

STATE OF NEW YORK

10077

IN ASSEMBLY

March 14, 2018

Introduced by M. of A. MOSLEY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to discrimination based upon the income of persons

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 "source of income" shall include: wages from lawful employment; child support; alimony; foster care subsidies; income derived from social security, or any form of federal, state or local public assistance; housing and rental subsidies and assistance, including section 8 vouchers; savings, investment and trust accounts; and any other forms of lawful income.

§ 2. Paragraph (a) of subdivision 2 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

(a) It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, color, national origin, sexual orientation, military status, sex, source of income, or disability or marital status of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, sexual orientation, military status, sex, source of income, or disability or marital status, or that the patronage or custom thereof of any person of or purporting to be of any particular race, creed, color, national origin, sexual orientation, military status, source of income, sex or marital status,

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

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1 or having a disability is unwelcome, objectionable or not acceptable,
2 desired or solicited.

3 § 3. Paragraphs (a), (b) and (c) of subdivision 2-a of section 296 of
4 the executive law, as amended by chapter 106 of the laws of 2003, are
5 amended to read as follows:

6 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
7 hold from any person or group of persons such housing accommodations
8 because of the race, creed, color, disability, national origin, sexual
9 orientation, military status, age, sex, marital status, ~~[ex]~~ familial
10 status, or source of income of such person or persons, or to represent
11 that any housing accommodation or land is not available for inspection,
12 sale, rental or lease when in fact it is so available.

13 (b) To discriminate against any person because of his or her race,
14 creed, color, disability, national origin, sexual orientation, military
15 status, age, sex, marital status, ~~[ex]~~ familial status, or source of
16 income in the terms, conditions or privileges of any publicly-assisted
17 housing accommodations or in the furnishing of facilities or services in
18 connection therewith.

19 (c) To cause to be made any written or oral inquiry or record concern-
20 ing the race, creed, color, disability, national origin, sexual orien-
21 tation, membership in the reserve armed forces of the United States or
22 in the organized militia of the state, age, sex, marital status, ~~[ex]~~
23 familial status, or source of income of a person seeking to rent or
24 lease any publicly-assisted housing accommodation; provided, however,
25 that nothing in this subdivision shall prohibit a member of the reserve
26 armed forces of the United States or in the organized militia of the
27 state from voluntarily disclosing such membership.

28 § 4. Subdivision 5 of section 296 of the executive law, as amended by
29 chapter 106 of the laws of 2003, is amended to read as follows:

30 5. (a) It shall be an unlawful discriminatory practice for the owner,
31 lessee, sub-lessee, assignee, or managing agent of, or other person
32 having the right to sell, rent or lease a housing accommodation,
33 constructed or to be constructed, or any agent or employee thereof:

34 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
35 from any person or group of persons such a housing accommodation because
36 of the race, creed, color, national origin, sexual orientation, military
37 status, sex, age, disability, marital status, ~~[ex]~~ familial status, or
38 source of income of such person or persons, or to represent that any
39 housing accommodation or land is not available for inspection, sale,
40 rental or lease when in fact it is so available.

41 (2) To discriminate against any person because of race, creed, color,
42 national origin, sexual orientation, military status, sex, age, disabili-
43 ty, marital status, ~~[ex]~~ familial status, or source of income in the
44 terms, conditions or privileges of the sale, rental or lease of any such
45 housing accommodation or in the furnishing of facilities or services in
46 connection therewith.

47 (3) To print or circulate or cause to be printed or circulated any
48 statement, advertisement or publication, or to use any form of applica-
49 tion for the purchase, rental or lease of such housing accommodation or
50 to make any record or inquiry in connection with the prospective
51 purchase, rental or lease of such a housing accommodation which
52 expresses, directly or indirectly, any limitation, specification or
53 discrimination as to race, creed, color, national origin, sexual orien-
54 tation, military status, sex, age, disability, marital status, ~~[ex]~~
55 familial status, or source of income, or any intent to make any such
56 limitation, specification or discrimination.

1 The provisions of this paragraph [~~(a)~~] shall not apply (1) to the
2 rental of a housing accommodation in a building which contains housing
3 accommodations for not more than two families living independently of
4 each other, if the owner resides in one of such housing accommodations,
5 (2) to the restriction of the rental of all rooms in a housing accommo-
6 dation to individuals of the same sex or (3) to the rental of a room or
7 rooms in a housing accommodation, if such rental is by the occupant of
8 the housing accommodation or by the owner of the housing accommodation
9 and the owner resides in such housing accommodation or (4) solely with
10 respect to age and familial status to the restriction of the sale,
11 rental or lease of housing accommodations exclusively to persons sixty-
12 two years of age or older and the spouse of any such person, or for
13 housing intended and operated for occupancy by at least one person
14 fifty-five years of age or older per unit. In determining whether hous-
15 ing is intended and operated for occupancy by persons fifty-five years
16 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
17 federal Fair Housing Act of 1988, as amended, shall apply.

