

STATE OF NEW YORK

8444

2025-2026 Regular Sessions

IN SENATE

June 18, 2025

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on housing status

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

1 Section 1. Legislative findings and intent. The legislature reaffirms
2 that the state has the responsibility to act to assure that every indi-
3 vidual within this state is afforded an equal opportunity to enjoy a
4 full and productive life, and that the failure to provide such equal
5 opportunity, whether because of discrimination, prejudice, intolerance,
6 or inadequate education, training, housing or health care not only
7 threatens the rights and proper privileges of its inhabitants but
8 menaces the institutions and foundation of a free democratic state and
9 threatens the peace, order, health, safety and general welfare of the
10 state and its inhabitants.

11 The legislature further finds that many residents of this state have
12 encountered prejudice on account of housing status, and that this preju-
13 dice has severely limited or actually prevented access to employment,
14 housing and other basic necessities of life, leading to deprivation and
15 suffering. The legislature further recognizes that this prejudice has
16 fostered a general climate of hostility and distrust, leading in some
17 instances to physical violence against those perceived to be experienc-
18 ing homelessness.

19 This legislation is intended to codify this principle and to ensure
20 that the public understands that discrimination on the basis of some-
21 one's housing status is prohibited.

22 § 2. Subdivisions 9 and 10 of section 63 of the executive law, as
23 amended by chapter 748 of the laws of 2022, are amended to read as
24 follows:

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

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9. Bring and prosecute or defend upon request of the commissioner of labor or the state division of human rights, any civil action or proceeding, the institution or defense of which in [~~his~~] such attorney general's judgment is necessary for effective enforcement of the laws of this state against discrimination by reason of age, race, sex, creed, color, national origin, sexual orientation, housing status, gender identity or expression, military status, disability, predisposing genetic characteristics, familial status, marital status, citizenship or immigration status, or domestic violence victim status, or for enforcement of any order or determination of such commissioner or division made pursuant to such laws.

10. Prosecute every person charged with the commission of a criminal offense in violation of any of the laws of this state against discrimination because of age, race, sex, creed, color, national origin, sexual orientation, housing status, gender identity or expression, military status, disability, predisposing genetic characteristics, familial status, marital status, citizenship or immigration status, or domestic violence victim status, in any case where in [~~his~~] such attorney general's judgment, because of the extent of the offense, such prosecution cannot be effectively carried on by the district attorney of the county wherein the offense or a portion thereof is alleged to have been committed, or where in [~~his~~] such attorney general's judgment the district attorney has erroneously failed or refused to prosecute. In all such proceedings, the attorney general may appear in person or by [~~his~~] such attorney general's deputy or assistant before any court or any grand jury and exercise all the powers and perform all the duties in respect of such actions or proceedings which the district attorney would otherwise be authorized or required to exercise or perform.

§ 3. Subdivisions 1 and 2 of section 291 of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

1. The opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, housing status, gender identity or expression, military status, sex, marital status, or disability, is hereby recognized as and declared to be a civil right.

2. The opportunity to obtain education, the use of places of public accommodation and the ownership, use and occupancy of housing accommodations and commercial space without discrimination because of age, race, creed, color, national origin, sexual orientation, housing status, gender identity or expression, military status, sex, marital status, or disability, as specified in section two hundred ninety-six of this article, is hereby recognized as and declared to be a civil right.

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

42. The term "housing status" means the set of circumstances in which an individual or family lacks a fixed, regular, and adequate nighttime residence, resides in a place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, public sidewalk or street, hallway, bus or train station, lobby or similar place, resides in a residential program for victims of domestic violence or runaway and homeless youth, or resides in a supervised publicly or privately operated shelter designed to provide temporary living arrangements, including hotels and motels paid for by federal, state, or local government programs or by charitable organizations, congregate shelters, safe havens or transitional housing.

§ 5. Subdivisions 8 and 9 of section 295 of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

8. To create such advisory councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this article and of section eleven of article one of the constitution of this state, and the division may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of age, race, creed, color, national origin, sexual orientation, housing status, gender identity or expression, military status, sex, disability or marital status and make recommendations to the division for the development of policies and procedures in general and in specific instances. The advisory councils also shall disseminate information about the division's activities to organizations and individuals in their localities. Such advisory councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the division may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

9. To develop human rights plans and policies for the state and assist in their execution and to make investigations and studies appropriate to effectuate this article and to issue such publications and such results of investigations and research as in its judgement will tend to inform persons of the rights assured and remedies provided under this article, to promote good-will and minimize or eliminate discrimination because of age, race, creed, color, national origin, sexual orientation, housing status, gender identity or expression, military status, sex, disability or marital status.

