

# PROGRAM BILL #26

S. Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*REALPRLA\***  
(Prohibits discrimination in housing  
based upon domestic violence status  
and establishing task force to study  
impact of source of income on access  
to housing)

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RP L. housing discrimination

AN ACT

to amend the real property law and  
the real property actions and  
proceedings law, in relation to  
prohibiting discrimination in hous-  
ing based upon domestic violence  
status and establishing a task force  
to study the impact of source of  
income on access to housing

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	s46 Tkaczyk
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s53 Valesky
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s57 Young
s31 Espaillat	Thompson	s07 Martins	s19 Sampson	s03 Zeldin
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a081 Dinowitz	a135 Johns	a133 Nojey	a140 Schimminger
a092 Abinanti	a147 DiPietro	a113 Jordan	a037 Nolan	a087 Sepulveda
a084 Arroyo	a115 Duprey	a094 Katz	a130 Oaks	a065 Silver
a035 Aubry	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a027 Simanowitz
a120 Barclay	a054 Espinal	a142 Kearns	a051 Ortiz	a036 Simotas
a106 Barrett	a109 Fahy	a076 Kellner	a091 Otis	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a132 Palmesano	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a088 Paulin	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a105 Lalor	a141 Peoples-	a114 Stec
a062 Borelli	a124 Friend	a013 Lavine	Stokes	a110 Steck
a055 Boyland	a143 Gabryszak	a050 Lentol	a058 Perry	a079 Stevenson
a026 Braunstein	a095 Galef	a125 Lifton	a089 Pretlow	a127 Stirpe
a044 Brennan	a137 Gantt	a102 Lopez, P.	a073 Quart	a011 Sweeney
a119 Brindisi	a007 Garbarino	a123 Lupardo	a019 Ra	a112 Tedisco
a138 Bronson	a077 Gibson	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a046 Brook-Krasny	a148 Giglio	a121 Magee	a012 Raia	a001 Thiele
a093 Buchwald	a080 Gjonaj	a129 Magnarelli	a006 Ramos	a061 Titone
a118 Butler	a066 Glick	a059 Maisel	a134 Reilich	a031 Titus
a103 Cahill	a023 Goldfeder	a064 Malliotakis	a078 Rivera	a146 Walter
a043 Camara	a150 Goodell	a030 Markey	a128 Roberts	a041 Weinstein
a145 Ceretto	a075 Gofffried	a090 Mayer	a056 Robinson	a020 Weisenberg
a033 Clark	a005 Graf	a108 McDonald	a068 Rodriguez	a024 Weprin
a047 Colton	a100 Gunther	a014 McDonough	a072 Rosa	a070 Wright
a032 Cook	a139 Hawley	a017 McKeivitt	a067 Rosenthal	a096 Zebrowski
a144 Corwin	a083 Heastie	a107 McLaughlin	a025 Rozic	a002
a085 Crespo	a003 Hennessey	a038 Miller	a116 Russell	a053
a122 Crouch	a028 Hevesi	a052 Millman	a149 Ryan	a086
a021 Curran	a048 Hikind	a015 Montesano	a009 Saladino	
a063 Cusick	a018 Hooper	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a042 Jacobs	a057 Mosley	a029 Scarborough	
a034 DenDekker	a097 Jaffee	a039 Moya	a016 Schimel	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

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

1 Section 1. The real property law is amended by adding a new section  
2 227-d to read as follows:

3 § 227-d. Discrimination based on domestic violence status; prohibited.

4 1. Definitions. For the purposes of this section, a person is a "domes-  
5 tic violence victim" and possesses "domestic violence victim status" if  
6 such person is or has been, or is a parent accompanied by a minor child  
7 or children who is or has been, in a situation in which such person or  
8 child is a victim of an act that would constitute a violent felony  
9 offense as enumerated in section 70.02 of the penal law, or a family  
10 offense as enumerated in subdivision one of section eight hundred twelve  
11 of the family court act, and such act is alleged to have been committed  
12 by a member of the same family or household, as defined in subdivision  
13 one of section eight hundred twelve of the family court act.

14 2. Discrimination based on domestic violence victim status prohibited.

15 (a) No person, firm or corporation owning or managing any building used  
16 for dwelling purposes, or the agent of such person, firm or corporation,  
17 shall, because of such person's or family member's domestic violence  
18 victim status, (1) refuse to rent a residential unit to any person or  
19 family, when, but for such status, rental would not have been refused,  
20 (2) discriminate in the terms, conditions, or privileges of any such  
21 rental, when, but for such status, such discrimination would not have  
22 occurred, or (3) print or circulate, or cause to be printed or circu-  
23 lated, any statement, advertisement or publication which expresses,  
24 directly or indirectly, any limitation, specification, or discrimi-  
25 nation. A violation of this subdivision shall be a misdemeanor and, on  
26 conviction thereof, shall be punished by a fine of not less than one  
27 thousand dollars and not more than two thousand dollars for each  
28 offense; provided, however, that it shall be a defense that such person,

1 firm, corporation or agent refused to rent a residential unit on any  
2 other lawful ground.

