



Westchester County

HUMAN RIGHTS COMMISSION

ANNUAL REPORT
2008

“Promoting Dignity and Respect by Advancing Justice and Equality”

Hon. Andrew J. Spano
County Executive

Westchester County Board of Legislators

Delores Scott Brathwaite, Esq.
Executive Director

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Message From the Executive Director

Once again, I am pleased, as the Executive Director, to provide the *Annual Report* of the Westchester County Human Rights Commission (“WCHRC” or “Commission”) for the Year 2008.

I have also included highlights of the Year 2007 as well because an unexpected injury resulting in mobility challenges prevented the 2007 report being done.

Now celebrating eight (8) years of existence, the WCHRC has experienced numerous changes and challenges during its growth and development; changes and challenges which have been good for the people of Westchester County and the operation of the Commission.

Between 2007 and 2008 the Commission relocated its offices to 112 East Post Road in White Plains. While establishing ourselves in a new home and experiencing the usual trials and tribulations associated with relocating, we still continued to serve the public and meet expectations.

In 2007 we began to take a close look at and review the Westchester County Human Rights Law to ensure that the people of this county were receiving the best protection under the law. On June 4, 2007, the law was expanded to (1) provide monetary damages in cases where there was a pattern and practice of discrimination; (2) award punitive damages in all cases where the discrimination is found to be willful, wanton or malicious; and (3) to assess civil fines and penalties in housing cases. This was a significant accomplishment.

Also in 2007 we welcomed the renowned educator and lecturer, Ms. Jane Elliot to Westchester County as she joined with us to discuss the issues of racism, bigotry, human rights and social justice.

In 2008, the Board of Legislators and the County Executive, recognized the importance of ensuring equality of services to all residents and expanded the jurisdiction of the Commission from limited to countywide jurisdiction, allowing residents of all municipalities of the County to have the choice and opportunity to use the services of the WCHRC.

Another effort which began in 2007, but culminated in 2008, was the Commission’s development of the *County’s first Fair Housing Law*. We are especially proud of this accomplishment. We designed our law with a view to become *substantially equivalent* to the Federal Fair Housing Act. Our Fair Housing Law was subsequently submitted to and accepted by the United States Department of Housing and Urban Development (“HUD”) and the WCHRC was granted substantial equivalency status. That meant that the WCHRC had been accepted as a partner of HUD and designated to handle all claims of housing discrimination in Westchester County. As a partner of HUD, the Commission receives revenue of \$120,000.00 per year to handle housing matters. The Westchester County Fair Housing Law, which is a part of the Westchester County Human Rights Law, was passed and approved by the Board of Legislators and the County Executive.

As the Executive Director, I am personally pleased about the work the Commission does for the community. To be put in a position where you are being discriminated against goes to the very core of one’s dignity as a human being. To be able to help these individuals who have

experienced discrimination in housing, employment, public accommodation, education or credit because of their difference or perceived difference, is both humbling and exhilarating. It is the rich diversity of the residents of Westchester County that makes it an exciting place to live and work. When that is disturbed, the Commission is pleased to be the voice of those who are victims of discrimination.

I am also pleased and proud to lead a dynamic and dedicated staff of individuals, who despite the expanded work of the Commission, joined with me in taking on these new challenges with *minimal* fiscal impact and expanding our staff by only one (1) person. We have also created substantial revenue for the Commission for the next three years under our housing contract with HUD.

It is my hope that those who read this Annual Report will recognize the importance of the work of the Westchester County Human Rights Commission and the services we provide to the people of this County.

The WCHRC remains committed to justice, fairness and equality for all who live and work in this beautiful County of Westchester.

Delores Scott Brathwaite, Esq.
Executive Director

Mission Statement

***To promote dignity and respect by advancing justice and equality
for the diverse community of Westchester***

Goals

- *Eliminate discrimination locally and globally through legal, educational and legislative advocacy*
- *Investigate, uncover and prosecute standard as well as systemic violations of the Human Rights Law, Fair Housing Law and any related laws*
- *Enable and support legislation designed to protect individuals from unfair and/or unequal treatment and seek the repeal of those laws that create barriers to fair and equal treatment*
- *Provide education and advocacy that fosters racial and ethnic harmony among diverse individuals and groups*
- *Promote and support the furtherance of Human Rights in employment, housing, public accommodation, education, credit and any other area.*

The Commission (WCHRC)

The Westchester County Human Rights Law affords protection against discrimination in the following areas: Employment, Housing, Public Accommodation and Credit and makes discrimination unlawful when based on one's group identity, race, color, religion, ethnicity, creed, age, national origin, alienage or citizenship status, familial status, gender, marital status, sexual orientation or disability. Westchester County continues to be the first municipality to provide protection to victims of domestic violence, sexual abuse or stalking, from being discriminated against in housing and employment.

