STATE OF NEW YORK

2746--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

Introduced by M. of A. GALLAGHER, AUBRY, DICKENS, EPSTEIN, MITAYNES, FORREST, KELLES, RAGA -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to including correctional facilities and local correctional facilities as publicly-assisted housing accommodations for purposes of the division of human rights

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

Section 1. Legislative intent and findings. Whereas recent judicial opinions have created confusion regarding the status of correctional facilities and law enforcement agencies as subjects of the jurisdiction of the New York human rights law, the legislature hereby finds and declares, for the purposes of the human rights law and the division of human rights, the services provided by law enforcement officers are public accommodations, correctional facilities and local correctional facilities are housing accommodations, and law enforcement agencies, correctional facilities and local correctional facilities are subject to the jurisdiction of the human rights law.

§ 2. Subdivision 10 of section 292 of the executive law, as added by chapter 340 of the laws of 1955, is amended to read as follows:

10. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings**, including any type of correctional facility or local correctional facility**.

§ 3. Section 292 of the executive law is amended by adding a new subdivision 42 to read as follows:

42. The terms "correctional facility" and "local correctional facility" shall have the same meaning as such terms are defined in section two of the correction law.

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

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§ 4. Paragraph (a) of subdivision 2 of section 296 of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, 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 **correctional facility, local correctional facility, law enforcement agency,** place of public accommodation, resort or amusement, because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, marital status, or status as a victim of domestic violence, 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, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

§ 5. This act shall take effect immediately.