

# 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.