On June 4, 2007, the law was expanded to (1) provide monetary damages in cases where there was a pattern and practice of discrimination; (2) award punitive damages in all cases where the discrimination is found to be willful, wanton or malicious; and (3) assess civil fines and penalties in housing cases. This was a significant accomplishment.

In 2008, the Board of Legislators and the County Executive, recognizing the importance of ensuring equality of services to all residents, expanded the jurisdiction of the WCHRC from limited to countywide jurisdiction. This provides residents of all municipalities of the County the choice and opportunity to use the services of the Westchester County Human Rights Commission.

Another effort which began in 2007, but culminated in 2008, was the development of the County's first Fair Housing Law by the WCHRC. Designed to be *substantially equivalent* to the Federal Fair Housing Act, the County's Fair Housing Law was accepted by the United States Department of Housing and Urban Development ("HUD") and WCHRC was accepted as a partner of HUD to handle all claims of housing discrimination in Westchester County. As a partner of HUD, the Commission receives revenue of \$120,000.00 per year from HUD to handle housing matters. The Westchester County Fair Housing Law, which is a part of the Westchester County Human Rights Law, was passed and approved by the Board of Legislators and the County Executive.

The WCHRC is the designated agency to implement and enforce both the Westchester County Human Rights Law and the Westchester County Fair Housing Law.

Between 2007 and 2008 the Commission relocated its offices and is now located at 112 East Post Road in White Plains. Despite the usual trials and tribulations associated with relocating, the WCHRC continued to serve the public while meeting, and often exceeded, expectations.

WCHRC operates with six (6) staff members: the Executive Director, Deputy Director, Human Rights Investigator; Director of Housing and Housing Investigator and Administrative Assistant. Despite the expansion of work, the Commission has remained fiscally prudent, increasing staff by only one (1) person. Throughout the year, WCHRC uses law student interns to work with the Commission. These student interns, who work for school credit, have provided valuable assistance to the Commission.

In 2007, the County experienced the unsavory behaviors of cross burnings, nooses, the “N” word and swastikas, all blatant acts of racism, prejudice and bigotry, being used. The Commission invited the world renowned and internationally acclaimed teacher, educator and lecturer, *Ms. Jane Elliott*, to come to Westchester County. The WCHRC provided a program and forum to educate the community called “*Courageous Conversations with Jane Elliott*”, held in two sessions, day and evening, and attended by over 700 persons in the day session and 300 in the evening. The County Executive and other government and educational officials as well as community activists and the general public attended.

In 2008, the WCHRC handled 337 claims of alleged discrimination, the majority of which were employment related matters. In addition, between June and December 2008 when the County’s Fair Housing Law took effect, a total of fifty-five (55) housing claims were received (ten from HUD). ***Thus the number of claims to the WCHRC in 2008 totals 392.***

The Commission Members

The Westchester County Human Rights Commission is a fifteen (15) member commission board. Pursuant to § 110.21 of the Laws of Westchester County and § 700.08 of the Westchester County Human Rights Law, the County Executive appoints the Commission Board Members subject to confirmation by the Westchester County Board of Legislators. This very *diverse* group of individuals comes from varied backgrounds and professions, reside in various areas throughout the County and reflect the population, personally and professionally, of Westchester County.

The Commission Members serve for a term of three (3) years and may be re-appointed at the end of their term. There are no term limits for serving on the Commission. The Chair and Vice Chair of the Commission are elected annually by the Commission Board Members. There are four (4) Standing Committees of the Commission.

Pursuant to the Fair Housing Law, there is also a five (5) member Fair Housing Board (FHB). The FHB is made up of Commission Board Members and must be separately appointed to the FHB by the County Executive subject to confirmation by the Westchester County Board of Legislators.

The Commission Board Members do not receive any compensation for their service on the Board. Commission Board meetings are held the first Wednesday of each month and are open to the public.

