

STATE OF NEW YORK

4279

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sens. RIVERA, SALAZAR, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, the election law, the public officers law, the tax law, the general obligations law, the education law, the alcoholic beverage control law, the general city law, chapter 882 of the laws of 1953, establishing a compact with the state of New Jersey for the elimination of criminal and corrupt practices in the handling of waterborne freight within the port of New York district, the public health law, the general business law, the real property law, the judiciary law, the social services law and the correction law, in relation to enacting the "New York is home act" to establish New York state citizenship, regardless of federal immigration status, and requiring the provision of certain rights of such citizenship; to repeal section 131-k of the social services law relating to illegal aliens

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York is home act".

3 § 2. Legislative findings. The legislature hereby finds that New York
4 is home to over 19.5 million individuals, including workers, consumers,
5 students, neighbors and taxpayers. The wellbeing of this state is inex-
6 tricably linked to the wellbeing of all these New Yorkers. These New
7 Yorkers share a common destiny and common dreams: a thriving New York
8 state replete with healthy families, healthy communities and striving
9 businesses. New York is home to these individuals, regardless of their
10 federal immigration status.

11 This act addresses the compelling need to lift up all state residents,
12 upon whom this state's society, vibrancy, health and economic growth
13 depend. Our state recognizes the value of those who contribute to and
14 make our state home.

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

LBD07872-01-1

1 It also makes economic sense to enable all New Yorkers, who are pres-
2 ent in and a part of the fabric of our state, to contribute fully to our
3 state revenue, to participate in our state conversations, and to access
4 benefits that are the foundation of a healthy, thriving New York state.
5 Although the futures of many New Yorkers are undeniably circumscribed by
6 current federal immigration law, many of those New Yorkers also enjoy an
7 inchoate federal permission to be here, and this state enables them to
8 make our state their home, as well. Many of these New Yorkers pay taxes,
9 with approximately \$744 million paid in state and local taxes each year.
10 However, current state law prevents them from accessing equal higher
11 education opportunities, health care benefits and professional licenses.
12 Denying New Yorkers these benefits means denying the state its full
13 potential to succeed.

14 The state of New York respects the exclusive province of the federal
15 government to regulate immigration and the flow of immigrants into and
16 out of our country. However, this state retains and asserts its historic
17 authority to define its citizenry, and to affirmatively provide state
18 and local public benefits to citizens of the state of New York. The
19 state seeks to provide such benefits to all of its citizens, irrespec-
20 tive of that individual's eligibility for the same under federal law or
21 pursuant to federal funding. There is nothing in this act that should be
22 deemed to conflict with federal law.

23 § 3. The executive law is amended by adding a new article 14-A to read
24 as follows:

25 ARTICLE 14-A

26 NEW YORK STATE CITIZENSHIP

27 Section 275. Definitions.

28 275-a. State citizenship; administration.

29 275-b. Eligibility criteria.

30 275-c. Acceptability; benefits.

31 275-d. State agency review.

32 275-e. Severability.

33 275-f. Local laws.

34 § 275. Definitions. As used in this article:

35 1. "New York state citizen" or "citizen" shall mean any individual who
36 satisfies the requirements of subdivision one of section two hundred
37 seventy-five-c of this article.

38 2. "New York state identification card" shall mean the physical iden-
39 tification card that a citizen is eligible to receive, and which
40 includes that citizen's New York state identification number and such
41 card's date of issuance.

42 3. "New York state identification number" shall mean the unique iden-
43 tification number that a citizen is assigned by the office and which
44 appears on such citizen's New York state identification card.

45 4. "Office" shall mean the office for new Americans established by
46 section ninety-four-b of this chapter.

47 § 275-a. State citizenship; administration. 1. The provisions of this
48 article shall be administered by the office. The office shall:

49 (a) recognize the New York state citizenship of any individual
50 described in subdivision one of section two hundred seventy-five-b of
51 this article, and grant and renew New York state citizenship to any
52 individual who meets the criteria set forth in subdivision two of
53 section two hundred seventy-five-b of this article;

54 (b) grant a New York state identification card and New York state
55 identification number to any citizen;

1 (c) grant a renewed New York state identification card and New York
2 state identification number to any citizen described in subdivision one
3 of section two hundred seventy-five-b of this article, and to any citi-
4 zen described in subdivision two of section two hundred seventy-five-b
5 of this article, who demonstrates that they continue to satisfy the
6 criteria set forth therein;

7 (d) promulgate rules and regulations to effect the purposes of this
8 article; and

9 (e) establish, publicize and administer procedures to grant New York
10 state citizenship, New York state identification cards and New York
11 state identification numbers.

12 2. New York state citizenship shall be a continuing status that shall
13 end when an individual is no longer a resident of the state. The New
14 York state identification card and New York state identification number
15 shall be valid for a period of five years after the date of issuance.

16 § 275-b. Eligibility criteria. Any individual, regardless of his or
17 her immigration status, who meets either of the following requirements
18 shall be deemed to be a citizen:

19 1. is a resident of the state who is a citizen of the United States;
20 or

21 2. is adjudged by the office to satisfy all of the following criteria:

22 (a) has proof of identity;

23 (b) has been a resident of the state for not less than three years;

24 (c) has paid state resident personal income taxes, pursuant to article
25 twenty-two of the tax law, for a period of not less than three taxable
26 years; provided however, that such requirement shall not apply to indi-
27 viduals who are students, primary caregivers, unable to work due to
28 disability, unemployed or otherwise not required pursuant to such arti-
29 cle of the tax law to report his or her income;

30 (d) has pledged to abide by the laws of the state and to uphold the
31 provisions of the state constitution; and

32 (e) has attested to his or her willingness to serve on jury duty,
33 pursuant to article sixteen of the judiciary law, and to continue to pay
34 any taxes required to be paid by him or her pursuant to any provision of
35 state or local law.

36 3. (a) The state shall not retain originals or copies of records
37 provided by an applicant to prove identity or residency or other eligi-
38 bility requirements of state citizenship.

