

STATE OF NEW YORK

6531

2025-2026 Regular Sessions

IN SENATE

March 17, 2025

Introduced by Sen. SANDERS -- 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 prohibiting discrimination on the basis of a person's caste in opportunities of employment, housing, and access to public accommodations

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

1 Section 1. Section 292 of the executive law is amended by adding a new
2 subdivision 42 to read as follows:

3 42. The term "caste" means a class in a graded social hierarchical
4 structure that assigns individuals social status, roles, privileges, and
5 disadvantages based on birth and typically enforces hereditary status,
6 endogamy, and occupational restrictions while limiting social and
7 economic mobility and access to fundamental rights and opportunities.

8 § 2. Paragraphs (a), (b), (c), (d) and (h) of subdivision 1 of section
9 296 of the executive law, as separately amended by chapters 202 and 748
10 of the laws of 2022, are amended to read as follows:

11 (a) For an employer or licensing agency, because of an individual's
12 age, race, creed, color, national origin, citizenship or immigration
13 status, sexual orientation, gender identity or expression, military
14 status, sex, caste, disability, predisposing genetic characteristics,
15 familial status, marital status, or status as a victim of domestic
16 violence, to refuse to hire or employ or to bar or to discharge from
17 employment such individual or to discriminate against such individual in
18 compensation or in terms, conditions or privileges of employment.

19 (b) For an employment agency to discriminate against any individual
20 because of age, race, creed, color, national origin, citizenship or
21 immigration status, sexual orientation, gender identity or expression,
22 military status, sex, caste, disability, predisposing genetic character-
23 istics, familial status, marital status, or status as a victim of domes-

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

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1 tic violence, in receiving, classifying, disposing or otherwise acting
2 upon applications for its services or in referring an applicant or
3 applicants to an employer or employers.

4 (c) For a labor organization, because of the age, race, creed, color,
5 national origin, citizenship or immigration status, sexual orientation,
6 gender identity or expression, military status, sex, caste, disability,
7 predisposing genetic characteristics, familial status, marital status,
8 or status as a victim of domestic violence, of any individual, to
9 exclude or to expel from its membership such individual or to discrimi-
10 nate in any way against any of its members or against any employer or
11 any individual employed by an employer.

12 (d) For any employer or employment agency to print or circulate or
13 cause to be printed or circulated any statement, advertisement or publi-
14 cation, or to use any form of application for employment or to make any
15 inquiry in connection with prospective employment, which expresses
16 directly or indirectly, any limitation, specification or discrimination
17 as to age, race, creed, color, national origin, citizenship or immi-
18 gration status, sexual orientation, gender identity or expression, mili-
19 tary status, sex, caste, disability, predisposing genetic character-
20 istics, familial status, marital status, or status as a victim of
21 domestic violence, or any intent to make any such limitation, specifica-
22 tion or discrimination, unless based upon a bona fide occupational qual-
23 ification; provided, however, that neither this paragraph nor any
24 provision of this chapter or other law shall be construed to prohibit
25 the department of civil service or the department of personnel of any
26 city containing more than one county from requesting information from
27 applicants for civil service examinations concerning any of the afore-
28 mentioned characteristics, other than sexual orientation, for the
29 purpose of conducting studies to identify and resolve possible problems
30 in recruitment and testing of members of minority groups to ensure the
31 fairest possible and equal opportunities for employment in the civil
32 service for all persons, regardless of age, race, creed, color, national
33 origin, citizenship or immigration status, sexual orientation or gender
34 identity or expression, military status, sex, caste, disability, predis-
35 posing genetic characteristics, familial status, or marital status.

