

STATE OF NEW YORK

10610

IN ASSEMBLY

May 9, 2018

Introduced by M. of A. WEPRIN, MOSLEY, JOYNER, PEOPLES-STOKES, SKOUFIS, MORELLE, MAGNARELLI, CYMBROWITZ, BENEDETTO -- (at request of the Governor) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to preventing discrimination based on lawful source of income in housing

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and maybe cited as the
2 "Lawful source of income non-discrimination act of 2018".

3 § 2. Section 292 of the executive law is amended by adding a new
4 subdivision 35 to read as follows:

5 35. The term "lawful source of income" shall include, but not be
6 limited to, child support, alimony, foster care subsidies, income
7 derived from Social Security, or any form of federal, state, or local
8 public assistance or housing assistance including, but not limited to,
9 Section 8 vouchers, or any other form of housing assistance payment or
10 credit whether or not such income or credit is paid or attributed
11 directly to a landlord, and other forms of lawful income.

12 § 3. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
13 296 of the executive law, paragraphs (a), (b), and (c) as amended and
14 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended
15 to read as follows:

16 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
17 hold from any person or group of persons such housing accommodations
18 because of the race, creed, color, disability, national origin, sexual
19 orientation, military status, age, sex, marital status, lawful source of
20 income, or familial status of such person or persons, or to represent
21 that any housing accommodation or land is not available for inspection,
22 sale, rental or lease when in fact it is so available.

23 (b) To discriminate against any person because of his or her race,
24 creed, color, disability, national origin, sexual orientation, military
25 status, age, sex, marital status, lawful source of income or familial
26 status in the terms, conditions or privileges of any publicly-assisted

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

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

3 (c) To cause to be made any written or oral inquiry or record concern-
4 ing the race, creed, color, disability, national origin, sexual orien-
5 tation, membership in the reserve armed forces of the United States or
6 in the organized militia of the state, age, sex, marital status, lawful
7 source of income or familial status of a person seeking to rent or lease
8 any publicly-assisted housing accommodation; provided, however, that
9 nothing in this subdivision shall prohibit a member of the reserve armed
10 forces of the United States or in the organized militia of the state
11 from voluntarily disclosing such membership.

12 (c-1) To print or circulate or cause to be printed or circulated any
13 statement, advertisement or publication, or to use any form of applica-
14 tion for the purchase, rental or lease of such housing accommodation or
15 to make any record or inquiry in connection with the prospective
16 purchase, rental or lease of such a housing accommodation which
17 expresses, directly or indirectly, any limitation, specification or
18 discrimination as to race, creed, color, national origin, sexual orien-
19 tation, military status, sex, age, disability, marital status, lawful
20 source of income or familial status, or any intent to make any such
21 limitation, specification or discrimination.

22 § 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of
23 section 296 of the executive law, as amended by chapter 106 of the laws
24 of 2003, are amended to read as follows:

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

32 (2) To discriminate against any person because of race, creed, color,
33 national origin, sexual orientation, military status, sex, age, disabili-
34 ty, marital status, lawful source of income or familial status in the
35 terms, conditions or privileges of the sale, rental or lease of any such
36 housing accommodation or in the furnishing of facilities or services in
37 connection therewith.

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

48 § 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of
49 section 296 of the executive law, as amended by chapter 106 of the laws
50 of 2003, are amended to read as follows:

51 (1) To refuse to sell, rent or lease any housing accommodation, land
52 or commercial space to any person or group of persons or to refuse to
53 negotiate for the sale, rental or lease, of any housing accommodation,
54 land or commercial space to any person or group of persons because of
55 the race, creed, color, national origin, sexual orientation, military
56 status, sex, age, disability, marital status, lawful source of income or

1 familial status of such person or persons, or to represent that any
2 housing accommodation, land or commercial space is not available for
3 inspection, sale, rental or lease when in fact it is so available, or
4 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
5 race, creed, color, national origin, sexual orientation, military
6 status, sex, age, disability, marital status, lawful source of income or
7 familial status of such person or persons.

10 (2) To print or circulate or cause to be printed or circulated any
11 statement, advertisement or publication, or to use any form of applica-
12 tion for the purchase, rental or lease of any housing accommodation,
13 land or commercial space or to make any record or inquiry in connection
14 with the prospective purchase, rental or lease of any housing accommo-
15 dation, land or commercial space which expresses, directly or indirect-
16 ly, any limitation, specification, or discrimination as to race, creed,
17 color, national origin, sexual orientation, military status, sex, age,
18 disability, marital status, lawful source of income or familial status;
19 or any intent to make any such limitation, specification or discrimi-
20 nation.

21 § 6. Paragraph (d) of subdivision 5 of section 296 of the executive
22 law, as amended by chapter 106 of the laws of 2003, is amended to read
23 as follows:

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

31 § 7. This act shall take effect immediately and shall apply to all
32 causes of action filed on or after such effective date.