

STATE OF NEW YORK

6328

2021-2022 Regular Sessions

IN ASSEMBLY

March 16, 2021

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

AN ACT to amend the executive law, in relation to prohibiting discrimination based on citizenship or immigration status

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

Section 1. Subdivisions 37 and 38 of section 292 of the executive law, subdivision 37 as amended by chapter 118, subdivision 37 as added by chapter 160 of the laws of 2019, are renumbered subdivisions 38, 39 and 40 and a new subdivision 41 is added to read as follows:

41. The term "citizenship or immigration status" means the citizenship of any person or the immigration status of any person who is not a citizen of the United States. Nothing in this article shall preclude verification of citizenship or immigration status where required by law, nor shall an adverse action based on verification of citizenship or immigration status be prohibited where such adverse action is required by law.

§ 2. Subdivision 1 of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, paragraph (a) as separately amended by chapters 8 and 176 of the laws of 2019, paragraphs (b), (c) and (d) as amended by chapter 8 of the laws of 2019 and paragraph (h) as amended by chapter 161 of the laws of 2019, is amended to read as follows:

1. It shall be an unlawful discriminatory practice:

(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

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

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(b) For an employment agency to discriminate against any individual because of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization, because of the age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to insure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation or gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he or she has opposed any practices forbidden under this article or because he or she has filed a complaint, testified or assisted in any proceeding under this article.

(f) Nothing in this subdivision shall affect any restrictions upon the activities of persons licensed by the state liquor authority with respect to persons under twenty-one years of age.

(g) For an employer to compel an employee who is pregnant to take a leave of absence, unless the employee is prevented by such pregnancy from performing the activities involved in the job or occupation in a reasonable manner.

(h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, or because the individual has opposed any practices forbidden under this

1 article or because the individual has filed a complaint, testified or
2 assisted in any proceeding under this article, regardless of whether
3 such harassment would be considered severe or pervasive under precedent
4 applied to harassment claims. Such harassment is an unlawful discrimina-
5 tory practice when it subjects an individual to inferior terms, condi-
6 tions or privileges of employment because of the individual's membership
7 in one or more of these protected categories. The fact that such indi-
8 vidual did not make a complaint about the harassment to such employer,
9 licensing agency, employment agency or labor organization shall not be
10 determinative of whether such employer, licensing agency, employment
11 agency or labor organization shall be liable. Nothing in this section
12 shall imply that an employee must demonstrate the existence of an indi-
13 vidual to whom the employee's treatment must be compared. It shall be an
14 affirmative defense to liability under this subdivision that the harass-
15 ing conduct does not rise above the level of what a reasonable victim of
16 discrimination with the same protected characteristic or characteristics
17 would consider petty slights or trivial inconveniences.

18 § 3. Subdivision 1-a of section 296 of the executive law, as amended
19 by chapter 365 of the laws of 2015 and paragraphs (b), (c) and (d) as
20 amended by chapter 8 of the laws of 2019, is amended to read as follows:

21 1-a. It shall be an unlawful discriminatory practice for an employer,
22 labor organization, employment agency or any joint labor-management
23 committee controlling apprentice training programs:

24 (a) To select persons for an apprentice training program registered
25 with the state of New York on any basis other than their qualifications,
26 as determined by objective criteria which permit review;

27 (b) To deny to or withhold from any person because of race, creed,
28 color, national origin, citizenship or immigration status, sexual orien-
29 tation, gender identity or expression, military status, sex, age, disa-
30 bility, familial status, or marital status, the right to be admitted to
31 or participate in a guidance program, an apprenticeship training
32 program, on-the-job training program, executive training program, or
33 other occupational training or retraining program;

34 (c) To discriminate against any person in his or her pursuit of such
35 programs or to discriminate against such a person in the terms, condi-
36 tions or privileges of such programs because of race, creed, color,
37 national origin, citizenship or immigration status, sexual orientation,
38 gender identity or expression, military status, sex, age, disability,
39 familial status or marital status;

40 (d) To print or circulate or cause to be printed or circulated any
41 statement, advertisement or publication, or to use any form of applica-
42 tion for such programs or to make any inquiry in connection with such
43 program which expresses, directly or indirectly, any limitation, spec-
44 ification or discrimination as to race, creed, color, national origin,
45 citizenship or immigration status, sexual orientation, gender identity
46 or expression, military status, sex, age, disability, familial status or
47 marital status, or any intention to make any such limitation, specifica-
48 tion or discrimination, unless based on a bona fide occupational quali-
49 fication.