36 (h) For an employer, licensing agency, employment agency or labor
37 organization to subject any individual to harassment because of an indi-
38 vidual's age, race, creed, color, national origin, citizenship or immi-
39 gration status, sexual orientation, gender identity or expression, mili-
40 tary status, sex, caste, disability, predisposing genetic
41 characteristics, familial status, marital status, status as a victim of
42 domestic violence, or because the individual has opposed any practices
43 forbidden under this article or because the individual has filed a
44 complaint, testified or assisted in any proceeding under this article,
45 regardless of whether such harassment would be considered severe or
46 pervasive under precedent applied to harassment claims. Such harassment
47 is an unlawful discriminatory practice when it subjects an individual to
48 inferior terms, conditions or privileges of employment because of the
49 individual's membership in one or more of these protected categories.
50 The fact that such individual did not make a complaint about the harass-
51 ment to such employer, licensing agency, employment agency or labor
52 organization shall not be determinative of whether such employer,
53 licensing agency, employment agency or labor organization shall be
54 liable. Nothing in this section shall imply that an employee must demon-
55 strate the existence of an individual to whom the employee's treatment
56 must be compared. It shall be an affirmative defense to liability under

1 this subdivision that the harassing conduct does not rise above the
2 level of what a reasonable victim of discrimination with the same
3 protected characteristic or characteristics would consider petty slights
4 or trivial inconveniences.

5 § 3. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of
6 the executive law, as separately amended by chapters 202 and 748 of the
7 laws of 2022, are amended to read as follows:

8 (b) To deny to or withhold from any person because of race, creed,
9 color, national origin, citizenship or immigration status, sexual orien-
10 tation, gender identity or expression, military status, sex, caste, age,
11 disability, familial status, marital status, or status as a victim of
12 domestic violence, the right to be admitted to or participate in a guid-
13 ance program, an apprenticeship training program, on-the-job training
14 program, executive training program, or other occupational training or
15 retraining program;

16 (c) To discriminate against any person in [~~his or her~~] pursuit of such
17 programs or to discriminate against such a person in the terms, condi-
18 tions or privileges of such programs because of race, creed, color,
19 national origin, citizenship or immigration status, sexual orientation,
20 gender identity or expression, military status, sex, caste, age, disa-
21 bility, familial status, marital status, or status as a victim of domes-
22 tic violence;

23 (d) To print or circulate or cause to be printed or circulated any
24 statement, advertisement or publication, or to use any form of applica-
25 tion for such programs or to make any inquiry in connection with such
26 program which expresses, directly or indirectly, any limitation, spec-
27 ification or discrimination as to race, creed, color, national origin,
28 citizenship or immigration status, sexual orientation, gender identity
29 or expression, military status, sex, caste, age, disability, familial
30 status, marital status, or status as a victim of domestic violence, or
31 any intention to make any such limitation, specification or discrimi-
32 nation, unless based on a bona fide occupational qualification.

33 § 4. Paragraph (a) of subdivision 2 of section 296 of the executive
34 law, paragraph (a) as separately amended by chapters 202 and 748 of the
35 laws of 2022, is amended to read as follows:

36 (a) It shall be an unlawful discriminatory practice for any person,
37 being the owner, lessee, proprietor, manager, superintendent, agent or
38 employee of any place of public accommodation, resort or amusement,
39 because of the race, creed, color, national origin, citizenship or immi-
40 gration status, sexual orientation, gender identity or expression, mili-
41 tary status, sex, caste, disability, marital status, or status as a
42 victim of domestic violence, of any person, directly or indirectly, to
43 refuse, withhold from or deny to such person any of the accommodations,
44 advantages, facilities or privileges thereof, including the extension of
45 credit, or, directly or indirectly, to publish, circulate, issue,
46 display, post or mail any written or printed communication, notice or
47 advertisement, to the effect that any of the accommodations, advantages,
48 facilities and privileges of any such place shall be refused, withheld
49 from or denied to any person on account of race, creed, color, national
50 origin, citizenship or immigration status, sexual orientation, gender
51 identity or expression, military status, sex, caste, disability or mari-
52 tal status, or that the patronage or custom thereat of any person of or
53 purporting to be of any particular race, creed, color, national origin,
54 citizenship or immigration status, sexual orientation, gender identity
55 or expression, military status, sex, caste, or marital status, or having

1 a disability is unwelcome, objectionable or not acceptable, desired or
2 solicited.

3 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
4 296 of the executive law, as separately amended by chapters 202 and 748
5 of the laws of 2022, are amended to read as follows:

6 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
7 hold from any person or group of persons such housing accommodations
8 because of the race, creed, color, disability, national origin, citizen-
9 ship or immigration status, sexual orientation, gender identity or
10 expression, military status, age, sex, caste, marital status, status as
11 a victim of domestic violence, lawful source of income or familial
12 status of such person or persons, or to represent that any housing
13 accommodation or land is not available for inspection, sale, rental or
14 lease when in fact it is so available.

