

**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. Subsection F of Section 700.28 of Chapter 700 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[.]; and
  - f. Where a case has been removed pursuant to Section 700.29(A)(1) of this Chapter, authorize the County Attorney to initiate a civil action on behalf of the aggrieved party in accordance with the provisions of Section 700.29(A)(2) of this Chapter.
7. The Board shall establish rules of practice or procedure to govern, expedite and effectuate the foregoing procedure and its own actions thereunder, provided that such rules are not inconsistent with the provisions hereof.

Section 2. Subsection A of Section 700.29 of Chapter 700 of the Laws of Westchester County is hereby amended to read as follows:

A. Removal

1. Subsequent to a notice of referral and notice of hearing, a complainant, [or] a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims on which probable cause was found decided in a civil action in lieu of an administrative hearing. Unless good cause is shown to the Executive Director of the Board, this election must be made not later than twenty (20) [ten (10)] days after service of the notice of referral and notice of hearing. The person making such election shall give notice of doing so to all necessary parties and the Board. If an election is made under this subsection, the court may appoint an attorney for the aggrieved person or authorize the continuation of the civil action without the payment of costs if it finds such person unable to bear those costs.
2. If an election is made under this subsection, the Fair Housing Board shall authorize the County Attorney to commence and maintain a civil action on behalf of the complainant or aggrieved person on whose behalf the complaint was filed. Such action shall be brought, upon written notice to the Clerk of the Board of Legislators, within 30 days after the election is made and authorization given, in an appropriate venue as determined by the County Attorney. In such action, the County Attorney shall represent only the Fair Housing Board, and there shall be no attorney-client relationship between the County Attorney and the complainant or aggrieved person.
- 3[2]. Any aggrieved person may intervene as of right in the civil action.

- 4[3]. In a civil action under this section, if the court finds that an unlawful discriminatory real estate practice has occurred, is occurring or is about to occur, the court may grant any appropriate relief, including but not limited to, actual damages, injunctive, [or] equitable relief or punitive damages. The court may also assess a civil penalty as set forth in subsection (B) of this section. If monetary relief is sought for the benefit of a person who could have intervened under subsection 2 of this section, but who did not intervene in the civil action, the court shall not award such relief if that person has not complied with discovery orders entered by the court.
- 5[4]. In any proceeding under this section, the court may award attorney fees and costs to the prevailing party. Attorney fees and costs may be assessed against a person who intervenes by filing a notice of independent appearance in the civil action only to the extent that the intervening participation was frivolous or vexatious, or was for the purpose of harassment.

Section 3. This Local Law shall take effect immediately.