The Members of the Commission Board

Mayo Bartlett, Esq.	<i>Chair</i>
Olivia M. King	<i>Vice Chair</i>
Eddie Mae Barnes	
Dr. Mansukh Bhatty	
Harry O. Bright, Jr.	
Maria DiMeo Calvelli, Esq.	
George N. Castellanos, Ph.D	
Karen Cheeks-Lomax, Esq.	
Irene Delgado	
Shelley M. Klein, Ph.D.	
Barry Kramer	
Paul Ryan	
Tejash Sanchala, Esq.	
Maurio M. Sax	

Commission Standing Committees

<i>Legislation</i>	Tejash Sanchala, Esq. – <i>Chair</i>
<i>Rules and Regulations</i>	Mayo Bartlett, Esq. – <i>Chair</i>
<i>Education & Outreach</i>	Harry O. Bright, Jr. and Irene Delgado – <i>Co-Chairs</i>
<i>Budget & Finance</i>	Paul Ryan and Barry Kramer – <i>Co-Chairs</i>
<i>Moot Court Competition</i>	Mayo Bartlett, Esq., - <i>Chair</i>

Fair Housing Board

Tejash Sanchala, Esq.	<i>Chair</i>
Eddie Mae Barnes	
Olivia M. King	
Shelley M. Klein, Ph.D	
Barry Kramer	

The Commission Staff

At present, the staff of the Human Rights Commission consists of six (6) individuals. As of this Annual Report, the staff members are as follows:

Delores Scott Brathwaite, Esq.	<i>Executive Director</i>
Jerrice Duckette Epps, Esq.	<i>Deputy Director</i>
Joshua C. Levin, Esq.	<i>Director of Housing</i>
Margarita (Margie) Perez	<i>Human Rights Investigator</i>
Nellie Scully-Myrie	<i>Housing Investigator</i>
Tayna Martinez	<i>Administrative/Staff Assistant</i>

The Executive Director is appointed by the Human Rights Commission Board Members and confirmed by the County Executive. The Executive Director is responsible for hiring and maintaining the Commission Staff.

The Westchester County **Human Rights Law - In Operation**

Jurisdiction

Initially the WCHRC had *limited* jurisdiction. In December 2007, the Board of Legislators and the County Executive expanded the jurisdiction of the Commission to countywide jurisdiction. The expansion became effective in 2008 and allows those who reside and/or work anywhere in Westchester County the ability to use the services of the WCHRC. The WCHRC is a full service commission and provides services from intake and investigation to mediation and adjudication, including preparation of settlement agreements and overseeing and ensuring compliance. Many local Human Rights Commissions in the county have closed their doors; however, WCHRC remains committed to assisting any existing local human rights commission in any way needed.

Subject Matter Jurisdiction

Pursuant to the Westchester County Human Rights Law, the Commission is authorized and empowered to prohibit acts of discrimination, in employment, housing, public accommodation and credit. Discrimination is illegal under the Westchester County Human Rights Law, when based on race, color, religion, ethnicity, creed, age, national origin, alienage or citizenship status, familial status, gender, marital status, sexual orientation and disability. The Westchester County Human Rights Law also protects individuals who are victims of domestic violence, sexual abuse and stalking from discrimination in employment and housing. Westchester County remains the first municipality in the State of New York to provide this dual protection.

The Process

If an individual believes that he or she has been the victim of discrimination, he or she may file a complaint with the Commission, provided, the alleged discriminatory conduct occurred within one (1) year of the date of filing. Complaints are received during regular business hours Monday through Friday, via telephone, appointment, walk-in, or on-line.

The Executive Director of the Commission is also authorized and empowered under the law to initiate a complaint against a Respondent(s) where the Commission believes that the Respondent(s) has engaged in a pattern or series of practices of discriminatory conduct that affects the rights of more than one person.

Investigation (General Discrimination) Claims

Each potential claim is reviewed and a determination made to ensure that WCHRC has both procedural and subject matter jurisdiction. Investigation takes place under the supervision and direction of the Deputy Director. A preliminary investigation may result in either a Conciliation or the filing of a formal complaint. If early Conciliation does not resolve the matter, the Investigator will conduct a full investigation which includes interviewing the parties, field visits to interview the respondents and all witnesses; making document requests; and reviewing all documents obtained.

Conciliation

Conciliation is an alternative dispute resolution process which the Commission utilizes in those instances where it is believed that early intervention may resolve the issue before generating a formal complaint.

Formal Complaint

If Conciliation has been unsuccessful, the Commission will proceed with the filing of a formal verified complaint. The complaint must be responded to with a verified answer from the named respondents. Once the answer has been received, the investigator and deputy will review the case to determine whether further investigation is warranted. On occasion the Respondent will seek to conduct discovery proceedings.

