

# STATE OF NEW YORK

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4279

2021-2022 Regular Sessions

## IN SENATE

February 3, 2021

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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 isdiction 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 [~~or~~]

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[~~or~~];

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 [~~or~~], 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 [~~or~~], 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:

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

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

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

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

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

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

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

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

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

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

49 7. In order to be eligible for a restricted dental faculty license an  
50 applicant must be a United States citizen [~~or~~], an alien lawfully admit-  
51 ted for permanent residence in the United States [~~, provided, however,~~  
52 ~~that the department may grant a three year waiver for an alien who~~  
53 ~~otherwise meets all other requirements for a restricted dental faculty~~  
54 ~~license except that the department may grant an additional extension not~~  
55 ~~to exceed six years to an alien to enable him or her to secure citizen-~~  
56 ~~ship 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 ~~ated 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:

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

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

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

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

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

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

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

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

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

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

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

34 4. A copartnership or a corporation, unless each member of the part-  
35 nership, or each of the principal officers and directors of the corpo-  
36 ration, is a citizen of the United States [~~or~~], an alien lawfully admit-  
37 ted for permanent residence in the United States or a New York state  
38 citizen, not less than twenty-one years of age, and has not been  
39 convicted of any felony or any of the misdemeanors, specified in section  
40 eleven hundred forty-six of the former penal law as in force and effect  
41 immediately prior to September first, nineteen hundred sixty-seven, or  
42 of an offense defined in section 230.20 or 230.40 of the penal law, or  
43 if so convicted has received, subsequent to such conviction, an execu-  
44 tive pardon therefor removing this disability a certificate of good  
45 conduct granted by the department of corrections and community super-  
46 vision, or a certificate of relief from disabilities granted by the  
47 department of corrections and community supervision or a court of this  
48 state pursuant to the provisions of article twenty-three of the  
49 correction law to remove the disability under this section because of  
50 such conviction; provided however that a corporation which otherwise  
51 conforms to the requirements of this section and chapter may be licensed  
52 if each of its principal officers and more than one-half of its direc-  
53 tors are citizens of the United States [~~or~~], aliens lawfully admitted  
54 for permanent residence in the United States or New York state citizens;  
55 and provided further that a corporation organized under the not-for-pro-  
56 fit corporation law or the education law which otherwise conforms to the



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

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

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

21 This license shall be revocable only for cause.

22 § 28. Paragraphs (a) and (c) of subdivision 2 of article X of section  
23 1 of part I of chapter 882 of the laws of 1953, establishing a compact  
24 with the state of New Jersey for the elimination of criminal and corrupt  
25 practices in the handling of waterborne freight within the port of New  
26 York district, are amended to read as follows:

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

30 (c) The citizenship of the applicant and, if he or she is a natural-  
31 ized citizen of the United States, the court and date of his or her  
32 naturalization, or if he or she is a New York state citizen, the date of  
33 issuance of his or her New York state identification card; and

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

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

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

42 § 41. Licenses, how obtained; penalty for carrying on business without  
43 license. The mayor or such local licensing authority may from time to  
44 time grant, under his or her hand and the official seal of his or her  
45 office, to such citizens of the United States, [~~or~~] aliens lawfully  
46 admitted for permanent residence in the United States or New York state  
47 citizens, as he or she shall deem proper and who shall produce to him or  
48 her satisfactory evidence of their good character, a license authorizing  
49 such person to carry on the business of a collateral loan broker, which  
50 license shall designate the house in which such person shall carry on  
51 said business, and no person, corporation, partnership or firm shall  
52 carry on the business of a collateral loan broker without being duly  
53 licensed, nor in any other house than the one designated in said  
54 license, under a penalty of one hundred dollars for each day he, she or  
55 they shall exercise or carry on said business without such license or at  
56 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

1 inquiry in connection with prospective employment, which expresses  
2 directly or indirectly, any limitation, specification or discrimination  
3 as to age, race, creed, color, national origin, sexual orientation,  
4 gender identity or expression, military status, sex, disability, predis-  
5 posing genetic characteristics, status as a New York state citizen,  
6 familial status, or marital status, or any intent to make any such limi-  
7 tation, specification or discrimination, unless based upon a bona fide  
8 occupational qualification; provided, however, that neither this para-  
9 graph nor any provision of this chapter or other law shall be construed  
10 to prohibit the department of civil service or the department of person-  
11 nel of any city containing more than one county from requesting informa-  
12 tion from applicants for civil service examinations concerning any of  
13 the aforementioned characteristics, other than sexual orientation, for  
14 the purpose of conducting studies to identify and resolve possible prob-  
15 lems in recruitment and testing of members of minority groups to insure  
16 the fairest possible and equal opportunities for employment in the civil  
17 service for all persons, regardless of age, race, creed, color, national  
18 origin, sexual orientation or gender identity or expression, military  
19 status, sex, disability, predisposing genetic characteristics, familial  
20 status, or marital status.

