

**Testimony of Annabel Palma
Commissioner and Chair New York City Commission on Human Rights
Before the Committee on Civil and Human Rights & Committee on Finance
March 15, 2024**

Good afternoon Chair Brannan, Chair Williams, and members of the Committees on Finance and Civil and Human Rights. Thank you for convening today's hearing. I am Annabel Palma, Commissioner and Chair of the New York City Commission on Human Rights. Today, I am joined by Sapna Raj, Deputy Commissioner of the Law Enforcement Bureau, Kajori Chaudhuri, Deputy Commissioner of the Community Relations Bureau, and Mariela Salazar, Deputy Commissioner for Administrative Services. I am excited to speak about the work our agency has accomplished over the past year.

For over 80 years, the Commission has continued to work for a city where all New Yorkers can live, work, and thrive, free from discrimination. Our work arose from the need to address racial tension and disparities in the 1940s – work which remains central. Today, the New York City Human Rights Law is one of the broadest anti-discrimination laws in the country. The Law prohibits discrimination in housing, employment, and public accommodations and includes more than 25 protected categories.

The Commission has a dual mandate. First, the Commission's Law Enforcement Bureau enforces the city's Human Rights Law. This includes investigating complaints of discrimination from the public, initiating investigations on behalf of the city, and conducting tests to identify potential violations of the Law. Second, the Community Relations Bureau offers workshops and trainings on the rights and responsibilities of New Yorkers under the Law. The Community Relations Bureau seeks to prevent discrimination through education and works closely with community partners, businesses, housing providers, and sibling agencies to achieve this goal.

The Human Rights Law was amended twice in the past year. Most recently, the prohibition of discrimination in housing based on contact with the criminal legal system – known as Fair Chance Housing. This amendment will go into effect in January of next year. In November of 2023, the provision ensuring protection from discrimination based on height and weight went into effect.

The Human Rights Law aims to advance equity in employment, in housing, and in public accommodations. In the workplace, the Law includes protections for pregnant and lactating New Yorkers, prohibitions on discrimination based on an applicant or current employee's arrest or conviction history, as well as protections for individuals with disabilities, and prohibitions on discrimination based on appearance. The Law forbids discrimination in housing based on gender, race, disability, age, sexual orientation, source of income, and other protected categories. The Human Rights Law also prohibits retaliation against individuals who confront discrimination, report discrimination, or participate in a related investigation.

The work we do, every day, seeks to prevent discrimination and build stronger connections between divided communities. When discrimination does occur, our agency aims to remedy the harms and ensure that prejudicial practices change.¹

Over the past year, the Commission's Law Enforcement Bureau strengthened efforts to address voucher discrimination and launched investigations to ensure employers are including good faith wage ranges in job postings. The Bureau continued to enter into transformative settlements that reduce barriers to employment, change hostile work environments, help voucher holders secure housing, and foster equitable treatment in public places. Consistent with historical trends, the most common inquiries and claims continue to be in the areas of disability and gender.

The Commission continues to use the tools at our disposal to ensure that covered employers, housing providers, and providers of public accommodations understand their Human Rights Law obligations. We reached more New Yorkers than ever before by leveraging our strong and partnerships, innovative outreach, and growing communication channels. Since the FY 24 budget hearing, the Commission has expanded trainings and outreach to reach law enforcement, school safety officers, real estate agents, and health care providers – the major stakeholders that ensure rights are respected, and New Yorkers are treated with dignity. Trainings on the Human Rights Law, Bystander Intervention, the Fair Chance Act and an array of other protected categories, are foundational to tackling differential treatment and addressing the disparities that continue to exist.

Trainings are one example of the wide-ranging outreach carried out by our community liaisons and lead advisors, who work specifically with historically underserved and underrepresented populations. This year, the Commission also developed several new signature events to bring New Yorkers together. We hosted an inaugural Human Rights Summit, in December, at the National Museum of the American Indian, which featured trainings and discussions about the Law and spotlighted the Commission's partnership with the Office for the Prevention of Hate Crimes that awards grants to organizations combatting bias in New York City. More recently, to close Black History Month, we co-hosted a spoken word poetry event, "Visions for the Future of the African Diaspora," to celebrate the rich tradition of oral history and storytelling engrained in Black history. The event is part of the anti-Black racism prevention work that our agency does year-round.

The Law Enforcement Bureau

In FY 23, the Commission resolved 471 cases and assessed over \$5 million in damages and penalties for violations of the city's Human Rights Law. In addition to resolving cases for

¹ All individuals that experience bias and discrimination in violation of the NYC Human Rights Law can come to the Commission. Individuals may also choose to go to court to vindicate their rights, or may choose to file claims at state or federal agencies, like the Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development. When matters are addressed in court or federal agencies, the proceedings are outside of the Commission's jurisdiction. The Commission currently has a workshare agreement with the EEOC.

monetary relief, the Commission has shaped remedies that repair the harm experienced by individuals and communities impacted by discrimination.

