

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 115

Introduced by Council Members Ayala, Gibson, Lander, Richards, the Public Advocate (Mr. Williams), Chin, Powers, Reynoso, Cornegy, Rivera, Rosenthal, Kallos, Adams, Rose, Menchaca, Louis and Barron.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to providing information about lawful source of income discrimination to applicants for the city fighting homelessness and eviction prevention supplement program

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-141.1 to read as follows:

§ 21-141.1 Information regarding lawful source of income discrimination. a. Definitions. For purposes of this section, the following terms have the following meanings:

CityFHEPS. The term “CityFHEPS” means the city fighting homelessness and eviction prevention supplement program established pursuant to chapter 10 of title 68 of the rules of the city of New York or any successor program.

Covered entity. The term “covered entity” means the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof, who is subject to the prohibition on discrimination based on lawful source of discrimination pursuant to subdivision 5 of section 8-107.

Lawful source of income. The term “lawful source of income” has the meaning as set forth in section 8-102.

Shopping letter. The term “shopping letter” means a letter issued by the department to assist a household in its housing search that identifies the household as potentially eligible for CityFHEPS and lists the maximum rent.

b. The department shall provide written notice regarding the protections of section 8-107 related to lawful source of income at the time that a CityFHEPS applicant receives a shopping letter. Such notice shall be developed by the New York city commission on human rights pursuant to paragraph p of subdivision 5 of section 8-107 in consultation with the department.

§ 2. Subdivision 5 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraph (p) to read as follows:

(p) For purposes of this paragraph, the term “CityFHEPS” means the city fighting homelessness and eviction prevention supplement program established pursuant to chapter 10 of title 68 of the rules of the city of New York or any successor program. The commission shall develop and disseminate a written notice of protections of this subdivision related to lawful source of income. The notice shall be made available to the department of social services for use in accordance with section 21-141.1. The notice shall include, at a minimum, the following information:

- 1. Examples of different forms of lawful source of income;*
- 2. A description of covered entities required not to discriminate on the basis of lawful sources of income;*

3. *Examples of actions that may indicate discrimination based on lawful source of income in violation of title 8, such as refusing to accept lawful source of income for rent payment, publishing any type of advertisement that indicates a refusal to accept any lawful source of income, and refusing or delaying repairs because a person uses any lawful source of income for rent payment, publishing any type of advertisement that indicates a refusal to accept any lawful source of income, and any additional actions landlords or brokers use to unlawfully discriminate against a person on the basis of their using any lawful source of income;*

4. *A statement that it is illegal for covered entities to refuse to accept a CityFHEPS subsidy for payment of rent or a security deposit voucher in buildings subject to the prohibition on discrimination on the basis of lawful source of income pursuant to section 8-107;*

5. *A statement that it is illegal for covered entities to request additional payments for rent, a security deposit or broker's fee because an individual receives rental assistance;*

6. *A statement that it is illegal for covered entities to publish any type of advertisement that indicates a refusal to accept rental assistance;*

7. *A statement that it is illegal for landlords to refuse or delay making repairs to an individual's unit because such individual pays rent with a CityFHEPS subsidy;*

8. *A statement that an individual has the right to be free from discriminatory, harassing or threatening behavior or comments based on such individual's receipt of or application for CityFHEPS;*

9. *Directions on how to contact the commission, the department of social services' source of income discrimination unit, the state division of human rights and the office of the state attorney general;*

10. A description of potential remedies available at the commission if a covered entity is found to have engaged in discrimination based on lawful source of income; and

11. Any other information deemed appropriate by the commissioner and the commission in consultation with the department of social services.

§ 3. This local law takes effect 180 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 29, 2020 and approved by the Mayor on November 17, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 115 of 2020, Council Int. No. 1339-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.