

STATE OF NEW YORK

715

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to enforcement of fair housing

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

1 Section 1. The executive law is amended by adding a new section 298-b
2 to read as follows:

3 § 298-b. Enforcement relating to the conduct of owners, agents,
4 employees and others involved in the sale or rental of housing. If the
5 commissioner finds that a violation of subdivision two-a, subdivision
6 three-b or subdivision five of section two hundred ninety-six of this
7 article has occurred, the commissioner shall issue an order which shall
8 do one or more of the following:

9 1. award compensatory damages to the person aggrieved by such
10 violation;

11 2. to vindicate the public interest, assess a civil penalty: (i) in an
12 amount not exceeding twenty-five thousand dollars if the respondent has
13 not been adjudged to have committed any prior discriminatory housing
14 practice; (ii) in an amount not exceeding fifty thousand dollars if the
15 respondent has been adjudged to have committed one other discriminatory
16 practice during the five-year period prior to the date of the filing of
17 the complaint; and (iii) in an amount not exceeding seventy-five thou-
18 sand dollars if the respondent has been adjudged to have committed two
19 or more discriminatory housing practices during the seven-year period
20 prior to the date of the filing of the complaint, except that if the
21 acts constituting the discriminatory practice that is the object of the
22 complaint are committed by the same natural person who has been previ-
23 ously adjudged to have committed acts constituting a discriminatory

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

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1 housing practice, then the civil penalties set forth in subparagraphs
2 (ii) and (iii) of this paragraph may be imposed without regard to the
3 period of time within which any subsequent discriminatory practice
4 occurred. Any civil penalty imposed pursuant to this subdivision shall
5 not limit the award of damages or other relief available at law or in
6 equity to the person aggrieved by such violation;

7 3. require the respondent to cease and desist from such unlawful
8 discriminatory practices;

9 4. award punitive damages to the person aggrieved by such violation;

10 5. grant such other relief the commissioner deems just and equitable.

11 § 2. The opening paragraph of section 298 of the executive law is
12 designated subdivision 1 and a new subdivision 2 is added to read as
13 follows:

14 2. In an action filed by the attorney general pursuant to subdivision
15 twelve of section sixty-three of this chapter, in addition to any other
16 available relief, a court may, to vindicate the public interest, assess
17 a civil penalty against the respondent in an amount that does not exceed
18 the following:

19 (a) If the defendant is a natural person, (i) fifty thousand dollars
20 for a first violation, and (ii) one hundred thousand dollars for a
21 second or subsequent violation.

22 (b) If the defendant is a corporate entity, (i) one hundred thousand
23 dollars for a first violation and (ii) two hundred fifty thousand
24 dollars for a second or subsequent violation.

25 § 3. This act shall take effect immediately; provided, however, that
26 section two of this act shall take effect on the same date and in the
27 same manner as chapter 236 of the laws of 2020 takes effect.