

STATE OF NEW YORK

6328--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 16, 2021

Introduced by M. of A. CRUZ, BICHOTTE HERMELYN -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

5 41. The term "citizenship or immigration status" means the citizenship
6 of any person or the immigration status of any person who is not a citi-
7 zen of the United States. Nothing in this article shall preclude verifi-
8 cation of citizenship or immigration status where required by law, nor
9 shall an adverse action based on verification of citizenship or immi-
10 gration status be prohibited where such adverse action is required by
11 law.

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

17 1. It shall be an unlawful discriminatory practice:

18 (a) For an employer or licensing agency, because of an individual's
19 age, race, creed, color, national origin, citizenship or immigration
20 status, sexual orientation, gender identity or expression, military
21 status, sex, disability, predisposing genetic characteristics, familial

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

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1 status, marital status, or status as a victim of domestic violence, to
2 refuse to hire or employ or to bar or to discharge from employment such
3 individual or to discriminate against such individual in compensation or
4 in terms, conditions or privileges of employment.

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

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

19 (d) For any employer or employment agency to print or circulate or
20 cause to be printed or circulated any statement, advertisement or publi-
21 cation, or to use any form of application for employment or to make any
22 inquiry in connection with prospective employment, which expresses
23 directly or indirectly, any limitation, specification or discrimination
24 as to age, race, creed, color, national origin, citizenship or immi-
25 gration status, sexual orientation, gender identity or expression, mili-
26 tary status, sex, disability, predisposing genetic characteristics,
27 familial status, or marital status, or any intent to make any such limi-
28 tation, specification or discrimination, unless based upon a bona fide
29 occupational qualification; provided, however, that neither this para-
30 graph nor any provision of this chapter or other law shall be construed
31 to prohibit the department of civil service or the department of person-
32 nel of any city containing more than one county from requesting informa-
33 tion from applicants for civil service examinations concerning any of
34 the aforementioned characteristics, other than sexual orientation, for
35 the purpose of conducting studies to identify and resolve possible prob-
36 lems in recruitment and testing of members of minority groups to insure
37 the fairest possible and equal opportunities for employment in the civil
38 service for all persons, regardless of age, race, creed, color, national
39 origin, citizenship or immigration status, sexual orientation or gender
40 identity or expression, military status, sex, disability, predisposing
41 genetic characteristics, familial status, or marital status.

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

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

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

54 (h) For an employer, licensing agency, employment agency or labor
55 organization to subject any individual to harassment because of an indi-
56 vidual's age, race, creed, color, national origin, citizenship or immi-

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

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

25 1-a. It shall be an unlawful discriminatory practice for an employer,
26 labor organization, employment agency or any joint labor-management
27 committee controlling apprentice training programs:

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

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

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

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

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

(a) It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability or marital status of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability or marital status, or that the patronage or custom thereof of any person of or purporting to be of any particular race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

§ 5. Paragraphs (a), (b), (c) and (c-1) 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) 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, citizenship or immigration status, 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.

(b) To discriminate against any person because of his or her race, creed, color, disability, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, marital status, lawful source of income or familial status 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, citizenship or immigration status, 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 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.

(c-1) 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 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

1 immigration status, sexual orientation, gender identity or expression,
2 military status, sex, age, disability, marital status, lawful source of
3 income or familial status, or any intent to make any such limitation,
4 specification or discrimination.

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

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

12 3-b. It shall be an unlawful discriminatory practice for any real
13 estate broker, real estate salesperson or employee or agent thereof or
14 any other individual, corporation, partnership or organization for the
15 purpose of inducing a real estate transaction from which any such person
16 or any of its stockholders or members may benefit financially, to repre-
17 sent that a change has occurred or will or may occur in the composition
18 with respect to race, creed, color, national origin, citizenship or
19 immigration status, sexual orientation, gender identity or expression,
20 military status, sex, disability, marital status, or familial status of
21 the owners or occupants in the block, neighborhood or area in which the
22 real property is located, and to represent, directly or indirectly, that
23 this change will or may result in undesirable consequences in the block,
24 neighborhood or area in which the real property is located, including
25 but not limited to the lowering of property values, an increase in crim-
26 inal or anti-social behavior, or a decline in the quality of schools or
27 other facilities.