The staff in the Law Enforcement Bureau (“LEB”) evaluate and investigate allegations of discrimination brought to the Commission by members of the public. In FY 23, the Commission fielded 12,548 inquiries from members of the public by phone, email, letter, visits to Commission offices, or speaking with staff at Commission events. More than 920 of these inquiries were in languages other than English. Spanish, Mandarin, and Russian are the most common in this category.

In FY 23, the largest number of inquiries we received were in employment, accounting for 1,620 inquiries. Housing was second with 866 inquiries. This trend continued for filed claims in FY 23. Across all jurisdictions, disability-related inquiries were the most common, followed by inquiries related to gender, and then race and color. Similarly, disability-related claims were also the most prevalent, followed by gender and race. We received 555 inquiries related to disabilities and 212 inquiries related to gender. Race and color were raised in 238 inquiries. Sixty-three percent (63%) of claims were in employment, twenty-five percent (25%) were in housing, and seven percent (7%) were in public accommodations.

When appropriate, LEB may resolve claims instead of filing a complaint, leading to a quicker resolution in certain matters. Pre-complaint interventions continue to be a valuable strategy to obtain expedited relief from harm resulting from alleged discrimination.

In FY 23, the Law Enforcement Bureau resolved hundreds of matters without filing a complaint. The most common pre-complaint interventions involved source of income discrimination, where a voucher holder was denied an apartment, repairs, or the renewal of a lease. Disability accommodations in housing were the second highest number of interventions.

LEB also utilizes the agency’s investigatory and prosecutorial powers to root out discrimination through Commission-initiated investigations. When the Commission identifies the potential of widespread violations or discriminatory practices, the Commission can initiate an investigation. In FY 23, the agency launched 23 Commission-initiated investigations and filed 17 Commission-initiated complaints.

The Commission also proactively uses testing to investigate whether entities have engaged in discrimination. Agency staff may conduct testing in person, on the telephone, or online to see if certain protected categories are treated differently or are given different information. In FY 23, the Commission tested 1,082 entities. Each entity can be tested multiple times for violations in the same jurisdiction and protected class. An entity may also be tested for violations in multiple jurisdictions and/or multiple protected classes.

As a right to file agency, reports of discrimination from the public are a top priority. The Law Enforcement Bureau filed 332 public-initiated complaints of discrimination in FY 23.

When violations of the Law are identified, and a complaint is filed, the Law Enforcement Bureau works to fashion remedies and relief that address the harms caused to New Yorkers. In FY 23, the Commission secured \$4,679,207 in compensatory damages for complainants and \$887,500 in civil penalties for City of New York.

The Law Enforcement Bureau fashions settlements with innovative resolutions that deter future harms and aim to effectively change the environment that allowed harm to occur. In FY 23, thirty three percent (33%) of cases were resolved through settlements.

For example, in settlements involving claims of discrimination based on the existence of a disability, individuals received damages and respondents were required to construct ramps in both housing and businesses. For source of income discrimination, set asides are a fruitful pathway to house New Yorkers with vouchers. SOI settlements also led to the creation of several broker incentive programs, where brokerages offer monetary bonuses for placing voucher holders in homes.

The Commission also continues to address gender-based harassment in the workplace. A notable case involved a multinational company with stores throughout New York City. LEB's investigation uncovered persistent sexual harassment, retaliation by a manager, and failure of the company to take any action when they were made aware of the allegations. The settlement included \$330,000 in damages and penalties, policy changes, and ongoing monitoring by the Commission.

The Office of Mediation and Conflict Resolution

The Commission's Office of Mediation and Conflict Resolution offers parties a voluntary mediation program at no cost. It is confidential and available at any stage of a case. Staffed by a Mediation Director, mediated cases accounted for damages totaling \$1.6 million, in addition to non-economic relief.

The Community Relations Bureau

The Commission's Community Relations Bureau ("CRB") cultivates understanding and respect among the city's diverse communities, builds partnerships, and informs New Yorkers about the rights and responsibilities that stem from the Human Rights Law. In FY 23, we reached a record number of New Yorkers. The Commission engaged with 132,507 New Yorkers through 2,172 conferences, workshops, and trainings.