39 (b) To the maximum extent allowed by applicable federal and state law,
40 information collected about applicants for state citizenship shall be
41 treated as confidential and shall not be disclosed to government enti-
42 ties or private parties unless such disclosure is:

43 (i) authorized in writing by the individual to whom such information
44 pertains, or if such individual is a minor or is otherwise not legally
45 competent, by such individual's parent or legal guardian; or

46 (ii) so ordered by a court of competent jurisdiction.

47 § 275-c. Acceptability; benefits. 1. Except as otherwise provided by
48 federal law, a New York state identification card shall be accepted and
49 be deemed to be valid government identification where a state drivers'
50 license would be accepted, and the New York state identification number
51 shall be accepted for use in substitution for a social security number.

52 2. Any person in possession of a valid New York state identification
53 card shall not be disqualified from eligibility for any of the following
54 state benefits by virtue of his or her lack of documentation of federal
55 immigration status:

1 (a) any license, permit, certificate or grant of permission, as
2 defined in paragraph c of subdivision one of section 3-503 of the gener-
3 al obligations law and required by the laws of this state, its political
4 subdivisions or instrumentalities as a condition for the lawful practice
5 of any occupation, employment, trade, vocation, business or profession,
6 and issued by the state or any political subdivision thereof;

7 (b) the ability to register for and vote at state and local elections,
8 as provided in section 5-100 of the election law;

9 (c) public health benefits;

10 (d) a drivers' license, pursuant to section five hundred two of the
11 vehicle and traffic law; and

12 (e) benefits governed by articles thirteen and fourteen of the educa-
13 tion law, such as general awards, academic performance awards and
14 student loans for higher education; assistance under the higher educa-
15 tion opportunity programs and the collegiate science and technology
16 entry program; financial aid opportunities for students of the state
17 university of New York, the city university of New York and community
18 colleges; and the New York state college choice tuition savings program.

19 3. Nothing in this section shall be deemed to deprive any individual
20 of any benefit received by him or her pursuant to law prior to the
21 effective date of this article.

22 § 275-d. State agency review. All state agencies shall review their
23 rules and regulations to make sure they are consistent with this arti-
24 cle, and make such necessary changes within one hundred eighty days of
25 the effective date of this article.

26 § 275-e. Severability. If any clause, sentence, paragraph, section or
27 part of this article shall be adjudged by any court of competent juris-
28 diction to be invalid, such judgment shall not affect, impair or invali-
29 date the remainder thereof, but shall be confined in its operation to
30 the clause, sentence, paragraph, section, or part thereof directly
31 involved in the controversy in which such judgment shall have been
32 rendered.

33 § 275-f. Local laws. This article shall not prevent the establish-
34 ment, continuing in effect or enforcement of any law or regulation of
35 any political subdivision of the state that protects the rights or
36 fosters the integration of New York state citizens in a manner not
37 inconsistent with the provisions of this article.

38 § 4. Subdivision 1 of section 5-102 of the election law is amended to
39 read as follows:

40 1. No person shall be qualified to register for and vote at any
41 election unless he or she is a citizen of the United States or he or she
42 possesses a New York state identification card, and is or will be, on
43 the day of such election, eighteen years of age or over, and a resident
44 of this state and of the county, city or village for a minimum of thirty
45 days next preceding such election.

46 § 5. Subdivision 1 of section 3 of the public officers law, as amended
47 by chapter 251 of the laws of 2014, is amended to read as follows:

48 1. No person shall be capable of holding a civil office who shall not,
49 at the time he or she shall be chosen thereto, have attained the age of
50 eighteen years, except that in the case of youth boards, youth commis-
51 sions, recreation commissions, or community boards in the city of New
52 York only, members of such boards or commissions may be under the age of
53 eighteen years, but must have attained the age of sixteen years on or
54 before appointment to such youth board, youth commission, recreation
55 commission, or community board in the city of New York, be a citizen of
56 the United States or a New York state citizen, a resident of the state,

1 and if it be a local office, a resident of the political subdivision or
2 municipal corporation of the state for which he or she shall be chosen,
3 or within which the electors electing him or her reside, or within which
4 his or her official functions are required to be exercised, or who shall
5 have been or shall be convicted of a violation of the selective draft
6 act of the United States, enacted May eighteenth, nineteen hundred
7 seventeen, or the acts amendatory or supplemental thereto, or of the
8 federal selective training and service act of nineteen hundred forty or
9 the acts amendatory thereof or supplemental thereto.

10 § 6. Subparagraphs vii and viii of paragraph (b) of subdivision 2 of
11 section 89 of the public officers law, as amended by section 2 of part
12 GGG of chapter 59 of the laws of 2019, are amended and two new subpara-
13 graphs ix and x are added to read as follows:

14 vii. disclosure of electronic contact information, such as an e-mail
15 address or a social network username, that has been collected from a
16 taxpayer under section one hundred four of the real property tax law;
17 [~~ex~~]

18 viii. disclosure of law enforcement arrest or booking photographs of
19 an individual, unless public release of such photographs will serve a
20 specific law enforcement purpose and disclosure is not precluded by any
21 state or federal laws[~~-~~];

22 ix. disclosure of information used to obtain New York state citizen-
23 ship on a New York state identification card including but not limited
24 to names, addresses and identifying information of recipients or appli-
25 cants of such citizenship or cards, and any information that could
26 reasonably be expected to lead to such disclosure; or

27 x. disclosure of information when disclosure would result in identifi-
28 cation of people who are New York state citizens.

29 § 7. Subdivision 2 of section 5 of the tax law, as amended by chapter
30 170 of the laws of 1994, is amended to read as follows:

31 2. Requiring information. Notwithstanding any other provision of law,
32 every covered agency shall, as part of the procedure for granting,
33 renewing, amending, supplementing or restating the license of any person
34 or at the time the covered agency contracts to purchase or purchases
35 goods or services or leases real or personal property from any person,
36 require that each such person provide to the covered agency such
37 person's federal social security account number [~~ex~~], federal employer
38 identification number or New York state identification number, or [~~both~~]
39 all such numbers when such person has [~~both~~] more than one such
40 [~~numbers~~] number, or, where such person does not have such number or
41 numbers, the reason or reasons why such person does not have such number
42 or numbers. Such numbers or reasons shall be obtained by such covered
43 agency as part of the administration of the taxes administered by the
44 commissioner for the purpose of establishing the identification of
45 persons affected by such taxes.