50 § 4. Paragraph (a) of subdivision 2 of section 296 of the executive
51 law, as amended by chapter 8 of the laws of 2019, is amended to read as
52 follows:

53 (a) It shall be an unlawful discriminatory practice for any person,
54 being the owner, lessee, proprietor, manager, superintendent, agent or
55 employee of any place of public accommodation, resort or amusement,
56 because of the race, creed, color, national origin, citizenship or immi-

1 gration status, sexual orientation, gender identity or expression, mili-
2 tary status, sex, disability or marital status of any person, directly
3 or indirectly, to refuse, withhold from or deny to such person any of
4 the accommodations, advantages, facilities or privileges thereof,
5 including the extension of credit, or, directly or indirectly, to
6 publish, circulate, issue, display, post or mail any written or printed
7 communication, notice or advertisement, to the effect that any of the
8 accommodations, advantages, facilities and privileges of any such place
9 shall be refused, withheld from or denied to any person on account of
10 race, creed, color, national origin, citizenship or immigration status,
11 sexual orientation, gender identity or expression, military status, sex,
12 disability or marital status, or that the patronage or custom thereof of
13 any person or purporting to be of any particular race, creed, color,
14 national origin, citizenship or immigration status, sexual orientation,
15 gender identity or expression, military status, sex or marital status,
16 or having a disability is unwelcome, objectionable or not acceptable,
17 desired or solicited.

18 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
19 296 of the executive law, as amended by section 3 of part T of chapter
20 56 of the laws of 2019, are amended to read as follows:

21 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
22 hold from any person or group of persons such housing accommodations
23 because of the race, creed, color, disability, national origin, citizen-
24 ship or immigration status, sexual orientation, gender identity or
25 expression, military status, age, sex, marital status, lawful source of
26 income or familial status of such person or persons, or to represent
27 that any housing accommodation or land is not available for inspection,
28 sale, rental or lease when in fact it is so available.

29 (b) To discriminate against any person because of his or her race,
30 creed, color, disability, national origin, citizenship or immigration
31 status, sexual orientation, gender identity or expression, military
32 status, age, sex, marital status, lawful source of income or familial
33 status in the terms, conditions or privileges of any publicly-assisted
34 housing accommodations or in the furnishing of facilities or services in
35 connection therewith.

36 (c) To cause to be made any written or oral inquiry or record concern-
37 ing the race, creed, color, disability, national origin, citizenship or
38 immigration status, sexual orientation, gender identity or expression,
39 membership in the reserve armed forces of the United States or in the
40 organized militia of the state, age, sex, marital status, lawful source
41 of income or familial status of a person seeking to rent or lease any
42 publicly-assisted housing accommodation; provided, however, that nothing
43 in this subdivision shall prohibit a member of the reserve armed forces
44 of the United States or in the organized militia of the state from
45 voluntarily disclosing such membership.

46 (c-1) To print or circulate or cause to be printed or circulated any
47 statement, advertisement or publication, or to use any form of applica-
48 tion for the purchase, rental or lease of such housing accommodation or
49 to make any record or inquiry in connection with the prospective
50 purchase, rental or lease of such a housing accommodation which
51 expresses, directly or indirectly, any limitation, specification or
52 discrimination as to race, creed, color, national origin, citizenship or
53 immigration status, sexual orientation, gender identity or expression,
54 military status, sex, age, disability, marital status, lawful source of
55 income or familial status, or any intent to make any such limitation,
56 specification or discrimination.

§ 6. Paragraph (c) of subdivision 3 of section 296 of the executive law, as added by chapter 369 of the laws of 2015, is relettered paragraph (d).

§ 7. Subdivisions 3-b and 4 of section 296 of the executive law, as amended by chapter 8 and subdivision 4 as separately amended by chapter 116 of the laws of 2019, are amended to read as follows:

3-b. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, marital status, or familial status of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

4. It shall be an unlawful discriminatory practice for an educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age or marital status, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

§ 8. Subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, subparagraphs 1, 2 and 3 of paragraph (a) as amended by section 4, subparagraphs 1 and 2 of paragraph (c) as amended by section 5, and paragraph (d) as amended by section 6 of part T of chapter 56 of the laws of 2019, is amended to read as follows:

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

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

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

(3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of applica-

tion for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income or familial status, or any intent to make any such limitation, specification or discrimination.

