

Introduced by Pres. Officer Richard Nicoletto, Dep. Pres. Officer Kevan Abrahams, Dep. Pres. Officer Howard Koppel, Alt. Dep. Presiding Officer Carrie Solages, Minority Leader Debra Mule, C William Gaylor, Vincent Muscarella, Denise Ford, Legislators Siela Lynoe, Ellen Birnbaum, Delia Deriggi Whitton, James Kennedy, Thomas McKeivitt, Laura Schaefer, John Rose Marie Walker, Ferretti Jr, Arnold Drucke, **Amendment in the Nature of a Substitution – Clerk Item Number 69-19**, Joshua Lafazan, Steven Rhoads

LOCAL LAW NO. 6 -2019

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE IN RELATION TO AMENDING THE NASSAU COUNTY HUMAN RIGHTS LAW TO PRECLUDE DISCRIMINATION AGAINST VETERANS.

Passed by the Nassau County Legislature on April 22, 2019

Voting Ayes: 17, Nays:0, Abstained 0

Became a law on April 30, 2019 with the approval of the County Executive

APPROVED AS TO FORM  
  
Majority Counsel

WHEREAS, United States military veterans have made great sacrifices to themselves, their families, and their friends to preserve and protect the rights and freedoms enjoyed by all people within the United States; and

WHEREAS, unfortunately, there are people who are ungrateful for veterans' service to our country and discriminate against this group; and

WHEREAS, the purpose of this local law is to prohibit discrimination against veterans in the areas of housing, employment, and public accommodations; now, therefore

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

**Section 1.** Title C, Section 21-9.0 of the Nassau County Administrative Code, as amended by Local Law No. 9-2006, is amended to read as follows:

§ 21-9.0. **Policy.** In a county such as the County of Nassau, with its large and diverse population, there is no greater danger to the health, morals, safety and welfare of the County than

the existence of groups prejudiced against and antagonistic to one another because of actual or perceived differences of race, color, creed, gender, age, disability, religion, source of income, veteran status, sexual orientation, national origin, marital status, familial status or ethnicity. The Nassau County Legislature hereby finds and declares that prejudice, intolerance, bigotry, and discrimination threaten the rights and proper privileges of its residents and menace the institutions of a free democratic society. Pursuant to the powers granted to the County by the State of New York Constitution and the Municipal Home Rule Law, in order to protect the health, morals, safety and welfare of the County and its inhabitants, a Commission is hereby created through which the County of Nassau officially may encourage mutual understanding and respect among all groups in the County, eliminate prejudice, intolerance, bigotry and discrimination and give effect to the guarantee of equal rights for all assured by the Constitution and the laws of this state and of the United States of America.

§ 2. Title C, subdivision d of Section 21-9.2 of the Nassau County Administrative Code, as amended by Local Law No. 9-2006, is amended to read as follows:

§ 21-9.2. **Definitions.** For the purposes of titles C, C-1 and C-2 of this chapter the following terms shall have the following meanings unless otherwise defined in Titles C-1 or C-2:

d. "Discrimination" means any difference in the treatment based on actual or perceived race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, sexual orientation, age, marital status, familiar status or disability and shall include segregation, except that it shall not be discrimination for any religious or denominational institution to devote its facilities, exclusively or primarily, to or for members of its own religion or denomination or to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained, unless membership in such religion is restricted on account or race, color, or national origin.

§ 3. Title C, subdivision k of Section 21-9.2 of the Nassau County Administrative Code, as amended by Local Law No. 9-2006, is amended to read as follows:

k. "Protected status" means race, creed, color, gender, disability, age, religion, source of income, veteran status, sexual orientation, ethnicity, familial status, marital status, or national origin.