46 § 8. Subparagraph 3 of paragraph (a) of subdivision 3 of section 5 of
47 the tax law, as amended by chapter 170 of the laws of 1994, is amended
48 to read as follows:

49 (3) federal social security account number [~~ex~~], federal employer
50 identification number or New York state identification number, or [~~both~~]
51 all such numbers where such person has [~~both~~] more than one such
52 [~~numbers~~] number, or the reason or reasons, furnished by such person,
53 why such person does not have such number or numbers.

54 § 9. The opening paragraph of subdivision 2 of section 3-503 of the
55 general obligations law, as amended by chapter 398 of the laws of 1997,
56 is amended to read as follows:

Every applicant for a license or renewal thereof shall provide his or her social security number or, if he or she does not have a social security number, his or her New York state identification number on the application. Additionally, every applicant for a license or renewal thereof shall certify in the application in a written statement under oath, duly sworn and subscribed, that as of the date the application is filed he or she is (or is not) under obligation to pay child support and that if he or she is under such an obligation, that he or she does (or does not) meet one of the following requirements:

§ 10. Paragraph (f) of subdivision 6 of section 6506 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(f) Citizenship or immigration status: be a United States citizen ~~[or]~~ an alien lawfully admitted for permanent residence in the United States or a New York state citizen;

§ 11. Subdivision 6 of section 6524 of the education law, as amended by chapter 379 of the laws of 2008, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen ~~[or]~~ an alien lawfully admitted for permanent residence in the United States ~~[, provided, however that the board of regents may grant a three year waiver for an alien physician to practice in an area which has been designated by the department as medically underserved, except that the board of regents may grant an additional extension not to exceed six years to an alien physician to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued, and provided further that the board of regents may grant an additional three year waiver, and at its expiration, an extension for a period not to exceed six additional years, for the holder of an H-1b visa, an O-1 visa, or an equivalent or successor visa thereto]~~ or a New York state citizen;

§ 12. Subdivision 6 of section 6554 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen ~~[or]~~ an alien lawfully admitted for permanent residence in the United States or a New York state citizen;

§ 13. Subdivision 6 of section 6604 of the education law, as amended by chapter 403 of the laws of 2002, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen ~~[or]~~ an alien lawfully admitted for permanent residence in the United States ~~[, provided, however, that the board of regents may grant a three year waiver for an alien to practice in an area which has been designated a federal dental health professions shortage area, except that the board of regents may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued]~~ or a New York state citizen;

§ 14. Subdivision 7 of section 6604-b of the education law, as added by chapter 537 of the laws of 2008, is amended to read as follows:

7. In order to be eligible for a restricted dental faculty license an applicant must be a United States citizen ~~[or]~~ an alien lawfully admitted for permanent residence in the United States ~~[, provided, however, that the department may grant a three year waiver for an alien who otherwise meets all other requirements for a restricted dental faculty license except that the department may grant an additional extension not to exceed six years to an alien to enable him or her to secure citizenship or permanent resident status, provided such status is being active]~~

1 ~~ly pursued. No current faculty member shall be displaced by the holder~~
2 ~~of a restricted dental faculty license] or a New York state citizen.~~

3 § 15. Subdivision 6 of section 6609 of the education law, as amended
4 by chapter 403 of the laws of 2002, is amended to read as follows:

5 (6) Citizenship or immigration status: be a United States citizen
6 ~~[or], an alien lawfully admitted for permanent residence in the United~~
7 ~~States[, provided, however, that the board of regents may grant a three~~
8 ~~year waiver for an alien to practice in an area which has been desig-~~
9 ~~nated a federal dental health professions shortage area, except that the~~
10 ~~board of regents may grant an additional extension not to exceed six~~
11 ~~years to an alien to enable him or her to secure citizenship or perma-~~
12 ~~nent resident status, provided such status is being actively pursued] or~~
13 a New York state citizen;

14 § 16. Subdivision 6 of section 6704 of the education law, as amended
15 by chapter 201 of the laws of 2007, is amended to read as follows:

16 (6) Citizenship or immigration status: be a United States citizen
17 ~~[or], an alien lawfully admitted for permanent residence in the United~~
18 ~~States[, provided, however that the board of regents may grant a one-~~
19 ~~time three-year waiver for a veterinarian who otherwise meets the~~
20 ~~requirements of this article and who has accepted an offer to practice~~
21 ~~veterinary medicine in a county in the state which the department has~~
22 ~~certified as having a shortage of qualified applicants to fill existing~~
23 ~~vacancies in veterinary medicine, and provided further that the board of~~
24 ~~regents may grant an extension of such three-year waiver of not more~~
25 ~~than one year] or a New York state citizen;~~

26 § 17. Subdivision 6 of section 6711 of the education law, as amended
27 by chapter 80 of the laws of 2000, is amended to read as follows:

28 6. Citizenship or immigration status: be a United States citizen ~~[or],~~
29 an alien lawfully admitted for permanent residence in the United
30 States~~[, provided, however that the board of regents may grant a one-~~
31 ~~time three-year waiver for an animal health technician who otherwise~~
32 ~~meets the requirements of this article and provided further that the~~
33 ~~board of regents may grant an extension of such three-year waiver of not~~
34 ~~more than one year] or a New York state citizen;~~

35 § 18. Subdivision 1 of section 6711-a of the education law, as amended
36 by chapter 333 of the laws of 1990, is amended to read as follows:

37 1. Eligibility. Persons shall be eligible for a limited permit who
38 fulfill all requirements for a license as a veterinary technician except
39 those relating to the examination ~~[and citizenship or permanent resi-~~
40 ~~dence in the United States].~~

41 § 19. Paragraph 6 of subdivision 1 of section 6805 of the education
42 law, as amended by chapter 133 of the laws of 1982, is amended to read
43 as follows:

44 (6) Citizenship or immigration status: be a United States citizen
45 ~~[or],~~ an alien lawfully admitted for permanent residence in the United
46 States or a New York state citizen;

47 § 20. Subdivision 6 of section 6955 of the education law, as added by
48 chapter 327 of the laws of 1992, is amended to read as follows:

49 6. Citizenship or immigration status: be a United States citizen ~~[or],~~
50 an alien lawfully admitted for permanent residence in the United States
51 or a New York state citizen.

