

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Westchester

Local Law No. 9 of the year 2021

A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to Discriminatory Harassment.

Be it enacted by the County Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Westchester

as follows:

Section 1. Chapter 700 of the Laws of Westchester County is hereby amended to include new section 700.04-a follows:

Section 700.04-a. Discriminatory Harassment.

1. It shall be an unlawful discriminatory practice for a person to, by force or threat of force, knowingly injure, intimidate or interfere with, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to such other person by the constitution or laws of the United States, the constitution or laws of this state, or by local law, or by this chapter, when such injury, intimidation, interference, or threat is motivated, in whole or in part, by the actual or perceived group identity of the other person or because of such person's actual or perceived status as a victim of domestic violence, sexual abuse, or stalking, as defined by this Chapter.

2. It shall be an unlawful discriminatory practice for any person to knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the constitution or laws of the United States, or by the constitution or laws of this state, or this chapter, where such defacement, damage, or destruction is motivated, in whole or in part, by the actual or perceived group identity 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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;
3. Requiring such respondent to undertake remedial action, including, but not limited to, training and/or community service;
4. Awarding of compensatory damages, including, but not limited to: actual damages, back pay, front pay, mental anguish and emotional distress, to the person aggrieved by such practice;
5. Awarding of punitive damages against a respondent found to have committed an unlawful discriminatory practice which is found to be willful, wanton or malicious to the person aggrieved by such practice;
6. Awarding costs in the form of reimbursement for actual expenses reasonably incurred and reasonable attorney's fees to the person aggrieved by such practice; and
7. Awarding a civil penalty in an amount not to exceed \$125,000.00, to be paid to the County of Westchester by a respondent found to have committed an unlawful discriminatory practice, or not to exceed \$250,000.00 to be paid to the County of Westchester by a respondent found to have committed an unlawful discriminatory practice which is found to be willful, wanton or malicious or where the commission finds that an act of discriminatory harassment or violence as set forth in Section 700.04-a has occurred;
8. Requiring the respondent to report the manner of compliance.

Section 3. This Local Law shall take effect 60 days after enactment.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 9 _____ of 2021____ of the (County)(City)(Town)(Village) of _____ Westchester _____ was duly passed by the _____ Board of Legislators _____ on September 21, 2021____, and was (approved)(not approved) (repassed after disapproval) by the _____ County Executive _____ and was deemed duly adopted on September 23, 2021____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph,

_____ 2 _____ above.

Mally V...

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/24/2021

(Seal)