RESOLUTION NO. 2016223

RE: REPEAL OF RESOLUTION NO. 392 OF 1984, DISBANDING OF THE DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS, AND THE RE-ESTABLISHMENT OF A NEW DUTCHESS COUNTY COMMISSION ON HUMAN RIGHTS

Legislators THOMES, BORCHERT, MICCIO, BOLNER, SAGLIANO, HORTON, and BLACK offer the following and move its adoption:

WHEREAS, by Resolution No. 392 of 1984, the Dutchess County Legislature established a Commission on Human Rights (the Commission) pursuant to the New York State General Municipal Law, Sections 239-o through 239-t, and

WHEREAS, it appears the Commission was defunded in 2011, and

WHEREAS, as a result of the defunding and the resignation of the Executive Director of the Commission, the Commission in essence became inactive, and

WHEREAS, the County Executive and the Legislature have a common interest in the formation of a new Commission as indicated herein, and

WHEREAS, by Article 12-D, Sections 239-o through 239-t, of the General Municipal Law, the Legislature of this State authorizes the creation of a new Commission by this County, and

WHEREAS, the County Executive and the Legislature agree that a new Commission should be re-established, with county-wide membership and jurisdiction in order to enhance the quality of life in Dutchess County, now therefore, be it

RESOLVED, that Resolution No. 392 of 1984 is hereby repealed and that the original Dutchess County Commission on Human Rights established by said resolution is hereby disbanded, and it is further

RESOLVED, that any and all other resolutions adopted by this Legislature in furtherance of the original Dutchess County Human Rights Commission are also repealed, and it is further

RESOLVED, that the Dutchess County Legislature hereby re-establishes the Dutchess County Commission on Human Rights on the following terms and conditions:

Article 1. Membership, Appointments and Terms.

(a) The Commission shall consist of fifteen (15) members, who shall be interested in Community and Human Relations.

Seven (7) members of the Commission shall be appointed by the County Executive and seven (7) members shall be appointed by the Chairman of the Legislature, all confirmed by the County Legislature.

The Chairperson and 15th member of the Commission shall be the County's Equal Employment Opportunity/Human Rights Officer or Acting Equal Employment Opportunity/Human Rights Officer.

Membership selection shall take into consideration various religious, racial, nationality, political and other groups in the County.

(b) The term of office for Commission members shall be three years, except that the members first appointed to such Board shall be appointed as follows: Four (4) shall be appointed for a term of one year, four (4) for a term of two years, and six (6) for a term of three years.

(c) The members of the Commission shall serve without compensation.

(d) The County Executive and the Chairman of the Legislature, or their designees, shall be ex-officio members of the Commission.

Article 2. Officers and Employees Expenses.

The Commission shall have the power and authority to employ a secretary and such attorneys, experts and other employees as may be necessary, providing the same does not involve the expenditure of County funds.

Article 3-A. General Duties and Powers.

It shall be the duty of the Commission:

(a) To foster mutual respect and understanding among all racial, religious, nationality and other groups in the County.

(b) To make such studies in any field of human relationship in the County 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, nationality and other 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.

Article 3 – B. In addition to all other powers, the Commission, where and to the extent authorized by local law or ordinances, shall have the power:

(a) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article 15 of the executive law.

(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.

Article 4. General Obligations.
The Commission shall discharge the following obligations:

(a) To receive complaints of alleged discrimination because of race, creed, color, national origin, and to seek the active assistance of the Division of Human Rights of the State of New York 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 toward 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 racial, religious, nationality and other 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 Commission.

(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 County 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 County to take such action as will fulfill the purposes of this Resolution.

(f) To submit an annual report to the County Legislature and to furnish a copy thereof to the Division of Human Rights of the State of New York.

Article 5. Funding. County funds shall be expended by the Commission as authorized through the Department of Human Resources for ministerial type acts including qualifying potential Commission members. The Commission shall otherwise discharge its duties and obligations without the expenditure of any additional County funds.