15 (b) To discriminate against any person because of [~~his or her~~] race,
16 creed, color, disability, national origin, citizenship or immigration
17 status, sexual orientation, gender identity or expression, military
18 status, age, sex, caste, marital status, status as a victim of domestic
19 violence, lawful source of income or familial status in the terms,
20 conditions or privileges of any publicly-assisted housing accommodations
21 or in the furnishing of facilities or services in connection therewith.

22 (c) To cause to be made any written or oral inquiry or record concern-
23 ing the race, creed, color, disability, national origin, citizenship or
24 immigration status, sexual orientation, gender identity or expression,
25 membership in the reserve armed forces of the United States or in the
26 organized militia of the state, age, sex, caste, marital status, status
27 as a victim of domestic violence, lawful source of income or familial
28 status of a person seeking to rent or lease any publicly-assisted hous-
29 ing accommodation; provided, however, that nothing in this subdivision
30 shall prohibit a member of the reserve armed forces of the United States
31 or in the organized militia of the state from voluntarily disclosing
32 such membership.

33 (c-1) To print or circulate or cause to be printed or circulated any
34 statement, advertisement or publication, or to use any form of applica-
35 tion for the purchase, rental or lease of such housing accommodation or
36 to make any record or inquiry in connection with the prospective
37 purchase, rental or lease of such a housing accommodation which
38 expresses, directly or indirectly, any limitation, specification or
39 discrimination as to race, creed, color, national origin, citizenship or
40 immigration status, sexual orientation, gender identity or expression,
41 military status, sex, caste, age, disability, marital status, status as
42 a victim of domestic violence, lawful source of income or familial
43 status, or any intent to make any such limitation, specification or
44 discrimination.

45 § 6. Subdivisions 3-b, 4 and 13 of section 296 of the executive law,
46 as separately amended by chapters 202 and 748 of the laws of 2022, are
47 amended to read as follows:

48 3-b. It shall be an unlawful discriminatory practice for any real
49 estate broker, real estate salesperson or employee or agent thereof or
50 any other individual, corporation, partnership or organization for the
51 purpose of inducing a real estate transaction from which any such person
52 or any of its stockholders or members may benefit financially, to repre-
53 sent that a change has occurred or will or may occur in the composition
54 with respect to race, creed, color, national origin, citizenship or
55 immigration status, sexual orientation, gender identity or expression,
56 military status, sex, caste, disability, marital status, status as a

1 victim of domestic violence, or familial status of the owners or occu-
2 pants in the block, neighborhood or area in which the real property is
3 located, and to represent, directly or indirectly, that this change will
4 or may result in undesirable consequences in the block, neighborhood or
5 area in which the real property is located, including but not limited to
6 the lowering of property values, an increase in criminal or anti-social
7 behavior, or a decline in the quality of schools or other facilities.

8 4. It shall be an unlawful discriminatory practice for an educational
9 institution to deny the use of its facilities to any person otherwise
10 qualified, or to permit the harassment of any student or applicant, by
11 reason of [~~his~~] race, color, religion, disability, national origin,
12 citizenship or immigration status, sexual orientation, gender identity
13 or expression, military status, sex, caste, age, marital status, or
14 status as a victim of domestic violence, except that any such institu-
15 tion which establishes or maintains a policy of educating persons of one
16 sex exclusively may admit students of only one sex.

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

- 28 (a) Boycotts connected with labor disputes; or
- 29 (b) Boycotts to protest unlawful discriminatory practices.

30 § 7. Paragraphs (a), (b), (c) and (d) of subdivision 5 of section 296
31 of the executive law, as separately amended by chapters 202 and 748 of
32 the laws of 2022, are amended to read as follows:

33 (a) It shall be an unlawful discriminatory practice for the owner,
34 lessee, sub-lessee, assignee, or managing agent of, or other person
35 having the right to sell, rent or lease a housing accommodation,
36 constructed or to be constructed, or any agent or employee thereof:

37 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
38 from any person or group of persons such a housing accommodation because
39 of the race, creed, color, national origin, citizenship or immigration
40 status, sexual orientation, gender identity or expression, military
41 status, sex, caste, age, disability, marital status, status as a victim
42 of domestic violence, lawful source of income or familial status of such
43 person or persons, or to represent that any housing accommodation or
44 land is not available for inspection, sale, rental or lease when in fact
45 it is so available.