§ 4. Subdivision p is added to Title C, Section 21-9.2 of the Nassau County Administrative Code, as amended by Local Law 9-2006, as follows:

p. "Veterans status" means current or prior service in (1) The United States army, navy, air force, marine corps, coast guard, the commissioned corps of the national oceanic and atmospheric administration, the commissioned corps of the United States public health services, army national guard or the air national guard; (2) The organized militia of the state of New York, as described in section 2 of the military law, or the organized militia of any other state, territory or possession of the United States; (3) Any other service designated as part of the "veterans status" pursuant to subsection (16) of section 4303 of title 38 of the United States code; (4) Membership in any reserve component of the United States army, navy, air force, marine

corps, or coast guard; or (5) Being listed on the state reserve list or the state retired list as described in section 2 of the military law or comparable status for any other state, territory or possession of the United States.

§ 5. Title C, Section 21-9.3 of the Nassau County Administrative Code, as amended by Local Law 9-2006, is amended to read as follows:

§ 21-9.3 **Functions of the Commission.** The Commission shall:

- a. Foster mutual understanding and respect in Nassau County, a community diverse with respect to race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, sexual orientation, age, marital status, familial status or disability;
- b. Encourage equality of treatment and prevent discrimination based upon actual or perceived race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, sexual orientation, age, marital status, familiar status or disability;
- c. Cooperate with governmental and non-governmental agencies and organizations having like or kindred functions;
- d. Make such investigations and studies in the field of human relation as in the judgment of the Commission will aid in effectuating its general purposes.

§ 6. Title C, subdivision b of Section 21-9.4 of the Nassau County Administrative Code, as amended by Local Law 9-2006, is amended to read as follows:

§ 21-9.4. **Powers and duties.** In addition to the powers and duties set forth in section 21-9.3, the Commission shall

- b. enlist the cooperation of those comprising diversity with respect to race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, sexual orientation, age, marital status, familiar status and disability; community organizations; labor organizations; fraternal and benevolent associations; and other groups in the County of Nassau in programs and campaigns devoted to eliminating group prejudice, intolerance, bigotry, and discrimination;

§ 7. Title C, subdivision d of Section 21-9.4 of the Nassau County Administrative Code, as amended by Local Law 9-2006, is amended to read as follows:

- d. Receive and investigate complaints and to initiate its own investigations of (i) tensions, prejudice, intolerance and bigotry based upon race, creed, color, national origin, ethnicity, gender, religion, source of income, veteran status, sexual orientation, age, marital status, familial status and disability; and any disorder occasioned thereby; (ii) discrimination against any person or persons, organization or corporations whether practiced by private persons, associations, corporations and, after

consultation with the County Executive, by county officials or agencies;

§ 8. Title C-1, subdivision a of Section 21-9.7 of the Nassau County Administrative Code, as amended by Local Law No. 9-2006, is amended to read as follows:

Title C-1  
Open Housing

§ 21-9.7. **Open housing provisions.**

- a. **Policy.** There is no greater danger to the health, morals, safety, and welfare of the County and its residents than the existence of groups and persons antagonistic to each other because of actual or perceived differences of race, creed, color, gender, disability, age, religion, source of income, veterans status, sexual orientation, familial status, marital status, ethnicity or national origin. Many persons have been compelled to live under substandard, unhealthful, unsanitary, and crowded living conditions because of discrimination and segregation in housing. The Legislature also finds that housing segregation creates economic instability by limiting access to quality education, health care and job opportunities for professionals and skilled workers. It creates pockets of poverty and increases the cost of housing in all neighborhoods. It limits the availability of housing for enterprises whose workforces reflect the efficiencies of diversity, and this limitation reduces the County's capacity for economic development, to the social and economic detriment of the entire County.

The Nassau County Legislature hereby finds and declares that acts of prejudice, intolerance, bigotry, and discrimination which deny a person the opportunity to sell, purchase or lease, rent, or obtain financing for the purchase or lease of housing accommodations because of actual or perceived race, creed, color, gender, disability, age, religion, source of income, veterans status, sexual orientation, familial status, marital status, ethnicity or national origin threaten the fundamental rights and privileges of the residents of the County of Nassau and undermine the foundations of a free democratic state. The Legislature further declares it to be the public policy of the County of Nassau to eliminate and prevent discrimination and segregation based on actual or perceived race, creed, color, gender, disability, age, religion, source of income, veterans status, sexual orientation, ethnicity, familial status, marital status or national origin, and to safeguard the right of every person to sell, purchase, lease, rent, or obtain financing for the purchase or lease of housing accommodations without regard to actual or perceived race, creed, color, gender, disability, age, religion, source of income, veterans status, sexual orientation, ethnicity, familial status, marital status or national origin.