Article 6. Effective. Said Commission shall be effective upon adoption of this Resolution.

RESOLVED, that the Clerk of the Dutchess County Legislature is directed to send a certified copy of this resolution to the Division on Human Rights of the State of New York within five days after its adoption, pursuant to § 239-t of the General Municipal Law.

CA-122-16
AMS/kvh/G-0602
08/12/2016
Fiscal Impact: (None) (See attached statement)

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of September 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of September 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☑ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ _____

Total Current Year Revenue $ _____
and Source

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Donna Lehnert Prepared On: 8/9/2016

Dulpdf

APPENDIX C

Budget

August 1, 1984—July 31, 1985

(APPENDIX C will be completed on the basis of the revised budget to be submitted by the PROGRAM OPERATOR)

Roll call vote on the foregoing resolution (#391) resulted as follows:

Ayes: 25

Nays: 0

Absent: 0

Resolution adopted.

RESOLUTION NO. 392—1984

RE: Establishing a Dutchess County Commission on Human Rights

Legislators Thompson, Rich, Goldberg, Lafuente, Ballo, Murphy, Gray and McHoul offer the following and move its adoption:

WHEREAS, by Article 12-D, Section 239-c through 239-r of the General Municipal Law, the Legislature of this State has authorized the creation of a Commission on Human Rights by any county, city, village or town of this State, and

WHEREAS, the need exists for the establishment of such a Commission with county-wide membership and jurisdiction in order to enhance the quality of life in Dutchess County, now, therefore, be it

RESOLVED, by the Dutchess County Legislature as follows:

1. Creation of a Commission. There is hereby created a Dutchess County Commission on Human Rights.

2. Membership, Appointments and Terms.

(a) The Commission shall consist of thirteen members who shall be interested in Community and Human Relations.

Six members of the Commission shall be appointed by the County Executive and six members shall be appointed by the Chairman of the Legislature, all confirmed by the County Legislature.

The Chairperson and 13th member of the Commission shall be appointed by the County Executive, subject to confirmation by the County Legislature, for a three year term.

(b) The term of office of Commission members shall be three years, except that the members first appointed to such Board shall be appointed as follows: Four shall be appointed for a term of one year, four for a term of two years, and four for a term of three years.

(c) The members of the Commission shall serve without compensation.

(d) The County Executive and the Chairman of the Legislature, or their d[illegible]ees, shall be ex-officio members of the Commission.

3. Officers and Employees Expenses.

The 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, providing the same does not involve the expenditure of County funds.

4. General Duties. It shall be the duty of the Commission:

(a) To foster mutual respect and understanding among all racial, religious and nationality groups in the county.

(b) To make such studies in any field of human relationship in the county 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 actions 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 county and open new opportunities into all phases of community life for all inhabitants.

In addition to all other powers, the Commission, where and to the extent authorized by local law or ordinances, shall have the power:

(e) To report complaints to the Division of Human Rights alleging any lawful discriminatory practices under Article 15 and the executive law.

(f) To receive, accept and use and expand public grants and private gifts, donations or bequests and other payments, gifts and services, notwithstanding any other provision by law.

5. General Obligations. The Commission shall discharge the following obligations:

(a) To receive complaints of alleged discrimination because of race, creed, color, national origin, sex, age, disability or marital status and to seek active assistance of the division of human rights of the State of New York 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 racial, religious and nationality 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 various racial, religious and nationality groups, community organizations, industry and labor organizations, media or mass communications, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the county 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 County Legislature to take such action as will fulfill the purposes of this res[illegible]ion.

(f) To submit an annual report to the County Legislature and to furnish a copy thereof to the division of human rights of the State of New York.

6. Funding. That the Commission shall discharge its duties and obligations without the expenditure of any County funds, and be it further

RESOLVED, that this resolution shall expire three years from the date of the adoption thereof, and be it further

RESOLVED, that the Clerk of the Dutchess County Legislature is directed to send a certified copy of this resolution to the Division on Human Rights of the State of New York within five days after its adoption, pursuant to Section 239-t of the General Municipal Law.