46 (2) To discriminate against any person because of race, creed, color,
47 national origin, citizenship or immigration status, sexual orientation,
48 gender identity or expression, military status, sex, caste, age, disa-
49 bility, marital status, status as a victim of domestic violence, lawful
50 source of income or familial status in the terms, conditions or privi-
51 leges of the sale, rental or lease of any such housing accommodation or
52 in the furnishing of facilities or services in connection therewith.

53 (3) 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 such housing accommodation or
56 to make any record or inquiry in connection with the prospective

1 purchase, rental or lease of such a housing accommodation which
2 expresses, directly or indirectly, any limitation, specification or
3 discrimination as to race, creed, color, national origin, citizenship or
4 immigration status, sexual orientation, gender identity or expression,
5 military status, sex, caste, age, disability, marital status, status as
6 a victim of domestic violence, lawful source of income or familial
7 status, or any intent to make any such limitation, specification or
8 discrimination.

9 (4) (i) The provisions of subparagraphs one and two of this paragraph
10 shall not apply (1) to the rental of a housing accommodation in a build-
11 ing which contains housing accommodations for not more than two families
12 living independently of each other, if the owner resides in one of such
13 housing accommodations, (2) to the restriction of the rental of all
14 rooms in a housing accommodation to individuals of the same sex [~~or~~],
15 (3) to the rental of a room or rooms in a housing accommodation, if such
16 rental is by the occupant of the housing accommodation or by the owner
17 of the housing accommodation and the owner resides in such housing
18 accommodation or (4) solely with respect to age and familial status to
19 the restriction of the sale, rental or lease of housing accommodations
20 exclusively to persons sixty-two years of age or older and the spouse of
21 any such person, or for housing intended and operated for occupancy by
22 at least one person fifty-five years of age or older per unit. In deter-
23 mining whether housing is intended and operated for occupancy by persons
24 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
25 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
26 apply. However, such rental property shall no longer be exempt from the
27 provisions of subparagraphs one and two of this paragraph if there is
28 unlawful discriminatory conduct pursuant to subparagraph three of this
29 paragraph.

30 (ii) The provisions of subparagraphs one, two, and three of this para-
31 graph shall not apply (1) to the restriction of the rental of all rooms
32 in a housing accommodation to individuals of the same sex, (2) to the
33 rental of a room or rooms in a housing accommodation, if such rental is
34 by the occupant of the housing accommodation or by the owner of the
35 housing accommodation and the owner resides in such housing accommo-
36 dation, or (3) solely with respect to age and familial status to the
37 restriction of the sale, rental or lease of housing accommodations
38 exclusively to persons sixty-two years of age or older and the spouse of
39 any such person, or for housing intended and operated for occupancy by
40 at least one person fifty-five years of age or older per unit. In deter-
41 mining whether housing is intended and operated for occupancy by persons
42 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
43 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
44 apply.

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

49 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
50 from any person or group of persons land or commercial space because of
51 the race, creed, color, national origin, citizenship or immigration
52 status, sexual orientation, gender identity or expression, military
53 status, sex, caste, age, disability, marital status, status as a victim
54 of domestic violence, or familial status of such person or persons, or
55 to represent that any housing accommodation or land is not available for
56 inspection, sale, rental or lease when in fact it is so available;

1 (2) To discriminate against any person because of race, creed, color,
2 national origin, citizenship or immigration status, sexual orientation,
3 gender identity or expression, military status, sex, caste, age, disa-
4 bility, marital status, status as a victim of domestic violence, or
5 familial status in the terms, conditions or privileges of the sale,
6 rental or lease of any such land or commercial space; or in the furnish-
7 ing of facilities or services in connection therewith;