§ 6. Paragraphs (a), (b), (c), (d) and (h) of subdivision 1 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) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency to discriminate against any individual because of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

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

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment 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, housing status, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, 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 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, housing status, sexual orientation or gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status.

(h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint, testified or assisted in any proceeding under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims. Such harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of these protected categories. The fact that such individual did not make a complaint about the harassment to such employer, licensing agency, employment agency or labor organization shall not be determinative of whether such employer, licensing agency, employment agency or labor organization shall be liable. Nothing in this section shall imply that an employee must demonstrate the existence of an individual to whom the employee's treatment must be compared. It shall be an affirmative defense to liability under this subdivision that the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic or characteristics would consider petty slights or trivial inconveniences.

§ 7. Paragraphs (b), (c) and (d) of subdivision 1-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:

(b) To deny to or withhold from any person because of race, creed, color, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status,

1 sex, age, disability, familial status, marital status, or status as a
2 victim of domestic violence, the right to be admitted to or participate
3 in a guidance program, an apprenticeship training program, on-the-job
4 training program, executive training program, or other occupational
5 training or retraining program;

6 (c) To discriminate against any person in [~~his or her~~] the person's
7 pursuit of such programs or to discriminate against such a person in the
8 terms, conditions or privileges of such programs because of race, creed,
9 color, national origin, citizenship or immigration status, sexual orien-
10 tation, housing status, gender identity or expression, military status,
11 sex, age, disability, familial status, marital status, or status as a
12 victim of domestic violence;

13 (d) To print or circulate or cause to be printed or circulated any
14 statement, advertisement or publication, or to use any form of applica-
15 tion for such programs or to make any inquiry in connection with such
16 program which expresses, directly or indirectly, any limitation, spec-
17 ification or discrimination as to race, creed, color, national origin,
18 citizenship or immigration status, sexual orientation, housing status,
19 gender identity or expression, military status, sex, age, disability,
20 familial status, marital status, or status as a victim of domestic
21 violence, or any intention to make any such limitation, specification or
22 discrimination, unless based on a bona fide occupational qualification.

23 § 8. Paragraph (a) of subdivision 2 of section 296 of the executive
24 law, as separately amended by chapters 202 and 748 of the laws of 2022,
25 is amended to read as follows:

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

48 § 9. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
49 296 of the executive law, as separately amended by chapters 202 and 748
50 of the laws of 2022, are amended to read as follows:

51 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
52 hold from any person or group of persons such housing accommodations
53 because of the race, creed, color, disability, national origin, citizen-
54 ship or immigration status, sexual orientation, housing status, gender
55 identity or expression, military status, age, sex, marital status,
56 status as a victim of domestic violence, lawful source of income or

1 familial status of such person or persons, or to represent that any
2 housing accommodation or land is not available for inspection, sale,
3 rental or lease when in fact it is so available.

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

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

23 (c-1) 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 the purchase, rental or lease of such housing accommodation or
26 to make any record or inquiry in connection with the prospective
27 purchase, rental or lease of such a housing accommodation which
28 expresses, directly or indirectly, any limitation, specification or
29 discrimination as to race, creed, color, national origin, citizenship or
30 immigration status, sexual orientation, housing status, gender identity
31 or expression, military status, sex, age, disability, marital status,
32 status as a victim of domestic violence, lawful source of income or
33 familial status, or any intent to make any such limitation, specifica-
34 tion or discrimination.

35 § 10. Subdivision 3-b of section 296 of the executive law, as sepa-
36 rately amended by chapters 202 and 748 of the laws of 2022, is amended
37 to read as follows:

38 3-b. It shall be an unlawful discriminatory practice for any real
39 estate broker, real estate salesperson or employee or agent thereof or
40 any other individual, corporation, partnership or organization for the
41 purpose of inducing a real estate transaction from which any such person
42 or any of its stockholders or members may benefit financially, to repre-
43 sent that a change has occurred or will or may occur in the composition
44 with respect to race, creed, color, national origin, citizenship or
45 immigration status, sexual orientation, housing status, gender identity
46 or expression, military status, sex, disability, marital status, status
47 as a victim of domestic violence, or familial status of the owners or
48 occupants in the block, neighborhood or area in which the real property
49 is located, and to represent, directly or indirectly, that this change
50 will or may result in undesirable consequences in the block, neighbor-
51 hood or area in which the real property is located, including but not
52 limited to the lowering of property values, an increase in criminal or
53 anti-social behavior, or a decline in the quality of schools or other
54 facilities.

