

Proposed Local Law Number 15 Of 2016

County Of Ulster

A Local Law Amending The Ulster County Charter Section C-101A And The Ulster County Administrative Code Section A 30-2A, To Amend The Powers And Duties Of The Ulster County Human Rights Commission

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

The Ulster County Legislature hereby finds and determines there to be a need to expand upon the Powers and Duties of the Ulster County Human Rights Commission to expressly permit the Commission to prohibit acts of discrimination, including discrimination in employment, discrimination in public accommodations, discrimination in housing accommodation, discrimination in commercial space and land transactions, and discrimination in the issuing of credit. The Ulster County Legislature finds that the adoption of this law is an appropriate exercise of the police power for the protection of the public welfare, health and peace of the people of this County.

SECTION 2. HUMAN RIGHTS COMMISSION- POWERS AND DUTIES.

Sections C-101 A. of the Ulster County Charter and A30-2 A. of the Ulster County Administrative Code shall be amended to include the following powers and duties of the commission:

A. The Commission of Human Rights shall be constituted in accordance with and exercise the powers and duties specified in Article 12-D of the General Municipal Law and other related duties required by the County Executive and/or the County Legislature.

“1. The commission shall have the following powers and duties:

a. To hold at least one meeting each calendar month. Other meetings may be held at the request of the Commissioner or upon written request of a majority of the commission or as provided for in written rules and procedures adopted by the commission;

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b. To develop and recommend such informational programs and materials as, in the judgment of the commission, will increase goodwill among inhabitants of the County, and to conduct such informational programs, and distribute such informational materials, in appropriate locations throughout the County, provided that no such programs shall be conducted, or materials distributed, in any place or location without the prior consent of the owner or, where the owner is not in possession of the premises, the tenant or other person lawfully in possession of the premises. The commission may not require that any educational program be conducted or any materials be distributed within a public school, private school, or a religious or denominational institution licensed by the State of New York;

c. To enlist the cooperation of the various racial, religious, and ethnic groups, community organizations, labor organizations, fraternal and benevolent associations and other groups in Ulster County in mediation efforts, programs and campaigns devoted to eliminating group prejudice, intolerance, bigotry and discrimination;

d. To study the problems of prejudice, intolerance, bigotry and disorder occasioned thereby in all or any fields of human endeavor and interaction;

e. Subject to the provisions of this chapter, to receive, investigate and pass upon complaints of, and to initiate its own investigations of: (1) racial, religious and ethnic group tensions, prejudice, intolerance, bigotry and disorder occasioned thereby; and (2) unlawful discriminatory practices, as that terms is defined herein and, to make, sign and file complaints alleging violations of Ulster County Law;

f. Subject to the provisions of Ulster County law, to accept complaints from local municipalities and private individuals;

g. To report unlawful discriminatory practices that fall outside its jurisdiction to the proper governmental authorities;

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h. To issue subpoenas in the manner provided for in the civil practice law and rules compelling the attendance of witnesses, or requiring the production of any evidence material and relevant to any matter within the jurisdiction of the commission, the legislative intent being that the subpoena power of this commission be used with great care, respect and discretion, with the rights of all parties to fair treatment ever present;

i. To hold hearings relating to any matter within the jurisdiction of the commission;

j. To award compensatory and punitive damages for violations of this chapter as provided for in this chapter;

k. To issue publications and reports of investigations and research designed to promote good will and minimize or eliminate prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby;

l. To recommend to the County Executive and the Legislature legislation to aid in carrying out the purpose of this effort;

m. To adopt rules and regulations as may be necessary to effectuate the provisions of this chapter, which rules and regulations, and any modifications thereto, shall not be effective unless and until such rules and regulations, or amendments and modifications, have been subject to a 45-day comment period which shall commence upon filing with the County Clerk and with the Clerk of the Legislature, and with the final adopted rules and regulations, or amendments and modifications to be filed with the County Clerk.

n. To prepare a manual of all of its rules and regulations and to furnish copies thereof to persons desiring same;

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o. To enter into written agreements with federal, state and municipal agencies and commissions for purposes of achieving inter-governmental cooperation and coordination in matters pertaining to discrimination and the handling of complaints and investigations of discrimination;

p. On or before March 1 of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the Commission, which report shall also be submitted to the New York State Division of Human Rights, and which shall be made publicly available;

q. To designate qualified persons to serve as administrative law judges to preside at hearings conducted pursuant to the provisions of this chapter, with the commission to designate only persons found qualified by the commission by reason of experience and education (including, but not limited to, experience and education as an attorney), temperament, and sensitivity to preside at hearings under this chapter; and

r. To provide for the training and continuing education of administrative law judges, within the amounts appropriated therefore.”

SECTION 3. GOVERNMENTAL IMMUNITY/NO SPECIAL DUTY CREATED.

This Local Law does not create any special duty by Ulster County; nor does it create any special duty by any municipality within Ulster County. Any and all liability and consequential damage resulting from either (a) a violation of any provisions of this Local Law; or (b) the enforcement of any provisions of this Local Law is hereby disclaimed and governmental immunity is retained.

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SECTION 4. SEVERABILITY.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE.

This law shall take effect 60 days following the authorization of special legislative authority from the State of New York as requested in Resolution No. 11 of 2017.