52 § 21. Paragraph 6 of subdivision 1 of section 7206 of the education
53 law, as amended by chapter 133 of the laws of 1982, is amended to read
54 as follows:

(6) Citizenship or immigration status: be a United States citizen ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen;

§ 22. Paragraph 6 of subdivision 1 of section 7206-a of the education law, as amended by chapter 322 of the laws of 2019, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen;

§ 23. Paragraph 6 of subdivision 1 of section 7324 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen;

§ 24. Paragraph 6 of subdivision 1 of section 7504 of the education law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen;

§ 25. Subdivision 5 of section 7804 of the education law, as amended by chapter 230 of the laws of 1997, is amended to read as follows:

(5) Citizenship or immigration status: be a United States citizen ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen;

§ 26. Subdivisions 3 and 4 of section 126 of the alcoholic beverage control law, subdivision 3 as added by chapter 133 of the laws of 1982 and subdivision 4 as amended by section 50 of subpart B of part C of chapter 62 of the laws of 2011, are amended to read as follows:

3. A person who is not a citizen of the United States ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen.

4. A copartnership or a corporation, unless each member of the partnership, or each of the principal officers and directors of the corporation, is a citizen of the United States ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen, not less than twenty-one years of age, and has not been convicted of any felony or any of the misdemeanors, specified in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law, or if so convicted has received, subsequent to such conviction, an executive pardon therefor removing this disability a certificate of good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three of the correction law to remove the disability under this section because of such conviction; provided however that a corporation which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are citizens of the United States ~~[or]~~, aliens lawfully admitted for permanent residence in the United States or New York state citizens; and provided further that a corporation organized under the not-for-profit corporation law or the education law which otherwise conforms to the

requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are not less than twenty-one years of age and none of its directors are less than eighteen years of age; and provided further that a corporation organized under the not-for-profit corporation law or the education law and located on the premises of a college as defined by section two of the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and each of its directors are not less than eighteen years of age.

§ 27. Section 10 of the general city law, as amended by chapter 133 of the laws of 1982, is amended to read as follows:

§ 10. Licenses to adult blind persons. The mayor of any city shall have the power to issue a license to any adult blind person for the vending of goods, or newspapers in such places as he or she may set aside for this purpose. The license shall be issued for a term of one year and no charge shall be made for the license. A license shall not be issued to a blind person unless he or she is a resident for three years in the city in which application for such license is made, and is a citizen of the United States ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen.

This license shall be revocable only for cause.

§ 28. Paragraphs (a) and (c) of subdivision 2 of article X of section 1 of part I of chapter 882 of the laws of 1953, establishing a compact with the state of New Jersey for the elimination of criminal and corrupt practices in the handling of waterborne freight within the port of New York district, are amended to read as follows:

(a) The full name, residence, business address (if any), place and date of birth, and the social security number or the New York state identification number of the applicant;

(c) The citizenship of the applicant and, if he or she is a naturalized citizen of the United States, the court and date of his or her naturalization, or if he or she is a New York state citizen, the date of issuance of his or her New York state identification card; and

§ 29. Paragraph (a) of subdivision 2 of section 3421 of the public health law, as amended by chapter 534 of the laws of 1983, is amended to read as follows:

(a) is a citizen of the United States ~~[or]~~, an alien lawfully admitted for permanent residence in the United States or a New York state citizen;

§ 30. Section 41 of the general business law, as amended by chapter 321 of the laws of 1983, is amended to read as follows:

§ 41. Licenses, how obtained; penalty for carrying on business without license. The mayor or such local licensing authority may from time to time grant, under his or her hand and the official seal of his or her office, to such citizens of the United States, ~~[or]~~ aliens lawfully admitted for permanent residence in the United States or New York state citizens, as he or she shall deem proper and who shall produce to him or her satisfactory evidence of their good character, a license authorizing such person to carry on the business of a collateral loan broker, which license shall designate the house in which such person shall carry on said business, and no person, corporation, partnership or firm shall carry on the business of a collateral loan broker without being duly licensed, nor in any other house than the one designated in said license, under a penalty of one hundred dollars for each day he, she or they shall exercise or carry on said business without such license or at any other house than the one so designated. Any person receiving such

1 license shall pay therefor the sum of five hundred dollars for the use
2 of the city yearly where such business is to be conducted in a city with
3 a population of more than one million persons, and where the business is
4 to be conducted elsewhere the fee for such license shall not exceed two
5 hundred fifty dollars yearly, and every such license shall expire one
6 year from the date thereof, and may be renewed on application to the
7 mayor or local licensing authority each and every year on payment of the
8 same sum and upon performance of the other conditions herein contained.
9 Every person so licensed shall, at the time of receiving such license,
10 file with the mayor or such local licensing authority granting the same
11 a bond to the local authorities, to be executed by the person so
12 licensed and by two responsible sureties, in the penal sum of ten thou-
13 sand dollars, to be approved by such mayor or local licensing authority,
14 which bond shall be conditioned for the faithful performance of the
15 duties and obligations pertaining to the business so licensed, and the
16 mayor or such local licensing authority shall have full power and
17 authority to revoke such license for cause.

18 § 31. Section 460 of the judiciary law, as amended by chapter 226 of
19 the laws of 1985, is amended to read as follows:

20 § 460. Examination and admission of attorneys. An applicant for admis-
21 sion to practice as an attorney or counsellor in this state, must be
22 examined and licensed to practice as prescribed in this chapter and in
23 the rules of the court of appeals. Race, creed, color, national origin,
24 alienage ~~[or]~~, sex, status as a New York state citizen or federal immi-
25 gration card shall constitute no cause for refusing any person examina-
26 tion or admission to practice.