§ 11. Subdivision 4 of section 296 of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, is amended to read as follows:

4. It shall be an unlawful discriminatory practice for an educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of ~~his~~ such person's race, color, religion, disability, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status, sex, age, marital status, or status as a victim of domestic violence, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

§ 12. Subdivision 5 of section 296 of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, is amended to read as follows:

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

(1) To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status, sex, age, disability, 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.

(2) To discriminate against any person because of race, creed, color, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status, sex, age, disability, marital status, status as a victim of domestic violence, lawful source of income or familial status in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

(3) 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, housing status, gender identity or expression, military status, sex, 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.

(4) (i) The provisions of subparagraphs one and two of this paragraph shall not apply (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations, (2) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (3) to the rental of a room or rooms in a housing accommodation, if such

1 rental is by the occupant of the housing accommodation or by the owner
2 of the housing accommodation and the owner resides in such housing
3 accommodation or (4) solely with respect to age and familial status to
4 the restriction of the sale, rental or lease of housing accommodations
5 exclusively to persons sixty-two years of age or older and the spouse of
6 any such person, or for housing intended and operated for occupancy by
7 at least one person fifty-five years of age or older per unit. In deter-
8 mining whether housing is intended and operated for occupancy by persons
9 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
10 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
11 apply. However, such rental property shall no longer be exempt from the
12 provisions of subparagraphs one and two of this paragraph if there is
13 unlawful discriminatory conduct pursuant to subparagraph three of this
14 paragraph.

15 (ii) The provisions of subparagraphs one, two, and three of this para-
16 graph shall not apply (1) to the restriction of the rental of all rooms
17 in a housing accommodation to individuals of the same sex, (2) to the
18 rental of a room or rooms in a housing accommodation, if such rental is
19 by the occupant of the housing accommodation or by the owner of the
20 housing accommodation and the owner resides in such housing accommo-
21 dation, or (3) solely with respect to age and familial status to the
22 restriction of the sale, rental or lease of housing accommodations
23 exclusively to persons sixty-two years of age or older and the spouse of
24 any such person, or for housing intended and operated for occupancy by
25 at least one person fifty-five years of age or older per unit. In deter-
26 mining whether housing is intended and operated for occupancy by persons
27 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
28 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
29 apply.

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

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

43 (2) To discriminate against any person because of race, creed, color,
44 national origin, citizenship or immigration status, sexual orientation,
45 housing status, gender identity or expression, military status, sex,
46 age, disability, marital status, status as a victim of domestic
47 violence, or familial status in the terms, conditions or privileges of
48 the sale, rental or lease of any such land or commercial space; or in
49 the furnishing of facilities or services in connection therewith;

50 (3) To print or circulate or cause to be printed or circulated any
51 statement, advertisement or publication, or to use any form of applica-
52 tion for the purchase, rental or lease of such land or commercial space
53 or to make any record or inquiry in connection with the prospective
54 purchase, rental or lease of such land or commercial space which
55 expresses, directly or indirectly, any limitation, specification or
56 discrimination as to race, creed, color, national origin, citizenship or

1 immigration status, sexual orientation, housing status, gender identity
2 or expression, military status, sex, age, disability, marital status,
3 status as a victim of domestic violence, or familial status; or any
4 intent to make any such limitation, specification or discrimination.

5 (4) 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 land or commercial space exclusively to persons fifty-five
8 years of age or older and the spouse of any such person, or to the
9 restriction of the sale, rental or lease of land to be used for the
10 construction, or location of housing accommodations exclusively for
11 persons sixty-two years of age or older, or intended and operated for
12 occupancy by at least one person fifty-five years of age or older per
13 unit. In determining whether housing is intended and operated for occu-
14 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
15 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
16 amended, shall apply.

