

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of "A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to Discriminatory Harassment."

Your Committee is advised that the Westchester County Human Rights Law ("Human Rights Law") is intended to address and prevent discrimination, bigotry, prejudice, and intolerance in Westchester County because of a person's actual or perceived membership in a protected class. Under the Human Rights Law, it is unlawful to discriminate in relation to employment, public accommodations, housing accommodation, commercial space and land transactions, and the issuance of credit.

Your Committee notes that the Human Rights Law does not currently protect against discriminatory harassment outside of the nexuses identified above.

Discriminatory harassment is threats, intimidation, coercion, or violence that interferes with a person's civil or constitutional rights, and is motivated, in part, by that person's actual or perceived membership in a protected class. Under the Human Rights Law,

mitigation strategies to address violations of the Human Rights Law, as well as inform the work of the Commission. The proposed amendment will not, however, be construed to infringe upon the First Amendment rights of any person, as this legislation is meant to address discriminatory harassment only.

Your Committee is further advised that the proposed local law will also amend the penalty section of the Human Rights Law by: (1) adding civil monetary penalties for commission of unlawful discriminatory practices; (2) removing the limit of \$10,000 for punitive damages; and (3) authorizing the requirement for a respondent to undertake remedial action, including, but not limited to, training and community service for violations of the law.

Your committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated May 14, 2021, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

FISCAL IMPACT STATEMENT

SUBJECT: Discriminatory Harrasment Law

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense _____

Total Current Year Revenue _____

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (Revenue)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: Potential civil penalties paid to the County

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Michael Dunn

Title: Assistant Budget Analyst

Department: Budget

Date: June 4, 2021

Reviewed By: 

Budget Director

Date: 6/4/21

of the other person or because of such person's status as a victim of domestic violence, sexual abuse, or stalking, as defined by this Chapter.

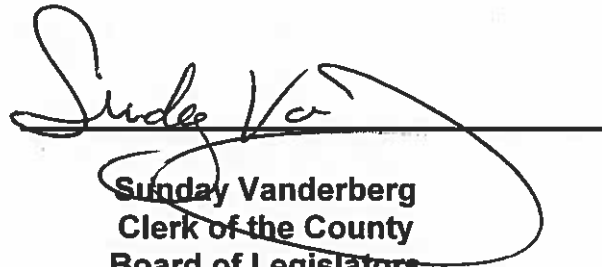
Section 2. Chapter 700.11(h) of the Laws of Westchester County is hereby amended to read as follows:

h. In the event that the commission shall, after a hearing, determine that a respondent has committed an unlawful discriminatory practice, it shall issue an order containing such of the following provisions as may, in the judgment of the commission, effectuate the purposes of this chapter:

1. Requiring such respondent to cease and desist from such unlawful discriminatory practice;
2. Requiring such respondent to take such affirmative action to remedy the unlawful discriminatory practice, including such of the following as may be applicable and appropriate; hiring, reinstatement or upgrading of employees, with or without back pay, restoration to membership in any respondent labor organization, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program or other occupational training or retraining program, the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, evaluating applicants for membership in a place of accommodation without discrimination based on group identity or because of a person's status as a victim of domestic violence, sexual abuse or stalking, and without retaliation or discrimination based on opposition to practices forbidden by this chapter or filing a complaint, testifying or assisting in any proceeding under this chapter;

LOCAL LAW INTRO No. 2021-373

**Passed by the Board of Legislators of the County of Westchester,
New York by 17 votes for and 0 votes against on the 20th day of September,
2021.**


**Sunday Vanderberg
Clerk of the County
Board of Legislators
Westchester County, New York**

Approved this *20th* day
of *October*, 2021


**George Latimer
County Executive
Westchester County, New York**