27 § 32. Paragraphs (a), (b), (c), (d) and (h) of subdivision 1 of
28 section 296 of the executive law, paragraphs (a), (b), (c) and (d) as
29 amended by chapter 8 and paragraph (a) as separately amended by chapter
30 176 of the laws of 2019, and paragraph (h) as amended by chapter 161 of
31 the laws of 2019, are amended to read as follows:

32 (a) For an employer or licensing agency, because of an individual's
33 age, race, creed, color, national origin, sexual orientation, gender
34 identity or expression, military status, sex, disability, predisposing
35 genetic characteristics, status as a New York state citizen, familial
36 status, marital status, or status as a victim of domestic violence, to
37 refuse to hire or employ or to bar or to discharge from employment such
38 individual or to discriminate against such individual in compensation or
39 in terms, conditions or privileges of employment.

40 (b) For an employment agency to discriminate against any individual
41 because of age, race, creed, color, national origin, sexual orientation,
42 gender identity or expression, military status, sex, disability, predis-
43 posing genetic characteristics, status as a New York state citizen,
44 familial status, or marital status, in receiving, classifying, disposing
45 or otherwise acting upon applications for its services or in referring
46 an applicant or applicants to an employer or employers.

47 (c) For a labor organization, because of the age, race, creed, color,
48 national origin, sexual orientation, gender identity or expression,
49 military status, sex, disability, predisposing genetic characteristics,
50 status as a New York state citizen, familial status, or marital status
51 of any individual, to exclude or to expel from its membership such indi-
52 vidual or to discriminate in any way against any of its members or
53 against any employer or any individual employed by an employer.

54 (d) For any employer or employment agency to print or circulate or
55 cause to be printed or circulated any statement, advertisement or publi-
56 cation, or to use any form of application for employment or to make any

inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, status as a New York state citizen, familial status, or marital status, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to insure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, sexual orientation or gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status.

(h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, status as a New York state citizen, familial status, marital status, domestic violence victim status, or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint, testified or assisted in any proceeding under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims. Such harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of these protected categories. The fact that such individual did not make a complaint about the harassment to such employer, licensing agency, employment agency or labor organization shall not be determinative of whether such employer, licensing agency, employment agency or labor organization shall be liable. Nothing in this section shall imply that an employee must demonstrate the existence of an individual to whom the employee's treatment must be compared. It shall be an affirmative defense to liability under this subdivision that the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic or characteristics would consider petty slights or trivial inconveniences.

§ 33. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

(b) To deny to or withhold from any person because of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, status as a New York state citizen, familial status, or marital status, the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, executive training program, or other occupational training or retraining program;

(c) To discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, condi-

tions or privileges of such programs because of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, status as a New York state citizen, familial status or marital status;

(d) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, status as a New York state citizen, familial status or marital status, or any intention to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

§ 34. Paragraph (a) of subdivision 2 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 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, sexual orientation, gender identity or expression, military status, sex, disability, status as a New York state citizen 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, sexual orientation, gender identity or expression, military status, sex, disability, status as a New York state citizen 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, sexual orientation, gender identity or expression, military status, sex, status as a New York state citizen or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

§ 35. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section 296 of the executive law, paragraphs (a), (b) and (c) 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, sexual orientation, gender identity or expression, military status, age, sex, status as a New York state citizen, 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, sexual orientation, gender identity or expression, military status, age, sex, status as a New York state citizen, marital status, lawful source of income or familial status in the terms, conditions or privileges of any publicly-assisted

1 housing accommodations or in the furnishing of facilities or services in
2 connection therewith.

3 (c) To cause to be made any written or oral inquiry or record concern-
4 ing the race, creed, color, disability, national origin, sexual orien-
5 tation, gender identity or expression, membership in the reserve armed
6 forces of the United States or in the organized militia of the state,
7 age, sex, status as a New York state citizen, marital status, lawful
8 source of income or familial status of a person seeking to rent or lease
9 any publicly-assisted housing accommodation; provided, however, that
10 nothing in this subdivision shall prohibit a member of the reserve armed
11 forces of the United States or in the organized militia of the state
12 from voluntarily disclosing such membership.

13 (c-1) 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 housing accommodation or
16 to make any record or inquiry in connection with the prospective
17 purchase, rental or lease of such a housing accommodation which
18 expresses, directly or indirectly, any limitation, specification or
19 discrimination as to race, creed, color, national origin, sexual orien-
20 tation, gender identity or expression, military status, sex, age, disa-
21 bility, status as a New York state citizen, marital status, lawful
22 source of income or familial status, or any intent to make any such
23 limitation, specification or discrimination.

24 § 36. Subdivisions 3-b and 4 of section 296 of the executive law, as
25 amended by chapter 8 and subdivision 4 as separately amended by chapter
26 116 of the laws of 2019, are amended to read as follows:

27 3-b. It shall be an unlawful discriminatory practice for any real
28 estate broker, real estate salesperson or employee or agent thereof or
29 any other individual, corporation, partnership or organization for the
30 purpose of inducing a real estate transaction from which any such person
31 or any of its stockholders or members may benefit financially, to repre-
32 sent that a change has occurred or will or may occur in the composition
33 with respect to race, creed, color, national origin, sexual orientation,
34 gender identity or expression, military status, sex, disability, status
35 as a New York state citizen, marital status, or familial status of the
36 owners or occupants in the block, neighborhood or area in which the real
37 property is located, and to represent, directly or indirectly, that this
38 change will or may result in undesirable consequences in the block,
39 neighborhood or area in which the real property is located, including
40 but not limited to the lowering of property values, an increase in crim-
41 inal or anti-social behavior, or a decline in the quality of schools or
42 other facilities.

43 4. It shall be an unlawful discriminatory practice for an educational
44 institution to deny the use of its facilities to any person otherwise
45 qualified, or to permit the harassment of any student or applicant, by
46 reason of his race, color, religion, disability, status as a New York
47 state citizen, national origin, sexual orientation, gender identity or
48 expression, military status, sex, age or marital status, except that any
49 such institution which establishes or maintains a policy of educating
50 persons of one sex exclusively may admit students of only one sex.