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

19 (1) To refuse to sell, rent or lease any housing accommodation, land
20 or commercial space to any person or group of persons or to refuse to
21 negotiate for the sale, rental or lease, of any housing accommodation,
22 land or commercial space to any person or group of persons because of
23 the race, creed, color, national origin, citizenship or immigration
24 status, sexual orientation, housing status, gender identity or
25 expression, military status, sex, age, disability, marital status,
26 status as a victim of domestic violence, lawful source of income or
27 familial status of such person or persons, or to represent that any
28 housing accommodation, land or commercial space is not available for
29 inspection, sale, rental or lease when in fact it is so available, or
30 otherwise to deny or withhold any housing accommodation, land or commer-
31 cial space or any facilities of any housing accommodation, land or
32 commercial space from any person or group of persons because of the
33 race, creed, color, national origin, citizenship or immigration status,
34 sexual orientation, housing status, gender identity or expression, mili-
35 tary status, sex, age, disability, marital status, lawful source of
36 income or familial status of such person or persons.

37 (2) To print or circulate or cause to be printed or circulated any
38 statement, advertisement or publication, or to use any form of applica-
39 tion for the purchase, rental or lease of any housing accommodation,
40 land or commercial space or to make any record or inquiry in connection
41 with the prospective purchase, rental or lease of any housing accommo-
42 dation, land or commercial space which expresses, directly or indirect-
43 ly, any limitation, specification, or discrimination as to race, creed,
44 color, national origin, citizenship or immigration status, sexual orien-
45 tation, housing status, gender identity or expression, military status,
46 sex, age, disability, marital status, status as a victim of domestic
47 violence, lawful source of income or familial status; or any intent to
48 make any such limitation, specification or discrimination.

49 (3) With respect to age and familial status, the provisions of this
50 paragraph shall not apply to the restriction of the sale, rental or
51 lease of any housing accommodation, land or commercial space exclusively
52 to persons fifty-five years of age or older and the spouse of any such
53 person, or to the restriction of the sale, rental or lease of any hous-
54 ing accommodation or land to be used for the construction or location of
55 housing accommodations for persons sixty-two years of age or older, or
56 intended and operated for occupancy by at least one person fifty-five

1 years of age or older per unit. In determining whether housing is
2 intended and operated for occupancy by persons fifty-five years of age
3 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
4 federal Fair Housing Act of 1988, as amended, shall apply.

5 (d) It shall be an unlawful discriminatory practice for any real
6 estate board, because of the race, creed, color, national origin, citi-
7 zenship or immigration status, sexual orientation, housing status,
8 gender identity or expression, military status, age, sex, disability,
9 marital status, status as a victim of domestic violence, lawful source
10 of income or familial status of any individual who is otherwise quali-
11 fied for membership, to exclude or expel such individual from member-
12 ship, or to discriminate against such individual in the terms, condi-
13 tions and privileges of membership in such board.

14 (e) It shall be an unlawful discriminatory practice for the owner,
15 proprietor or managing agent of, or other person having the right to
16 provide care and services in, a private proprietary nursing home, conva-
17 lescent home, or home for adults, or an intermediate care facility, as
18 defined in section two of the social services law, heretofore
19 constructed, or to be constructed, or any agent or employee thereof, to
20 refuse to provide services and care in such home or facility to any
21 individual or to discriminate against any individual in the terms,
22 conditions, and privileges of such services and care solely because such
23 individual is a blind person. For purposes of this paragraph, a "blind
24 person" shall mean a person who is registered as a blind person with the
25 commission for the visually handicapped and who meets the definition of
26 a "blind person" pursuant to section three of chapter four hundred
27 fifteen of the laws of nineteen hundred thirteen entitled "An act to
28 establish a state commission for improving the condition of the blind of
29 the state of New York, and making an appropriation therefor".

30 (f) The provisions of this subdivision, as they relate to age, shall
31 not apply to persons under the age of eighteen years.

32 (g) It shall be an unlawful discriminatory practice for any person
33 offering or providing housing accommodations, land or commercial space
34 as described in paragraphs (a), (b), and (c) of this subdivision to make
35 or cause to be made any written or oral inquiry or record concerning
36 membership of any person in the state organized militia in relation to
37 the purchase, rental or lease of such housing accommodation, land, or
38 commercial space, provided, however, that nothing in this subdivision
39 shall prohibit a member of the state organized militia from voluntarily
40 disclosing such membership.