3 (b) Civil liability: (1) Where discriminatory conduct prohibited by  
4 this subdivision has occurred, such person or family shall have a cause  
5 of action in any court of appropriate jurisdiction for compensatory and  
6 punitive damages, with such punitive damages not exceeding two thousand  
7 dollars for each offense, and declaratory and injunctive relief; and (2)  
8 in all actions brought under this section, reasonable attorneys' fees as  
9 determined by the court may be awarded to a prevailing party, provided,  
10 however, that a prevailing defendant in order to recover such reasonable  
11 attorneys' fees must make a motion requesting such fees and show that  
12 the action or proceeding brought was frivolous. In order to find the  
13 action or proceeding to be frivolous, the court must find one or more of  
14 the following: (i) the action was commenced, used or continued in bad  
15 faith, solely to delay or prolong the resolution of the litigation or to  
16 harass or maliciously injure another; or (ii) the action was commenced  
17 or continued in bad faith without any reasonable basis and could not be  
18 supported by a good faith argument for an extension, modification or  
19 reversal of existing law. If the action or proceeding was promptly  
20 discontinued when the party or attorney learned or should have learned  
21 that the action or proceeding lacked such a reasonable basis, the court  
22 may find that the party or the attorney did not act in bad faith.

23 (c) Nothing in this section shall be construed as limiting the ability  
24 of a person, firm or corporation owning or managing a building used for  
25 dwelling purposes, or the agent of such person, firm or corporation,  
26 from applying reasonable standards not based on or derived from domestic  
27 violence victim status in determining the eligibility of a person or  
28 family seeking to rent a residential unit.

1 (d) This section shall not apply to buildings used for dwelling  
2 purposes that are owner occupied and have two or fewer residential  
3 units.

4 3. A person, firm, or corporation owning or managing a building used  
5 for dwelling purposes or agent of such person, firm or corporation shall  
6 not be civilly liable to other tenants, guests, invitees, or licensees  
7 arising from reasonable and good faith efforts to comply with this  
8 section.

9 4. Nothing in this section shall be construed as prohibiting a person,  
10 firm or corporation owning or managing a building used for dwelling  
11 purposes, or the agent of such person, firm or corporation, from:

12 (a) providing or preserving a rental preference in any public or  
13 private housing for victims of domestic violence;

14 (b) providing any other assistance to victims of domestic violence in  
15 obtaining or retaining any public or private housing; or

16 (c) responding to an inquiry or request by an applicant, tenant, or  
17 leaseholder who is a victim of domestic violence.

18 5. Nothing in this section shall be construed as prohibiting a munici-  
19 pality from retaining or promulgating local laws or ordinances imposing  
20 additional or enhanced protections prohibiting discrimination against  
21 victims of domestic violence.

22 6. Nothing in this section shall be construed as limiting, diminish-  
23 ing, or otherwise affecting any rights under existing law.

24 § 2. The real property actions and proceedings law is amended by  
25 adding a new section 744 to read as follows:

26 § 744. Eviction based on domestic violence victim status prohibited.

27 1. A tenant shall not be removed from possession of a residential unit  
28 pursuant to this article because of such person's domestic violence

1 victim status, as defined in section two hundred twenty-seven-d of the  
2 real property law. It shall be a defense to a proceeding to recover  
3 possession of a residential unit that a landlord seeks such recovery  
4 because of a person's domestic violence victim status, and that, but for  
5 such status, the landlord would not seek to recover possession. A land-  
6 lord may rebut such defense by showing that he or she seeks to recover  
7 possession of a residential unit because of any other lawful ground.

8 2. Nothing in this section shall restrict a landlord's legal rights to  
9 recover possession of a residential unit on grounds not based on or  
10 derived from domestic violence victim status.

11 3. A landlord shall not be civilly liable to other tenants, guests,  
12 invitees, or licensees arising from reasonable and good faith efforts to  
13 comply with this section.

14 4. This section shall not apply to buildings used for dwelling  
15 purposes that are owner occupied and have two or fewer residential  
16 units.

17 § 3. There is hereby established a task force to study the impact of  
18 source of income on access to housing including, but not limited to, any  
19 sex-based impact. The task force shall consist of the following members  
20 as appointed by the governor: (1) two members of the governor's cabinet;  
21 (2) two experts on housing policy representing the needs of both land-  
22 lords and tenants; (3) two members who are local government officials,  
23 who shall each represent different geographical regions within the  
24 state; (4) two members on the recommendation of the temporary president  
25 of the senate; and (5) two members on the recommendation of the speaker  
26 of the assembly. The governor shall designate a chair of the task force  
27 from amongst such appointees. The task force shall meet as often as is  
28 appropriate under circumstances necessary to fulfill its duties under

1 this section. The task force shall (a) review the Section 8 Housing  
2 Choice Voucher Administrative Plan and, if necessary, recommend modifi-  
3 cations to increase the participation of landlords and property owners,  
4 which may include, but shall not be limited to: expanding the portabil-  
5 ity of Section 8 vouchers, including as may be appropriate for domestic  
6 violence victims; creating a state-sponsored special-purpose mobility  
7 counseling program; enhancing means of connecting voucher holders to  
8 approved landlords; and eliminating delays in housing quality standard  
9 inspections; and (b) review other current policies and laws and, if  
10 necessary, recommend modifications to improve access to quality and  
11 affordable housing. The task force shall submit its report and recommen-  
12 dations to the governor, the temporary president of the senate, and the  
13 speaker of the assembly on January 15, 2015.

14 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-  
15 sion, section or part of this act shall be adjudged by a court of compe-  
16 tent jurisdiction to be invalid, such judgment shall not affect, impair  
17 or invalidate the remainder thereof, but shall be confined in its opera-  
18 tion to the clause, sentence, paragraph, subdivision, section or part  
19 thereof directly involved in the controversy in which such judgment  
20 shall have been rendered. It is hereby declared to be the intent of the  
21 legislature that this act would have been enacted even if such invalid  
22 provisions had not been included herein.

23 § 5. This act shall take effect on the ninetieth day after it shall  
24 have become a law.