

# STATE OF NEW YORK

9526

## IN ASSEMBLY

January 24, 2020

Introduced by M. of A. BUCHWALD, ZEBROWSKI -- (at request of the Division of Human Rights) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to providing that there is no exemption from the requirement of nondiscrimination in advertisements and inquiries for the rental of an apartment in an owner-occupied two-unit dwelling, or for the rental of rooms in an owner-occupied dwelling, and that engaging in discriminatory advertising or inquiries 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 Assembly, do enact as follows:

Section 1. The closing paragraph of subparagraph 3 of paragraph (a) of subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

(4) (i) The provisions of subparagraphs one and two of this paragraph ~~[(a)]~~ shall not apply ~~[(1)]~~ to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations~~[(2) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (3) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner resides in such housing accommodation or (4) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing 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]~~. However, such rental property shall no longer be exempt from the provisions of such subparagraphs one and two of this paragraph if there

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

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1 is unlawful discriminatory conduct pursuant to subparagraph three of  
2 this paragraph.

3 (ii) The provisions of subparagraphs one, two and three of this para-  
4 graph shall not apply (A) to the restriction of the rental of all rooms  
5 in a housing accommodation to individuals of the same sex, (B) to the  
6 rental of a room or rooms in a housing accommodation, if such rental is  
7 by the occupant of the housing accommodation or by the owner of the  
8 housing accommodation and the owner resides in such housing accommo-  
9 dation, or (C) solely with respect to age and familial status to the  
10 restriction of the sale, rental or lease of housing accommodations  
11 exclusively to persons sixty-two years of age or older and the spouse of  
12 any such person, or for housing intended and operated for occupancy by  
13 at least one person fifty-five years of age or older per unit. In deter-  
14 mining whether housing is intended and operated for occupancy by persons  
15 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607  
16 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall  
17 apply.

18 § 2. This act shall take effect on the same date and in the same  
19 manner as section 11 of chapter 8 of the laws of 2019.