

RESOLUTION NO. 130 - 2021

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. 373- 2021, entitled "A LOCAL LAW amending Chapter 700 to the Laws of Westchester County relating to Discriminatory Harassment." The public hearing will be held at 7:30 p.m. on the 20 day of September, 2021 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.

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,

protected classes include race, ethnicity, color, national origin, gender, gender identity, gender expression, sexual orientation, age, disability, religion, creed, familial status, marital status, alienage/citizenship status and status as a victim of sexual abuse, stalking or domestic violence. For example, your Committee is aware of the surge in violence against Asian-Americans in New York, some of which may be considered discriminatory harassment.

Your Committee is advised that the proposed amendment will make it a 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. For example, the amendment will prohibit interfering with a person's right to the enjoyment of their home or residence, or to utilize and enjoy public transportation free from threats, intimidation, harassment, coercion or violence because of the person's actual or perceived membership in a protected class. The amendment will enable the Commission to award compensatory damages, punitive damages, civil monetary penalties, reasonable attorney's fees, and seek equitable relief where appropriate. The amendment will work to increase the reporting of hate incidents, which will assist law enforcement in developing

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.

Your Committee, after careful consideration, recommends adoption of this Local

Law.

Dated: July 12, 2021  
White Plains, New York

*City Clerk*  
*Maylene Stinch*  
*Benjamin Boyfrest*  
*Vedat J. A. I.*  
*Nancy Bar*  
*K. J. Sarill*

*Doris J. Tubish*  
*Maylene Stinch*  
*Benjamin Boyfrest*  
*Chiff*  
*Nancy Bar*  
*K. J. Sarill*

JSW-6/4/2021

COMMITTEE ON

Legislation

Social Services

# 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