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

36 § 8. Subdivision 5 of section 296 of the executive law, as amended by
37 chapter 8 of the laws of 2019, paragraph (a) as amended by chapter 300
38 of the laws of 2021, subparagraphs 1 and 2 of paragraph (c) as amended
39 by section 5, and paragraph (d) as amended by section 6 of part T of
40 chapter 56 of the laws of 2019, is amended to read as follows:

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

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

53 (2) To discriminate against any person because of race, creed, color,
54 national origin, citizenship or immigration status, sexual orientation,
55 gender identity or expression, military status, sex, age, disability,
56 marital status, lawful source of income or familial status in the terms,

1 conditions or privileges of the sale, rental or lease of any such hous-
2 ing accommodation or in the furnishing of facilities or services in
3 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, citizenship or
11 immigration status, sexual orientation, gender identity or expression,
12 military status, sex, age, disability, marital status, lawful source of
13 income or familial status, or any intent to make any such limitation,
14 specification or discrimination.

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

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

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

55 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
56 from any person or group of persons land or commercial space because of

1 the race, creed, color, national origin, citizenship or immigration
2 status, sexual orientation, gender identity or expression, military
3 status, sex, age, disability, marital status, or familial status of such
4 person or persons, or to represent that any housing accommodation or
5 land is not available for inspection, sale, rental or lease when in fact
6 it is so available;

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

13 (3) To print or circulate or cause to be printed or circulated any
14 statement, advertisement or publication, or to use any form of applica-
15 tion for the purchase, rental or lease of such land or commercial space
16 or to make any record or inquiry in connection with the prospective
17 purchase, rental or lease of such land or commercial space which
18 expresses, directly or indirectly, any limitation, specification or
19 discrimination as to race, creed, color, national origin, citizenship or
20 immigration status, sexual orientation, gender identity or expression,
21 military status, sex, age, disability, marital status, or familial
22 status; or any intent to make any such limitation, specification or
23 discrimination.

24 (4) With respect to age and familial status, the provisions of this
25 paragraph shall not apply to the restriction of the sale, rental or
26 lease of land or commercial space exclusively to persons fifty-five
27 years of age or older and the spouse of any such person, or to the
28 restriction of the sale, rental or lease of land to be used for the
29 construction, or location of housing accommodations exclusively for
30 persons sixty-two years of age or older, or intended and operated for
31 occupancy by at least one person fifty-five years of age or older per
32 unit. In determining whether housing is intended and operated for occu-
33 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
34 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
35 amended, shall apply.

36 (c) It shall be an unlawful discriminatory practice for any real
37 estate broker, real estate salesperson or employee or agent thereof:

38 (1) To refuse to sell, rent or lease any housing accommodation, land
39 or commercial space to any person or group of persons or to refuse to
40 negotiate for the sale, rental or lease, of any housing accommodation,
41 land or commercial space to any person or group of persons because of
42 the race, creed, color, national origin, citizenship or immigration
43 status, sexual orientation, gender identity or expression, military
44 status, sex, age, disability, marital status, lawful source of income or
45 familial status of such person or persons, or to represent that any
46 housing accommodation, land or commercial space is not available for
47 inspection, sale, rental or lease when in fact it is so available, or
48 otherwise to deny or withhold any housing accommodation, land or commer-
49 cial space or any facilities of any housing accommodation, land or
50 commercial space from any person or group of persons because of the
51 race, creed, color, national origin, citizenship or immigration status,
52 sexual orientation, gender identity or expression, military status, sex,
53 age, disability, marital status, lawful source of income or familial
54 status of such person or persons.

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

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

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

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

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

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

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

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

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

1 origin, citizenship or immigration status, sexual orientation, gender
2 identity or expression, military status, age, sex, marital status, disa-
3 bility, or familial status;

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

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

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

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

17 2. Without limiting the generality of subdivision one of this section,
18 it shall be considered discriminatory if, because of an applicant's or
19 class of applicants' race, creed, color, national origin, citizenship or
20 immigration status, sexual orientation, gender identity or expression,
21 military status, age, sex, marital status or disability, or familial
22 status, (i) an applicant or class of applicants is denied credit in
23 circumstances where other applicants of like overall credit worthiness
24 are granted credit, or (ii) special requirements or conditions, such as
25 requiring co-obligors or reapplication upon marriage, are imposed upon
26 an applicant or class of applicants in circumstances where similar
27 requirements or conditions are not imposed upon other applicants of like
28 overall credit worthiness.

