

# STATE OF NEW YORK

6360

2019-2020 Regular Sessions

## IN ASSEMBLY

March 6, 2019

Introduced by M. of A. WEPRIN, JOYNER, TITUS -- 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 may be cited as  
2 the "Lawful source of income non-discrimination act of 2019".

3 § 2. Section 292 of the executive law is amended by adding a new  
4 subdivision 36 to read as follows:

5 36. 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, as amended by chapter 8 of the laws of 2019,  
14 are amended to read as follows:

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

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

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1 lawful source of income or familial status in the terms, conditions or  
2 privileges of any publicly-assisted housing accommodations or in the  
3 furnishing of facilities or services in connection therewith.

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

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

24 § 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of  
25 section 296 of the executive law, as amended by chapter 8 of the laws of  
26 2019, are amended to read as follows:

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

35 (2) To discriminate against any person because of race, creed, color,  
36 national origin, sexual orientation, gender identity or expression,  
37 military status, sex, age, disability, marital status, lawful source of  
38 income or familial status in the terms, conditions or privileges of the  
39 sale, rental or lease of any such housing accommodation or in the  
40 furnishing of facilities or services in connection therewith.

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

51 § 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of  
52 section 296 of the executive law, as amended by chapter 8 of the laws of  
53 2019, are amended to read as follows:

54 (1) To refuse to sell, rent or lease any housing accommodation, land  
55 or commercial space to any person or group of persons or to refuse to  
56 negotiate for the sale, rental or lease, of any housing accommodation,

1 land or commercial space to any person or group of persons because of  
2 the race, creed, color, national origin, sexual orientation, gender  
3 identity or expression, military status, sex, age, disability, marital  
4 status, lawful source of income or familial status of such person or  
5 persons, or to represent that any housing accommodation, land or commer-  
6 cial space is not available for inspection, sale, rental or lease when  
7 in fact it is so available, or otherwise to deny or withhold any housing  
8 accommodation, land or commercial space or any facilities of any housing  
9 accommodation, land or commercial space from any person or group of  
10 persons because of the race, creed, color, national origin, sexual  
11 orientation, gender identity or expression, military status, sex, age,  
12 disability, marital status, lawful source of income or familial status  
13 of such person or persons.

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

25 § 6. Paragraph (d) of subdivision 5 of section 296 of the executive  
26 law, as amended by chapter 8 of the laws of 2019, is amended to read as  
27 follows:

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

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