

L Aid ON DESKS 9/12/16

RESOLUTION NO. 2016233

RE: LOCAL LAW NO. \_\_\_\_\_ OF 2016, A LOCAL LAW  
AUTHORIZING THE NEWLY RE-ESTABLISHED COMMISSION  
ON HUMAN RIGHTS TO REPORT COMPLAINTS ALLEGING  
UNLAWFUL DISCRIMINATORY PRACTICES UNDER ARTICLE 15 OF  
THE EXECUTIVE LAW, TO THE NEW YORK STATE DIVISION OF  
HUMAN RIGHTS

Legislators BORCHERT, MICCIO, BOLNER, JETER-JACKSON, HORTON,  
TRUITT, LANDISI, STRAWINSKI and SAGLIANO offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.  
\_\_\_\_\_ of 2016 which has been submitted this day for consideration by said Legislature.

CA-121-16  
AMS/kvh/G-0602  
09/12/16

Fiscal Impact: None

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 11th day of October 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 11<sup>th</sup> day of October 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. \_\_\_\_ of 2016

RE: AUTHORIZING THE NEWLY RE-ESTABLISHED COMMISSION ON HUMAN RIGHTS TO REPORT COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATORY PRACTICES UNDER ARTICLE 15 OF THE EXECUTIVE LAW, TO THE NEW YORK STATE DIVISION OF HUMAN RIGHTS

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. LEGISLATIVE INTENT. It is hereby determined by the Dutchess County Legislature that the Dutchess County Commission on Human Rights, in addition to its general duties and powers as provided for in Section 239-q of the General Municipal Law, shall have the additional power to report complaints alleging unlawful discriminatory practices under Article 15 of the Executive Law to the State Division of Human Rights.

The establishment of a Commission on Human Rights pursuant to General Municipal Law Sections 239-o through 239-t enables a Commission to receive complaints of discrimination but does not grant it the ability to report such complaints to the State Division of Human Rights. General Municipal Law Section 239-q(2) specifically grants to the County the authority to adopt a local law to provide said Commission with the power to report a complaint alleging unlawful discriminatory practices under Article 15 of the Executive Law to the State Division of Human Rights.

It is the intent of the Dutchess County Legislature to provide the Commission with this additional power to report practices of unlawful discrimination to the State Division in an effort to further combat unlawful discrimination in Dutchess County.

It is the further intent of the Dutchess County Legislature that while the Dutchess County Human Rights Commission is authorized to inquire into allegations of unlawful discriminatory practices under both article 15 of the Executive Law and Article 12-D of the General Municipal Law, such inquiry shall be limited to questions and information gathering in an effort to determine the sufficiency of said allegations of unlawful discrimination for purposes of reporting same to the State Division of Human Rights pursuant to this Local Law. Additional

investigation, if any, after the initial inquiry described herein shall be carried out through the State Division of Human Rights.

SECTION 2. SEVERABILITY. If any clause, sentence, paragraph, subdivision, section, or part of this law or application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the cause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 3. EFFECTIVE DATE. This local law shall become effective when filed in the Office of the Secretary of the State of the State of New York.

KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Limited on Preemption Grounds by *Holcombe v. U.S. Airways Group, Inc.*, E.D.N.Y., Sep. 30, 2013

McKinney's Consolidated Laws of New York Annotated  
Executive Law (Refs & Annos)  
Chapter Eighteen. Of the Consolidated Laws  
Article 15. Human Rights Law (Refs & Annos)

McKinney's Executive Law § 290

§ 290. Purposes of article

Currentness

1. This article shall be known as the "Human Rights Law".
2. It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights.<sup>1</sup>
3. The legislature hereby finds and declares that the state has the responsibility to act to assure that every individual within this state is afforded an equal opportunity to enjoy a full and productive life and that the failure to provide such equal opportunity, whether because of discrimination, prejudice, intolerance or inadequate education, training, housing or health care not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A division in the executive department is hereby created to encourage programs designed to insure that every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the state; to encourage and promote the development and execution by all persons within the state of such state programs; to eliminate and prevent discrimination in employment, in places of public accommodation, resort or amusement, in educational institutions, in public services, in housing accommodations, in commercial space and in credit transactions and to take other actions against discrimination as herein provided; and the division established hereunder is hereby given general jurisdiction and power for such purposes.

**Credits**

(L.1951, c. 800. Amended L.1952, c. 285, § 2; L.1955, c. 340, § 1; L.1961, c. 414, § 1; L.1968, c. 958, § 2; L.1974, c. 173, § 2.)

**Footnotes**

<sup>1</sup> See Const. Art. 1, § 11.

McKinney's Executive Law § 290, NY EXEC § 290

Current through L.2016, chapters 1 to 328.

McKinney's Consolidated Laws of New York Annotated  
General Municipal Law (Refs & Annos)  
Chapter 24. Of the Consolidated Laws  
Article 12-D. Commissions on Human Rights (Refs & Annos)

McKinney's General Municipal Law § 239-q

§ 239-q. General duties and powers

Currentness

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, 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 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.

**Credits**

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

McKinney's General Municipal Law § 239-q, NY GEN MUN § 239-q  
Current through L.2016, chapters 1 to 328.

McKinney's Consolidated Laws of New York Annotated  
General Municipal Law (Refs & Annos)  
Chapter 24. Of the Consolidated Laws  
Article 12-D. Commissions on Human Rights (Refs & Annos)

McKinney's General Municipal Law § 239-o

§ 239-o. Creation, appointment and terms

Currentness

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.

**Credits**

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

McKinney's General Municipal Law § 239-o, NY GEN MUN § 239-o

Current through L.2016, chapters 1 to 328.

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McKinney's Consolidated Laws of New York Annotated  
General Municipal Law (Refs & Annos)  
Chapter 24. Of the Consolidated Laws  
Article 12-D. Commissions on Human Rights (Refs & Annos)

McKinney's General Municipal Law § 239-t

§ 239-t. Filing copies

Currentness

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.

**Credits**

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

McKinney's General Municipal Law § 239-t, NY GEN MUN § 239-t  
Current through L.2016, chapters 1 to 328.

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