

**MaryJane Shimsky**  
**Legislator, 12<sup>th</sup> District**

Committee on Public Works & Transportation



**Committee Assignments:**

Budget & Appropriations  
Health  
Law & Major Contracts  
Legislation  
Parks & Recreation

To: Catherine Borgia, Chairwoman of the Board of Legislators  
Sunday Vanderberg, Clerk of the Board of Legislators

FROM: MaryJane Shimsky, Legislator, 12<sup>th</sup> District

Date: March 2, 2022

RE: Amendments to the County Charter regarding language used to described those with intellectual and developmental disabilities

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Please refer the attached Local Law with regard to amending various sections of the Laws of Westchester County to change the language used in reference to individuals with intellectual and developmental disabilities, and to employ the use of person centric language, on the March 7, 2022 Westchester County Board of Legislators agenda to the appropriate committees.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee recommends adoption of “A LOCAL LAW amending various sections of the Laws of Westchester County, to change the language used in reference to individuals with intellectual/developmental disabilities, and to employ the use of person-centered language.”

Your Committee is advised that this proposed Local Law amends the Laws of Westchester County by eliminating the terms “mental retardation” and “mentally retarded” from various sections of Chapters 156 and 261 of the Laws of Westchester County. Since the time the legislation for these sections was originally enacted, these terms have been misappropriated and used in an increasingly derogatory manner. Indeed, the term “retarded” is now often dubbed the “R’ word”; has been used in common parlance in a disparaging way; and has become an offensive term regarding persons with intellectual/developmental disabilities.

Your Committee is further advised that in 2010, New York State enacted a law (L. 2010, Ch. 168) that, among other things, changed the name of the State’s “Office of Mental Retardation and Developmental Disabilities” to the “Office for People With Developmental Disabilities,” and clarified that the phrase “mental retardation” should be avoided, and not be used in any new or revised statutes, local laws, ordinances, charters, regulations, or publications of the state or any political subdivision, except when addressing clinical criteria for eligibility. Pursuant to the law, various sections of the New York State Mental Hygiene Law were amended to eliminate the term “mental retardation,” which was either deleted or replaced with “developmental disability” as appropriate.

Your Committee notes that in 2010, a federal law known as “Rosa’s Law” was enacted (124 Stat. 2643), which replaced numerous references to “mental retardation” in federal law

with the term “intellectual disability.” Also at the federal level, the U.S. “President’s Committee on Mental Retardation” was renamed the “President’s Committee for People with Intellectual Disabilities” by Executive Order 13309 in 2003. The Centers for Disease Control and Prevention also uses the term “intellectual disability.”

Your Committee further notes that there is a consensus among individuals with disabilities that using “person-centered” language is important when referring to persons with disabilities, including persons who have mental illnesses, intellectual/developmental disabilities, and addiction. Indeed, New York State’s “Person First” language law (L. 2007, Ch. 455) mandates that in statutory language, the emphasis should be placed on people, not their disabilities. Under the Person First law, political subdivisions, when referring to individuals with disabilities in new or revised statutes, local laws, charters, regulations, or other publications, should refer to persons with disabilities as persons first, and should avoid language that implies that a person as a whole is disabled; equates persons with their disabilities; is regarded as derogatory or demeaning; or has negative overtones.

Your Committee is informed that this proposed Local Law is consistent with the above-referenced New York State statutes. First, this proposed Local Law supplants the terms “mental retardation” and “mentally retarded,” which are regarded as demeaning, with forms of the term “intellectual/developmental disability.” Second, it eliminates language that may be construed to equate persons with their disabilities or signal that a person as a whole is disabled (e.g., “the mentally ill,” “the mentally disabled,” “substance abusers”), and instead uses person-centered language (e.g., “individuals with mental illness”; “individuals with mental disabilities”). Third, it removes phrases with negative overtones. For instance, this Local Law proposes replacing the phrase “in light of the problems of the mentally disabled, the mentally retarded, the developmental disability, and those suffering from alcoholism and

substance abuse” with the phrase “regarding individuals with mental disabilities, intellectual/developmental disabilities, and/or addiction.” Finally, the term “alcoholism and substance abuse” has been supplanted with “addiction,” which is the term currently used and preferred by the Westchester County Department of Community Mental Health.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (“NYCRR”). The proposed legislation does not meet the definition of an action under SEQRA and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

In light of all of the foregoing, your Committee recommends passage of this Local Law.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ – 2022**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2022, entitled “A LOCAL LAW amending various sections of the Laws of Westchester County, to change the language used in reference to individuals with intellectual/developmental disabilities, and to employ the use of person-centered language.” The public hearing will be held at \_\_.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.