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Int. No. 417

By Council Members DeBlasio, Comrie, Jennings, Koppell, Martinez, Seabrook, Stewart, Moskowitz and Gonzalez (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the human rights law.

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York is amended by adding a new subdivision 24 to read as follows:

24. The term “person or persons with whom children are, may be or would be residing”

includes:

(a) a parent or another person having legal custody of children who have not attained the age of

eighteen years; or

(b) the designee of such parent or other person having such custody, with the written permission

of such parent or other person.

The protections afforded against discrimination on the basis of whether children are, may be or would be residing with a person shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

§2. Paragraph g of subdivision 5 of section 8-107 of the administrative code of the city of New York, as relettered and amended by local law number 39 for the year 1991, is amended to read as follows:

(g) Applicability; persons under eighteen years of age. The provisions of this subdivision, as they relate to unlawful discriminatory practices on the basis of age in the areas of housing accommodations, land and commercial space or an interest therein and lending practices [on the basis of age], shall not apply to [unemancipated] minor persons under the age of eighteen years.

§3. Subdivision 15 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraphs (d) to read as follows:

(d) For the purposes of paragraph a of subdivision five of this section discrimination in housing accommodations includes:

(1) the refusal to provide, at the expense of the owner or other person having the right of ownership of or possession of or the right to rent or lease the housing accommodation, such reasonable accommodations as will afford the disabled person full enjoyment of and access to the common areas of the premises.

(2) the refusal to permit, at the expense of the disabled person, reasonable modifications of the interior of the rental premises occupied or to be occupied by the disabled person, if such modifications may be necessary to afford such person full enjoyment of the premises, except that the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore, at the renter's expense, the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(3) In connection with the design and construction of covered multi-family dwellings for first occupancy after March thirteenth, nineteen hundred ninety-one, the failure to design and construct dwellings in accordance with the accessibility requirements of the Fair Housing Act Amendments of 1988 to provide that:

(i) the public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities;

(ii) all the doors are designed to allow passage into and within all premises and are sufficiently wide to allow passage by persons in wheelchairs;

(iii) all premises within covered multi-family dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

§4. Paragraph (a) of subdivision 5 of section 8-107 of the administrative code of the city of New York is amended by adding new subparagraphs (3)-a and (3)-b to read as follows:

(3)-a To represent that any housing accommodation or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation or an interest therein or any facilities of any housing accommodation or an interest therein from any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status or alienage or citizenship status of such person or persons, or because children are, may be or would be residing with such person or persons.

(3)-b For profit, to induce or attempt to induce any person to sell or rent any housing accommodation or an interest therein by representations, explicit or implicit, regarding the entry or prospective entry into the neighborhood or area of a person or persons of any race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, alienage or citizenship status or of a person or persons with whom children are, may be or would be residing.

§5 Items (1) and (2) of subparagraph (4) of paragraph (a) of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, are amended to read as follows:

(1) to the rental of a housing accommodation, other than a publicly-assisted housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner [or a member of the owner's family reside] resides in one such housing accommodation, and if the available housing accommodation has not been publicly advertised, listed, or otherwise offered to the general public; or

(2) to the rental of a room or rooms in a housing accommodation, other than a publicly-assisted housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner [or members of the owner's family reside] resides in such housing accommodation.

§ 6. Paragraph (b) of subdivision 5 of section 8-107 of the administrative code of the city of New York is amended by adding two new subparagraphs (4) and (5) to read as follows:

(4) To represent that any land or commercial space or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any land or commercial space or an interest therein or any facilities of any land or commercial space or an interest therein from any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status or alienage or citizenship status of such person or persons, or because children are, may be or would be residing with such person or persons.

(5) For profit, to induce or attempt to induce any person to sell or rent any land or commercial space or an interest therein by representations, explicit or implicit, regarding the entry or prospective entry into the neighborhood or area of a person or persons of any race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, alienage or citizenship status or of a person or persons with whom children

are, may be or would be residing.

