

# STATE OF NEW YORK

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8274

2021-2022 Regular Sessions

## IN ASSEMBLY

August 25, 2021

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Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to clarifying the standard for disparate treatment claims

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

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

3 39. The terms "because of" and "because" in disparate treatment cases  
4 mean the unlawful motive was a motivating factor. Nothing in this defi-  
5 inition is intended to preclude or limit use of the disparate impact  
6 method of proving liability.

7 § 2. This act shall take effect immediately.

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

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