21 (h) For an employer, licensing agency, employment agency or labor  
22 organization to subject any individual to harassment because of an indi-  
23 vidual's age, race, creed, color, national origin, sexual orientation,  
24 gender identity or expression, military status, sex, disability, predis-  
25 posing genetic characteristics, status as a New York state citizen,  
26 familial status, marital status, domestic violence victim status, or  
27 because the individual has opposed any practices forbidden under this  
28 article or because the individual has filed a complaint, testified or  
29 assisted in any proceeding under this article, regardless of whether  
30 such harassment would be considered severe or pervasive under precedent  
31 applied to harassment claims. Such harassment is an unlawful discrimina-  
32 tory practice when it subjects an individual to inferior terms, condi-  
33 tions or privileges of employment because of the individual's membership  
34 in one or more of these protected categories. The fact that such indi-  
35 vidual did not make a complaint about the harassment to such employer,  
36 licensing agency, employment agency or labor organization shall not be  
37 determinative of whether such employer, licensing agency, employment  
38 agency or labor organization shall be liable. Nothing in this section  
39 shall imply that an employee must demonstrate the existence of an indi-  
40 vidual to whom the employee's treatment must be compared. It shall be an  
41 affirmative defense to liability under this subdivision that the harass-  
42 ing conduct does not rise above the level of what a reasonable victim of  
43 discrimination with the same protected characteristic or characteristics  
44 would consider petty slights or trivial inconveniences.

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

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

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

1 tions or privileges of such programs because of race, creed, color,  
2 national origin, sexual orientation, gender identity or expression,  
3 military status, sex, age, disability, status as a New York state citi-  
4 zen, familial status or marital status;

5 (d) To print or circulate or cause to be printed or circulated any  
6 statement, advertisement or publication, or to use any form of applica-  
7 tion for such programs or to make any inquiry in connection with such  
8 program which expresses, directly or indirectly, any limitation, spec-  
9 ification or discrimination as to race, creed, color, national origin,  
10 sexual orientation, gender identity or expression, military status, sex,  
11 age, disability, status as a New York state citizen, familial status or  
12 marital status, or any intention to make any such limitation, specifica-  
13 tion or discrimination, unless based on a bona fide occupational quali-  
14 fication.

15 § 34. Paragraph (a) of subdivision 2 of section 296 of the executive  
16 law, as amended by chapter 8 of the laws of 2019, is amended to read as  
17 follows:

18 (a) It shall be an unlawful discriminatory practice for any person,  
19 being the owner, lessee, proprietor, manager, superintendent, agent or  
20 employee of any place of public accommodation, resort or amusement,  
21 because of the race, creed, color, national origin, sexual orientation,  
22 gender identity or expression, military status, sex, disability, status  
23 as a New York state citizen or marital status of any person, directly or  
24 indirectly, to refuse, withhold from or deny to such person any of the  
25 accommodations, advantages, facilities or privileges thereof, including  
26 the extension of credit, or, directly or indirectly, to publish, circu-  
27 late, issue, display, post or mail any written or printed communication,  
28 notice or advertisement, to the effect that any of the accommodations,  
29 advantages, facilities and privileges of any such place shall be  
30 refused, withheld from or denied to any person on account of race,  
31 creed, color, national origin, sexual orientation, gender identity or  
32 expression, military status, sex, disability, status as a New York state  
33 citizen or marital status, or that the patronage or custom thereof of  
34 any person of or purporting to be of any particular race, creed, color,  
35 national origin, sexual orientation, gender identity or expression,  
36 military status, sex, status as a New York state citizen or marital  
37 status, or having a disability is unwelcome, objectionable or not  
38 acceptable, desired or solicited.

39 § 35. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section  
40 296 of the executive law, paragraphs (a), (b) and (c) as amended by  
41 section 3 of part T of chapter 56 of the laws of 2019, are amended to  
42 read as follows:

43 (a) To refuse to sell, rent or lease or otherwise to deny to or with-  
44 hold from any person or group of persons such housing accommodations  
45 because of the race, creed, color, disability, national origin, sexual  
46 orientation, gender identity or expression, military status, age, sex,  
47 status as a New York state citizen, marital status, lawful source of  
48 income or familial status of such person or persons, or to represent  
49 that any housing accommodation or land is not available for inspection,  
50 sale, rental or lease when in fact it is so available.

51 (b) To discriminate against any person because of his or her race,  
52 creed, color, disability, national origin, sexual orientation, gender  
53 identity or expression, military status, age, sex, status as a New York  
54 state citizen, marital status, lawful source of income or familial  
55 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.



