STATE OF NEW YORK

6114

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. SIMON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the general municipal law, in relation to providing for local human rights laws

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "Effective Enforcement of Civil Rights Act of 2023".

§ 2. Legislative purpose. To encourage municipalities to take advantage of their home rule powers to proscribe discrimination and to more broadly prohibit discriminatory conduct and decisions that take place, in whole or in part, within a local jurisdiction, regardless of where that conduct and decisions have impact.

§ 3. Section 292 of the executive law is amended by adding a new subdivision 42 to read as follows:

42. The term "local human rights law", when used in this article, means a law of a city or of a county not wholly located within a city that has delineated and proscribed local unlawful discriminatory practices.

§ 4. Subdivisions 6 and 16 of section 295 of the executive law, subdivision 6 as amended by chapter 958 of the laws of 1968 and subdivision 16 as added by chapter 493 of the laws of 1970, are amended to read as follows:

6. (a) To receive, investigate and pass upon complaints alleging violations of this article **and local human rights laws**.

(b) Upon its own motion, to test and investigate and to make, sign and file complaints alleging violations of this article **and local human rights laws,** and to initiate investigations and studies to carry out the purposes of this article.

16. To have concurrent jurisdiction [~~with the New York city commission on human rights over the administration and enforcement of title C of~~

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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~~chapter one of the administrative code of the city of New York~~] to enforce a local human rights law along with the county or city that has enacted such local human rights law.

§ 5. Article 12-D of the general municipal law, as added by chapter 376 of the laws of 1963, the article heading as amended by chapter 413 of the laws of 1964, section 239-o, paragraph (a) of subdivision 1 of section 239-q, and subdivisions (a) and (b) of section 239-r as amended by chapter 560 of the laws of 2019, sections 239-q, 239-r, 239-s and 239-t as amended by chapter 958 of the laws of 1968, is amended to read as follows:

ARTICLE 12-D

[~~COMMISSIONS ON~~] LOCAL HUMAN RIGHTS LAWS, COMMISSIONS, AND DEPARTMENTS

Section 239-o.[~~Creation, appointment and terms~~] Enactment and enforcement of local human rights laws.

239-p.[~~Officers and employees; expenses~~] Creation, appointment and terms of commissions on, and departments of, human rights.

239-q.[~~General duties and powers~~] Officers and employees; expenses.

239-r. General duties, powers, and obligations.

239-s.[~~New York city commission on human rights~~] Powers not limited; concurrent jurisdiction.

239-t. Filing copies.

§ 239-o. Enactment and enforcement of local human rights laws. 1. The legislative body of any city or any county not wholly located within a city, may:

(a) enact such legislation as it sees fit to define, proscribe, and remedy local unlawful discriminatory practices;

(b) determine whether such legislation is to be enforced administratively or through an action commenced in a court of general jurisdiction; and

(c) determine which persons and entities are permitted to seek enforcement.

2. Such local laws shall be enforceable by or on behalf of all persons whether or not those persons are residents of the city or county in question, and whether or not those persons are residents of the state, so long as the discriminatory conduct or decision-making occurs, in whole or in part, within the geographic bounds of such city or county in question. Such local laws shall also be enforceable by or on behalf of residents of the city or county in question even where neither the discriminatory conduct nor decision-making occurs within the geographic bounds of the city or county; provided that the discriminatory conduct or decision-making is the act of a resident of this state or an act of a corporation organized under the laws of this state or authorized to do business in this state.

§ 239-p. Creation, appointment and terms of commissions on, and departments of, human rights. The governing board of any county, city, village or town may by resolution create a commission on, or department of, human rights. [~~The~~] In the case of creating a commission, the governing board shall determine the number of members of such commission, the terms of the members, the manner of appointment of the members, the selection of a chairman and the compensation, if any, to be paid to them. In selecting the membership of the commission, the governing board shall take into consideration the various ages, races, creed, color, national origin, sexual orientation, gender identity or

expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status and political groups in the community. The establishment of such a commission at one level of local government shall not preclude establishment of such a commission at other levels of local government.

§ [~~239-p~~] **239-q**. Officers and employees; expenses. [~~The~~] **A** commission shall have the power and authority to employ an executive director, a secretary and such attorneys, experts and other employees as may be necessary, within the amount made available by the local governing board. Each county, city, village and town is hereby authorized and empowered to make such appropriation for such expenses and for the compensation, if any, to be paid to the members of the commission**. A city or county shall have the power and authority to employ staff and expend funds in respect to departments of human rights as it does in respect to any other municipal department**.

§ [~~239-q~~] **239-r**. General duties [~~and~~]**,** powers**, and obligations**. 1. It shall be the duty of [~~the~~] **a** commission:

(a) To foster mutual respect and understanding among all ages, races, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status and domestic violence victim status groups in the community.

(b) To make such studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes and where desirable, to make the results of such studies public.

(c) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to take such action as may be designed to alleviate such tensions and conflict.

(d) To conduct and recommend such educational programs as, in the judgment of the commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

2. In addition to all other powers, [~~the~~] **a** commission, where and to the extent authorized by local law or ordinance, shall have the power:

[~~a.~~] **(a)** To report complaints to the division of human rights alleging unlawful discriminatory practices under article fifteen of the executive law.

[~~b.~~] **(b)** To receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, notwithstanding any other provision of law.

[~~§ 239-r. General obligations.~~] **3.** A commission on human rights created under the provisions of section two hundred [~~thirty-nine-o~~] **thirty-nine-p** of this article shall discharge the following obligations[~~.~~]**:**

(a) To receive complaints of alleged discrimination because of an individual's age, race, creed, color or national origin, sexual orientation, gender identity or expression, military status, marital status, sex, disability, predisposing genetic characteristics, familial status, marital status or domestic violence victim status, to seek the active assistance of the division of human rights in the solution of complaints which fall within the jurisdiction of the division and to prepare its own plans in the case of other complaints with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.

(b) To hold conferences, and other public meetings in the interest of the constructive resolution of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status and domestic violence victim status group tensions and the prejudice and discrimination occasioned thereby.

(c) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this article.

(d) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity and opening new opportunities into all phases of community life for all individuals.

(e) To encourage and stimulate agencies under the jurisdiction of the governing board which created the commission to take such action as will fulfill the purposes of this article.

(f) To submit an annual report to the governing board or boards and to furnish a copy thereof to the division of human rights.

§ 239-s. [~~New York city commission on human rights~~] **Powers not limited; concurrent jurisdiction**. Nothing in this article shall be deemed to limit or reduce the powers of the New York city commission on human rights[~~, and with respect to such powers, the jurisdiction of the New York city commission on human rights in relation to matters within the city of New York shall be~~] **or the scope and coverage of the New York city human rights law. The jurisdiction and powers exercised or to be exercised under local human rights laws, commissions and departments are** deemed to be concurrent with the jurisdiction of the New York state division of human rights **in respect to the conduct and decision-making set out in subdivision two of section two hundred thirty-nine-o of this article**.

§ 239-t. Filing copies. One copy each of any resolution, ordinance or local law which has been, or which may hereafter be adopted, creating a commission on human rights, or any amendment thereto, shall, on or before September first, nineteen hundred sixty-seven, or within five days after its adoption, be filed with the division of human rights.

§ 6. This act shall take effect immediately.