

# STATE OF NEW YORK

627

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Housing

AN ACT to amend the executive law and the administrative code of the city of New York, in relation to potential tenants with a criminal history; and to amend the public housing law, in relation to public housing applicants with a criminal history

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

1 Section 1. Subdivision 1 of section 296 of the executive law is  
2 amended by adding a new paragraph (i) to read as follows:

3 (i) For a landlord or his or her agent to deny a potential tenant's  
4 application for rental based solely upon such potential tenant's crimi-  
5 nal history.

6 § 2. Paragraphs (e) and (f) of subdivision 1 of section 8-107 of the  
7 administrative code of the city of New York, paragraph (e) as amended by  
8 local law number 63 of the city of New York for the year 2018, and para-  
9 graph (f) as amended by local law number 172 of the city of New York for  
10 the year 2019, are amended to read as follows:

11 (e) For a landlord or his or her agent to deny a potential tenant's  
12 application for rental based solely upon such potential tenant's crimi-  
13 nal history.

14 (f) The provisions of this subdivision and subdivision 2 of this  
15 section: (i) as they apply to employee benefit plans, shall not be  
16 construed to preclude an employer from observing the provisions of any  
17 plan covered by the federal employment retirement income security act of  
18 1974 that is in compliance with applicable federal discrimination laws  
19 where the application of the provisions of such subdivisions to such  
20 plan would be preempted by such act; (ii) shall not preclude the varying  
21 of insurance coverages according to an employee's age; (iii) shall not  
22 be construed to affect any retirement policy or system that is permitted

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

LBD00287-01-1

1 pursuant to paragraphs (e) and (f) of subdivision 3-a of section 296 of  
2 the executive law; (iv) shall not be construed to affect the retirement  
3 policy or system of an employer where such policy or system is not a  
4 subterfuge to evade the purposes of this chapter.

5 [~~(f)~~] (g) The provisions of this subdivision do not govern the employ-  
6 ment by an employer of the employer's parents, spouse, domestic partner,  
7 or children; provided, however, that such family members shall be count-  
8 ed as persons employed by an employer for the purposes of the definition  
9 of employer set forth in section 8-102.

10 § 3. Section 14 of the public housing law is amended by adding a new  
11 subdivision 8 to read as follows:

12 8. The commissioner shall promulgate rules and regulations for state  
13 or locally funded rental subsidies or affordable housing lotteries,  
14 which:

15 (a) prohibit any state or locally funded rental subsidy or affordable  
16 housing lottery from inquiring about an applicant's criminal history  
17 before such applicant has been found eligible for such rental subsidy  
18 or affordable housing lottery;

19 (b) develop strict criteria under which only individuals with a crimi-  
20 nal history directly relating to public safety may be denied a rental  
21 subsidy or affordable housing lottery based on such criminal history;

22 (c) prohibit any sealed criminal records of applicants for rental  
23 subsidies or affordable housing lotteries from being considered in the  
24 application process; and

25 (d) allow applicants whose applications are rejected to appeal such  
26 rejection.

27 § 4. This act shall take effect on the one hundred twentieth day after  
28 it shall have become a law. Effective immediately, the addition, amend-  
29 ment and/or repeal of any rule or regulation necessary for the implemen-  
30 tation of this act on its effective date are authorized to be made and  
31 completed on or before such effective date.