

# STATE OF NEW YORK

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6886

2021-2022 Regular Sessions

## IN SENATE

May 20, 2021

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Introduced by Sen. LIU -- (at request of the Division of Human Rights)  
-- 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 providing that there  
is no exemption from the requirement of nondiscrimination in adver-  
tisements and inquiries for the rental of an apartment in an owner-oc-  
cupied two-unit dwelling, or for the rental of rooms in an owner-occu-  
pied 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 Assem-  
bly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 5 of section 296 of the exec-  
2 utive law, as amended by chapter 8 of the laws of 2019 and subparagraphs  
3 1, 2, and 3 as amended by section 4 of part T of chapter 56 of the laws  
4 of 2019, is amended to read as follows:

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

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

17 (2) To discriminate against any person because of race, creed, color,  
18 national origin, sexual orientation, gender identity or expression,  
19 military status, sex, age, disability, marital status, lawful source of

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

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1 income or familial status in the terms, conditions or privileges of the  
2 sale, rental or lease of any such housing accommodation or in the  
3 furnishing of facilities or services in connection therewith.

4 (3) To print or circulate or cause to be printed or circulated any  
5 statement, advertisement or publication, or to use any form of applica-  
6 tion for the purchase, rental or lease of such housing accommodation or  
7 to make any record or inquiry in connection with the prospective  
8 purchase, rental or lease of such a housing accommodation which  
9 expresses, directly or indirectly, any limitation, specification or  
10 discrimination as to race, creed, color, national origin, sexual orien-  
11 tation, gender identity or expression, military status, sex, age, disa-  
12 bility, marital status, lawful source of income or familial status, or  
13 any intent to make any such limitation, specification or discrimination.

14 (4) (i) The provisions of subparagraphs one and two of this paragraph  
15 [~~(a)~~] shall not apply (1) to the rental of a housing accommodation in a  
16 building which contains housing accommodations for not more than two  
17 families living independently of each other, if the owner resides in one  
18 of such housing accommodations, (2) to the restriction of the rental of  
19 all rooms in a housing accommodation to individuals of the same sex or  
20 (3) to the rental of a room or rooms in a housing accommodation, if such  
21 rental is by the occupant of the housing accommodation or by the owner  
22 of the housing accommodation and the owner resides in such housing  
23 accommodation or (4) solely with respect to age and familial status to  
24 the restriction of the sale, rental or lease of housing accommodations  
25 exclusively to persons sixty-two years of age or older and the spouse of  
26 any such person, or for housing intended and operated for occupancy by  
27 at least one person fifty-five years of age or older per unit. In deter-  
28 mining whether housing is intended and operated for occupancy by persons  
29 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607  
30 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall  
31 apply. However, such rental property shall no longer be exempt from the  
32 provisions of subparagraphs one and two of this paragraph if there is  
33 unlawful discriminatory conduct pursuant to subparagraph three of this  
34 paragraph.

35 (ii) The provisions of subparagraphs one, two, and three of this para-  
36 graph shall not apply (1) to the restriction of the rental of all rooms  
37 in a housing accommodation to individuals of the same sex, (2) to the  
38 rental of a room or rooms in a housing accommodation, if such rental is  
39 by the occupant of the housing accommodation or by the owner of the  
40 housing accommodation and the owner resides in such housing accommo-  
41 dation, or (3) solely with respect to age and familial status to the  
42 restriction of the sale, rental or lease of housing accommodations  
43 exclusively to persons sixty-two years of age or older and the spouse of  
44 any such person, or for housing intended and operated for occupancy by  
45 at least one person fifty-five years of age or older per unit. In deter-  
46 mining whether housing is intended and operated for occupancy by persons  
47 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607  
48 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall  
49 apply.

50 § 2. This act shall take effect immediately.