STATE OF NEW YORK

5935

2021-2022 Regular Sessions

IN SENATE

March 23, 2021

Introduced by Sen. PARKER -- 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 rental discrimination based upon consumer credit history

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 "consumer credit history" means an individual's credit worthiness, credit standing, credit capacity or payment history, as indicated by:

(a) a consumer credit report; or

(b) credit score.

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

(a) **(i)** To refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, sexual orientation, gender identity or expression, military status, age, sex, 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.

(ii) To refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the consumer credit history of such person or persons, or to represent that any housing accommodation is not available for rental or lease when in fact it is so available.

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

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(b) To discriminate against any person because of his or her race, creed, color, disability, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, lawful source of income [~~or~~], familial status **or consumer credit history** in the terms, conditions or privileges of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, color, disability, national origin, sexual orientation, gender identity or expression, membership in the reserve armed forces of the United States or in the organized militia of the state, age, sex, marital status, lawful source of income [~~or~~], familial status **or consumer credit history** of a person seeking to rent or lease any publicly-assisted housing accommodation; provided, however, that nothing in this subdivision shall prohibit a member of the reserve armed forces of the United States or in the organized militia of the state from voluntarily disclosing such membership.

§ 3. Subdivision 5 of section 296 of the executive law is amended by adding a new paragraph (h) to read as follows:

(h) It shall be an unlawful discriminatory practice for any person offering housing accommodations for rent or lease as described in paragraphs (a), (b) and (c) of this subdivision to refuse to rent or lease or otherwise deny to or withhold from any person or group of persons such housing accommodations because of the consumer credit history of such person or persons, or to represent that any housing accommodation is not available for rental or lease when in fact it is so available.

§ 4. This act shall take effect immediately.