

PROPOSED 1960 NEW YORK STATE FAIR HOUSING BILL

AN ACT

To amend the executive law, in  
relation to the elimination and  
prevention of practices of dis-  
crimination because of race,  
creed, color or national origin,  
in housing accommodations.

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

Section 1. The legislature hereby finds and declares that in this state many persons have been compelled to live in circumscribed sections under substandard, unhealthful, unsanitary and crowded living conditions because of discrimination and segregation in housing based on race, creed, color or national origin. These conditions have caused increased mortality, morbidity, delinquency, risk of fire, intergroup tension, governmental expenditures, loss of tax revenue and other evils, threatening the peace, health, safety and general welfare of the state and its inhabitants. Such segregation in housing also necessarily results in other forms of segregation and discrimination which have already been declared to be against the policy of the state. It results in racial segregation in public schools and other public facilities, which is condemned by the constitutions of the state and nation. In order to guard against these evils, it is necessary to assure to all inhabitants of the state equal opportunity to obtain living quarters without regard to race, creed, color or national origin.



§2. Section two hundred ninety of the executive law, as last amended by chapter three hundred forty of the laws of nineteen hundred fifty-five, is hereby amended to read as follows:

§290. Purposes of article. This article shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights; and the legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color or national origin are a matter of state concern, that such discrimination <sup>\*</sup> not only threatens [not only] the rights and proper privileges of its inhabitants and the peace, order, health, safety and general welfare of the state and its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation, resort or amusement and in [publicly assisted] housing accommodations because of race, creed, color or national origin, and to take other actions against discrimination because of race, creed, color or national origin, as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§3. Section two hundred and ninety-one of such law is hereby amended to read as follows:

\* Underlined material is to be added to existing sections. Matter in brackets is to be omitted.



§291. [Opportunity for employment without discrimination] Equality of opportunity a civil right. The opportunity to obtain employment, public accommodation and housing without discrimination because of race, creed, color or national origin is hereby recognized as and declared to be a civil right.

§4. Subdivision ten of section two hundred ninety-two of such law is hereby amended to read as follows:

10. The term "housing accommodation" includes any building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings and any vacant or other parcel or lot of real property offered for sale or rent as available for such use or occupancy.

§5. Subdivision eleven of section two hundred ninety-two of such law is hereby repealed.

NOTE: This subdivision contains a definition of "publicly assisted housing accommodations." The accommodations so defined would all be included in the accommodations to which this bill applies without any need of using this term.

§6. Section two hundred ninety-two of such law is hereby further amended by renumbering subdivision twelve as subdivision eleven and adding two new subdivisions, to be numbered twelve and thirteen, and to read as follows:

12. The term "real estate broker" means any person, firm or corporation who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate, or negotiates, or offers or attempts



to negotiate, a loan secured or to be secured by a mortgage or other incumbrance upon or transfer of real estate. In the sale of lots pursuant to the provisions of article nine-a of the real estate property law, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt to agree to negotiate the sale or exchange of any such lot or parcel of real estate.

13. The term "real estate salesman" means a person employed by a licensed real estate broker to list for sale, sell or offer for sale, at auction or otherwise, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease or rent or offer to lease, rent or place for rent any real estate, or who collects or offers or attempts to collect rent for the use of real estate for or in behalf of such real estate broker.

§7. Subdivision three of section two hundred ninety-six of such law is hereby amended to read as follows:

3. It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, assignee, or managing agent of publicly-assisted housing accommodations or other person having the right of ownership or possession of or the right to rent or lease such accommodations:

(a) To refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of race, creed, color or national origin of such person or persons.



(b) To discriminate against any person because of his race, creed, color or national origin in the terms, conditons or privileges of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, color or national origin of a person seeking to rent or lease any publicly-assisted housing accommodation.]

(a) Except as provided in paragraph (e) of this subdivision, it shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee or assignee of, or other person having the right of ownership or possession of or the right to sell, rent or lease, a housing accommodation or any agent or employee thereof:

(1) To refuse to sell, rent, or lease or otherwise to deny to or withhold from any person or group of persons a housing accommodation because of the race, creed, color or national origin of such person or persons;

(2) To discriminate against any person because of his race, creed, color or national origin in the terms, conditions or privileges of the sale, rental or lease of a 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 a housing accommodation, or to make any record or inquiry in connection with the prospective purchase, rental or lease of a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color or national origin, or any intent to make any such limitation, specification or discrimination;



Provided, however, that the provisions of paragraph (a) shall not apply  
(1) to the sale of a one-family building in which the owner maintains the  
household of his family or (2) to the rental of a housing accommodation in a  
dwelling containing no more than two housing accommodations, one of which is  
maintained by the owner as the household of his family.

(b) Except as provided in paragraph (e) of this subdivision, it shall be  
an unlawful discriminatory practice for any real estate broker, real estate  
salesman or employee or agent thereof;

(1) To refuse to sell, rent or lease or offer for sale, rental or  
lease any housing accommodation to any person or group of persons or to refuse  
to negotiate for the sale, rental or lease, of any housing accommodation to  
any person or group of persons because of the race, creed, color or national  
origin of such person or persons, or to represent that a housing accommodation  
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 any  
facilities of a housing accommodation to or from any person or group of persons  
because of the race, creed, color or national origin of such person or persons.

(2) To discriminate against any person because of his race, creed,  
color or national origin in the terms, conditions or privileges of the sale,  
rental or lease of a 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 any housing accommodation or to make any record  
or inquiry in connection with the prospective purchase, rental or lease of any  
housing accommodation which expresses, directly or indirectly, any limitation,



specification or discrimination as to race, creed, color or national origin, or any intent to make any such limitation, specification or discrimination.

(c) Except as provided in paragraph (e) of this subdivision, it shall be an unlawful discriminatory practice for any person, bank, banking organization, mortgage company, insurance company or other financial institution or lender to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, or any agent or employee thereof:

(1) To discriminate against any person or persons because of the race, creed, color or national origin of such person or persons or of the prospective occupants or tenants of such housing accommodation, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such financial assistance;

(2) To use any form of application for such financial assistance or to make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color or national origin, or any intent to make any such limitation, specification or discrimination;

(d) Except as provided in paragraph (e) of this subdivision, it shall be an unlawful discriminatory practice for any person to plan or carry out a program of public housing, publicly-assisted housing, urban renewal or urban redevelopment, or a program of relocation of displaced tenants in connection therewith, in such a way as to create, within the program areas or elsewhere, any discrimination or segregation based on race, creed, color or national origin, or to interfere with or impede the elimination in any such area of any such discrimination or segregation.



[ (d) ] (e) Nothing herein contained 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 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.

§8. This act shall take effect July first, nineteen hundred sixty.

NYSCDH Draft

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