

Introduced by Legislators Stern, Gregory, Schneiderman and Spencer

RESOLUTION NO. 1094 -2014, ADOPTING LOCAL LAW NO. 3 -2015, A LOCAL LAW TO AMEND THE COUNTY'S HUMAN RIGHTS LAW AND RESOLUTION NO. 683-2014, A LOCAL LAW TO AMEND, UPDATE AND REORGANIZE CHAPTER 528 OF THE SUFFOLK COUNTY CODE TO INCORPORATE CHANGES ADOPTED BY THE STATE AND TO FACILITATE CONTINUING ADVANCEMENTS AND MODIFICATIONS OF THE LAW IN THE FUTURE

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on October 7, 2014, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE COUNTY'S HUMAN RIGHTS LAW AND RESOLUTION NO. 683-2014, A LOCAL LAW TO AMEND, UPDATE AND REORGANIZE CHAPTER 528 OF THE SUFFOLK COUNTY CODE TO INCORPORATE CHANGES ADOPTED BY THE STATE AND TO FACILITATE CONTINUING ADVANCEMENTS AND MODIFICATIONS OF THE LAW IN THE FUTURE;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 3 -2015, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND THE COUNTY'S HUMAN RIGHTS LAW AND RESOLUTION NO. 683-2014, A LOCAL LAW TO AMEND, UPDATE AND REORGANIZE CHAPTER 528 OF THE SUFFOLK COUNTY CODE TO INCORPORATE CHANGES ADOPTED BY THE STATE AND TO FACILITATE CONTINUING ADVANCEMENTS AND MODIFICATIONS OF THE LAW IN THE FUTURE

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Resolution No. 683-2014, updates and broadens the County's existing human rights law.

This Legislature finds that, while Resolution No. 683-2014 extends protections to individuals based upon their military status, it leaves the status of veterans and their families unclear.

This Legislature determines that veterans served our country with dignity and deserve the gratitude and respect of all citizens.

This Legislature also finds that, unfortunately, some individuals discriminate against veterans in housing and employment opportunities.

This Legislature further finds that Suffolk County should make clear that veterans are protected from such discriminatory behavior.

Therefore, the purpose of this law is to amend Resolution No. 683-2014 to expressly include veterans as a protected class of individuals.

Section 2. Amendments.

Resolution No. 683-2014 is hereby amended as follows:

**CHAPTER 528
HUMAN RIGHTS**

Article II. Unlawful Discriminatory Acts.

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§528.-6. Definitions.

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Sexual Orientation – heterosexuality, homosexuality or bisexuality.

Veteran Status – an individual's past participation in the military service of the United States or the military services of the State, including, but not limited to, the armed forces of the United States, the Army National Guard, the Air National Guard, the New York Naval Militia, the New York Guard, and such additional forces as may be created by the federal or state government as authorized by law, with a discharge status other than dishonorable.

Victim of Domestic Violence – an individual who is a victim of an act which would constitute a family offense pursuant to subdivision 1 of § 812 of the Family Court Act.

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§528-9. Unlawful discriminatory practices in the sale, lease or rental of housing accommodations or commercial property.

A. It shall be an unlawful discriminatory practice:

1. To refuse to sell, rent, lease or otherwise deny to or withhold from any individual or group of individuals any housing accommodation, constructed or to be constructed, land or commercial space, or an interest therein, or refuse to negotiate for the sale, rental or lease of any housing accommodation, land or commercial space, or an interest therein, to any individual or group of individuals, because of the group identity, veteran status or lawful source of income of such individual or individuals or to represent 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 to otherwise deny to or withhold any housing accommodation, land or commercial space, or an interest therein, or any facilities of any housing accommodation or commercial space from any individual or individuals because of the group identity, veteran status or lawful source of income of such individual or individuals;