In FY 23, the most requested training was Human Rights Law 101, which was offered more than 120 times. Outreach, conducted in collaboration with DCWP and SBS, focused on "know your rights" materials, and informed New Yorkers of how to report bias and discrimination. The agency was pleased to collaborate with a number of City Councilmembers in these efforts. Additionally, our Community Relations Bureau partnered with NYPD Office of Equity and Inclusion, as well as DOE's Office of Safety and Youth Development to train new staff. The Commission presented workshops about the fundamentals of the Human Rights Law, as well as Anti-Black Racism, and Other Forms of Discrimination Based on Race and Color.

Consistent with our mandate to foster intergroup understanding and in response to global events, the Commission elevated calls for dignity and respect for all people that call New York City home. January marked a citywide day of visibility against hate – a Commission activity that will continue to take place annually. We have been active in Jewish, Muslim, Sikh, and Arab community spaces, talking about New Yorkers’ protections against bias and hate, with federal agencies, as well as local partners. These collaborations include a longstanding partnership with the Wagner College Holocaust Center on Staten Island, participation in the Interfaith Hate Crime Summit, and bias response outreach with SBS to Muslim and Jewish business owners who faced threats and vandalism. The Commission’s signature Bystander Intervention workshop is built on the idea that we all play a role in creating safe public spaces when we see our neighbors and community members facing bias, discrimination, or harassment.

I will also highlight the education and prevention element of our source of income work. Over the last year, the Commission launched a turnkey collaboration between city government and real estate professionals to prevent housing discrimination. Commission attorneys now offer a course for real estate professionals through Fordham’s Real Estate Institute (REI). When realtors take the class, they learn about the protections in city’s Human Rights Law and receive 1.5 credits towards the renewal of their license, which is required every two years.

Effective outreach and prevention must include New York’s youth – the leaders of tomorrow. To this end, the Commission has deepened and expanded youth programming through our youth advisory (“YES”) council, now in its third year. This year, as part of the 75th Universal Declaration of Human Rights celebration, the Commission partnered with the United Nations Human Rights Office to bring 550 City youth together to discuss the Human Rights and Youth in New York City. The event featured racial justice advocates, diplomats, and presentations by YES Council members.

Office of the Chair

The Office of the Chair serves as the hub of inter-agency partnerships. The Office works on amendments to the Human Rights Law, issues rules, leads special projects and drafts legal enforcement guidance and materials that provide clarity on provisions of the city’s Human Rights Law. The Office also leads interagency partnerships and appears before Council. This Office also serves an adjudicatory function, including ruling on parties’ appeals of decisions from the Law Enforcement Bureau and issuing final decisions and orders in Commission cases.

In FY 23, the agency’s policy and regulatory priorities continued to reflect our commitment to serving diverse communities. The agency released multi-lingual and multi-media materials regarding newly enacted height and weight protections. We also recently worked with DCWP and MOIA to finalize a workers’ bill of rights that has launched citywide and worked with DOHMH on the reproductive justice bill of rights for New Yorkers. In the coming months, the agency will update resources and materials to reflect the amendment to the Law that prohibits discrimination in housing on the basis of criminal legal history.

Communications and Marketing

The Commission continues to leverage social media, digital platforms, and community press to expand our reach. In FY 23, campaigns included “Vouchers Pay. Discrimination Doesn’t” raising awareness of source of income discrimination; and “Display the Pay,” which alerted New Yorkers to the expansive suite of protections for job seekers and informed New Yorkers of their rights and responsibilities under the salary transparency provision that went into effect in November of 2022. Our multilingual campaigns span social media, radio, print outlets, and convenience stores. We also developed a series of short videos known as the “Human Rights Minute.” These videos aim to make the Human Rights Law and the work of the Commission more accessible to New Yorkers, and are widely shared via our media channels.

Media and press outreach are a means to elevate the Commission’s outreach, trainings, events, and enforcement actions. As a result of our campaigns and focus on expanding social media, our reach has grown. The Commission had millions of social impressions in FY 23. Additionally, the Commission’s website had over two million visits, and our agency was mentioned over 1,000 times in the press.

The Commission further invested in community and ethnic media through print advertising. The agency also continued to prioritize M/WBE’s and has continuously invested significant funds in work with M/WBEs.

All of this work is made possible by the passionate and committed staff that show up every day to prevent and address discrimination in New York City.

Staff and Personnel

As of today, the Commission has a headcount of 136 with 113 active staff. The staff across each unit and borough is committed to working in partnership with communities vulnerable to civil rights violations. We are a small but diverse staff that speaks over 20 languages across the agency.

Budget

The FY 24 Budget provided for a total of \$12,926,032. For FY 25, the Preliminary Budget provides for \$13,652,383.