8 (3) To print or circulate or cause to be printed or circulated any
9 statement, advertisement or publication, or to use any form of applica-
10 tion for the purchase, rental or lease of such land or commercial space
11 or to make any record or inquiry in connection with the prospective
12 purchase, rental or lease of such land or commercial space which
13 expresses, directly or indirectly, any limitation, specification or
14 discrimination as to race, creed, color, national origin, citizenship or
15 immigration status, sexual orientation, gender identity or expression,
16 military status, sex, caste, age, disability, marital status, status as
17 a victim of domestic violence, or familial status; or any intent to make
18 any such limitation, specification or discrimination[-]; or

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

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

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

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

1 ly, any limitation, specification, or discrimination as to race, creed,
2 color, national origin, citizenship or immigration status, sexual orien-
3 tation, gender identity or expression, military status, sex, caste, age,
4 disability, marital status, status as a victim of domestic violence,
5 lawful source of income or familial status; or any intent to make any
6 such limitation, specification or discrimination.

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

19 (d) It shall be an unlawful discriminatory practice for any real
20 estate board, because of the race, creed, color, national origin, citi-
21 zenship or immigration status, sexual orientation, gender identity or
22 expression, military status, age, sex, caste, disability, marital
23 status, status as a victim of domestic violence, lawful source of income
24 or familial status of any individual who is otherwise qualified for
25 membership, to exclude or expel such individual from membership, or to
26 discriminate against such individual in the terms, conditions and privi-
27 leges of membership in such board.

28 § 8. Subdivisions 1, 2 and 3 of section 296-a of the executive law, as
29 separately amended by chapters 202 and 748 of the laws of 2022, are
30 amended to read as follows:

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

33 a. In the case of applications for credit with respect to the
34 purchase, acquisition, construction, rehabilitation, repair or mainte-
35 nance of any housing accommodation, land or commercial space to discrim-
36 inate against any such applicant because of the race, creed, color,
37 national origin, citizenship or immigration status, sexual orientation,
38 gender identity or expression, military status, age, sex, caste, marital
39 status, status as a victim of domestic violence, disability, or familial
40 status of such applicant or applicants or any member, stockholder,
41 director, officer or employee of such applicant or applicants, or of the
42 prospective occupants or tenants of such housing accommodation, land or
43 commercial space, in the granting, withholding, extending or renewing,
44 or in the fixing of the rates, terms or conditions of, any such credit;

45 b. To discriminate in the granting, withholding, extending or renew-
46 ing, or in the fixing of the rates, terms or conditions of, any form of
47 credit, on the basis of race, creed, color, national origin, citizenship
48 or immigration status, sexual orientation, gender identity or
49 expression, military status, age, sex, caste, marital status, status as
50 a victim of domestic violence, disability, or familial status;

51 c. To use any form of application for credit or use or make any record
52 or inquiry which expresses, directly or indirectly, any limitation,
53 specification, or discrimination as to race, creed, color, national
54 origin, citizenship or immigration status, sexual orientation, gender
55 identity or expression, military status, age, sex, caste, marital

1 status, status as a victim of domestic violence, disability, or familial
2 status;

3 d. To make any inquiry of an [~~applicant concerning his or her~~] appli-
4 cant's capacity to reproduce, or [~~his or her~~] such applicant's use or
5 advocacy of any form of birth control or family planning;

6 e. To refuse to consider sources of an applicant's income or to
7 subject an applicant's income to discounting, in whole or in part,
8 because of an applicant's race, creed, color, national origin, citizen-
9 ship or immigration status, sexual orientation, gender identity or
10 expression, military status, age, sex, caste, marital status, status as
11 a victim of domestic violence, childbearing potential, disability, or
12 familial status; or

13 f. To discriminate against a married person because such person
14 neither uses nor is known by the surname of [~~his or her~~] their 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, citizenship or
20 immigration status, sexual orientation, gender identity or expression,
21 military status, age, sex, caste, marital status, status as a victim of
22 domestic violence, disability, or familial status, (i) an applicant or
23 class of applicants is denied credit in circumstances where other appli-
24 cants of like overall credit worthiness are granted credit, or (ii)
25 special requirements or conditions, such as requiring co-obligors or
26 reapplication upon marriage, are imposed upon an applicant or class of
27 applicants in circumstances where similar requirements or conditions are
28 not imposed upon other applicants of like 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, citizenship or immigration status, sexual orientation, gender
38 identity or expression, military status, sex, caste, marital status,
39 status as a victim of domestic violence or disability, or to the likeli-
40 hood of any group of persons bearing or rearing children, or for that
41 reason receiving diminished or interrupted income in the future.