2. To discriminate against any individual or group of individuals because of the group identity, veteran status or lawful source of income of such individual or individuals in the terms, conditions or privileges of the sale, rental, or lease of any housing accommodation, land or commercial space, or an interest therein, or in the furnishing of facilities or services in connection therewith;
3. To discriminate against any individual or group of individuals in making available a residential real estate transaction, or in the terms and conditions of such a transaction, because of the group identity, veteran status or lawful source of income of such individual or individuals;
4. To refuse to permit, at the expense of the individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the said individual, if the modifications may be necessary to afford the individual full enjoyment of the premises, in conformity with the provisions of the New York State Uniform Fire Prevention and Building Code, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the premises to the condition that existed before the modification, reasonable wear and tear excepted;
5. To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford an individual with a disability equal opportunity to use and enjoy a housing accommodation, including reasonable modifications to the common use portions of the housing accommodation;
6. In connection with the design and construction of covered multiple dwellings for first occupancy after January 1, 2007, to fail to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped individual;
 - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped individuals in wheelchairs; and
 - c. All premises within such dwellings contain the following features of adaptive design:
 - i. An accessible route into and through the dwelling;
 - ii. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirements of the American National Standard Institute for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of section 528-9(A)(6)(c);

7. To make, print, or publish, or cause to be made, printed or published any statement, advertisement, or publications, 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 such housing accommodation, land or commercial space, or an interest therein, which expresses, directly or indirectly, any limitation, specification, or discrimination with respect to group identity, veteran status or because of the lawful source of income of such individual or individuals, or any intent to make any such limitation, specification, or discrimination;
 8. To induce or attempt to induce, for profit or otherwise, any person to sell, rent or lease 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 of an individual or group of individuals because of his, her or their group identity, veteran status or lawful source of income;
 9. To threaten, intimidate, or interfere with individuals in their enjoyment of a housing accommodation, land or commercial space because of their group identity, veteran status or lawful source of income, or the group identity or veteran status of their guests, invitees, visitors or associates.
- B. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson, or an employee or agent of a real estate broker or real estate salesperson:
1. To refuse to sell, rent or lease any housing accommodation, land or commercial space, or an interest therein, to any individual or group of individuals 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 individual or group of individuals because of the group identity, veteran status or because of the lawful source of income of such individual or group of individuals, or to represent 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 deny or withhold any housing accommodation, land or commercial space, or an interest therein, or any facilities of any such housing accommodation or commercial space from any individual or group of individuals because of the group identity, veteran status or because of the lawful source of income of such individual or individuals.
 2. 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, sale, 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, sale, 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 group identity, veteran status or as to lawful source of income, or any intent to make any such limitation, specification or discrimination.
- C. Exceptions.
1. The provisions of section 528-9, as they relate to age, shall not apply to individuals under the age of eighteen years.

2. The provisions of section 528-9(A)(1) through (7) shall not apply: a) to the rental of housing accommodations in a building which contains housing accommodations for not more than two (2) families if the owner or members of his or her family reside in one of such housing accommodations; or b) to the rental of a room or rooms in a housing accommodation if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or she or members of his or her family reside in such housing accommodation; or c) solely with respect to age and familial status, to the restriction of the sale, rental or lease of housing accommodations exclusively to individuals 62 years of age or older and the spouse of any such individual, or for housing intended and operated for occupancy by at least one individual 55 years of age or older per unit. In determining whether housing is intended and operated for occupancy by individuals 55 years of age or older, Section 807(b)(2)(C) [42 U.S.C. §3607(b)(2)(c)] of the Federal Fair Housing Act of 1988, as amended, shall apply.
3. The provisions of section 528-9, as they relate to unlawful discriminatory practices on the basis of lawful source of income, shall not apply to housing accommodations that contain two (2) or fewer housing units; provided, however, the provisions of section 528-9 shall apply to all housing accommodations, regardless of the number of units contained in each, of any person who has the rights to sell, rent or lease or approve the sale, rental or lease of at least three (3) housing accommodations within Suffolk County, constructed or to be constructed, or has the rights to sell, rent or lease or approve the sale, rental or lease of interests in at least three (3) housing accommodations.
4. Nothing in section 528-9(A)(4), (5) and (6) requires that a housing accommodation or multiple dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to

Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of language.
___ Underlining denotes addition of new language

DATED: December 2, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 22, 2014

After a public hearing duly held on December 15, 2014
Filed with the Secretary of State on January 27, 2015