51 § 37. Subdivision 5 of section 296 of the executive law, as amended by
52 chapter 8 of the laws of 2019, subparagraphs 1, 2 and 3 of paragraph (a)
53 as amended by section 4, subparagraphs 1 and 2 of paragraph (c) as
54 amended by section 5, and paragraph (d) as amended by section 6 of part
55 T of chapter 56 of the laws of 2019, is amended to read as follows:

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

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

13 (2) To discriminate against any person because of race, creed, color,
14 national origin, sexual orientation, gender identity or expression,
15 military status, sex, age, disability, status as a New York state citi-
16 zen, marital status, lawful source of income or familial status in the
17 terms, conditions or privileges of the sale, rental or lease of any such
18 housing accommodation or in the furnishing of facilities or services in
19 connection therewith.

20 (3) To print or circulate or cause to be printed or circulated any
21 statement, advertisement or publication, or to use any form of applica-
22 tion for the purchase, rental or lease of such housing accommodation or
23 to make any record or inquiry in connection with the prospective
24 purchase, rental or lease of such a housing accommodation which
25 expresses, directly or indirectly, any limitation, specification or
26 discrimination as to race, creed, color, national origin, sexual orien-
27 tation, gender identity or expression, military status, sex, age, disa-
28 bility, status as a New York state citizen, marital status, lawful
29 source of income or familial status, or any intent to make any such
30 limitation, specification or discrimination.

31 The provisions of this paragraph [~~(a)~~] shall not apply (1) to the
32 rental of a housing accommodation in a building which contains housing
33 accommodations for not more than two families living independently of
34 each other, if the owner resides in one of such housing accommodations,
35 (2) to the restriction of the rental of all rooms in a housing accommo-
36 dation to individuals of the same sex or (3) to the rental of a room or
37 rooms in a housing accommodation, if such rental is by the occupant of
38 the housing accommodation or by the owner of the housing accommodation
39 and the owner resides in such housing accommodation or (4) solely with
40 respect to age and familial status to the restriction of the sale,
41 rental or lease of housing accommodations exclusively to persons sixty-
42 two years of age or older and the spouse of any such person, or for
43 housing intended and operated for occupancy by at least one person
44 fifty-five years of age or older per unit. In determining whether hous-
45 ing is intended and operated for occupancy by persons fifty-five years
46 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
47 federal Fair Housing Act of 1988, as amended, shall apply.

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

52 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
53 from any person or group of persons land or commercial space because of
54 the race, creed, color, national origin, sexual orientation, gender
55 identity or expression, military status, sex, age, disability, status as
56 a New York state citizen, marital status, or familial status of such

1 person or persons, or to represent that any housing accommodation or
2 land is not available for inspection, sale, rental or lease when in fact
3 it is so available;

4 (2) To discriminate against any person because of race, creed, color,
5 national origin, sexual orientation, gender identity or expression,
6 military status, sex, age, disability, status as a New York state citi-
7 zen, marital status, or familial status in the terms, conditions or
8 privileges of the sale, rental or lease of any such land or commercial
9 space; or in the furnishing of facilities or services in connection
10 therewith;

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

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

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

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

53 (2) To print or circulate or cause to be printed or circulated any
54 statement, advertisement or publication, or to use any form of applica-
55 tion for the purchase, rental or lease of any housing accommodation,
56 land or commercial space or to make any record or inquiry in connection

1 with the prospective purchase, rental or lease of any housing accommo-
2 dation, land or commercial space which expresses, directly or indirect-
3 ly, any limitation, specification, or discrimination as to race, creed,
4 color, national origin, sexual orientation, gender identity or
5 expression, military status, sex, age, disability, status as a New York
6 state citizen, marital status, lawful source of income or familial
7 status; or any intent to make any such limitation, specification or
8 discrimination.

9 (3) With respect to age and familial status, the provisions of this
10 paragraph shall not apply to the restriction of the sale, rental or
11 lease of any housing accommodation, land or commercial space exclusively
12 to persons fifty-five years of age or older and the spouse of any such
13 person, or to the restriction of the sale, rental or lease of any hous-
14 ing accommodation or land to be used for the construction or location of
15 housing accommodations for persons sixty-two years of age or older, or
16 intended and operated for occupancy by at least one person fifty-five
17 years of age or older per unit. In determining whether housing is
18 intended and operated for occupancy by persons fifty-five years of age
19 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
20 federal Fair Housing Act of 1988, as amended, shall apply.

21 (d) It shall be an unlawful discriminatory practice for any real
22 estate board, because of the race, creed, color, national origin, sexual
23 orientation, gender identity or expression, military status, age, sex,
24 disability, status as a New York state citizen, marital status, lawful
25 source of income or familial status of any individual who is otherwise
26 qualified for membership, to exclude or expel such individual from
27 membership, or to discriminate against such individual in the terms,
28 conditions and privileges of membership in such board.

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

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

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

§ 38. 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, sexual orientation, gender identity or expression, military status, sex, status as a New York state citizen, marital status, or familial status, of such individual.

§ 39. 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, sexual orientation, gender identity or expression, military status, sex, disability, status as a New York state citizen, 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.

§ 40. 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, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, status as a New York state citizen, 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, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, status as a New York state citizen, 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, sexual orientation, gender identity or expression, military
2 status, age, sex, marital status, disability, status as a New York state
3 citizen, 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, sexual
10 orientation, gender identity or expression, military status, age, sex,
11 marital status, childbearing potential, disability, status as a New York
12 state citizen, 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, sexual orien-
20 tation, gender identity or expression, military status, age, sex, mari-
21 tal status or disability, status as a New York state citizen, or fami-
22 lial 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, sexual orientation, gender identity or expression, military
38 status, sex, marital status or disability, status as a New York state
39 citizen, 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 § 41. Paragraph (c) of subdivision 1 of section 122 of the social
43 services law, as amended by chapter 214 of the laws of 1998, the opening
44 paragraph as amended by chapter 672 of the laws of 2019, is amended to
45 read as follows:

46 (c) The following persons, not described in paragraph (a) or (b) of
47 this subdivision, shall, if otherwise eligible, be eligible for safety
48 net assistance and medical assistance~~, except that medical assistance~~
49 ~~shall be limited to care and services (not including care and services~~
50 ~~related to an organ transplant procedure) necessary for the treatment of~~
51 ~~an emergency medical condition as that term is defined in section 1903~~
52 ~~of the federal social security act unless and until federal financial~~
53 ~~participation is available for the costs of providing medical assistance~~
54 ~~provided, however, that any such person who, on the fourth day of~~
55 ~~August, nineteen hundred ninety seven was residing in a residential~~
56 ~~health care facility licensed by the department of health or in a resi-~~