Determination

At the conclusion of the investigation and review, the Commission makes a determination of “**probable cause**” or “**no probable cause**” as to whether discrimination exists. If the evidence is insufficient to establish discrimination, a determination of no probable cause will be issued and the case will be dismissed. If the Commission determines a finding of **probable cause** the case will move forward to be prosecuted.

Formal Mediation

The parties are encouraged to participate in a formal Mediation under the Commission’s *Alternative Dispute Resolution Program*. In this instance, the parties meet with a neutral third party trained and certified to mediate and resolve human rights cases. If the Mediation is successful, the Commission prepares a Mediation Settlement Agreement which is signed by the parties and the Commission. This Agreement is enforceable under the law. If the Mediation is unsuccessful, the matter will be scheduled for a full evidentiary administrative hearing. The Commission has three (3) certified Mediators who work with the Commission and who provide their services without compensation.

The Executive Director, in addition to being an attorney, is a certified Mediator, Arbitrator and Trainer. She provides guidance and counsel in the area of dispute resolution to ensure the quality and integrity of the process.

Public Administrative Hearing

In accordance with the law, rules and regulations of the Westchester County Human Rights Commission, the administrative hearings are full evidentiary hearings and are held before an Administrative Law Judge. All hearings are open to the public unless otherwise indicated by the Administrative Law Judge.

The Commission has a panel of Administrative Law Judges (ALJ) who are attorneys licensed by the State of New York. The ALJ's generally hold a preliminary pre-trial conference to ensure that all documents have been exchanged, whether discovery needs to be taken or has concluded, and whether there is an opportunity for settlement prior to the hearing. If the case does not settle, the case proceeds to a full hearing before the ALJ and court reporter, and includes the examination and cross-examination of parties and witnesses. The Commission has the authority to subpoena witnesses and documents.

When the hearing has concluded, or as soon thereafter as practicable, the Administrative Law Judge, will issue *Findings of Fact and Recommended Decision* which is then submitted to the Commission Board for review. After review, the Commission Board will issue an *Order* accepting, modifying or rejecting the *Findings and Recommendation*. Both Complainant and Respondent have the right to appeal the Commission's Final Order to the State Supreme Court.

Remedies

If the Commission determines that the Respondent(s) has engaged in unlawful discriminatory conduct and behavior it is endowed with broad remedial powers that include issuing an *Order*: (1) requiring the Respondent to cease and desist from such unlawful practices; (2) requiring affirmative action on the part of the Respondent to hire, reinstate, promote or upgrade employees with back pay, restoration of membership in organizations; (3) providing reasonable accommodation for a complainant's disability; (4) awarding compensatory damages to complainant; (5) awarding other damages, including punitive damages where the discrimination has been deemed willful, wanton or malicious; (6) awarding actual expenses reasonably incurred and reasonable attorneys' fees; (7) assessing civil fines and penalties; and (8) implementing anti-discrimination policies and reporting the compliance to the Commission.

In June 2007, the Westchester County Human Rights Law was expanded to provide monetary damages, including punitive damages, in cases where there has been a pattern or practice of discriminatory conduct and the complaint has been initiated by the Executive Director

The Westchester County Fair Housing Law

On March 18, 2008, the Board of Legislators passed and the County Executive approved and signed, the county's first Fair Housing Law. The law was given immediate effect.

The Westchester County Fair Housing Law was determined by the United States Department of Housing and Urban Development ("HUD") to be *substantially equivalent* to the Federal Fair Housing Act. As such, the WCHRC entered into a contract with HUD establishing a partnership that allows the WCHRC to handle all housing cases in the county. Housing claims in Westchester County filed with HUD will automatically be forwarded to the WCHRC. Housing claims filed with the WCHRC will be filed with HUD, consequently, most housing claims are therefore *dual* filed.

Under the Commission's partnership with HUD, the WCHRC will receive \$360,000.00 over a period of three (3) years (\$120,000.00 per year) to handle housing claims in Westchester County and to affirmatively further fair housing initiatives in the county.

The WCHRC has established a Fair Housing Board (five members) as required by both the federal and county laws. The Director of Housing and a Housing Investigator are dedicated to ensuring that matters of discrimination in housing are properly and timely handled.

Jurisdiction

Jurisdiction is countywide.

Subject Matter Jurisdiction

The Federal Fair Housing Act protects against discrimination in housing based upon race, color, religion, national origin, familial status, sex and handicap/disability.

