

# STATE OF NEW YORK

3112

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN, WEPRIN, NOLAN, HEVESI, REYES, SEAWRIGHT, SIMON, GOTTFRIED, PERRY, TAYLOR, DAVILA, ENGLEBRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to directing the division of human rights to promulgate a statement regarding housing discrimination that shall be appended to any form of housing assistance

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

1 Section 1. The executive law is amended by adding a new section 295-a  
2 to read as follows:

3 § 295-a. Additional powers and duties of the division. 1. In addition  
4 to the powers and duties otherwise provided by this article, the divi-  
5 sion shall create and promulgate a statement that shall be appended to  
6 any form of housing assistance administered by any state or municipal  
7 agency including, but not limited to, the section eight housing choice  
8 voucher program, or any other form of housing assistance, payment, or  
9 credit regardless of whether or not such assistance, payment or credit  
10 is paid or attributed directly to a landlord. Such statement shall, at a  
11 minimum, include:

12 (a) examples of different forms of lawful source of income;

13 (b) examples of phrases that may indicate discrimination based on  
14 lawful source of income in violation of section two hundred ninety-six  
15 of this article;

16 (c) a statement that it is illegal for the owner or any other person  
17 having the right to sell, rent or lease a housing accommodation, other  
18 than an accommodation in an owner-occupied building of two units or  
19 fewer, constructed or to be constructed, or any agent or employee there-  
20 of, or any real estate broker, real estate salesperson, or employee or  
21 agent thereof to do the following:

22 (i) refuse to sell, rent, or lease, or otherwise to deny to or with-  
23 hold from a person a housing accommodation because of their receipt or

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

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1 use of housing assistance, or represent that such housing accommodation  
2 is not available for inspection, sale, rental, or lease when in fact it  
3 is so available;

4 (ii) require different terms or conditions or fail or refuse to  
5 provide facilities or services because of a person's receipt or use of  
6 housing assistance;

7 (iii) cause to be made any written or oral inquiry or record concern-  
8 ing the receipt or use of housing assistance of a person seeking to rent  
9 or lease any housing accommodation; or

10 (iv) print or circulate any type of statement, advertisement, or  
11 publication, use any application form, or make any record or inquiry  
12 relating to the prospective purchase, rental, or lease of a housing  
13 accommodation which indirectly or directly expresses any limitation,  
14 specification, or discrimination relating to a person's use or receipt  
15 of housing assistance;

16 (d) a statement that it is illegal for landlords to refuse or delay  
17 making repairs to an individual's unit because such individual pays rent  
18 with housing assistance;

19 (e) a statement that an individual has the right to be free from  
20 discriminatory, harassing or threatening behavior or comments based on  
21 such individual's receipt of or application for housing assistance;

22 (f) contact information, including phone numbers, for the appropriate  
23 agencies and departments at which to make a complaint if the voucher  
24 recipient feels that he or she is a victim of source of income discrimi-  
25 nation;

26 (g) contact information, including phone numbers, for nonprofit organ-  
27 izations dedicated to eliminating housing discrimination;

28 (h) a statement that an individual has the right to file a lawsuit in  
29 a court of law; and

30 (i) any other information deemed appropriate by the commissioner.

31 2. Nothing in this section shall be construed to affect or limit the  
32 duties or responsibilities of any party to fully comply with the  
33 provisions of section two hundred ninety-six of this article.

34 § 2. This act shall take effect on the ninetieth day after it shall  
35 have become a law. Effective immediately, the addition, amendment  
36 and/or repeal of any rule or regulation necessary for the implementation  
37 of this act on its effective date are authorized to be made and  
38 completed on or before such effective date.