~~dential facility licensed, operated or funded by the office of mental health or the office for people with developmental disabilities, and was in receipt of a medical assistance authorization based on a finding that he or she was~~ (i) a person permanently residing in the United States under color of law ~~[shall, if otherwise eligible, be eligible for medical assistance and provided, further, that any such person who, on the fourth day of August, nineteen hundred ninety seven, was diagnosed as having AIDS, as defined in subdivision one of section two thousand seven hundred eighty of the public health law, and was in receipt of medical assistance authorization pursuant to title eleven of article five of this chapter based on a finding that he or she was a person permanently residing in the United States under color of law shall, if otherwise eligible, be eligible for medical assistance.~~

~~(i) a qualified alien who entered the United States less than five years earlier or for less than five years has had a status within the meaning of the term "qualified alien" as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended, if such entry occurred on or after the twenty-second day of August, nineteen hundred ninety-six; and~~

~~(ii) an alien whose status is not within the meaning of the term "qualified alien" as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended, but who is otherwise permanently residing in the United States under color of law], and (ii) New York state citizens if otherwise eligible shall only be eligible for medical assistance.~~

§ 42. Section 131-k of the social services law is REPEALED.

§ 43. The correction law is amended by adding a new section 71-b to read as follows:

§ 71-b. Persons not to be detained. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Civil immigration detainer" shall mean a detainer issued pursuant to 8 C.F.R. 287.7.

(b) "Administrative warrant" shall mean an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document issued by an immigration agent that can form the basis for an individual's arrest or detention for a civil immigration purpose.

(c) "Law enforcement officer" shall mean all officers, employees and persons otherwise paid by or acting as agents of any municipal, county or state police department or department of corrections.

(d) "Federal immigration authorities" shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States Department of Homeland Security who is charged with enforcement of the civil provisions of the immigration and nationality act.

(e) "Facility" shall mean any facility owned or leased by the state, staffed by personnel paid by the state, or used primarily for the conduct of state business, including but not limited to any prison or jail owned or operated by any government entity under the state's jurisdiction.

2. (a) Law enforcement officers shall not honor a civil immigration detainer or administrative warrant from federal immigration officials by:

1 (i) holding a person beyond the time when such person would otherwise
2 be released from custody; or

3 (ii) expending time or resources responding to inquiries or communi-
4 cating with federal immigration authorities of such person's incarcera-
5 tion status, release dates, court appearance dates, or any other infor-
6 mation related to an individual in custody unless such a response or
7 communication is required or protected by law.

8 (b) Unless an immigration agent has a valid and properly issued crimi-
9 nal warrant, or law enforcement officials have a legitimate law enforce-
10 ment purpose that is not related to the enforcement of immigration law,
11 law enforcement officers shall not permit any federal immigration offi-
12 cial to:

13 (i) have access to any person in their custody; or

14 (ii) have access to any facility owned or operated by the state, or by
15 any municipality within the state, for the purpose of investigating
16 potential violations of the civil immigration law.

17 3. Nothing in this section shall affect the obligation of law enforce-
18 ment officers to maintain the confidentiality of any information
19 obtained pursuant to subdivision two of this section.

20 4. Nothing in this section shall be construed to confer any authority
21 on any entity to hold persons on civil immigration detainers beyond the
22 authority, if any, that existed prior to the effective date of this
23 section.

24 5. This section supersedes all conflicting policies, rules, procedures
25 and practices of the state. Nothing in this section shall be construed
26 to prohibit any state agency from cooperating with federal immigration
27 authorities when required under federal law. Nothing in this section
28 shall be interpreted or applied so as to create any power, duty or obli-
29 gation in conflict with any federal, state or local law.

30 6. Nothing contained in this section or in the administration or
31 application hereof shall be construed as creating any private right of
32 action on the part of any persons or entity against the state or the
33 department.

34 7. Annually on or before December thirty-first, the department shall
35 post a report on the department's website that includes the following
36 information for the preceding twelve month period:

37 (a) the number of civil immigration detainers received from federal
38 immigration authorities;

39 (b) the number of persons held pursuant to civil immigration detainers
40 beyond the time when such persons would otherwise be released from the
41 department's custody;

42 (c) the number of persons transferred to the custody of federal immi-
43 gration authorities pursuant to civil immigration detainers; and

44 (d) the justification and legal authority for the transfer of any
45 individual to the custody of federal immigration authorities.

46 8. For the purpose of this section, any reference to a statute, rule,
47 or regulation shall be deemed to include any successor provision.

48 § 44. The executive law is amended by adding a new section 243-a to
49 read as follows:

50 § 243-a. Persons not to be detained. 1. For the purposes of this
51 section, the following terms shall have the following meanings:

52 (a) "Civil immigration detainer" shall mean a detainer issued pursuant
53 to 8 C.F.R. 287.7.

54 (b) "Administrative warrant" shall mean an immigration warrant of
55 arrest, order to detain or release aliens, notice of custody determi-
56 nation, notice to appear, removal order, warrant of removal, or any

1 other document issued by an immigration agent that can form the basis
2 for an individual's arrest or detention for a civil immigration purpose.

3 (c) "Probation officer" shall mean any officer, employee or person
4 otherwise paid by or acting as an agent of the office of probation and
5 correctional alternatives, or any county or municipal probation depart-
6 ment.

7 (d) "Federal immigration authorities" shall mean any officer, employee
8 or person otherwise paid by or acting as an agent of United States immi-
9 gration and customs enforcement or any division thereof or any other
10 officer, employee or person otherwise paid by or acting as an agent of
11 the United States Department of Homeland Security who is charged with
12 enforcement of the civil provisions of the immigration and nationality
13 act.

14 (e) "Facility" shall mean any facility owned or leased by the state,
15 staffed by personnel paid by the state, or used primarily for the
16 conduct of state business, including but not limited to any prison or
17 jail owned or operated by any government entity under the state's juris-
18 isdiction.

