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Int. No. 1055

By Council Members Hudson, Abreu, Louis, Gutiérrez, Restler and Ung

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination on the basis of family and relationship structure in employment, housing, and public accommodations

Be it enacted by the Council as follows:

Section 1. Section 8-101 of the administrative code of the city of New York, as amended by local law number 61 for the year 2023, is amended to read as follows:

§ 8-101 Policy. In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, immigration or citizenship status, gender, sexual orientation, family or relationship structure, disability, marital status, partnership status, caregiver status,

sexual and reproductive health decisions, uniformed service, height, weight, any lawful source of income, status as a victim of domestic violence or as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person, or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. The council further finds and declares that gender-based harassment threatens the terms, conditions, and privileges of employment. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination, sexual harassment, and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 2. Section 8-102 of the administrative code of the city of New York is amended by adding a new definition of “family or relationship structure” in alphabetical order to read as follows:

Family or relationship structure. The term “family or relationship structure” means involvement or noninvolvement in any romantic, physical, or emotional relationship that is not prohibited by any applicable law, without regard to the number of persons in such relationship, such as a nonmonogamous family or relationship, single-parent family, stepfamily, or multi-generational household.

§ 3. Paragraphs (a), (b), (c), and (d) of subdivision 1 of section 8-107 of the administrative code of the city of New York, as amended by local law number 61 for the year 2023, are amended to read as follows:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, family or relationship structure, uniformed service, height, weight, or immigration or citizenship status of any person:

(1) To represent that any employment or position is not available when in fact it is available;

(2) To refuse to hire or employ or to bar or to discharge from employment such person; or

(3) To discriminate against such person in compensation or in terms, conditions, or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, family or relationship structure, uniformed service, height, weight, or immigration or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services, including by representing to such person that any employment or position is not available when in fact it is available, or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, family or relationship structure, uniformed service, height, weight, or immigration or citizenship status of any person, to exclude or to expel from its membership such person, to represent that membership is not available when it is in fact available, or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, 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, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, family or relationship structure, uniformed service, height, weight, or immigration or citizenship status, or any intent to make any such limitation, specification, or discrimination.

§ 4. Paragraphs (b), (c), and (d) of subdivision 2 of section 8-107 of the administrative code of the city of New York, as amended by local law number 61 for the year 2023, are amended to read as follows:

(b) To deny to or withhold from any person because of such person's actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, family or relationship structure, uniformed service, height, weight, immigration or citizenship status, or status as a victim of domestic violence or as a victim of sex offenses or stalking the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program, or to represent that such program is not available when in fact it is available.

(c) To discriminate against any person in such person's pursuit of such program or to discriminate against such a person in the terms, conditions, or privileges of such program because of actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, family or relationship structure, uniformed service, height, weight, immigration or citizenship status, or status as a victim of domestic violence or as a victim of sex offenses or stalking.

(d) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for such program or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, family or relationship structure, uniformed service, height, weight, immigration or citizenship status, or status as a victim of domestic violence or as a victim of sex offenses or stalking, or any intent to make any such limitation, specification, or discrimination.

§ 5. Paragraph a of subdivision 4 of section 8-107 of the administrative code of the city of New York, as

amended by local law number 61 for the year 2023, is amended to read as follows:

a. It shall be an unlawful discriminatory practice for any person who is the owner, franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent, or employee of any place or provider of public accommodation:

1. Because of any person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, family or relationship structure, uniformed service, height, weight, or immigration or citizenship status, directly or indirectly:

(a) To refuse, withhold from or deny to such person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities, or privileges of the place or provider of public accommodation; or

(b) To represent to any person that any accommodation, advantage, facility, or privilege of any such place or provider of public accommodation is not available when in fact it is available; or

2. Directly or indirectly to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that:

(a) Full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, facilities, and privileges of any such place or provider of public accommodation shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, family or relationship structure, uniformed service, height, weight, or immigration or citizenship status; or

(b) The patronage or custom of any person is unwelcome, objectionable, not acceptable, undesired or unsolicited because of such person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, family or relationship structure, uniformed service, height, weight, or immigration or citizenship status.

