

New York State Real Property Law Excerpts related to discrimination against children

Sec. 236*. Discrimination against children in dwelling houses and mobile home parks.

a. Any person, firm or corporation owning or having in charge any apartment house, tenement house or other building or mobile home park used for dwelling purposes who shall refuse to rent any or part of any such building or mobile home park to any person or family, or who discriminates in the terms, conditions, or privileges of any such rental, solely on the ground that such person or family has or have a child or children shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offense; provided, however, the prohibition against discrimination against children in dwelling houses and mobile home parks contained in this section shall not apply to:

- (1) housing units for senior citizens subsidized, insured, or guaranteed by the federal government; or
- (2) one or two family owner occupied dwelling houses or mobile homes; or
- (3) mobile home parks exclusively for persons fifty-five years of age or over.

b. Civil liability:

- (1) where discriminatory conduct prohibited by this section has occurred, an aggrieved individual shall have a cause of action in any court of appropriate jurisdiction for damages, declaratory and injunctive relief;
- (2) in all actions brought under this section, reasonable attorney's fees as determined by the court may be awarded to a prevailing plaintiff.

Sec. 237. Discrimination in leases with respect to bearing of children.

Any person, firm or corporation owning or having in charge any apartment house, tenement house or other building or mobile home park used for dwelling purposes who shall, in any lease of any or part of any such building or mobile home park, have a clause therein providing that during the term thereof the tenants shall remain childless or shall not bear children, shall be guilty of a violation.

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