42 § 9. Subdivision 2 and paragraph b of subdivision 3 of section 296-c
43 of the executive law, subdivision 2 as separately amended by chapters
44 202 and 748 of the laws of 2022, paragraphs a, b and c of subdivision 2
45 and paragraph b of subdivision 3 as amended by chapter 305 of the laws
46 of 2023, are amended to read as follows:

47 2. It shall be an unlawful discriminatory practice for an employer to:

48 a. refuse to hire or employ or to bar or to discharge from internship
49 an intern or to discriminate against such intern in terms, conditions or
50 privileges of employment as an intern because of the intern's age, race,
51 creed, color, national origin, citizenship or immigration status, sexual
52 orientation, gender identity or expression, military status, sex, caste,
53 disability, predisposing genetic characteristics, marital status, or
54 status as a victim of domestic violence;

55 b. discriminate against an intern in receiving, classifying, disposing
56 or otherwise acting upon applications for internships because of the

1 intern's age, race, creed, color, national origin, citizenship or immi-
2 gration status, sexual orientation, gender identity or expression, mili-
3 tary status, sex, caste, disability, predisposing genetic character-
4 istics, marital status, or status as a victim of domestic violence;

5 c. print or circulate or cause to be printed or circulated any state-
6 ment, advertisement or publication, or to use any form of application
7 for employment as an intern or to make any inquiry in connection with
8 prospective employment, which expresses directly or indirectly, any
9 limitation, specification or discrimination as to age, race, creed,
10 color, national origin, citizenship or immigration status, sexual orien-
11 tation, gender identity or expression, military status, sex, caste,
12 disability, predisposing genetic characteristics, marital status or
13 status as a victim of domestic violence, or any intent to make any such
14 limitation, specification or discrimination, unless based upon a bona
15 fide occupational qualification; provided, however, that neither this
16 paragraph nor any provision of this chapter or other law shall be
17 construed to prohibit the department of civil service or the department
18 of personnel of any city containing more than one county from requesting
19 information from applicants for civil service internships or examina-
20 tions concerning any of the aforementioned characteristics, other than
21 sexual orientation, for the purpose of conducting studies to identify
22 and resolve possible problems in recruitment and testing of members of
23 minority groups to ensure the fairest possible and equal opportunities
24 for employment in the civil service for all persons, regardless of age,
25 race, creed, color, national origin, citizenship or immigration status,
26 sexual orientation, military status, sex, caste, disability, predispos-
27 ing genetic characteristics, marital status or status as a victim of
28 domestic violence;

29 d. to discharge, expel or otherwise discriminate against any person
30 [~~because he or she~~ who has opposed any practices forbidden under this
31 article or [~~because he or she~~ who has filed a complaint, testified or
32 assisted in any proceeding under this article; or

33 e. to compel an intern who is pregnant to take a leave of absence,
34 unless the intern is prevented by such pregnancy from performing the
35 activities involved in the job or occupation in a reasonable manner.

36 b. subject an intern to unwelcome harassment based on age, sex, caste,
37 race, creed, color, sexual orientation, gender identity or expression,
38 military status, disability, predisposing genetic characteristics, mari-
39 tal status, status as a victim of domestic violence, national origin, or
40 citizenship or immigration status, or where such harassment has the
41 purpose or effect of unreasonably interfering with the intern's work
42 performance by creating an intimidating, hostile, or offensive working
43 environment.

44 § 10. This act shall not annul, alter, affect or exempt any employer
45 subject to the provisions of this act from complying with the laws,
46 ordinances, rules or regulations of any locality, except to the extent
47 that such laws, ordinances, rules or regulations are inconsistent with
48 any provision of this act, but no such law, ordinance, rule or regu-
49 lation shall be considered inconsistent if it affords equal or greater
50 protection to the employee.

51 § 11. This act shall take effect immediately.