LOCAL LAW INTRO. NO. -2012

A LOCAL LAW amending the Laws of Westchester County in relation to enforcement of the Westchester County Fair Housing Law

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

- Section 1. Section 700.28 of the Laws of Westchester County is hereby amended to read as follows:
 - F. Complaints Investigation and Determination
 - 1. Within 30 days after a complaint is filed, the Board shall determine whether it has jurisdiction.
 - 2. Upon determination that it has jurisdiction, the Board shall determine, within 100 days of the filing of the complaint, unless impracticable to do so, whether there is probable cause to believe that the person named in the complaint, hereinafter referred to as the respondent, has engaged in, is engaging in; or is about to engage in an unlawful discriminatory real estate practice. If the Board is unable to complete the investigation within 100 days after the filing of the complaint, the Executive Director shall notify the complainant and respondent in writing of the reasons for not doing so.
 - 3. The Executive Director shall provide written notification to both the complainant and respondent regarding the Board's determination of whether probable cause does or does not exist.
 - 4. The Board shall make a final administrative disposition of a complaint within one
 (1) year of the date of receipt of a complaint, unless it is impracticable to do so. If

- it is unable to do so, it shall notify the parties, in writing, of the reasons for not doing so.
- 5. A determination that probable cause does not exist shall be subject to judicial review upon application by any party aggrieved by a final Board order.
- 6. The Fair Housing Board shall have the authority to:
 - a. Grant appropriate temporary or preliminary relief pending final disposition of a complaint if such action is necessary to carry out the purposes of the law;
 - b. Issue and seek enforceable subpoenas;
 - c. Grant actual and punitive damages;
 - d. Grant equitable relief; and
 - e. Provide an administrative proceeding in which a civil penalty may be assessed or adjudicated in court, at County expense, allowing the assessment of punitive damages against the respondent.
- 7. A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action in lieu of a hearing under subsection 6e. of this section. The election must be made not later than 20 days after the receipt by the electing person of service of the complaint or, in the case of the Board, not later than 20 days after such service. The person making such election shall give notice of doing so to the Human Rights Commission and to all other complainants and respondents to whom the charge relates.

- a. If an election is made under this section, the Board shall authorize, and not later than 30 days after the election is made the County Attorney shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection.
- b. Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.
- c. In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 42

 U.S.C. 3613. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

Section 2. This Local Law shall take effect immediately.