The Nassau County Legislature further declares it to be the public policy of the County of Nassau to require that every department or other agency of the County which may be involved in any public construction program which could involve the removal of persons from their present housing accommodations and their relocation elsewhere, or which endeavor to implement any public or publicly-assisted or public- approved housing or relocation plan, promote the elimination of segregation in housing within the County.

It shall be the duty of all county officers, officials, and employees to exercise appropriate governmental functions relating to the use or occupancy of land, real property, or housing accommodations in such a manner consistent with law that all patterns of racially segregated housing existing in this county be eliminated and that the creation of any such patterns be prevented to the maximum extent that such a result can be achieved by such action.

In addition, the Legislature further declares that veterans and active military service members often face unique obstacles that are a result of their service such as finding adequate and affordable housing. As of November 2018, the Nassau County Comptroller determined that there are over 50,000 veterans residing in the County. Veterans have made enormous personal sacrifices in order to serve our Country, preserve our Constitution and laws, promote our democratic values, ensure our security and protect American lives and property. Unfortunately, there are instances when, instead of receiving the gratitude and respect they have earned, veterans have instead encountered discrimination in areas such as housing, based on their veteran or active military service status. Under the federal Fair Housing Act, it is illegal to deny housing or discriminate against someone based on his or her disability, gender, race, color, national origin, familial status, or religion. Although veterans with disabilities have protection against housing discrimination under the Americans With Disabilities Act, veteran status by itself is not a protected class. The Nassau County Legislature hereby finds and declares that including veterans status, whether on active duty or not, as a protected class under the open housing provisions Nassau County Human Rights Law would provide veterans, active service military members, and their families with the ability to challenge discrimination in housing at the local level through the Nassau County Commission on Human Rights, and allow aggrieved veterans to have an avenue to obtain relief when their rights are violated.

§ 9. Title C-1, subdivision b of section 21-9.7 of the Nassau County Administrative Code, as amended by Local Law No. 9-2006, is amended to read as follows:

- b. **Definitions.** The terms defined in section 21-9.2 of this chapter, unless otherwise defined herein, shall have the meanings set forth therein. For purposes of this title, the following terms shall have the following meanings:
1. "Agent" means a person with the authority to engage, on behalf of another, in any act associated with the offer, purchase, sale, rental, or occupancy of one or more housing accommodations.
  2. "Covered multifamily dwelling" means:
    - i. any building consisting of four or more units if such building has one or more elevators; and
    - ii. any ground floor unit in any building consisting of four or more units.

3. "Couple" means two persons who reside or seek to reside together.

4. "Covered entity" means a person required to comply with any provision of this title.

5. "Discrimination" and "discriminate" mean any difference in treatment based on actual or perceived race, creed, color, national origin, ethnicity, gender, religion, source of income, veterans status, sexual orientation, age, marital status, familial status or disability and shall include segregation, except that it shall not be discrimination for any religious or denominational institution to devote its facilities, exclusively or primarily, to or for members of its own religion or denomination or to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained, unless membership in such religion is restricted on account of race, color, or national origin.

[5] 6. "Housing accommodation" includes a building, structure, or portion thereof used or occupied or intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more human beings, and vacant land offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

[6] 7. "Lending institution" means any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.

8. "Protected status" means race, creed, color, gender, disability, age, religion, source of income, veterans status, sexual orientation, ethnicity, familial status, marital status, or national origin.

[7] 9. "Reasonable modification" and "reasonable accommodation" mean such modification or accommodation, including a reasonable economic or financial accommodation relating to the payment for or financing of a dwelling, that will not cause undue hardship in the conduct of the owner's business. The owner shall be required to demonstrate undue hardship.