§ 6. Subparagraphs (1) and (2) 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 61 for the year 2023, is amended to read as follows:

(1) Because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, family or relationship structure, uniformed service, height, weight, marital status, partnership status, or immigration or citizenship status of any person or group of persons, or because of any lawful source of income of such person or persons, or because children are, may be, or would be residing with such person or persons:

(a) To refuse to sell, rent, lease, or to refuse to approve the sale, rental, or lease of, or otherwise deny to or withhold from any such person or group of persons such a housing accommodation or an interest therein;

(b) To discriminate against any such person or persons in the terms, conditions, or privileges of the sale, rental, or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith; or

(c) To represent to such person or persons that any housing accommodation or an interest therein is not available for inspection, sale, rental, or lease when in fact it is available to such person.

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, family or relationship structure, uniformed service, height, weight, marital status, partnership status, or immigration or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, or any intent to make such limitation, specification, or discrimination.

§ 7. Paragraph (b) of subdivision 5 of section 8-107 of the administrative code of the city of New York,

as amended by local law number 58 for the year 2020, is amended to read as follows:

(b) Land and commercial space. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, or lease[,], or approve the sale, rental, or lease of, land or commercial space or an interest therein, or any agency or employee thereof:

(1) Because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, family or relationship structure, or uniformed service, marital status, partnership status, immigration or citizenship status of any person or group of persons, or because children are, may be, or would be residing with any person or persons:

(A) To refuse to sell, rent, lease, or to refuse to approve the sale, rental, or lease of, or otherwise deny or to withhold from any such person or group of persons land or commercial space or an interest therein;

(B) To discriminate against any such person or persons in the terms, conditions, or privileges of the sale, rental, or lease of any such land or commercial space or an interest therein or in the furnishing of facilities or services in connection therewith; or

(C) To represent to any person or persons that any land or commercial space or an interest therein is not available for inspection, sale, rental, or lease when in fact it is available.

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental, or lease of such land or commercial space or an interest therein or to make any record or inquiry in connection with the prospective purchase, rental, or lease of such 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, age, disability, sexual orientation, family or relationship structure, uniformed service, marital status, partnership status, or immigration or citizenship status, or whether children are, may be, or would be residing with such person, or any intent to make any such limitation, specification, or discrimination.

§ 8. Paragraph (c) of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

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

(1) To refuse to sell, rent, or lease any housing accommodation, land or commercial space or an interest therein to any person or group of persons or to refuse to negotiate for the sale, rental, or lease[,] of any housing accommodation, land or commercial space or an interest therein to any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, family or relationship structure, uniformed service, marital status, partnership status, or immigration or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be, or would be residing with such person or persons, or to represent to any person or group of persons that any housing accommodation, 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 housing accommodation, land or commercial space or an interest therein or any facilities of any housing accommodation, 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, family or relationship structure, uniformed service, marital status, partnership status, or immigration or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be, or would be residing with such person or persons.

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental, or lease of any housing accommodation, land or commercial space or an interest therein or to make any record or inquiry in connection with the prospective purchase, rental, or lease 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, age, disability, sexual orientation, family or relationship structure, uniformed service, marital status, partnership status, or immigration or citizenship status, or any lawful source of income, or [to] whether children are, may be, or would be residing with a person, or any intent to make such limitation, specification, or discrimination.

(3) To induce or attempt to induce any person to sell or rent any housing accommodation, 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, gender, age, disability, sexual orientation, family or relationship structure, uniformed service, marital status, partnership status, national origin, or immigration or citizenship status, or a person or persons with any lawful source of income, or a person or persons with whom children are, may be, or would be residing.

§ 9. 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 58 for the year 2020, is amended to read as follows:

(d) Lending practices.

(1) 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, including unincorporated entities and entities incorporated in any jurisdiction, or any officer, agent or employee thereof to whom application is made for a loan, mortgage or other form of financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space or an interest therein:

(A) To discriminate against such applicant 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:

(i) Because of the actual or perceived race, creed, color, national origin, gender, disability, sexual

orientation, family or relationship structure, age, marital status, uniformed service, partnership status, or immigration or citizenship status of such applicant, any member, stockholder, director, officer or employee of such applicant, or the occupants or tenants or prospective occupants or tenants of such housing accommodation, land or commercial space; or

(ii) Because children are, may be, or would be residing with such applicant or other person.

