STATE OF NEW YORK

112

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to requiring annual fair housing testing

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

Section 1. Section 292 of the executive law is amended by adding a new subdivision 39 to read as follows:

39. The term "fair housing testing" shall mean a covert housing investigation to gather evidence of compliance with this article involving one or more persons who initiate contact with another person or entity for the purpose of comparing how members and non-members of a protected class, as defined by this article, who are otherwise similarly situated are treated. The investigation may also include comparing the observed conduct or business practices to the requirements of fair housing laws and analysis of any publicly available data to identify discriminatory fair housing practices.

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

§ 295-a. Fair housing testing. The attorney general shall conduct yearly fair housing testing to ensure compliance with this article. The results of such fair housing testing shall be reported annually to the governor and the legislature, including the number of tests conducted each year, the number of instances of possible discrimination found as a result of such testing, and any resulting enforcement action brought as a result of such testing. The attorney general may contract to a non-profit organization that operates a full-service fair housing program and has expertise in conducting fair housing testing for at least two years to execute any portion or all of the fair housing tests. Any

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

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organization or individual contracted by the attorney general to perform fair housing testing under this section shall not be precluded from pursuing any and all remedies available under law for any potential discrimination found as a result of fair housing testing done pursuant to this section.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.