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

4 (a) It shall be an unlawful discriminatory practice for any fire  
5 department or fire company therein, through any member or members there-  
6 of, officers, board of fire commissioners or other body or office having  
7 power of appointment of volunteer firefighters, directly or indirectly,  
8 by ritualistic practice, constitutional or by-law prescription, by tacit  
9 agreement among its members, or otherwise, to deny to any individual  
10 membership in any volunteer fire department or fire company therein, or  
11 to expel or discriminate against any volunteer member of a fire depart-  
12 ment or fire company therein, because of the race, creed, color,  
13 national origin, sexual orientation, gender identity or expression,  
14 military status, sex, status as a New York state citizen, marital  
15 status, or familial status, of such individual.

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

18 13. It shall be an unlawful discriminatory practice (i) for any person  
19 to boycott or blacklist, or to refuse to buy from, sell to or trade  
20 with, or otherwise discriminate against any person, because of the race,  
21 creed, color, national origin, sexual orientation, gender identity or  
22 expression, military status, sex, disability, status as a New York state  
23 citizen, or familial status, of such person, or of such person's part-  
24 ners, members, stockholders, directors, officers, managers, superinten-  
25 dents, agents, employees, business associates, suppliers or customers,  
26 or (ii) for any person wilfully to do any act or refrain from doing any  
27 act which enables any such person to take such action. This subdivision  
28 shall not apply to:

29 (a) Boycotts connected with labor disputes; or

30 (b) Boycotts to protest unlawful discriminatory practices.

31 § 40. Subdivisions 1, 2 and 3 of section 296-a of the executive law,  
32 as amended by chapter 8 of the laws of 2019, are amended to read as  
33 follows:

34 1. It shall be an unlawful discriminatory practice for any creditor or  
35 any officer, agent or employee thereof:

36 a. In the case of applications for credit with respect to the  
37 purchase, acquisition, construction, rehabilitation, repair or mainte-  
38 nance of any housing accommodation, land or commercial space to discrim-  
39 inate against any such applicant because of the race, creed, color,  
40 national origin, sexual orientation, gender identity or expression,  
41 military status, age, sex, marital status, disability, status as a New  
42 York state citizen, or familial status of such applicant or applicants  
43 or any member, stockholder, director, officer or employee of such appli-  
44 cant or applicants, or of the prospective occupants or tenants of such  
45 housing accommodation, land or commercial space, in the granting, with-  
46 holding, extending or renewing, or in the fixing of the rates, terms or  
47 conditions of, any such credit;

48 b. To discriminate in the granting, withholding, extending or renew-  
49 ing, or in the fixing of the rates, terms or conditions of, any form of  
50 credit, on the basis of race, creed, color, national origin, sexual  
51 orientation, gender identity or expression, military status, age, sex,  
52 marital status, disability, status as a New York state citizen, or fami-  
53 lial status;

54 c. To use any form of application for credit or use or make any record  
55 or inquiry which expresses, directly or indirectly, any limitation,  
56 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-~~

~~1 dental facility licensed, operated or funded by the office of mental  
2 health or the office for people with developmental disabilities, and was  
3 in receipt of a medical assistance authorization based on a finding that  
4 he or she was] (i) a person permanently residing in the United States  
5 under color of law [shall, if otherwise eligible, be eligible for  
6 medical assistance and provided, further, that any such person who, on  
7 the fourth day of August, nineteen hundred ninety seven, was diagnosed  
8 as having AIDS, as defined in subdivision one of section two thousand  
9 seven hundred eighty of the public health law, and was in receipt of  
10 medical assistance authorization pursuant to title eleven of article  
11 five of this chapter based on a finding that he or she was a person  
12 permanently residing in the United States under color of law shall, if  
13 otherwise eligible, be eligible for medical assistance.~~

~~14 (i) a qualified alien who entered the United States less than five  
15 years earlier or for less than five years has had a status within the  
16 meaning of the term "qualified alien" as defined in section 431 of the  
17 federal personal responsibility and work opportunity reconciliation act  
18 of 1996 (8 U.S. Code 1641), as amended, if such entry occurred on or  
19 after the twenty-second day of August, nineteen hundred ninety-six; and~~

~~20 (ii) an alien whose status is not within the meaning of the term  
21 "qualified alien" as defined in section 431 of the federal personal  
22 responsibility and work opportunity reconciliation act of 1996 (8 U.S.  
23 Code 1641), as amended, but who is otherwise permanently residing in the  
24 United States under color of law], and (ii) New York state citizens if  
25 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 carcera-  
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 detainees received from federal  
12 immigration authorities;

13 (b) the number of persons held pursuant to civil immigration detainees  
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 detainees; 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.