



Legislation Text

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Int. No. 2047

By Council Members Levin, Lander, Powers, the Public Advocate (Mr. Williams) and Council Members Rivera, Menchaca, Gibson, Kallos, Levine, Adams, Rosenthal, Ampry-Samuel, Louis, Dromm, Chin, Ayala, Van Bramer, Reynoso, Rose, Cumbo, Rodriguez, D. Diaz, Feliz, Riley, R. Diaz Sr., Barron, Cabán and Perkins

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting housing discrimination on the basis of arrest or criminal record

Be it enacted by the Council as follows:

Section 1. Section 8-107 of title 8 of the administrative code of the city of New York is amended by adding a new subdivision 5-a to read as follows:

5-a. Arrest and criminal conviction records; housing. (a) Definitions. For purposes of this subdivision, “landlord” means owner, lessor, sub-lessor, lessee, sub-lessee, assignee, mortgagee, vendee 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 any other person, firm, or corporation directly or indirectly in control of a dwelling; “applicant” means any person or persons seeking to rent, lease, sublease, or enter into an occupancy agreement for a housing accommodation, or who requests information from a landlord or real estate broker related to seeking a rental, lease, sublease, or occupancy agreement for a housing accommodation; “conviction” means any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation, or a sentence of unconditional discharge; “criminal history inquiry” means any question communicated to an applicant in writing or otherwise, directly or indirectly, or any searches of publicly available records, or any criminal background checks or any such other conduct intended to gather information from or about an applicant’s criminal history, including any criminal convictions, any arrests, any records which have been expunged, the

subject of an executive pardon, the subject of a certificate of relief from disabilities, or otherwise legally nullified or vacated, any adjudications of juvenile delinquency or youthful offender adjudications, or any records which have been sealed; and “adverse action” means a denial of, an increase in charge for, a failure to take action on an application for, additional requirements in connection with, or other unfavorable change in the terms of a rental, lease, sublease or occupancy agreement for a housing accommodation, including but not limited to termination of or failure to renew such rental, lease, sublease, or occupancy agreement.

(b) It shall be an unlawful discriminatory practice for any real estate broker, landlord, or employee or agent thereof to make a criminal history inquiry regarding an applicant or to take adverse action against an applicant for having been arrested or convicted of one or more criminal offenses.

(c) Advertising. In connection with any rental, lease, sublease or occupancy agreement for any housing accommodation, it shall be unlawful for any real estate broker, landlord, or employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any solicitation, advertisement or publication, which expresses, directly or indirectly, any limitation in such housing accommodation based on a person’s arrest or criminal conviction record.

(d) Applicability. This subdivision shall not apply to:

(1) Any actions taken by a real estate broker or landlord pursuant to any federal or state law or regulation that requires consideration of criminal history for housing purposes.

(2) 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 the owner or members of the owner’s family reside in such housing accommodation.

§2. This local law shall take effect 120 days after it becomes law, except that the commission may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

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