41 § 13. Paragraph (a) of subdivision 9 of section 296 of the executive
42 law, as separately amended by chapters 202 and 748 of the laws of 2022,
43 is amended to read as follows:

44 (a) It shall be an unlawful discriminatory practice for any fire
45 department or fire company therein, through any member or members there-
46 of, officers, board of fire commissioners or other body or office having
47 power of appointment of volunteer firefighters, directly or indirectly,
48 by ritualistic practice, constitutional or by-law prescription, by tacit
49 agreement among its members, or otherwise, to deny to any individual
50 membership in any volunteer fire department or fire company therein, or
51 to expel or discriminate against any volunteer member of a fire depart-
52 ment or fire company therein, because of the race, creed, color,
53 national origin, citizenship or immigration status, sexual orientation,
54 housing status, gender identity or expression, military status, sex,
55 marital status, status as a victim of domestic violence, or familial
56 status, of such individual.

§ 14. Subdivision 13 of section 296 of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, is amended to read as follows:

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

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

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

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

a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status, age, sex, marital status, status as a victim of domestic violence, disability, or familial status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit;

b. To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of race, creed, color, national origin, citizenship or immigration status, sexual orientation, housing status, gender identity or expression, military status, age, sex, marital status, status as a victim of domestic violence, disability, or familial status;

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

d. To make any inquiry of an applicant concerning ~~[his or her]~~ such person's capacity to reproduce, or ~~[his or her]~~ such person'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, housing status, gender identity or expression, military status, age, sex, marital status,

1 status as a victim of domestic violence, childbearing potential, disa-
2 bility, or familial status;

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

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

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

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

34 § 16. Paragraphs a, b and c of subdivision 2 and paragraph b of subdivi-
35 sion 3 of section 296-c of the executive law, as amended by chapter
36 305 of the laws of 2023, are amended to read as follows:

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

44 b. discriminate against an intern in receiving, classifying, disposing
45 or otherwise acting upon applications for internships because of the
46 intern's age, race, creed, color, national origin, citizenship or immi-
47 gration status, sexual orientation, housing status, gender identity or
48 expression, military status, sex, disability, predisposing genetic char-
49 acteristics, marital status, or status as a victim of domestic violence;

50 c. print or circulate or cause to be printed or circulated any state-
51 ment, advertisement or publication, or to use any form of application
52 for employment as an intern or to make any inquiry in connection with
53 prospective employment, which expresses directly or indirectly, any
54 limitation, specification or discrimination as to age, race, creed,
55 color, national origin, citizenship or immigration status, sexual orien-
56 tation, housing status, gender identity or expression, military status,

1 sex, disability, predisposing genetic characteristics, marital status or
2 status as a victim of domestic violence, or any intent to make any such
3 limitation, specification or discrimination, unless based upon a bona
4 fide occupational qualification; provided, however, that neither this
5 paragraph nor any provision of this chapter or other law shall be
6 construed to prohibit the department of civil service or the department
7 of personnel of any city containing more than one county from requesting
8 information from applicants for civil service internships or examina-
9 tions concerning any of the aforementioned characteristics, other than
10 sexual orientation, for the purpose of conducting studies to identify
11 and resolve possible problems in recruitment and testing of members of
12 minority groups to ensure the fairest possible and equal opportunities
13 for employment in the civil service for all persons, regardless of age,
14 race, creed, color, national origin, citizenship or immigration status,
15 sexual orientation, housing status, military status, sex, disability,
16 predisposing genetic characteristics, marital status or status as a
17 victim of domestic violence;

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

26 § 17. Section 40-c of the civil rights law, as amended by chapter 8 of
27 the laws of 2019, is amended to read as follows:

28 § 40-c. Discrimination. 1. All persons within the jurisdiction of this
29 state shall be entitled to the equal protection of the laws of this
30 state or any subdivision thereof.

31 2. No person shall, because of race, creed, color, national origin,
32 sex, marital status, sexual orientation, housing status, gender identity
33 or expression, or disability, as such term is defined in section two
34 hundred ninety-two of the executive law, be subjected to any discrimi-
35 nation in ~~[his or her]~~ such person's civil rights, or to any harassment,
36 as defined in section 240.25 of the penal law, in the exercise thereof,
37 by any other person or by any firm, corporation or institution, or by
38 the state or any agency or subdivision of the state.