The WCHRC provides a more expansive protection from discrimination in housing based upon race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status or disability of a person or persons, or a person's status as a victim of domestic violence, sexual abuse or stalking. Cases falling outside of the protected categories of the federal Fair Housing Act will not be dual filed with HUD; they will only be filed under the Westchester County Fair Housing Law.

The Process

If an individual believes that he or she has been the victim of discrimination, he or she may file a complaint with the Commission, provided, the alleged discriminatory conduct occurred within one (1) year of the date of filing. Complaints are received during regular business hours Monday through Friday, via telephone, appointment, walk-in, or on-line. WCHRC also receives claims directly from HUD.

The Executive Director of the Commission is also authorized and empowered under the law to initiate a complaint against a Respondent(s) where the Commission believes that the Respondent(s) has engaged in a pattern or series of practices of discriminatory conduct that affects the rights of more than one person.

Filing of the Complaint

In housing cases, the formal complaint is filed immediately. There is no pre-complaint investigation.

Investigation

When the complaint has been filed, the investigation takes place. The Commission has one hundred (100) days to investigate, conciliate, mediate or settle the claim. If the matter is not settled by conciliation or mediation within the time frame of the one hundred (100) days, a determination of probable cause or no probable cause must be made.

Determination

The *Determination* as to **probable cause** or **no probable cause** is a written document setting forth the findings of the investigation and the basis upon which the determination was reached. If the Commission finds **no probable cause** the Complainant has thirty (30) days to appeal the determination to the Fair Housing Board. The Board will appoint an Administrative Law Judge to review the determination.

Public Administrative Hearing

In accordance with the law, rules and regulations of the Westchester County Human Rights Commission, the administrative hearings are full evidentiary hearings and are held before an Administrative Law Judge. All hearings are open to the public unless otherwise indicated by the Administrative Law Judge.

Additionally, any party to the complaint may elect to remove the case to a civil court in lieu of an administrative hearing. Such right of election shall be made within ten (10) days of the Notice of Administrative Hearing.

Remedies

If it is determined, after a hearing, that the Respondent(s) has engaged in unlawful discriminatory conduct and behavior it is endowed with broad remedial powers that include issuing an *Order*: (1) requiring the Respondent(s) to cease and desist from such unlawful practices; (2) requiring affirmative action on the part of the Respondent to remedy the unlawful discriminatory real estate practice, including the extension of full, equal and unsegregated accommodations, advantages and privileges, and other appropriate actions; (3) awarding compensatory damages to complainant; (4) awarding other damages, including punitive damages where the discrimination has been deemed willful, wanton or malicious; (5) awarding actual expenses reasonably incurred and reasonable attorneys' fees; (6) assessing civil fines and penalties; (7) implementing anti-discrimination policies and reporting the compliance to the Commission.

Final Order

When the hearing has concluded, or as soon thereafter as practicable, the Administrative Law Judge, will issue *Findings of Fact and Recommended Decision* which is then submitted to the Fair Housing Board for review. After review, the Fair Housing Board will issue within thirty (30) days an *Order* accepting, modifying or rejecting the *Findings and Recommendation*, which becomes the final order. Both Complainant and Respondent have the right to appeal the Commission's Final Order to the State Supreme Court.

Any party or person aggrieved by an Order of the Fair Housing Board may appeal to the New York State Supreme Court.

Interaction with Other Departments and Commissions

The Commission has established and enjoys a collaborative working relationship with other departments. The County Attorney serves as legal counsel to the Commission and provides advice and counsel on complex legal issues. The relationship has been, and continues to be, both productive and rewarding.

WCHRC continues to expand its relationship with the Office of the Disabled, the Office of LGBT Community, the Office of Hispanic Affairs, the Office of African American Affairs, the Office for Women and the Office of Asian American Affairs.

The Westchester County Commission has formed and maintains alliances with local human rights commissions in Westchester County and throughout the State of New York. The Executive Director has a working relationship with the New York State Division of Human Rights (NYSDHR) and the New York City Human Rights Commission. Elected and serving as the Vice President of the New York State Local Human Rights Commission, the Executive Director also has developed solid working relationships with Nassau County Human Rights Commission, Tompkins County Human Rights Commission, Schenectady Human Rights Commission and Rockland County Human Rights Commission.

The WCHRC is also an active member of the *International Association of Official Human Rights Agencies* (IAOHRA).

In 2008 the WCHRC attended the National Policy Conference of the *United States Department of Housing and Urban Development* in Atlanta, Georgia.

Education and Outreach Initiatives

The second mandate of the WCHRC is education and outreach. In 2006, the Commission began an aggressive campaign of education and outreach, working with schools, businesses and other organizations to help promote the importance of diversity and acceptance.

