

STATE OF NEW YORK

6920

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. RAGA -- read once and referred to the Committee on Governmental 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-
24 tic violence, in receiving, classifying, disposing or otherwise acting

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

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1 upon applications for its services or in referring an applicant or
2 applicants to an employer or employers.

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

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

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

1 level of what a reasonable victim of discrimination with the same
2 protected characteristic or characteristics would consider petty slights
3 or trivial inconveniences.

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

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

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

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

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

35 (a) It shall be an unlawful discriminatory practice for any person,
36 being the owner, lessee, proprietor, manager, superintendent, agent or
37 employee of any place of public accommodation, resort or amusement,
38 because of the race, creed, color, national origin, citizenship or immi-
39 gration status, sexual orientation, gender identity or expression, mili-
40 tary status, sex, caste, disability, marital status, or status as a
41 victim of domestic violence, of any person, directly or indirectly, to
42 refuse, withhold from or deny to such person any of the accommodations,
43 advantages, facilities or privileges thereof, including the extension of
44 credit, or, directly or indirectly, to publish, circulate, issue,
45 display, post or mail any written or printed communication, notice or
46 advertisement, to the effect that any of the accommodations, advantages,
47 facilities and privileges of any such place shall be refused, withheld
48 from or denied to any person on account of race, creed, color, national
49 origin, citizenship or immigration status, sexual orientation, gender
50 identity or expression, military status, sex, caste, disability or mari-
51 tal status, or that the patronage or custom thereat of any person of or
52 purporting to be of any particular race, creed, color, national origin,
53 citizenship or immigration status, sexual orientation, gender identity
54 or expression, military status, sex, caste, or marital status, or having
55 a disability is unwelcome, objectionable or not acceptable, desired or
56 solicited.

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

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

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

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

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

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

3-b. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, caste, disability, marital status, status as a victim of domestic violence, or familial status of the owners or occupants in the block, neighborhood or area in which the real property is

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

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

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

26 (a) Boycotts connected with labor disputes; or

27 (b) Boycotts to protest unlawful discriminatory practices.

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

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

35 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
36 from any person or group of persons such a housing accommodation because
37 of 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 or
42 land is not available for inspection, sale, rental or lease when in fact
43 it is so available.

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

51 (3) 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 such housing accommodation or
54 to make any record or inquiry in connection with the prospective
55 purchase, rental or lease of such a housing accommodation which
56 expresses, directly or indirectly, any limitation, specification or

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

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

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

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

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

55 (2) To discriminate against any person because of race, creed, color,
56 national origin, citizenship or immigration status, sexual orientation,

1 gender identity or expression, military status, sex, caste, age, disa-
2 bility, marital status, status as a victim of domestic violence, or
3 familial status in the terms, conditions or privileges of the sale,
4 rental or lease of any such land or commercial space; or in the furnish-
5 ing of facilities or services in connection therewith;

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

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

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

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

49 (2) To print or circulate or cause to be printed or circulated any
50 statement, advertisement or publication, or to use any form of applica-
51 tion for the purchase, rental or lease of any housing accommodation,
52 land or commercial space or to make any record or inquiry in connection
53 with the prospective purchase, rental or lease of any housing accommo-
54 dation, land or commercial space which expresses, directly or indirect-
55 ly, any limitation, specification, or discrimination as to race, creed,
56 color, national origin, citizenship or immigration status, sexual orien-

1 tation, gender identity or expression, military status, sex, caste, age,
2 disability, marital status, status as a victim of domestic violence,
3 lawful source of income or familial status; or any intent to make any
4 such limitation, specification or discrimination.

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

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

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

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

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

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

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

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

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

f. To discriminate against a married person because such person neither uses nor is known by the surname of [~~his or her~~] their spouse.

This paragraph shall not apply to any situation where the use of a surname would constitute or result in a criminal act.

2. Without limiting the generality of subdivision one of this section, it shall be considered discriminatory if, because of an applicant's or class of applicants' race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, age, sex, caste, marital status, status as a victim of domestic violence, disability, or familial status, (i) an applicant or class of applicants is denied credit in circumstances where other applicants of like overall credit worthiness are granted credit, or (ii) special requirements or conditions, such as requiring co-obligors or reapplication upon marriage, are imposed upon an applicant or class of applicants in circumstances where similar requirements or conditions are not imposed upon other applicants of like overall credit worthiness.

3. It shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided, however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate statistics or assumptions relating to race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, caste, marital status, status as a victim of domestic violence or disability, or to the likelihood of any group of persons bearing or rearing children, or for that reason receiving diminished or interrupted income in the future.

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

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

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

b. discriminate against an intern in receiving, classifying, disposing or otherwise acting upon applications for internships because of the intern's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, mili-

tary status, sex, caste, disability, predisposing genetic characteristics, marital status, or status as a victim of domestic violence;

c. print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment as an intern or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, caste, disability, predisposing genetic characteristics, marital status or status as a victim of domestic violence, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service internships or examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to ensure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, military status, sex, caste, disability, predisposing genetic characteristics, marital status or status as a victim of domestic violence;

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

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

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

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

§ 11. This act shall take effect immediately.