19 2. (a) Probation officers shall not honor a civil immigration detainer
20 or administrative warrant from federal immigration officials by:

21 (i) holding a person beyond the time when such person would otherwise
22 be released from custody; or

23 (ii) expending time or resources responding to inquiries or communi-
24 cating with federal immigration authorities of such person's incarcera-
25 tion status, release dates, court appearance dates, or any other infor-
26 mation related to an individual in custody unless such a response or
27 communication is required or protected by law.

28 (b) Unless an immigration agent has a valid and properly issued crimi-
29 nal warrant, or law enforcement officials have a legitimate law enforce-
30 ment purpose that is not related to the enforcement of immigration law,
31 probation officers shall not permit any federal immigration official to:

32 (i) have access to any person in their custody; or

33 (ii) have access to any facility owned or operated by the state, or by
34 any municipality within the state, for the purpose of investigating
35 potential violations of the civil immigration law.

36 (c) Unless an immigration agent has a valid and properly issued crimi-
37 nal warrant, or probation officers have a legitimate law enforcement
38 purpose that is not related to the enforcement of immigration law, no
39 probation officer shall

40 (i) provide any detainee, inmate or booking lists to federal immi-
41 gration officials; or

42 (ii) expend time or resources responding to inquiries or communicating
43 with federal immigration officials, regarding any person's incarceration
44 status, probation status, release date, court appearance dates or any
45 other information, unless such response or communications is required or
46 protected by law.

47 3. Nothing in this section shall affect the obligation of probation
48 officers to maintain the confidentiality of any information obtained
49 pursuant to subdivision two of this section.

50 4. Nothing in this section shall be construed to confer any authority
51 on any entity to hold persons on civil immigration detainers beyond the
52 authority, if any, that existed prior to the effective date of this
53 section.

54 5. This section supersedes all conflicting policies, rules, procedures
55 and practices of the state. Nothing in this section shall be construed
56 to prohibit any state agency from cooperating with federal immigration

1 authorities when required under federal law. Nothing in this section
2 shall be interpreted or applied so as to create any power, duty or obli-
3 gation in conflict with any federal, state or local law.

4 6. Nothing contained in this section or in the administration or
5 application hereof shall be construed as creating any private right of
6 action on the part of any persons or entity against the state or the
7 office.

8 7. Annually on or before December thirty-first, the department shall
9 post a report on the office's website that includes the following infor-
10 mation for the preceding twelve month period:

11 (a) the number of civil immigration detainers received from federal
12 immigration authorities;

13 (b) the number of persons held pursuant to civil immigration detainers
14 beyond the time when such persons would otherwise be released from the
15 office's custody;

16 (c) the number of persons transferred to the custody of federal immi-
17 gration authorities pursuant to civil immigration detainers; and

18 (d) the justification and legal authority for the transfer of any
19 individual to the custody of federal immigration authorities.

20 8. For the purpose of this section, any reference to a statute, rule,
21 or regulation shall be deemed to include any successor provision.

22 § 45. The executive law is amended by adding a new section 223-a to
23 read as follows:

24 § 223-a. Prohibition on racial profiling. 1. For the purposes of this
25 section, "racial profiling" shall mean the practice of a law enforcement
26 officer or agency relying, to any degree, on race, ethnicity, national
27 origin, or religion in selecting which individual to subject to routine
28 or spontaneous investigatory activities or in deciding upon the scope
29 and substance of law enforcement activity following the initial investi-
30 gatory procedure, except when there is trustworthy information, relevant
31 to the locality and timeframe, that links a person of a particular race,
32 ethnicity, national origin, or religion to an identified criminal inci-
33 dent or scheme.

34 2. The superintendent of state police and members of the division of
35 state police shall not engage in racial profiling.

36 3. The division of state police shall maintain adequate policies and
37 procedures designed to eliminate racial profiling and cease existing
38 practices that permit racial profiling. Policies and procedures shall
39 include:

40 (a) a prohibition on racial profiling;

41 (b) training on racial profiling issues as part of state police train-
42 ing;

43 (c) the collection of relevant data;

44 (d) procedures for receiving, investigating and responding meaningfully
45 to complaints alleging racial profiling by members of the division of
46 state police; and

47 (e) any other policies and procedures the superintendent determines to
48 be necessary to eliminate racial profiling.

49 4. An individual injured by racial profiling may enforce this section
50 in a civil action for declaratory or injunctive relief, upon proof that
51 the routine or spontaneous investigatory activities of members of the
52 division of state police have had a disparate impact on racial, ethnic,
53 or religious minorities and shall constitute prima facie evidence of a
54 violation of this section. In any action or proceeding to enforce this
55 section, the court may allow a prevailing plaintiff reasonable attor-

1 ney's fees as part of the costs and may include expert fees as part of
2 the attorney's fee.

3 § 46. The provisions of this act shall not be construed to conflict
4 with any provision of federal law, rule or regulation, and in any
5 circumstance in which a conflict may exist, the appropriate federal law,
6 rule or regulation shall be controlling.

7 § 47. This act shall take effect on the first of January next succeed-
8 ing the date on which it shall have become a law, provided that the
9 amendments made to section 7206-a of the education law by section twen-
10 ty-two of this act shall take effect on the same date and in the same
11 manner as chapter 322 of the laws of 2019, takes effect; provided,
12 further, section twenty-eight of this act shall take effect upon the
13 enactment into law by the state of New Jersey of legislation having an
14 identical effect with such section, but if the state of New Jersey shall
15 have already enacted such legislation, section twenty-eight of this act
16 shall take effect on the effective date of this act; provided that the
17 office for new Americans shall notify the legislative bill drafting
18 commission upon the occurrence of the enactment of such legislation by
19 the state of New Jersey in order that the commission may maintain an
20 accurate and timely effective data base of the official text of the laws
21 of the state of New York in furtherance of effectuating the provisions
22 of section 44 of the legislative law and section 70-b of the public
23 officers law. Effective immediately, the addition, amendment and/or
24 repeal of any rule or regulation necessary for the implementation of
25 this act on its effective date are authorized to be made and completed
26 on or before such effective date.