Discussion on the foregoing resolution (#392) resulted as follows:

Legislator Clearwater stated that in his opinion this is creating another bureaucracy added to County government especially since the State of New York has a Commission on Human Rights.

Roll call vote on the foregoing resolution (#392) resulted as follows:

Ayes: 32

Nays: 3—Clearwater, MacMullen, McMillen.

Resolution adopted.

RESOLUTION NO. 393—1984

RE: Authorizing the Finance Department to Receive and Disburse Funds Allocated to Dutchess County Under the Urban Counties Program for 1984

Budget & Finance Committee offers the following and moves its adoption:

WHEREAS, pursuant to Resolution No. 379 of 1982, this Legislature authorized the County's participation in the Community Development Block Grant Program (Urban Counties) pursuant to the Housing and Community Development Act, approving the filing of applications for federal assistance for said Program, and

WHEREAS, the application for 1984 was accepted and approved by the U.S. Department of Housing and Urban Development in the amount of One Million Seven Hundred Eight Thousand ($1,708,000.00) Dollars, and

WHEREAS, for internal control it is necessary to assign a Community Development account to receive and disburse the 1984 funds, now, therefore, be it

RESOLVED, that the Commissioner of Finance be and he hereby is, authorized, empowered and directed to establish a Community Development account for the 1984 Community Development Block Grant (Urban Counties) as follows:

APPROPRIATIONS

Increase		
CD0401.3400	Town of Amenia	$ 55,275.00
CD0402.3400	Town of Beekman	56,000.00
CD0403.3400	Town of Clinton	26,000.00
CD0404.3400	Town of Dover	38,500.00
CD0405.3400	Town of East Fishkill	51,000.00
CD0406.3400	Town of Fishkill	[illegible]
CD0407.3400	[illegible]	[illegible]

CD0408.3400	Town of LaGrange	
CD0409.3400	Town of Milan	
CD0410.3400	Town of North East	
CD0411.3400	Town of Pawling	
CD0412.3400	Town of Pine Plains	
CD0413.3400	Town of Pleasant Valley	
CD0414.3400	Town of Poughkeepsie	
CD0415.3400	Town of Red Hook	
CD0416.3400	Town of Rhinebeck	
CD0417.3400	Town of Stanford	
CD0418.3400	Town of Union Vale	
CD0419.3400	Town of Wappinger	
CD0420.3400	Town of Washington	
CD0421.3400	Village of Fishkill	
CD0422.3400	Village of Millbrook	
CD0423.3400	Village of Millerton	
CD0424.3400	Village of Pawling	
CD0425.3400	Village of Red Hook	
CD0426.3400	Village of Rhinebeck	
CD0427.3400	Village of Tivoli	
CD0428.3400	Village of Wappingers Falls	
CD0430.3400	City of Beacon	
CD0486.3400	Urban County Administration	4
CD0490.3400	Contingency	1
		1
		$1,70

REVENUES

Increase		
CD0440.4910.04	Federal Aid—Community Development Act	$1,70

Fiscal Impact: None

Roll call vote on the foregoing resolution (#393) resulted as follows:

Ayes: 35

Nays: 0

Absent: 0

Resolution adopted.

RESOLUTION NO. 394—1984

RE: Designation of Official County Highway Map

Public Works Committee offers the following and moves its adoption:

WHEREAS, Section 115 of the Highway Law of the State of New York re[illegible] that the County superintendent of highways prepare [illegible] showing a county system, and authorizes amendments thereto from ti[illegible] time, and

WHEREAS, Section 115 of the Highway [illegible]

ARTICLE 12-D—COMMISSIONS ON HUMAN RIGHTS

Section
239-o. Creation, appointment and terms.
239-p. Officers and employees; expenses.
239-q. General duties and powers.
239-r. General obligations.
239-s. New York city commission on human rights.
239-t. Filing copies.