§ 7. Paragraph (d) of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, is amended to read as follows:

(d) Lending practices. It shall be an unlawful discriminatory practice for any person, bank, trust company, private banker, savings bank, industrial bank, savings and loan association, credit union, investment company, mortgage company, insurance company, or other financial institution or lender, doing business in the city and if incorporated regardless of whether incorporated under the laws of the state of New York, the United States or any other jurisdiction, or any officer, agent or employee thereof to whom application is made for a loan, mortgage or other form of financial assistance that is secured by residential real estate and/or that is for the purchase, acquisition, construction, rehabilitation, improvement, repair or maintenance of any housing accommodation, land or commercial space or an interest therein:

(1) To discriminate against such applicant or applicants because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, age, marital status or alienage or citizenship status of such applicant or applicants or of any member, stockholder, director, officer or employee of such applicant or applicants, or of the occupants or tenants or prospective occupants or tenants of such housing accommodation, land or commercial space, or because children are, may be or would be residing with such applicant, or other person in the granting, withholding, extending or renewing, or in the fixing of rates, terms or conditions of any such financial assistance or in the appraisal of any housing accommodation, land or commercial space or an interest therein.

(2) To use any form of application for a loan, mortgage, or other form of financial assistance, or to make any record or inquiry in connection with applications for such financial assistance, or in connection with the appraisal of any housing accommodation, land or commercial space or an interest therein, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, disability, sexual orientation, age, marital status or alienage or citizenship status, or whether

children are, may be, or would be residing with a person.

(3) To fail or refuse to purchase a loan because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, age, marital status, or alienage or citizenship status of a person or because children are, may be, or would be residing with a person.

§ 8. Subdivision 12 of section 8-107 of the administrative code of the city of New York, as renumbered by local law number 39 for the year 1991, is amended to read as follows:

12. Religious principles. Nothing contained in this section shall be construed to bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or sales or rental of housing accommodations, which it owns or operates for other than a commercial purpose, or admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained, unless membership in such religion is restricted on account of race, color, or national origin.. The United States Department of Housing and Urban Development may enforce federal law in cases where a complaint states a claim under the federal Fair Housing Act which would be subject to an exemption under this subdivision.

§ 9. Subdivision (d) of section 8-109 of the administrative code of the city of New York, as added by local law number 39 for the year 1991, is amended to read as follows:

(d) (1) The commission shall serve a copy of the complaint upon the respondent and all persons it deems to be necessary parties and shall advise the respondent of his or her procedural rights and obligations as set forth herein.

(2) With respect to housing discrimination cases only, after the filing of any complaint, the commission shall, within ten days after receipt, serve a copy thereof upon the respondent and all persons it deems to be necessary parties, and make prompt investigation in connection therewith. Within one hundred

days after such complaint is filed, the commission shall determine whether it has jurisdiction and, if so, whether there is probable cause to believe that the person named in the complaint has engaged or is engaged in an unlawful discriminatory practice. Any party to a housing discrimination complaint dual-filed with the commission and the United States Department of Housing and Urban Development shall have the right within twenty days following service of a determination of probable cause pursuant to section 8-116 of this code to elect to have an action commenced in the supreme court of the state within any county within the city of New York, and an attorney representing the commission will be appointed to present the complaint in court, or, with the consent of the commission, the case may be presented by complainant's attorney.

§ 10. Subdivision a of section 8-113 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

a. The commission may, in its discretion, dismiss a complaint for administrative convenience at any time prior to the taking of testimony at a hearing except that, with respect to those cases dual-filed with the United States Department of Housing and Urban Development, the commission shall not dismiss a complaint for administrative convenience pursuant to this subdivision without the consent of the complainant. Administrative convenience shall include, but not be limited to, the following circumstances:

(1) commission personnel have been unable to locate the complainant after diligent efforts to do so;

(2) the complainant has repeatedly failed to appear at mutually agreed upon appointments with commission personnel or is unwilling to meet with commission personnel, provide requested documentation, or to attend a hearing;

(3) the complainant has repeatedly engaged in conduct which is disruptive to the orderly functioning of the commission;

(4) the complainant is unwilling to accept a reasonable proposed conciliation agreement;

(5) prosecution of the complaint will not serve the public interest; and

(6) the complainant requests such dismissal, one hundred eighty days have elapsed since the filing of the complaint with the commission and the commission finds (a) that the complaint has not been actively investigated, and (b) that the respondent will not be unduly prejudiced thereby.

§ 11. Section 8-113 of the administrative code is amended by adding a new subdivision (g) to read as follows:

(g) The commission shall make public disclosure of each dismissal made pursuant to this section.

§ 12. This local law shall take effect thirty days after it shall have been enacted into law.