

MEMORANDUM

AN ACT to amend the executive law, in relation to insuring the protection of individuals with disabilities under the human rights law

Purpose of bill:

This bill would add "disability" to areas of the Executive Law where it has been omitted, in order to provide protection to persons with disabilities and to clarify that reasonable accommodation of a disability may include reasonable modification of the common use portions of a dwelling.

Summary of provisions:

Section 1 of the bill would amend Executive Law § 291(1) and (2) to clarify that the opportunity to obtain employment, education, public accommodations, housing and commercial space without discrimination because of disability is recognized and declared to be a civil right.

Sections 2 and 3 of the bill would amend Executive Law § 296(2-a)(d)(2) and Executive Law § 296(18)(2) to clarify that reasonable accommodation may include reasonable modification to common use portions of dwellings.

Section 4 of the bill would amend Executive Law § 296(13) to provide that it shall be unlawful to boycott, blacklist, refuse to buy from, sell to or trade with an individual with a disability, a protection that is currently provided for age, race, creed, color, national origin, sexual orientation, military status, sex or marital status.

Section 5 of the bill would provide for an immediate effective date.

Existing law:

Currently, the Executive Law protects persons with disabilities from discrimination in most areas, and provides for reasonable accommodation of persons with disabilities in housing.

Prior legislative history:

Similar legislation was submitted as a Division of Human Rights legislative proposal in 2008 and 2009, but it was not introduced in either house.

Statement in Support:

The Executive Law has long protected individuals with disabilities from discrimination. This bill would amend the Executive Law to add "disability" to several areas in the Executive Law where it has been omitted, making the Executive Law more uniform in its protection of persons with disabilities. In addition, the bill would amend the Executive Law to prohibit boycotting, blacklisting or refusing to buy from or trade with any person because of his or her disability, as is currently the case for members of other protected classes. Finally, the bill would clarify that reasonable accommodations made by housing providers include reasonable modifications of common use portions of the dwelling, so that persons with disabilities will be able to have access to their homes.

Budget implications:

This bill has no fiscal implications.

Effective date:

This bill would take effect immediately.