WESTLAW Computer Assisted Legal Research

WESTLAW supplements your legal research in many ways. WESTLAW allows you to

- update your research with the most current information
- expand your library with additional resources
- retrieve current, comprehensive history and citing references to a case with KeyCite

For more information on using WESTLAW to supplement your research, see the WESTLAW Electronic Research Guide, which follows the Preface.

Cross References

Denial of equal rights prohibited, see Civil Rights Law § 40 et seq.
Equal protection, see McKinney's Const. Art. 1, § 11.
Human Rights Law, see Executive Law § 290 et seq.

New York Codes, Rules and Regulations

Rules of the Division of Human Rights, see 9 NYCRR 465.1 et seq., set out in the Executive Law Appendix [EXEC App 465.1 et seq.].

United States Code Annotated

Equal protection of laws, see USCA Const. Amend. V.
Federal civil rights act, see 42 USCA § 1981 et seq.

§ 239-o. Creation, appointment and terms

The governing board of any county, city, village or town may by resolution create a commission on human rights. 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 religious, racial, nationality 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.

(Added L.1963, c. 376, § 1; amended L.1964, c. 413, § 1.)

Library References

Texts and Treatises
18 NY Jur 2d, Civil Rights § 127.

§ 239-p. Officers and employees; expenses

The 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.

(Added L.1963, c. 376, § 1.)

Notes of Decisions

Capacity to sue 2
Lecturers 1

1. Lecturers

A human rights commission may expend funds for the purpose of hiring a speaker or lecturer. 23 Op. State Compt. 269, 1967.

2. Capacity to sue

The Yonkers Commission on Human Rights lacks capacity to sue, notwithstanding statute empowering it to appoint attorneys. Yonkers Com'n on Human Rights v. City of Yonkers, 1987, 654 F.Supp. 544.

§ 239-q. General duties and powers

1. It shall be the duty of the commission:

(a) To foster mutual respect and understanding among all racial, religious and nationality 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 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 commission, where and to the extent authorized by local law or ordinance, shall have the power:

a. To report complaints to the division of human rights alleging unlawful discriminatory practices under article fifteen of the executive law.

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.

(Added L.1963, c. 376, § 1; amended L.1968, c. 958, § 9.)

Library References

Texts and Treatises
18 NY Jur 2d, Civil Rights § 127.

Notes of Decisions

Fundraising 3
Investigating complaints 5
Persons protected 1
Reporting complaints 4
Subpoena power 2

1. Persons protected

City of New York and State of New York laws on human rights clearly prohibit discrimination against nonresidents in New York City and New York State. Walston & Co., Inc. v. New York City Commission on Human Rights (1 Dept. 1973) 41 A.D.2d 238, 342 N.Y.S.2d 459.

2. Subpoena power

The city of White Plains may not by local law grant subpoena power to the White Plains human rights commission. 1974, Op.Atty.Gen. (Inf.) June 17.

A village commission on human relations does not possess the power of subpoena. 19 Op.State Compt. 414, 1963.

3. Fundraising

A county human rights commission has no authority to engage in fund-raising activity through the sale of decals containing its logo. Op.State Comp. 83-130.

4. Reporting complaints

Joinder of accusatory and judgmental functions in city commission on human rights, which was to hear complaints charging that landlords utilized discriminatory practices in renting apartments, was not unlawful or unconstitutional. Ungar v. New York City Commission on Human Rights, 1972, 71 Misc.2d 1048, 337 N.Y.S.2d 629.

A city is empowered to enact a local law prohibiting discrimination based on sexual orientation, and may by local law expand the jurisdiction of its human rights commission to allow it to consider allegations of such discrimination. 1977, Op.Atty.Gen. (Inf.) 87-48.

