

Int. No. 818-A

By Council Members Mealy, Lander, Johnson, King, Mendez, Rosenthal, Menchaca, Rose and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to the provision of attorney's fees under the city human rights law

Be it enacted by the Council as follows:

1 Section 1. Subdivision a of section 8-120 of the administrative code of the city of New
2 York, as amended by local law number 85 for the year 2005, is amended to read as follows:

3 § 8-120 Decision and order. a. If, upon all the evidence at the hearing, and upon the
4 findings of fact, conclusions of law and relief recommended by an administrative law judge, the
5 commission shall find that a respondent has engaged in any unlawful discriminatory practice or
6 any act of discriminatory harassment or violence as set forth in chapter six of this title, the
7 commission shall state its findings of fact and conclusions of law and shall issue and cause to be
8 served on such respondent an order requiring such respondent to cease and desist from such
9 unlawful discriminatory practice or acts of discriminatory harassment or violence. Such order
10 shall require the respondent to take such affirmative action as, in the judgment of the
11 commission, will effectuate the purposes of this chapter including, but not limited to:

12 (1) hiring, reinstatement or upgrading of employees;

13 (2) the award of back pay and front pay;

14 (3) admission to membership in any respondent labor organization;

15 (4) admission to or participation in a program, apprentice training program, on-the-job
16 training program or other occupational training or retraining program;

17 (5) the extension of full, equal and unsegregated accommodations, advantages, facilities
18 and privileges;

1 (6) evaluating applications for membership in a club that is not distinctly private without
2 discrimination based on race, creed, color, age, national origin, disability, marital status,
3 partnership status, gender, sexual orientation or alienage or citizenship status;

4 (7) selling, renting or leasing, or approving the sale, rental or lease of housing
5 accommodations, land or commercial space or an interest therein, or the provision of credit with
6 respect thereto, without unlawful discrimination;

7 (8) payment of compensatory damages to the person aggrieved by such practice or act;[
8 and]

9 (9) submission of reports with respect to the manner of compliance[.]; and

10 (10) payment of the complainant's reasonable attorney's fees, expert fees and other costs.

11 The commission may consider matter-specific factors when determining the complainant's
12 attorney's fee award, including, but not limited to:

13 (i) novelty or difficulty of the issues presented;

14 (ii) skill and experience of the complainant's attorney; and

15 (iii) the hourly rate charged by attorneys of similar skill and experience litigating similar
16 cases in New York county.

17 § 2. Subdivision g of section 8-502 of the administrative code of the city of New York, as
18 amended by local law number 71 for the year 2013, is amended to read as follows:

19 g. In any civil action commenced pursuant to this section, the court, in its discretion, may
20 award the prevailing party[costs and] reasonable attorney's fees, expert fees and other costs. For
21 the purposes of this subdivision, the term "prevailing" includes a plaintiff whose commencement
22 of litigation has acted as a catalyst to effect policy change on the part of the defendant, regardless
23 of whether that change has been implemented voluntarily, as a result of a settlement or as a result

1 of a judgment in such plaintiff's favor. The court shall apply the hourly rate charged by attorneys
2 of similar skill and experience litigating similar cases in New York county when it chooses to
3 factor the hourly rate into the attorney's fee award.

4 § 3. This local law takes effect immediately.

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