

New York Bans Gender Identity Discrimination In Credit Transactions

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On January 25, 2019, New York Governor Andrew Cuomo signed legislation to ban discrimination based on gender identity or expression in credit transactions, among other areas. Senate Bill 1047 defines "gender identity or expression" as a person's actual or perceived gender identity, appearance, behavior, expression, or other gender-related characteristic regardless of whether that gender identity, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to the person at birth. Among other items, the new law specifically prohibits creditors from credit discrimination

- with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space;
- in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit; and
- in using any form of application for credit or using or making any record or inquiry that expresses, directly or indirectly, any limitation, specification, or discrimination.

It is not discriminatory for creditors to base credit differentiations or decisions on factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets, and prior credit history of such applicants, as well as reference to any other relevant factually supportable data.

These provisions of the law took effect in late February.

Senate Bill 1047

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