18 (b) It shall be an unlawful discriminatory practice for the owner,
19 lessee, sub-lessee, or managing agent of, or other person having the
20 right of ownership or possession of or the right to sell, rent or lease,
21 land or commercial space:

22 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
23 from any person or group of persons land or commercial space because of
24 the race, creed, color, national origin, sexual orientation, military
25 status, sex, age, disability, marital status, [~~or~~] familial status, or
26 source of income of such person or persons, or to represent that any
27 housing accommodation or land is not available for inspection, sale,
28 rental or lease when in fact it is so available;

29 (2) To discriminate against any person because of race, creed, color,
30 national origin, sexual orientation, military status, sex, age, disabili-
31 ty, marital status, [~~or~~] familial status, or source of income in the
32 terms, conditions or privileges of the sale, rental or lease of any such
33 land or commercial space; or in the furnishing of facilities or services
34 in connection therewith;

35 (3) To print or circulate or cause to be printed or circulated any
36 statement, advertisement or publication, or to use any form of applica-
37 tion for the purchase, rental or lease of such land or commercial space
38 or to make any record or inquiry in connection with the prospective
39 purchase, rental or lease of such land or commercial space which
40 expresses, directly or indirectly, any limitation, specification or
41 discrimination as to race, creed, color, national origin, sexual orien-
42 tation, military status, sex, age, disability, marital status, [~~or~~]
43 familial status, or source of income; or any intent to make any such
44 limitation, specification or discrimination.

45 (4) With respect to age and familial status, the provisions of this
46 paragraph shall not apply to the restriction of the sale, rental or
47 lease of land or commercial space exclusively to persons fifty-five
48 years of age or older and the spouse of any such person, or to the
49 restriction of the sale, rental or lease of land to be used for the
50 construction, or location of housing accommodations exclusively for
51 persons sixty-two years of age or older, or intended and operated for
52 occupancy by at least one person fifty-five years of age or older per
53 unit. In determining whether housing is intended and operated for occu-
54 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
55 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
56 amended, shall apply.

(c) It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, ~~[or]~~ familial status, or source of income of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, ~~[or]~~ familial status, or source of income of such person or persons.

(2) 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 any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space 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, ~~[or]~~ familial status, or source of income; or any intent to make any such limitation, specification or discrimination.

(3) With respect to age and familial status, the provisions of this paragraph shall not apply to the restriction of the sale, rental or lease of any land or commercial space exclusively to persons fifty-five years of age or older and the spouse of any such person, or to the restriction of the sale, rental or lease of any housing accommodation or land to be used for the construction or location of housing accommodations for persons sixty-two years of age or older, or intended and operated for occupancy by at least one person fifty-five years of age or older per unit. 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.

(d) It shall be an unlawful discriminatory practice for any real estate board, because of the race, creed, color, national origin, sexual orientation, military status, age, sex, disability, marital status, ~~[or]~~ familial status, or source of income of any individual who is otherwise qualified for membership, to exclude or expel such individual from membership, or to discriminate against such individual in the terms, conditions and privileges of membership in such board.

(e) It shall be an unlawful discriminatory practice for the owner, proprietor or managing agent of, or other person having the right to provide care and services in, a private proprietary nursing home, convalescent home, or home for adults, or an intermediate care facility, as defined in section two of the social services law, heretofore constructed, or to be constructed, or any agent or employee thereof, to refuse to provide services and care in such home or facility to any individual or to discriminate against any individual in the terms, conditions, and privileges of such services and care solely because such

1 individual is a blind person. For purposes of this paragraph, a "blind
2 person" shall mean a person who is registered as a blind person with the
3 commission for the visually handicapped and who meets the definition of
4 a "blind person" pursuant to section three of chapter four hundred
5 fifteen of the laws of nineteen hundred thirteen entitled "An act to
6 establish a state commission for improving the condition of the blind of
7 the state of New York, and making an appropriation therefor".

8 (f) The provisions of this subdivision, as they relate to age, shall
9 not apply to persons under the age of eighteen years.

10 (g) It shall be an unlawful discriminatory practice for any person
11 offering or providing housing accommodations, land or commercial space
12 as described in paragraphs (a), (b), and (c) of this subdivision to make
13 or cause to be made any written or oral inquiry or record concerning
14 membership of any person in the state organized militia in relation to
15 the purchase, rental or lease of such housing accommodation, land, or
16 commercial space, provided, however, that nothing in this subdivision
17 shall prohibit a member of the state organized militia from voluntarily
18 disclosing such membership.

19 § 5. This act shall take effect immediately.