS AMENDED, SHALL APPLY.

B. CIVIL LIABILITY:

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

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

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

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