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NYC Council Approves Amendment to the Human Rights Law to Include “Height and Weight” as Protected Under the Discrimination Statute

On May 11, 2023, the New York City Council approved Intro 209–A, a local law amending the New York City administrative code to include “height and weight” as protected characteristics under the Human Rights Law’s discrimination statute. Key features of the amendment include:

- Prohibiting discrimination based on one’s height or weight in employment, housing, and public accommodations. Creating an exemption for employers if: “a person’s height or weight could prevent performing the essential requisites of the job” when such criteria:
 - are required under federal, state or local law, or
 - are “reasonably necessary for the execution of the normal operations” of the business.
- Providing an affirmative defense to those entities covered by the law and to whom the above exemptions do not apply if the action taken is based on a person’s height or weight is “reasonably necessary for its normal operations.”

The legislation is set to take effect 180 days after becoming law. The full text of the amendment can be found [here](#).

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Our [Labor & Employment Practice](#) is dedicated to litigating alleged employment discrimination claims and other employment matters on behalf of New York employers. Our attorneys, who have successfully defended these matters for years, also have experience working on the plaintiffs’ side, which provides our clients with invaluable insight into how plaintiffs approach cases. Our attorneys use that knowledge to successfully litigate cases using novel defenses and creative problem-solving that align with our clients’ business goals.

In addition, many of our attorneys are former federal prosecutors who combine an aggressive and creative approach to defending employment discrimination matters.

Yankwitt LLP looks forward to assisting you with your New York employment matters. We can be reached at (914) 686-1500, or you can find us on the web at www.yankwitt.com.