

4401

2013-2014 Regular Sessions

I N   S E N A T E

March 26, 2013

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Introduced by Sen. YOUNG -- (at request of the Division of Human Rights)  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to providing that there  
is no exemption from the requirement of nondiscrimination in adver-  
tisements and inquiries for the rental of an apartment in an owner-oc-  
cupied two-unit dwelling, or for the rental of rooms in an owner-occu-  
pied dwelling, and that engaging in discriminatory advertising or  
inquires will cause the property to no longer be exempt from full  
coverage by the nondiscrimination provisions of the Human Rights Law

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

1     Section 1. Paragraph (a) of subdivision 5 of section 296 of the execu-  
2     tive law, as amended by chapter 106 of the laws of 2003, is amended to  
3     read as follows:  
4     (a) It shall be an unlawful discriminatory practice for the owner,  
5     lessee, sub-lessee, assignee, or managing agent of, or other person  
6     having the right to sell, rent or lease a housing accommodation,  
7     constructed or to be constructed, or any agent or employee thereof:  
8     (1) To refuse to sell, rent, lease or otherwise to deny to or withhold  
9     from any person or group of persons such a housing accommodation because  
10    of the race, creed, color, national origin, sexual orientation, military  
11    status, sex, age, disability, marital status, or familial status of such  
12    person or persons, or to represent that any housing accommodation or  
13    land is not available for inspection, sale, rental or lease when in fact  
14    it is so available.  
15    (2) To discriminate against any person because of race, creed, color,  
16    national origin, sexual orientation, military status, sex, age, disabil-  
17    ity, marital status, or familial status in the terms, conditions or  
18    privileges of the sale, rental or lease of any such housing accommo-

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

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1 dation or in the furnishing of facilities or services in connection  
2 therewith.

3 (3) To print or circulate or cause to be printed or circulated any  
4 statement, advertisement or publication, or to use any form of applica-  
5 tion for the purchase, rental or lease of such housing accommodation or  
6 to make any record or inquiry in connection with the prospective  
7 purchase, rental or lease of such a housing accommodation which  
8 expresses, directly or indirectly, any limitation, specification or  
9 discrimination as to race, creed, color, national origin, sexual orien-  
10 tation, military status, sex, age, disability, marital status, or fami-  
11 lial status, or any intent to make any such limitation, specification or  
12 discrimination.

13 (4) (I) The provisions OF SUBPARAGRAPHS ONE AND TWO of this paragraph  
14 [(a)] shall not apply [(1)] (A) to the rental of a housing accommodation  
15 in a building which contains housing accommodations for not more than  
16 two families living independently of each other, if the owner resides in  
17 one of such housing accommodations, [(2) to the restriction of the  
18 rental of all rooms in a housing accommodation to individuals of the  
19 same sex or (3)] OR (B) to the rental of a room or rooms in a housing  
20 accommodation, if such rental is by the occupant of the housing accommo-  
21 dation or by the owner of the housing accommodation and the owner  
22 resides in such housing accommodation [or (4) solely with respect to age  
23 and familial status to the restriction of the sale, rental or lease of  
24 housing accommodations exclusively to persons sixty-two years of age or  
25 older and the spouse of any such person, or for housing intended and  
26 operated for occupancy by at least one person fifty-five years of age or  
27 older per unit. In determining whether housing is intended and operated  
28 for occupancy by persons fifty-five years of age or older, Sec. 807(b)  
29 (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of  
30 1988, as amended, shall apply]. HOWEVER, SUCH RENTAL PROPERTY SHALL NO  
31 LONGER BE EXEMPT FROM THE PROVISIONS OF SUBPARAGRAPHS ONE AND TWO OF  
32 THIS PARAGRAPH IF THERE IS UNLAWFUL DISCRIMINATORY CONDUCT PURSUANT TO  
33 SUBPARAGRAPH THREE OF THIS PARAGRAPH.

34 (II) THE PROVISIONS OF SUBPARAGRAPHS ONE, TWO AND THREE OF THIS PARA-  
35 GRAPH SHALL NOT APPLY (A) TO THE RESTRICTION OF THE RENTAL OF ALL ROOMS  
36 IN A HOUSING ACCOMMODATION TO INDIVIDUALS OF THE SAME SEX; OR (B) SOLELY  
37 WITH RESPECT TO AGE AND FAMILIAL STATUS TO THE RESTRICTION OF THE SALE,  
38 RENTAL OR LEASE OF HOUSING ACCOMMODATIONS EXCLUSIVELY TO PERSONS SIXTY-  
39 TWO YEARS OF AGE OR OLDER AND THE SPOUSE OF ANY SUCH PERSON, OR FOR  
40 HOUSING INTENDED AND OPERATED FOR OCCUPANCY BY AT LEAST ONE PERSON  
41 FIFTY-FIVE YEARS OF AGE OR OLDER PER UNIT. IN DETERMINING WHETHER HOUS-  
42 ING IS INTENDED AND OPERATED FOR OCCUPANCY BY PERSONS FIFTY-FIVE YEARS  
43 OF AGE OR OLDER, SEC. 807 (B)(2)(C) (42 U.S.C. 3607 (B)(2)(C)) OF THE  
44 FEDERAL FAIR HOUSING ACT OF 1988, AS AMENDED, SHALL APPLY.

45 S 2. This act shall take effect immediately.