The provisions 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.

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

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

(2) To discriminate against any person because of race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, or familial status in the terms, conditions or privileges of the sale, rental or lease of any such land or commercial space; or in the furnishing of facilities or services in connection therewith;

(3) 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 such land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of such land or commercial space which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, or familial status; or any intent to make any such limitation, specification or discrimination.

(4) 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 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 land to be used for the construction, or location of housing accommodations exclusively 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.

(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, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income or familial status 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, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income or familial status 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, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income or familial status; 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 housing accommodation, 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, citi-

1 zenship or immigration status, sexual orientation, gender identity or
2 expression, military status, age, sex, disability, marital status,
3 lawful source of income or familial status of any individual who is
4 otherwise qualified for membership, to exclude or expel such individual
5 from membership, or to discriminate against such individual in the
6 terms, conditions and privileges of membership in such board.

7 (e) It shall be an unlawful discriminatory practice for the owner,
8 proprietor or managing agent of, or other person having the right to
9 provide care and services in, a private proprietary nursing home, conva-
10 lescent home, or home for adults, or an intermediate care facility, as
11 defined in section two of the social services law, heretofore
12 constructed, or to be constructed, or any agent or employee thereof, to
13 refuse to provide services and care in such home or facility to any
14 individual or to discriminate against any individual in the terms,
15 conditions, and privileges of such services and care solely because such
16 individual is a blind person. For purposes of this paragraph, a "blind
17 person" shall mean a person who is registered as a blind person with the
18 commission for the visually handicapped and who meets the definition of
19 a "blind person" pursuant to section three of chapter four hundred
20 fifteen of the laws of nineteen hundred thirteen entitled "An act to
21 establish a state commission for improving the condition of the blind of
22 the state of New York, and making an appropriation therefor".

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

25 (g) It shall be an unlawful discriminatory practice for any person
26 offering or providing housing accommodations, land or commercial space
27 as described in paragraphs (a), (b), and (c) of this subdivision to make
28 or cause to be made any written or oral inquiry or record concerning
29 membership of any person in the state organized militia in relation to
30 the purchase, rental or lease of such housing accommodation, land, or
31 commercial space, provided, however, that nothing in this subdivision
32 shall prohibit a member of the state organized militia from voluntarily
33 disclosing such membership.

34 § 9. Paragraph (a) of subdivision 9 of section 296 of the executive
35 law, as amended by chapter 8 of the laws of 2019, is amended to read as
36 follows:

37 (a) It shall be an unlawful discriminatory practice for any fire
38 department or fire company therein, through any member or members there-
39 of, officers, board of fire commissioners or other body or office having
40 power of appointment of volunteer firefighters, directly or indirectly,
41 by ritualistic practice, constitutional or by-law prescription, by tacit
42 agreement among its members, or otherwise, to deny to any individual
43 membership in any volunteer fire department or fire company therein, or
44 to expel or discriminate against any volunteer member of a fire depart-
45 ment or fire company therein, because of the race, creed, color,
46 national origin, citizenship or immigrations status, sexual orientation,
47 gender identity or expression, military status, sex, marital status, or
48 familial status, of such individual.

49 § 10. Subdivision 13 of section 296 of the executive law, as amended
50 by chapter 8 of the laws of 2019, is amended to read as follows:

51 13. It shall be an unlawful discriminatory practice (i) for any person
52 to boycott or blacklist, or to refuse to buy from, sell to or trade
53 with, or otherwise discriminate against any person, because of the race,
54 creed, color, national origin, citizenship or immigration status, sexual
55 orientation, gender identity or expression, military status, sex, disa-
56 bility, or familial status, of such person, or of such person's part-

ners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers or customers, or (ii) for any person wilfully to do any act or refrain from doing any act which enables any such person to take such action. This subdivision shall not apply to:

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

§ 11. Subdivisions 1, 2 and 3 of section 296-a of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

1. It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof:

a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit;

b. To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status;

c. To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status;

d. To make any inquiry of an applicant concerning his or her capacity to reproduce, or his or her use or advocacy of any form of birth control or family planning;

e. To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of an applicant's race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, marital status, childbearing potential, disability, or familial status;

f. To discriminate against a married person because such person neither uses nor is known by the surname of his or her spouse.

This paragraph shall not apply to any situation where the use of a surname would constitute or result in a criminal act.

