

LOCAL LAW INTRO. NO. -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 County 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.

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. [3.] 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. [4.] Awarding of punitive damages against a respondent found to have committed an unlawful discriminatory practice which is found to be willful, wanton or malicious [in an amount not to exceed \$10,000.00,] to the person aggrieved by such practice;

6. [5.] 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. [6.] Requiring the respondent to report of the manner of compliance.

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