(B) 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, family or relationship structure, uniformed service, age, marital status, partnership status, or immigration or citizenship status, or whether children are, may be, or would be residing with a person.

(2) 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, including unincorporated entities and entities incorporated in any jurisdiction, or any officer, agent or employee thereof to represent to any person that any type or term of loan, mortgage or other form of financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of such housing accommodation, land or commercial space or an interest therein is not available when in fact it is available:

(A) Because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, family or relationship structure, uniformed service, age, marital status, partnership status, or immigration or citizenship status of such person, any member, stockholder, director, officer or employee of such person, or the occupants or tenants or prospective occupants or tenants of such housing accommodation, land or commercial space; or

(B) Because children are, may be, or would be residing with a person.

§ 10. Paragraph (e) of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

(e) Real estate services. It shall be an unlawful discriminatory practice, because of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, family or relationship structure, uniformed service, age, marital status, partnership status, or immigration or citizenship status of any person or because children are, may be, or would be residing with such person:

(1) To deny such person access to, membership in or participation in a multiple listing service, real estate brokers' organization, or other service; or

(2) To represent to such person that access to or membership in such service or organization is not available, when in fact it is available.

§ 11. Paragraph (f) of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

(f) Real estate related transactions. It shall be an unlawful discriminatory practice for any person whose business includes the appraisal of housing accommodations, land or commercial space or interest therein or an employee or agent thereof to discriminate in making available or in the terms or conditions of such appraisal on the basis of the actual or perceived race, creed, color, national origin, gender, disability, sexual orientation, family or relationship structure, uniformed service, age, marital status, partnership status, or immigration or citizenship status of any person or because children are, may be, or would be residing with such person.

§ 12. Subdivision 20 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

20. Relationship or association. The provisions of this section set forth as unlawful discriminatory practices shall be construed to prohibit such discrimination against a person because of the actual or perceived race, creed, color, national origin, disability, age, sexual orientation, family or relationship structure, uniformed

service, or immigration or citizenship status of a person with whom such person has a known relationship or association.

§ 13. Subdivision a of section 8-602 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

a. Whenever a person interferes by threats, intimidation or coercion or attempts to interfere by threats, intimidation or coercion with the exercise or enjoyment by any person of rights secured by the constitution or laws of the United States, the constitution or laws of this state, or local law of the city and such interference or attempted interference is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, sexual and reproductive health decisions, sexual orientation, family or relationship structure, age, [whether children are, may or would be residing with such victim,] marital status, partnership status, disability, or immigration or citizenship status as defined in chapter 1 of this title, or whether children are, may, or would be residing with such victim, the corporation counsel, at the request of the commission on human rights or on the corporation counsel's own initiative, may bring a civil action on behalf of the city for injunctive and other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured.

§ 14. Subdivisions a and b of section 8-603 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, are amended to read as follows:

a. No person shall by force or threat of force, knowingly injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to such other person by the constitution or laws of this state or by the constitution or laws of the United States or local law of the city when such injury, intimidation, oppression or threat is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, sexual and reproductive health decisions, sexual orientation, family or relationship structure, age, marital status, partnership status, disability, or immigration or citizenship status, as defined in chapter 1 of this title.

b. No person shall knowingly deface, damage or destroy the real or personal property of any person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the constitution or laws of this state or by the constitution or laws of the United States or by local law of the city when such defacement, damage or destruction of real or personal property is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, sexual and reproductive health decisions, sexual orientation, family or relationship structure, age, marital status, partnership status [or whether children are may be, or would be residing with such victim], disability, or immigration or citizenship status, as defined in chapter 1 of this title, or whether children are, may be, or would be residing with such victim.

§ 15. Subparagraph f-5 of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as amended by local law number 61 for the year 2023, is amended to read as follows:

f-5. threatening any person lawfully entitled to occupancy of such dwelling unit based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, height, weight, sexual orientation, family or relationship structure, immigration or citizenship status, status as a victim of domestic violence or as a victim of sex offenses or stalking, lawful source of income or because children are, may be or would be residing in such dwelling unit, as such terms are defined in [sections] section 8-102 [and 8-107.1 of the code];

§ 16. This local law takes effect immediately.

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LS #12919
04/25/24 2:00 pm