2. Without limiting the generality of subdivision one of this section, it shall be considered discriminatory if, because of an applicant's or class of applicants' race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, marital status or disability, or familial status, (i) an applicant or class of applicants is denied credit in circumstances where other applicants of like overall credit worthiness

1 are granted credit, or (ii) special requirements or conditions, such as
2 requiring co-obligors or reapplication upon marriage, are imposed upon
3 an applicant or class of applicants in circumstances where similar
4 requirements or conditions are not imposed upon other applicants of like
5 overall credit worthiness.

6 3. It shall not be considered discriminatory if credit differen-
7 tiations or decisions are based upon factually supportable, objective
8 differences in applicants' overall credit worthiness, which may include
9 reference to such factors as current income, assets and prior credit
10 history of such applicants, as well as reference to any other relevant
11 factually supportable data; provided, however, that no creditor shall
12 consider, in evaluating the credit worthiness of an applicant, aggregate
13 statistics or assumptions relating to race, creed, color, national
14 origin, citizenship or immigration status, sexual orientation, gender
15 identity or expression, military status, sex, marital status or disabil-
16 ity, or to the likelihood of any group of persons bearing or rearing
17 children, or for that reason receiving diminished or interrupted income
18 in the future.

19 § 12. Subdivision 2 of section 296-c of the executive law, as added by
20 chapter 97 of the laws of 2014, is amended to read as follows:

21 2. It shall be an unlawful discriminatory practice for an employer to:

22 a. refuse to hire or employ or to bar or to discharge from internship
23 an intern or to discriminate against such intern in terms, conditions or
24 privileges of employment as an intern because of the intern's age, race,
25 creed, color, national origin, citizenship or immigration status, sexual
26 orientation, military status, sex, disability, predisposing genetic
27 characteristics, marital status, or domestic violence victim status;

28 b. discriminate against an intern in receiving, classifying, disposing
29 or otherwise acting upon applications for internships because of the
30 intern's age, race, creed, color, national origin, citizenship or immi-
31 gration status, sexual orientation, military status, sex, disability,
32 predisposing genetic characteristics, marital status, or domestic
33 violence victim status;

34 c. print or circulate or cause to be printed or circulated any state-
35 ment, advertisement or publication, or to use any form of application
36 for employment as an intern or to make any inquiry in connection with
37 prospective employment, which expresses directly or indirectly, any
38 limitation, specification or discrimination as to age, race, creed,
39 color, national origin, citizenship or immigration status, sexual orien-
40 tation, military status, sex, disability, predisposing genetic charac-
41 teristics, marital status or domestic violence victim status, or any
42 intent to make any such limitation, specification or discrimination,
43 unless based upon a bona fide occupational qualification; provided,
44 however, that neither this paragraph nor any provision of this chapter
45 or other law shall be construed to prohibit the department of civil
46 service or the department of personnel of any city containing more than
47 one county from requesting information from applicants for civil service
48 internships or examinations concerning any of the aforementioned charac-
49 teristics, other than sexual orientation, for the purpose of conducting
50 studies to identify and resolve possible problems in recruitment and
51 testing of members of minority groups to insure the fairest possible and
52 equal opportunities for employment in the civil service for all persons,
53 regardless of age, race, creed, color, national origin, citizenship or
54 immigration status, sexual orientation, military status, sex, disabili-
55 ty, predisposing genetic characteristics, marital status or domestic
56 violence victim status;

1 d. to discharge, expel or otherwise discriminate against any person
2 because he or she has opposed any practices forbidden under this article
3 or because he or she has filed a complaint, testified or assisted in any
4 proceeding under this article; or

5 e. to compel an intern who is pregnant to take a leave of absence,
6 unless the intern is prevented by such pregnancy from performing the
7 activities involved in the job or occupation in a reasonable manner.

8 § 13. Paragraph (b) of subdivision 3 of section 296-c of the executive
9 law, as added by chapter 97 of the laws of 2014, is amended to read as
10 follows:

11 b. subject an intern to unwelcome harassment based on age, sex, race,
12 creed, color, sexual orientation, military status, disability, predis-
13 posing genetic characteristics, marital status, domestic violence victim
14 status, ~~[or]~~ national origin, or citizenship or immigration status,
15 where such harassment has the purpose or effect of unreasonably inter-
16 fering with the intern's work performance by creating an intimidating,
17 hostile, or offensive working environment.

18 § 14. This act shall take effect immediately.