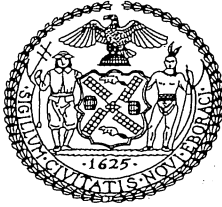


# THE COUNCIL OF THE CITY OF NEW YORK COUNCIL MEMBER GALE A. BREWER



CITY HALL  
NEW YORK, NY 10007  
TEL: 212-788-6975  
FAX: 212-513-7717  
[www.nycouncil.info](http://www.nycouncil.info)

FOR IMMEDIATE RELEASE

Contact: Bruce Lai  
(917) 407-1600

## Intro 22-A Signed into Law!

### *Human Rights Bill Adds Safeguards for Domestic Partners and Others*

October 3, 2005 —Today, Mayor Bloomberg signed Intro 22-A, legislation introduced by Council Member Gale A. Brewer (D-Manhattan) that strengthens the City's existing Human Rights Law (HRL). The bill, known as the Local Civil Rights Restoration Act of 2005, increases protections for New York City residents, including adding domestic partners to the list of protected classes of people, increasing safeguards against retaliation, and requiring that the City's HRL be construed independently of similarly worded State and Federal laws.

As it currently stands, the City's residents are protected against discrimination as a result of "the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, sexual orientation or alienage or citizenship status of any person." Intro 22-A adds "partnership status" to the list of protected classes, which further demonstrates the City's commitment to the equal rights of LGBT and heterosexual unmarried couples.

Intro 22-A clarifies the City's standard for retaliation cases brought under the HRL. It is currently illegal to retaliate against a person for voicing opposition to someone who is violating the HRL. This bill ensures that any amount of retaliatory action that would be "reasonably likely" to deter someone from engaging in protected activity would be illegal. This change will guarantee that government and judicial officials know that the City's standard is different from similarly worded standards set by State or Federal law that are not triggered until more severe retaliatory action occurs.

Finally, the provision that may have the farthest-reaching ramifications is the Restoration Act's requirement that the City's HRL be interpreted independently of its federal and state counterparts. In practice, this means that those laws will be used as a floor below which civil rights protections cannot fall, not a means by which local protections are unfairly restricted.

Intro 22-A allows the courts to award legal fees to lawyers for their participation in cases in which there is no final judgment or court-approved settlement, including "catalyst cases," in which the defendant makes policy changes, regardless of whether policy change is enacted

voluntarily, as a result of a settlement or as a result of a judgment. Intro 22-A changes the law so that any of these cases would be eligible for attorney fees. In addition, the legislation requires a "thorough" investigation of allegations of human rights violations, require the City to designate representatives to receive copies of complaints and set a time table by which these complaints must be served, and raise the cap on civil penalties paid to the City for the first time in nearly 15 years.

"This bill broadens the scope of the City's Human Rights Law, and adds protections for people who may currently be slipping through the cracks: couples who have entered into domestic partnerships and people who have experienced retaliation for reporting violations of the Human Rights Law," said Council Member Brewer "Perhaps more importantly, it clearly sets out the principle that judges need to interpret our law consistent with the intention that protections are to be construed expansively and exemptions narrowly, and always with a view towards achieving the uniquely powerful remedial and deterrent purposes of the law. Judges, for example, will need to revisit the current rule in sexual harassment cases that kick victims out of court because they haven't been harassed enough."

"Years of Republican administrations have taken their toll on State and Federal laws designed to protect people from discrimination," said Council Member Bill de Blasio, chair of the General Welfare Committee of the City Council. "We have every reason to believe that the assault on civil rights will continue as President Bush continues to appoint conservatives to the federal bench. The message is clear: We need to act to protect all New Yorkers. Int. 22-A does just that."

"The tendency of judges to treat the City's Human Rights Law as nothing more than a carbon copy of its federal and state counterparts has been an ongoing scandal," said Craig Gurian, the Executive Director of the Anti-Discrimination Center of Metro New York. "Gale Brewer's bill is a wake-up call to the courts to fulfill their obligation to interpret the City law liberally to accomplish the local law's uniquely broad purposes, regardless of how narrowly federal and state civil rights laws come to be interpreted. The bill is especially important at this time as a means by which to fight the rollback of civil rights that continues to intensify in Washington and Albany, and will result in the reconsideration of numerous areas of anti-discrimination law."

Intro 22-A is sponsored by 40 Council Members and the Public Advocate, and has the support of 40 organizations, including the Asian American Legal Defense and Education Fund; Disabled In Action; Habitat for Humanity - NYC Chapter; Lambda Legal; the New York Civil Liberties Union; and the Puerto Rican Legal Defense and Education Fund. It will go into effect immediately upon enactment.

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