The village of Larchmont human rights commission has jurisdiction over employment practices, but its jurisdiction in the fields of discrimination based upon age or sex is limited to reporting complaints to the state division of human rights, and then only if [illegible] law or ordinance. 1973, Op.Atty.Gen. (Inf.) May 9.

5. Investigating complaints

A commission on human rights had authority to start investigation on its own, rather than to act solely on complaint from an aggrieved party, and state proceeding charging that investigation had revealed that landlords utilized discriminatory practices in renting apartments. Ungar v. New York City Commission on Human Rights, 1972, 71 Misc.2d 1048, 337 N.Y.S.2d 629.

The article providing for creation of commission on human rights and imposition thereon general duties was not intended to preclude original inquiry by landlord as to financial responsibility, desirability of prospective tenant, and other factors so long as the tenant would not be ultimately refused because of his race, color, creed, or religion. State Commission for Human Rights v. Harvey Properties, Inc., 1966, 50 Misc.2d 672, 271 N.Y.S.2d 365.

The town of Greenburgh Commission on Human Rights has jurisdiction to investigate a complaint alleging employment discrimination because of race, creed, color or national origin brought against a school district lying entirely within the town of Greenburgh and outside any village. 1977, Op.Atty.Gen. (Inf.) 206.

§ 239-r. General obligations

A commission on human rights created under the provisions of section two hundred thirty-nine-o of this article shall discharge the following obligations. (a) To receive complaints of alleged discrimination because of race, creed, color or national origin, 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 racial, religious and nationality 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.

(Added L.1963, c. 376, § 1; amended L.1964, c. 413, § 1; L.1968, c. 958, § 10.)

Library References

Texts and Treatises
18 NY Jur 2d, Civil Rights § 127.

Notes of Decisions

Hearings 2
Receipt of complaints 1

1. Receipt of complaints

Matter of alleged refusal to rent apartment to individual because of race and color should have been referred in the first instance to commission on human rights established by city, before state commission applied for order temporarily enjoining sale, rental, lease, or other disposition of the apartment to anyone other than the complaining individual, although consultation with local commission was not prerequisite to suit. State Commission for Human Rights v. Harvey Properties, Inc., 1966, 50 Misc.2d 672, 271 N.Y.S.2d 365.

2. Hearings

Chairman of county human rights commission was acting within his official capacity when he made statements to college department head and newspaper, stating that teacher, an alien, did not have exceptional ability required for college to retain her without violating affirmative action laws, despite fact that the chairman initially acted without formal authority of the commission, in view of evidence in commission's letters, minutes, affidavits and resolutions that it formally adopted and ratified the chairman's actions. Beare v. Byrne (2 Dept. 1984) 103 A.D.2d 814, 478 N.Y.S.2d 44, affirmed 67 N.Y.2d 922, 502 N.Y.S.2d 135, 493 N.E.2d 238.

§ 239-s. New York city commission on human rights

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 deemed to be concurrent with the jurisdiction of the New York state division of human rights.

(Added L.1965, c. 543, § 1; amended L.1968, c. 958, § 11.)

Notes of Decisions

Damages 2
Jurisdiction 1
Review 3

1. Jurisdiction

Jurisdiction of the New York City Commission on Human Rights over the New York City Transit Authority is not precluded by statutory and constitutional municipal home rule provisions; section of New York City Administrative Code vesting in the Commission authority and jurisdiction and to eliminate and prevent discrimination within the city of New York is not inconsistent with provisions of State Executive Law or Public Authorities Law, and manifestly, legislature has not

preempted area of human rights because it has expressly recognized concurrent jurisdiction of the Commission with respect to such matters in New York City. Levy v. City Com'n on Human Rights, 1995, 85 N.Y.2d 740, 628 N.Y.S.2d 245, 651 N.E.2d 1264.

When discrimination in employment or promotion is alleged, complainant is entitled to seek redress before state or local human rights agency, even where discrimination is in teacher rating process. Maloff v. City Commission on Human Rights, 1975, 38 N.Y.2d 329, 379 N.Y.S.2d 788, 342 N.E.2d 563.