29 3. It shall not be considered discriminatory if credit differen-
30 tiations or decisions are based upon factually supportable, objective
31 differences in applicants' overall credit worthiness, which may include
32 reference to such factors as current income, assets and prior credit
33 history of such applicants, as well as reference to any other relevant
34 factually supportable data; provided, however, that no creditor shall
35 consider, in evaluating the credit worthiness of an applicant, aggregate
36 statistics or assumptions relating to race, creed, color, national
37 origin, citizenship or immigration status, sexual orientation, gender
38 identity or expression, military status, sex, marital status or disabil-
39 ity, or to the likelihood of any group of persons bearing or rearing
40 children, or for that reason receiving diminished or interrupted income
41 in the future.

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

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

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

51 b. discriminate against an intern in receiving, classifying, disposing
52 or otherwise acting upon applications for internships because of the
53 intern's age, race, creed, color, national origin, citizenship or immi-
54 gration status, sexual orientation, military status, sex, disability,
55 predisposing genetic characteristics, marital status, or domestic
56 violence victim status;

1 c. print or circulate or cause to be printed or circulated any state-
2 ment, advertisement or publication, or to use any form of application
3 for employment as an intern or to make any inquiry in connection with
4 prospective employment, which expresses directly or indirectly, any
5 limitation, specification or discrimination as to age, race, creed,
6 color, national origin, citizenship or immigration status, sexual orien-
7 tation, military status, sex, disability, predisposing genetic charac-
8 teristics, marital status or domestic violence victim status, or any
9 intent to make any such limitation, specification or discrimination,
10 unless based upon a bona fide occupational qualification; provided,
11 however, that neither this paragraph nor any provision of this chapter
12 or other law shall be construed to prohibit the department of civil
13 service or the department of personnel of any city containing more than
14 one county from requesting information from applicants for civil service
15 internships or examinations concerning any of the aforementioned charac-
16 teristics, other than sexual orientation, for the purpose of conducting
17 studies to identify and resolve possible problems in recruitment and
18 testing of members of minority groups to insure the fairest possible and
19 equal opportunities for employment in the civil service for all persons,
20 regardless of age, race, creed, color, national origin, citizenship or
21 immigration status, sexual orientation, military status, sex, disabili-
22 ty, predisposing genetic characteristics, marital status or domestic
23 violence victim status;

24 d. to discharge, expel or otherwise discriminate against any person
25 because he or she has opposed any practices forbidden under this article
26 or because he or she has filed a complaint, testified or assisted in any
27 proceeding under this article; or

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

31 § 13. Paragraph b of subdivision 3 of section 296-c of the executive
32 law, as added by chapter 97 of the laws of 2014, is amended to read as
33 follows:

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

41 § 14. Subdivisions 9 and 10 of section 63 of the executive law, as
42 amended by chapter 160 of the laws of 2019, are amended to read as
43 follows:

44 9. Bring and prosecute or defend upon request of the commissioner of
45 labor or the state division of human rights, any civil action or
46 proceeding, the institution or defense of which in his judgment is
47 necessary for effective enforcement of the laws of this state against
48 discrimination by reason of age, race, sex, creed, color, national
49 origin, sexual orientation, gender identity or expression, military
50 status, disability, predisposing genetic characteristics, familial
51 status, marital status, citizenship or immigration status, or domestic
52 violence victim status, or for enforcement of any order or determination
53 of such commissioner or division made pursuant to such laws.

54 10. Prosecute every person charged with the commission of a criminal
55 offense in violation of any of the laws of this state against discrimi-
56 nation because of age, race, sex, creed, color, national origin, sexual

1 orientation, gender identity or expression, military status, disability,
2 predisposing genetic characteristics, familial status, marital status,
3 citizenship or immigration status, or domestic violence victim status,
4 in any case where in his judgment, because of the extent of the offense,
5 such prosecution cannot be effectively carried on by the district attorney of the county wherein the offense or a portion thereof is alleged to
6 have been committed, or where in his judgment the district attorney has
7 erroneously failed or refused to prosecute. In all such proceedings, the
8 attorney-general may appear in person or by his deputy or assistant
9 before any court or any grand jury and exercise all the powers and
10 perform all the duties in respect of such actions or proceedings which
11 the district attorney would otherwise be authorized or required to exercise or perform.
12
13
14 § 15. This act shall take effect immediately.