Legislation Details (With Text)

File #:	Int 0439-2003 **Version:** *	**Name:**	Human Rights Law
Type:	Introduction	**Status:**	Filed
		In control:	Committee on General Welfare
On agenda:	4/30/2003		
Enactment date:		**Enactment #:**	
Title:	A Local Law to amend the administrative code of the City of New York, in relation to the human rights law.		
Sponsors:			
Indexes:			
Attachments:	1. Committee Report 10/16, 2. Hearing Transcript 10/16		

Date	Ver.	Action By	Action	Result
4/30/2003	*	City Council	Introduced by Council	
4/30/2003	*	City Council	Referred to Comm by Council	
10/16/2003	*	Committee on General Welfare	Hearing Held by Committee	
10/16/2003	*	Committee on General Welfare	Laid Over by Committee	
12/31/2003	*	City Council	Filed (End of Session)	

Int. No. 439

By Council Members Brewer, Comrie, Jackson, Jennings, Koppell, Lopez, Martinez, Monserrate, Perkins, Quinn, Sanders, Seabrook, Stewart, Vann, Espada, Serrano, DeBlasio, Reyna, Moskowitz, Gonzalez, Rivera and James; also Council Members Yassky, Gerson and Barron

A Local Law to amend the administrative code of the City of New York, in relation to the human rights law.

Be it enacted by the Council as follows:

Section 1. This law shall be known as the "Local Civil Rights Restoration Act of 2003"

§ 2. Section 8-102 of chapter one of title eight of the administrative code of the City of New York is amended by adding a new subdivision 24 to read as follows:

24. The term "marital status" refers both to the marital status of a person in isolation, and to the marital status of a person in relation to another person.

§ 3. Section 8-107 of chapter one of title eight of the administrative code of the City of New York is amended by adding the following paragraph g to read as follows:

powered by Legistar™

(g) The provisions of this section as they relate to discrimination on the basis of marital status shall not be construed to prohibit an anti-nepotism policy where such a policy is not a subterfuge to evade the purposes of this chapter.

§ 4. Section 8-107 of chapter one of title eight of the administrative code of the City of New York is amended as follows:

7. Retaliation. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, or (v) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-l 15 of this chapter. The degree of harm caused by the retaliation or discrimination complained of shall be considered in determining only the appropriate level of damages to be awarded; provided, however, that the covered entity shall be permitted to plead and prove as an affirmative defense to any liability that the challenged actions constituted no more than petty slights and trivial annoyances.

§ 5. Section 8-109 of chapter one of title eight of the administrative code of the City of New York is amended as follows:

(g) In relation to complaints filed on or after September first, nineteen hundred ninety one, the commission shall commence proceedings with respect to the complaint, complete [the] a thorough investigation of the allegations of the complaint and make a final disposition of the complaint promptly and within the time periods to be prescribed by rule of the commission. If the commission is unable to comply with the time periods specified for completing its investigation and for final disposition of the complaint, it shall notify the complainant, respondent, and any necessary party in writing of the reasons for not doing so.**§ 6.**

Section 8-117 of chapter one of title eight of the administrative code of the City of New York is amended as follows:

8-l17. Rules of Procedure.

a. The commission shall adopt rules providing for hearing and pre-hearing procedure. These rules shall include rules providing that the commission, by its prosecutorial bureau, shall be a party to all complaints and that a complainant shall be a party if the complainant has intervened in the manner set forth in the rules of the commission. These rules shall also include rules governing discovery, motion practice and the issuance of subpoenas. Wherever necessary, the commission shall issue orders compelling discovery. In accordance with the commission's discovery rules, any party from whom discovery is sought may assert an objection to such discovery based upon a claim of privilege or other defense and the commission shall rule upon such objection.

b. In the event that a complainant shall have intervened pursuant to subdivision a of this section, an order pursuant to section 8-l15 or 8-120(a) of this chapter may include an award to that complainant of the costs and reasonable attorney's fees the complainant has incurred subsequent to a finding of probable cause pursuant to section 8-116 of this chapter. Such an award may be given to all such complainants, including those whose commencement of litigation has acted as a catalyst to effect policy change on the part of the respondent, regardless of whether that change has been implemented voluntarily, as a result of a conciliation agreement, or as a result of an order after trial.

§ 7. Section 8-126 of chapter one of title eight of the administrative code of the City of New York is amended as follows:

a. Except as otherwise provided in subdivision thirteen of section 8-107 of this chapter, in addition to any of the remedies and penalties set forth in subdivision a of section 8-120 of this chapter, where the commission finds that a person has engaged in an unlawful discriminatory practice, the commission may, to vindicate the public interest, impose a civil penalty of not more than [fifty] one hundred and twenty-five thousand dollars. Where the commission finds that an unlawful discriminatory practice was the result of the

respondent's willful, wanton or malicious act or where the commission finds that an act of discriminatory harassment or violence as set forth in chapter six of this title has occurred, the commission may, to vindicate the public interest, impose a civil penalty of not more than [one hundred thousand] two hundred and fifty thousand dollars.

§ 8. Section 8-130 of chapter one of title eight of the administrative code of the City of New York is amended as follows:

§ 8-130. Construction. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. The provisions of this chapter shall be construed independently from similar or identical provisions of state or federal law. Interpretations of state or federal law shall be utilized only to determine the minimum scope of the provisions of this chapter and not to limit the scope of the provisions of this chapter.

§ 9. Section 8-502 of chapter five of title eight of the administrative code of the City of New York is amended as follows: b. Notwithstanding any inconsistent provision of subdivision a of this section, where a complaint filed with the city commission on human rights or the state division on human rights is dismissed by the city commission on human rights pursuant to subdivisions a, b or c of section

8-113 of chapter one of this title, or by the state division of human rights pursuant to subdivision nine of section two hundred ninety-seven of the executive law either for administrative convenience or on the grounds that such person's election of an administrative remedy is annulled, an aggrieved person shall maintain all rights to commence a civil action pursuant to this chapter as if no such complaint had been filed.c. The city commission on human rights and the corporation counsel shall each designate a representative authorized to receive copies of complaints in actions commenced in whole or in part pursuant to subdivision a of this section. Within 10 days after having commenced [Prior to commencing] a civil action pursuant to subdivision a of this section, the plaintiff shall serve a copy of the complaint upon such authorized representatives [the city commission on human rights and the corporation counsel].

f. In any civil action commenced pursuant to this section, the court, in its discretion, may award the

prevailing party costs and reasonable attorney's fees. For the purposes of this subdivision, the term "prevailing" includes a plaintiff whose commencement of litigation has acted as a catalyst to effect policy change on the part of the defendant, regardless of whether that change has been implemented voluntarily, as a result of a settlement or as a result of a judgment in such plaintiff's favor.

§ 10. This local law shall take effect immediately.

powered by Legistar™