STATE OF NEW YORK

532

2023-2024 Regular Sessions

IN SENATE

January 4, 2023

Introduced by Sens. THOMAS, HARCKHAM, KAVANAGH, MANNION, MAY -- 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:

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

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

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

2. to vindicate the public interest, assess a civil penalty: (i) in an amount not exceeding twenty-five thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice; (ii) in an amount not exceeding fifty thousand dollars if the respondent has been adjudged to have committed one other discriminatory practice during the five-year period prior to the date of the filing of the complaint; and (iii) in an amount not exceeding seventy-five thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven-year period prior to the date of the filing of the complaint, except that if the acts constituting the discriminatory practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs

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

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(ii) and (iii) of this paragraph may be imposed without regard to the period of time within which any subsequent discriminatory practice occurred. Any civil penalty imposed pursuant to this subdivision shall not limit the award of damages or other relief available at law or in equity to the person aggrieved by such violation;

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.