

Alert | Labor & Employment



May 2023

NYC Passes Bill to Update Human Rights Law to Include Discrimination Based on Height, Weight

On May 11, 2023, the New York City Council passed [Intro 209-A](#), which would amend the New York City Human Rights Law to include prohibitions on discrimination based on height and weight.

The new bill would add “height and weight” to the list of categories protected by Title 8 of the New York City Administrative Code, specifically to prohibit discrimination in connection with employment, housing, and access to public accommodations because of a person’s actual or perceived height or weight.

The bill would create an exemption for employers when height or weight is a “*bona fide* occupational qualification” reasonably necessary to the normal operation of the business, and for operators or providers of public accommodations where height or weight requirements qualify as *bona fide* considerations of public health and safety.

Enforcement of this bill, if passed into law, would fall under the Law Enforcement Bureau of the New York City Commission on Human Rights (CCHR). The bill would take effect 180 days after it became law.

This bill mirrors efforts in the New York state Legislature to prohibit height and weight discrimination, in bills sponsored in the [New York State Assembly \(A7170\)](#) and New York state Senate (S2440). The city of Binghamton, New York has prohibited such discrimination since 2008.

Authors

This GT Alert was prepared by:

- **Jerrold F. Goldberg** | +1 212.801.9209 | GOLDBERGJ@gtlaw.com
- **Quinn Caruthers** [~] | +1 212.801.6825 | Quinn.Caruthers@gtlaw.com
- **Ellen M. Gustafson** [~] | +1 212.801.6517 | gustafsone@gtlaw.com

[~] Not admitted to the practice of law.

Albany. Amsterdam. Atlanta. Austin. Berlin. [~] Boston. Charlotte. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Houston. Las Vegas. London. ^{*} Long Island. Los Angeles. Mexico City. ⁺ Miami. Milan. [»] Minneapolis. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Portland. Sacramento. Salt Lake City. San Diego. San Francisco. Seoul. [»] Shanghai. Silicon Valley. Singapore. [~] Tallahassee. Tampa. Tel Aviv. [^] Tokyo. [»] Warsaw. [~] Washington, D.C.. West Palm Beach. Westchester County.

This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer's legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. [~]Greenberg Traurig's Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ^{}Operates as a separate UK registered legal entity. ⁺Greenberg Traurig's Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. [»]Greenberg Traurig's Milan office is operated by Greenberg Traurig Santa Maria, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. [»]Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. [~]Greenberg Traurig's Singapore office is operated by Greenberg Traurig Singapore LLP which is licensed as a foreign law practice in Singapore. [^]Greenberg Traurig's Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. [»]Greenberg Traurig's Tokyo Office is operated by GT Tokyo Horitsu Jimusho and Greenberg Traurig Gaikokuhojimbengoshi Jimusho, affiliates of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. [~]Greenberg Traurig's Warsaw office is operated by GREENBERG TRAUIG Nowakowska-Zimoch Wysokiński sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in GREENBERG TRAUIG Nowakowska-Zimoch Wysokiński sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2023 Greenberg Traurig, LLP. All rights reserved.*