During the years 2007 and 2008, the Commission participated in “Upstander Day” at Gorton High School in Yonkers; the Executive Director was a keynote speaker on Age Discrimination in Employment at Westchester Community College and engaged in community meetings and discussions on topics such as predatory lending, racism and disability discrimination.

In 2007 the Commission received numerous complaints of acts of racism and anti-Semitism. The Commission engaged the services of Ms. Jane Elliot to come to Westchester County and participate in a day-long conference on Racism. Held at, and co-sponsored by Pleasantville High School and Briarcliff Manor High School, this major forum, had over 700 attendees including several county, state and local officials.

In 2008 the WCHRC was requested to come to other schools and discuss the issue of Human Rights. The Executive Director prepared and delivered a program entitled “*Respect and Acceptance – It’s My New Attitude!*” to Port Chester Middle School; and participated or spoke at several schools including, Pleasantville High School, Chappaqua Middle School, Bronxville High School, Scarsdale Middle School. WCHRC also mentored an exchange student from Peru attending Manhattanville College who was facing expulsion because of anti-Semitic remarks.

In 2007 the WCHRC inaugurated the first *Honorable Donald N. Silverman Moot Court Competition*. Eight (8) high schools participated in this event. The program was designed to encourage reading, research, writing and presentation skills to high school students. The program was a success and in 2008 the Moot Court Competition had twelve high schools participating. The one-day program grew to a two-day program and the students argued their case before actual Supreme Court Judges and Attorneys who participated as Judges. The Donald N. Silverman Moot Court Competition has become an annual event of the Commission.

Education and Outreach Initiatives - Housing

In June 2008, the WCHRC – Fair Housing Law became effective. As part of the mandate of the law, education and outreach that affirmatively furthers fair housing must take place. As an initial program to publicize the county’s fair housing legislation, a public forum was held at the Westchester County Center with invited panelists from HUD, housing advocates, housing attorneys and mortgage and banking professionals. In the coming year of 2009, the Commission will be doing a month long program during April which is Fair Housing month.

Legislative Initiatives / Rules and Regulations

The Westchester County Human Rights Law is one of the strongest and most comprehensive human rights law in the nation. On October 6, 2005, County Executive Andrew J. Spano signed into law an amendment to protect victims of domestic violence, sexual abuse and stalking from being discriminated against in employment and housing. This legislative amendment, which has been applauded as one of the County's most important accomplishments, received the unanimous vote of the Board of Legislators. Westchester County made history with this domestic violence law because it is the *first municipality in the State of New York* to afford this protection and one of the few municipalities nationwide.

As the law continues to be a work in progress, on June 4, 2007, the law was expanded to provide monetary damages in cases where there is a pattern or practice of discrimination affecting more than one person; additionally the award of punitive damages was provided where the discrimination has been willful, wanton or malicious. The assessment of civil fines and penalties was also added for housing cases.

In December 2007, to take effect in 2008, the Board of Legislators and the County Executive expanded the jurisdiction of the Commission to be countywide. Any person who lives or works in Westchester County may now file a claim of discrimination with the WCHRC.

On March 18, 2008, the Board of Legislators passed and the County Executive approved the Westchester County Fair Housing Law which was given immediate effect. The Westchester County Fair Housing Law was found to be substantially equivalent to the federal Fair Housing Act, and as a result, the WCHRC has become a partner with HUD. This means cases may be filed directly with the WCHRC or with HUD. In either event, the case will be handled by WCHRC.

The Executive Director and the Commission's *Legislative and Rules and Regulations Committees* have completed revising of the Rules and Regulations. The revisions have been submitted to the Law Department for review and comment and the Commission anticipates that the Rules and Regulations will be ready for presentation to the Board of Legislators in the early months of 2009.

Financial Information

In the year 2008 the Commission was allotted a budget of \$768,000.00 for its operation. Despite the expansions and increase in work, the Commission has remained fiscally responsible and has remained within or below the allocated budget amount. In addition, many cases – housing and non-housing – are conciliated or mediated *in house* which provides a substantial savings for the Commission.

The partnership which the WCHRC has established with HUD, has resulted in providing additional revenue of \$360,000.00 from HUD which is paid at \$120,000.00 per year for purposes of handling housing cases and affirmatively furthering fair housing initiatives in Westchester County.