Board of education of City of New York is "city agency" and is within jurisdiction covered by city on its commission on human rights. Maloff v. City Commission on Human Rights, 1975, 38 N.Y.2d 329, 379 N.Y.S.2d 788, 342 N.E.2d 563.

State division of human rights is responsible for eliminating discrimination from city school system, but city commission is not for such reason alone precluded from exercising similar powers. Maloff v. City Commission on Human Rights, 1975, 38 N.Y.2d 329, 379 N.Y.S.2d 788, 342 N.E.2d 563.

New York City Commission on Human Rights had authority to investigate and conduct proceedings regarding charges that New York City Transit Authority had unlawfully sexually harassed and sexually discriminated against discharged probationary employee; although Authority was public benefit corporation rather than state agency, it was not, in practical terms, independent agency separate from city and Commission's exercise of jurisdiction would not have frustrated Authority's role in maintaining city-wide mass transit or state's interest in overseeing those operations. Levy v. City Com'n on Human Rights (1 Dept. 1994) 196 A.D.2d 214, 609 N.Y.S.2d 576, leave to appeal granted 84 N.Y.2d 810, 621 N.Y.S.2d 519, 645 N.E.2d 1219, affirmed 85 N.Y.2d 740, 628 N.Y.S.2d 245, 651 N.E.2d 1264.

Jurisdiction of State Commission for Human Rights was exclusive during pendency of a matter or after final determination, and barred any subsequent action or administrative proceeding on identical grievance of individual concerned before New York City Commission on Human Rights. Bronx Eye and Ear Infirmary v. New York City Commission on Human Rights, 1967, 55 Misc.2d 22, 284 N.Y.S.2d 218.

By enacting this section to give New York City concurrent jurisdiction with State Commission on Human Rights, the legislature conclusively demonstrated its intention not to grant exclusive jurisdiction to the State in the field of discrimination in housing, so that New York City local law on this subject properly supplemented the state law. Feigenblum v. Commission on Human Rights of City of New York, 1967, 53 Misc.2d 360, 278 N.Y.S.2d 652.

2. Damages

City human rights commission does not have authority to award damages for humiliation, outrage and mental anguish suffered by complainant who was discriminated against by landlord. Weynberg v. City of New York Commission on Human Rights, 1968, 56 Misc.2d 1, 287 N.Y.S.2d 1002.

City human rights commission award of $100 as compensatory damages to complainant who was allegedly discriminated against by landlord was improper. Weynberg v. City of New York Commission on Human Rights, 1968, 56 Misc.2d 1, 287 N.Y.S.2d 1002.

3. Review

Application by brokerage firm for writ prohibiting New York City Commission on Human Rights from holding a hearing or participating in any investigating activities with respect to alleged discrimination on basis of sex by brokerage firm was an inappropriate remedy, since issue of jurisdiction was one of fact and it was not clear from record whether the alleged discriminatory acts occurred in New York or elsewhere; after a hearing the whole proceeding was subject to review in which any jurisdictional error could be corrected. Walston & Co., Inc. v. New York City Commission on Human Rights (1 Dept. 1973) 41 A.D.2d 238, 342 N.Y.S.2d 459.

§ 239-t. Filing copies

One copy each of any resolution, ordinance or local law which been, or which may hereafter be adopted, creating a commissior human rights, or any amendment thereto, shall, on or before Sept ber first, nineteen hundred sixty-seven, or within five days afte adoption, be filed with the division of human rights.

(Added L.1967, c. 65, § 1; amended L.1968, c. 958, § 12.)

Library References

American Digest System

Municipal Corporations ⇐109.

Encyclopedias

C.J.S. Municipal Corporations § 426.

WESTLAW Research

In a caselaw database, run TO(268) or 268k[add key number] to retrieve related to Municipal Corporations.