[8] 10. "Real estate broker," "real estate salesperson," and "associate real estate broker" shall have, respectively, the meanings of "real estate broker," "real estate salesman," and "associate real estate broker" set forth in section four hundred forty of the Real Property Law. Notwithstanding any inconsistent provision, for the purposes of this title, a real estate broker shall be legally responsible for any act of a real estate salesperson or associate real estate broker, provided that:

- i. In connection with the offer, purchase, sale, rental, or lease of housing accommodations, the real estate broker has authorized such real estate salesperson or associate real estate broker to act on the broker's behalf and subject to his or her direction, supervision, or control; and
- ii. such violation has occurred within the scope of the authorization described in subparagraph i of this paragraph.

11. "Veterans status" means current or prior service in (1) The United States army, navy, air force, marine corps, coast guard, the commissioned corps of the national oceanic and atmospheric administration, the commissioned corps of the United States public health services, army national guard or the air national guard; (2) The organized militia of the state of New York, as described in section 2 of the military law, or the organized militia of any other state, territory or possession of the United States; (3) Any other service designated as part of the "veterans status" pursuant to subsection (16) of section 4303 of title 38 of the United States code; (4) Membership in any reserve component of the United States army, navy, air force, marine corps, or coast guard; or (5) Being listed on the state reserve list or the state retired list as described in section 2 of the military law or comparable status for any other state, territory or possession of the United States.

§ 10. Title C-1, subdivision (c)(1)(iii) of section 21-9.7 of the Nassau County Administrative Code, as amended by Local Law No. 9-2006, is amended to read as follows:

- a. to induce or attempt to induce any person to sell or rent any housing accommodation through the use of representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, gender, age, disability, religion, source of income, veterans status, sexual orientation, national origin and ethnicity.

§ 11. Title C-2, section 21-9.8 of the Nassau County Administrative Code is amended to read as follows:

Title C-2  
Unlawful Discriminatory Practices

§ 21-9.8. **Unlawful discriminatory practices.**

1. It shall be an unlawful discriminatory practice:
  - a. For an employer to refuse to hire or employ or to bar or to discharge from employment or to discriminate against any individual in compensation or in terms, conditions or privileges of employment because of the actual or perceived gender, race, color, creed, national origin, disability, age, religion, source of income, veterans status, or sexual orientation of any such individual.
  - b. For an employment agency to discriminate against any individual in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers because of the actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, or sexual orientation.
  - c. For a labor organization to exclude or to expel from its membership or to discriminate in any way against any of its members or against any employer or any individual

employed by an employer because of the actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, or sexual orientation of any individual.

- d. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, or sexual orientation, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.
  - e. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this title or because he had filed a complaint, testified or assisted in any proceeding under this title.
2. It shall be an unlawful discriminatory practice for an employer, labor organization, employment agency or any joint labor-management committee controlling apprentice training programs:
- a. To refuse to select any person or persons for an apprentice training program registered with the State of New York because of actual or perceived gender, race color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, or sexual orientation and on any basis other than their lack of qualifications as determined by objective criteria which permit review.
  - b. To deny to or withhold from any person because of his or her actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, or sexual orientation the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training or retraining program.
  - c. To discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, or sexual orientation.
  - d. To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran



status, or sexual orientation, or any intent to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

3. It shall be unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, or sexual orientation of any person directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodation, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of actual or perceived gender, race, color, creed, national origin, ethnicity, disability, age, religion, source of income, veteran status, or sexual orientation is unwelcome, objectionable or not acceptable, desired or solicited.
4. No person shall aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this title, or attempt to do so.
5. No person engaged in any activity to which this title applies shall retaliate or discriminate against any person because he or she has opposed any practices forbidden under the title or because he has filed a complaint, testified, or assisted in any proceeding under this title.

#### **§ 12. 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.

#### **§ 13. SEQRA Determination.**

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L, section 0101 at seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment, and no further review is required.

#### **§ 14. Effective Date.**

This local law shall take effect immediately after enactment.

**APPROVED**

  
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**County Executive**

**DATE** 4-30-19