39 § 18. Paragraph (a) of subdivision 1 of section 313 of the education
40 law, as amended by chapter 8 of the laws of 2019, is amended to read as
41 follows:

42 (a) It is hereby declared to be the policy of the state that the Amer-
43 ican ideal of equality of opportunity requires that students, otherwise
44 qualified, be admitted to educational institutions and be given access
45 to all the educational programs and courses operated or provided by such
46 institutions without regard to race, color, sex, religion, creed, mari-
47 tal status, age, housing status, sexual orientation as defined in
48 section two hundred ninety-two of the executive law, gender identity or
49 expression as defined in section two hundred ninety-two of the executive
50 law, or national origin, except that, with regard to religious or deno-
51 minational educational institutions, students, otherwise qualified,
52 shall have the equal opportunity to attend therein without discrimi-
53 nation because of race, color, sex, marital status, age, housing status,
54 sexual orientation as defined in section two hundred ninety-two of the
55 executive law, gender identity or expression as defined in section two
56 hundred ninety-two of the executive law, or national origin. It is a

1 fundamental American right for members of various religious faiths to
2 establish and maintain educational institutions exclusively or primarily
3 for students of their own religious faith or to effectuate the religious
4 principles in furtherance of which they are maintained. Nothing herein
5 contained shall impair or abridge that right.

6 § 19. Subdivision 3 of section 313 of the education law, as amended by
7 chapter 8 of the laws of 2019 and paragraph (f) as amended by chapter
8 501 of the laws of 2024, is amended to read as follows:

9 (3) Unfair educational practices. It shall be an unfair educational
10 practice for an educational institution after September fifteenth, nine-
11 teen hundred forty-eight:

12 (a) To exclude or limit or otherwise discriminate against any person
13 or persons seeking admission as students to such institution or to any
14 educational program or course operated or provided by such institution
15 because of race, religion, creed, sex, color, marital status, age, hous-
16 ing status, sexual orientation as defined in section two hundred nine-
17 ty-two of the executive law, gender identity or expression as defined in
18 section two hundred ninety-two of the executive law, or national origin;
19 except that nothing in this section shall be deemed to affect, in any
20 way, the right of a religious or denominational educational institution
21 to select its students exclusively or primarily from members of such
22 religion or denomination or from giving preference in such selection to
23 such members or to make such selection of its students as is calculated
24 by such institution to promote the religious principles for which it is
25 established or maintained. Nothing herein contained shall impair or
26 abridge the right of an independent institution, which establishes or
27 maintains a policy of educating persons of one sex exclusively, to admit
28 students of only one sex.

29 (b) To penalize any individual because [~~he or she~~] such individual has
30 initiated, testified, participated or assisted in any proceedings under
31 this section.

32 (c) To accept any endowment or gift of money or property conditioned
33 upon teaching the doctrine of supremacy of any particular race.

34 (d) With respect to any individual who withdraws from attendance to
35 serve on active duty in the armed forces of the United States in time of
36 war, including any individual who withdrew from attendance on or after
37 August second, nineteen hundred ninety to serve on active duty in the
38 armed forces of the United States in the Persian Gulf conflict: (i) to
39 deny or limit the readmission of such individual to such institution or
40 to any educational program or course operated or provided by such insti-
41 tution because of such withdrawal from attendance or because of the
42 failure to complete any educational program or course due to such with-
43 drawal; (ii) to impose any academic penalty on such person because of
44 such withdrawal or because of the failure to complete any educational
45 program or course due to such withdrawal; (iii) to reduce or eliminate
46 any financial aid award granted to such individual which could not be
47 used, in whole or part, because of such withdrawal or because of the
48 failure to complete any educational program or course due to such with-
49 drawal; or (iv) to fail to provide a credit or refund of tuition and
50 fees paid by such individual for any semester, term or quarter not
51 completed because of such withdrawal or because of the failure to
52 complete any program or course due to such withdrawal.

53 (e) It shall not be an unfair educational practice for any educational
54 institution to use criteria other than race, religion, creed, sex,
55 color, marital status, age, housing status, sexual orientation as
56 defined in section two hundred ninety-two of the executive law, gender

1 identity or expression as defined in section two hundred ninety-two of
2 the executive law, or national origin in the admission of students to
3 such institution or to any of the educational programs and courses oper-
4 ated or provided by such institution.

5 (f) No educational institution shall require an individual to provide
6 a copy of [~~his or her~~] such individual's criminal history record that
7 [~~he or she~~] such individual obtained pursuant to the rules and regu-
8 lations of the division of criminal justice services.

9 § 20. This act shall take effect immediately.