Case Statistics for Year 2008

The Commission has handled, and continues to handle, claims of discrimination alleged against large corporations, small businesses, banks, medical facilities, schools, housing entities and other organizations or businesses. Those claims which were meritorious resulted in monetary awards as well as other significant equitable relief.

General Discrimination Cases - 2008

The Commission has also seen an increased number of disability cases in 2008. The WCHRC has been able to obtain important and significant equitable relief in these cases such as reasonable accommodation. Equitable relief in certain other cases, have included ensuring protection of religious observance, reinstatement to jobs or obtaining benefits which may have been unfairly withheld or removed.

In the Year 2007, the Commission had an intake of **347** cases of alleged discrimination as against **337** in the year 2008. However, in 2007, housing cases were included in the intake; but in 2008, housing cases were only included in the first half of the year.

In December 2007, the Board of Legislators and County Executive expanded the jurisdiction of the WCHRC countywide. This expansion was to take effect on **July 1, 2008**.

In the **Year 2007**, WCHRC referred **one hundred forty-eight (148) cases** to the New York State Division of Human Rights other local commissions or entities because of the lack of jurisdiction.

Between **January of 2008 and June 2008**, just prior to the expanded jurisdiction, the WCHRC referred **ninety-four (94) cases** to other commissions or entities. After countywide jurisdiction went into effect on **July 1, 2008**, the Commission referred **only eighteen (18) cases** to other entities or commissions. Of those eighteen (18) referrals, three (3) cases were sent to the New York State Division of Human Rights because they involved complaints against a County agency or department. The remaining fifteen (15) cases were referred to unions, Department of Labor, Unemployment or other entities which required claimant to exhaust remedies through a stated grievance process.

Employment claims continued to rank in the majority during **2008** with 231 claims (69%) compared to **2007** which had 230 claims (66%); and **2008 Public Accommodation/Education** came in with 33 claims (10%) compared to **2007** at 21 claims (6%); and in **2008** “Other” claims at 44 or (13%) compared to **2007** with 49 claims (14%)*. *Housing* claims during the first six months of 2008 came in with 29 claims (9%). However in **2007** housing claims came in with a high rank of 44 claims (13%)

The majority of the claims filed in **2008** were based on *Ethnicity* - 90 claims compared with only 53 claims in **2007**; in **2008 Race** – 81 claims compared to 78 claims in **2007**; in **2008 Disability** – 54 claims compared to 55 claims in **2007**; other areas were either consistent in the past two years or there was a slight increase, such as in *sexual harassment* or *sexual orientation*.

*These are matters which required assisting complainant by making phone calls, a letter or other intervention to resolve the matter, but which did not involve the filing of a formal complaint.

In Year 2008 ten (10) formal complaints were served and filed – which is a decrease in the number of formal complaints filed in 2007. The intent has been to focus more on conciliating and mediating claims as a method of resolving disputes instead of engaging in litigation unless warranted. Sixteen (16) conciliations/mediations were held and ten (10) full evidentiary Administrative hearings were held. Forty-five (45) cases were closed in 2008.

The WCHRC is pleased to report a significant amount of cases have been resolved that involved equitable relief (job reinstatement, benefits, job transfers, apology, etc.); and is equally pleased to report that monetary awards made in **2008 totaled approximately \$246,000.00.**

No civil fines, penalties or punitive damages were assessed in the year 2008.

The Commission is pleased to report that it **does not** have a backlog of cases.

As of December 31, 2008, thirty-six (36) non-housing cases remained on active status. This number **does not** include cases where people have contacted us, been interviewed, but have not yet filed a formal complaint.

Housing Cases – June to December 2008

As of June 1, 2008, WCHRC bifurcated the housing and non-housing cases. This separation allowed for a direct focus to be on the several housing complaints that were received as well as supporting the new substantial equivalency status which the commission received from HUD. The new Westchester County Fair Housing Law and the substantial equivalency status established a partnership between the WCHRC and HUD, whereby HUD would direct any and all housing complaints filed with it pertaining to Westchester County to be automatically sent to the WCHRC. This provides the claimant with the dual filing and dual protection under both the WCHRC and the Federal Fair Housing Act, as amended.

Between June and December of 2008, the Fair Housing Department of the WCHRC received **fifty-five (55) claims.**

The majority of the claims filed involved *multi-family dwellings* (26 claims or 47%) followed by *cooperatives* (11 claims or 20%). *Condominiums* came in with seven (7) claims or 13%; followed by *Shelters* (5 claims or 9%); *Single family homes* (3 claims or 5%) and *Public Housing* (2 claims or 4%).

