

STATE OF NEW YORK

3237

2025-2026 Regular Sessions

IN SENATE

January 24, 2025

Introduced by Sens. COONEY, HINCHEY, PALUMBO -- 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 requiring additional notice prior to commencing an action in certain discrimination cases

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

1 Section 1. Subdivision 9 of section 297 of the executive law, as
2 amended by chapter 140 of the laws of 2022, is amended to read as
3 follows:

4 9. a. Any person claiming to be aggrieved by an unlawful discriminato-
5 ry practice shall have a cause of action in any court of appropriate
6 jurisdiction for damages, including, in cases of employment discrimi-
7 nation related to private employers and housing discrimination only,
8 punitive damages, and such other remedies as may be appropriate, includ-
9 ing any civil fines and penalties provided in subdivision four of this
10 section, unless such person had filed a complaint hereunder or with any
11 local commission on human rights, or with the superintendent pursuant to
12 the provisions of section two hundred ninety-six-a of this article,
13 provided that, where the division has dismissed such complaint on the
14 grounds of administrative convenience, on the grounds of untimeliness,
15 or on the grounds that the election of remedies is annulled, such person
16 shall maintain all rights to bring suit as if no complaint had been
17 filed with the division. At any time prior to a hearing before a hearing
18 examiner, a person who has a complaint pending at the division may
19 request that the division dismiss the complaint and annul [~~his or her~~]
20 the election of remedies so that the human rights law claim may be
21 pursued in court, and the division may, upon such request, dismiss the
22 complaint on the grounds that such person's election of an administra-
23 tive remedy is annulled. Notwithstanding subdivision (a) of section two
24 hundred four of the civil practice law and rules, if a complaint is so

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

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1 annulled by the division, upon the request of the party bringing such
2 complaint before the division, such party's rights to bring such cause
3 of action before a court of appropriate jurisdiction shall be limited by
4 the statute of limitations in effect in such court at the time the
5 complaint was initially filed with the division. Any party to a housing
6 discrimination complaint shall have the right within twenty days follow-
7 ing a determination of probable cause pursuant to subdivision two of
8 this section to elect to have an action commenced in a civil court, and
9 an attorney representing the division of human rights will be appointed
10 to present the complaint in court, or, with the consent of the division,
11 the case may be presented by complainant's attorney. A complaint filed
12 by the equal employment opportunity commission to comply with the
13 requirements of 42 USC 2000e-5(c) and 42 USC 12117(a) and 29 USC 633(b)
14 shall not constitute the filing of a complaint within the meaning of
15 this subdivision. No person who has initiated any action in a court of
16 competent jurisdiction or who has an action pending before any adminis-
17 trative agency under any other law of the state based upon an act which
18 would be an unlawful discriminatory practice under this article, may
19 file a complaint with respect to the same grievance under this section
20 or under section two hundred ninety-six-a of this article. In cases of
21 housing discrimination only, a person whose complaint has been dismissed
22 by the division after investigation for lack of jurisdiction or lack of
23 probable cause may file the same cause of action in a court of appropri-
24 ate jurisdiction pursuant to this section, unless judicial review of
25 such dismissal has been sought pursuant to section two hundred ninety-
26 eight of this article. The attorney general shall have the power to
27 commence an action or proceeding in the supreme court of the state of
28 New York, if, upon information or belief, the attorney general is of the
29 opinion that an employer has been, is, or is about to violate the
30 provisions regarding unlawful discriminatory retaliation pursuant to
31 subdivision seven of section two hundred ninety-six of this article.
32 Nothing in this section shall in any way limit rights or remedies which
33 are otherwise available under law to the attorney general or any other
34 person authorized to bring an action under this section.

35 b. Notwithstanding paragraph a of this subdivision, prior to commenc-
36 ing an action in any court of competent jurisdiction alleging that the
37 contents of a website or mobile application that describes goods and
38 services provided at a place of public accommodation, resort or amuse-
39 ment constitute an unlawful discriminatory practice with respect to
40 visually and hearing impaired individuals, the claimant shall serve
41 written notice upon the owner of such place of public accommodation,
42 resort or amusement by both certified mail, return receipt requested and
43 first class mail that (i) describes each and every feature of such
44 website and/or mobile application alleged to constitute an unlawful
45 discriminatory practice and (ii) provides such owner with an opportunity
46 to correct such alleged violation or violations within sixty days from
47 service of such notice.

48 c. Within the sixty-day period of time described in paragraph b of
49 this subdivision, the owner of a place of public accommodation, resort
50 or amusement may advise the claimant by written notice by both certified
51 mail, return receipt requested and first class mail that the alleged
52 violation or violations have either been corrected or did not occur and
53 do not need correction.

54 § 2. This act shall take effect immediately.