In Housing cases, discrimination based on *Disability* ranks the highest in **2008**, with twelve (12) cases being received within a six month period; this is followed by *Ethnicity* with nine (9) cases; *Race* – eight (8) cases; *National Origin/Ancestry* – six (6) cases; *Color* – five (5) cases; *Familial Status* – four (4) cases; *Gender/Sex* and *Marital Status* each at three (3) cases; and one (1) *Stalking Victim*.

In 2008, between June and December, thirty six percent (36%) of the claimants were Caucasian; thirty-five percent (35%) were African American; eighteen (18%) were Latino; four percent (4%) Asian American; four percent (4%) were “other” and seven percent (7%) unknown.

With respect to the fifty-five (55) claims received, twenty-three (23) were actual cases which the commission handled. The remaining cases lacked subject matter jurisdiction, had no basis or claimants have not completed the required paperwork for filing their claim. Out of the twenty-three (23) active cases, thirteen (13) complaints were filed; three (3) formal mediations were held; thirteen (13) cases were closed and ten (10) remained on active status as of December 31, 2008.

While in many housing matters, equity is what is often requested (i.e., return of security, use of a parking space, exemption from a rule or policy, etc.) there are times when monetary compensation is also requested. In the six month period a significant amount of equitable relief was obtained while monetary awards totaled ***\$6,000.00 for 2008.***

No civil fines, penalties or punitive damages were assessed in the year 2008.

Achievements and Accomplishments - 2008

- ✓ Established a working relationship with Port Chester School District in the development of their diversity initiatives.
- ✓ Education and outreach initiatives with local schools, such as Scarsdale, Bronxville, and Gorton schools.
- ✓ Completed the County's first *Fair Housing Law* and attendant Rules and Regulations which began in 2006 and continued through 2007.
- ✓ Attended the 2008 National Policy Conference on Housing in Atlanta, Georgia.
- ✓ Established the Fair Housing Department and Fair Housing Board of the WCHRC.
- ✓ Drafted legislation to amend the Human Rights Law to include protection of transgender individuals.
- ✓ Revising the Human Rights Rules and Regulations.
- ✓ Held the **Second Annual Hon. Donald N. Silverman Moot Court Competition** with twelve (12) high schools participating.
- ✓ Began establishing "*Equal Access Campaign*" with Westchester Independent Living Center (WILC) and Westchester Disability Advocacy Partnership to raise awareness of issues involving the disabled community.
- ✓ Numerous radio and television interviews and appearances regarding human rights and social justice initiatives.
- ✓ Established working relationship and partnership with the Holocaust and Human Rights Education Center.
- ✓ Involved in and participated in public forums on cross burnings and nooses in Westchester County, bullying in schools, and hate crimes.
- ✓ Maintained working alliance and collaborative meetings and programs with American Jewish Committee, Coalition for Mutual Respect and Hope House.
- ✓ Continued and further developed working relationship with Pace Law School – John Jay Legal Services Clinic to assist Complainants in hearings based on disability claims.
- ✓ Another highly successful ***Annual Human Rights Day Breakfast Award Ceremony*** in which the ***Ossie Davis Lifetime Achievement Award***, the ***Champion of Human Rights Award*** and ***Meritorious Award*** were given to recipients for their work in raising awareness of human rights and social justice.

Moving Forward – 2009

- There continues to be a significant increase in allegations of discrimination in our public schools. The Commission, in addition to the prosecution of these claims, will continue and increase its efforts in working with the school districts on developing or enhancing their diversity initiatives and an understanding of human rights and social justice.
- Completion of the *Final* Rules and Regulations for the Human Rights Law.
- Continue to develop and further collaborate with other departments, including Consumer Protection.
- Mobilize and develop the “*Equal Access Campaign*” with Westchester Independent Living Center (WILC) and the Office of the Disabled to raise awareness of issues affecting the disabled community.
- The Commission will vigorously work to affirmatively further fair housing initiatives; develop programs and visit communities.
- Collaborate with other entities such as Westchester Residential Opportunities (WRO) and El Centro Hispano to do training and educational programs in housing for cooperative and condominium boards.
- Continue to develop a more efficient Case Management System.
- Continue pursuing a means for assisting unrepresented complainants who have cases before the Commission.

Conclusion

The Westchester County Human Rights Commission is pleased with its accomplishments and achievements but is fully aware that much work remains to be done. Through education and outreach initiatives the WCHRC will continue to be at the forefront of change, acceptance and respect for humanity.

Respectfully Submitted,

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