Conclusion

I appreciate the opportunity to speak about the NYC Commission on Human Rights. I am privileged and honored to speak to you on behalf of an agency that works daily to make New York City a place where everyone can live, work, or visit, free from bias or discrimination. We look forward to continuing to champion the human rights of New Yorkers with the leadership of the Adams Administration and the support of New York City Council.

Thank you and I welcome your questions.

Testimony of Chair of the Equal Employment Practices Commission (EEPC)

New York City Council Fiscal Year 2025 Preliminary Budget Hearing March 15, 2024, at 12:30PM

Good afternoon Chair Williams, and members of the Civil and Human Rights Committee. I am Aldrin Bonilla, Chair of the Equal Employment Practices Commission. With me today is Elaine Reiss, Vice-Chair of the Commission, Jeanne Victor, Executive Director of the EEPC and Russell Ferri, Director of Research. Thank you for the opportunity to testify on behalf of the EEPC at this Preliminary Budget Hearing.

Established in 1989 through an amendment to the New York City Charter, the Equal Employment Practices Commission (EEPC) is currently celebrating its 35th anniversary. Throughout these three and a half decades, the EEPC has navigated numerous budgetary and institutional challenges in pursuit of fulfilling its charter mandate. As the City's premier non-mayoral independent oversight entity, tasked with reviewing, evaluating, and monitoring the equal employment practices and procedures of city agencies, the EEPC works tirelessly to ensure a diverse, equitable and inclusive workforce that represents all of New York City.

The EEPC conducts Equal Employment Opportunity Program audits on about 145 mayoral and non-mayoral agencies once every four years. We also produce several data rich annual citywide reports examining critical topics such as occupational segregation, pay disparities, underutilization, and underrepresentation in the municipal workforce. Additionally, we continue to convene informational sessions, interagency task forces, and practitioner conferences, both in-person and remotely, to further our mission through collaboration.

It is essential to acknowledge that while the productive EEPC staff and commissioners serve with unwavering commitment and expertise in the execution of our mission, the compounded effects of the recent PEG, personnel and other-than-personnel budget cuts over the years, and the failure of the office to grow as its mission and tasks have matured and expanded have led to real and disproportionately adverse impacts for such a tiny agency. Valuable experienced staff members have resigned, leaving remaining staff to take on untenable additional responsibilities. We face unprecedented difficulties filling vacancies due to disproportionately inequitable and "across the board" application of PEG cost savings. The subsequent vacancies have resulted in reduced administrative, legal, technical, and institutional skill sets and capacity to carry out work that requires hindsight, oversight and foresight. Currently, the EEPC operates with a staff of only 12 (after a vacancy reduction of 2 from a headcount of 14), a surprising fact considering the magnitude of our mission and its importance to current and prospective employees seeking fair nondiscriminatory workplaces where their talents and careers can flourish.

In fact, the city spends more resources to remove a one-time 2-inch snowfall (which may melt on its own anyway) than it invests annually on independently auditing and monitoring employment practices across the City agencies. We know City agency employment practices and procedures are the main drivers to recruit, hire, promote, and retain women, Asian, Black and Latino prospective and current employees and much variation exist in terms of performance and compliance. The Mayor and City Council must consider funding the EEPC commensurate with its mission and mandate to be consistent with its public pronouncements on achieving a diverse, equitable and inclusive public sector workforce. Such an investment to increase the EEPC's budget by less than a half million within a \$110 billion City budget is both minimalist and feasible. This investment would be more prudent and cost-effective than the tens of millions paid annually to settle civil service employment discrimination lawsuits.

Despite these challenges and constraints, the EEPC staff and commissioners remain committed to operational innovation and efficiencies where feasible. We proactively offer legislative remedies and policy recommendations, when appropriate, and convene relevant stakeholders for long-term problem-solving and strategic planning, within our limited resources. This includes numerous commission meetings and robust conversations with relevant agencies. We have initiated efforts to address contemporary issues such as recommending equal employment opportunity and sexual harassment training to all community board members, modernizing our audit protocols, creating a pilot program with a City agency willing to take a deeper dive on the removal of barriers for women and people of color, convening agency heads and EEO professionals to be more communicative about the audit process and compliance, improving our website content and functionality making us more public facing as well as creating and adopting by-laws for the first time in the agency's history.

Yet, there is much more to be done in this the largest, most diverse municipal workforce in the United States to realize equal employment opportunities and compliance. What we have seen over the last several years is that relatively few entities are found to be in full compliance when their EEO programs are audited. In fact, in 2022, agencies had an average of 6.3 corrective actions, for a total of 114 corrective actions for all the agencies that were audited that year. Last year, there were a total of 119 corrective actions (excluding community boards) for the year, a clear indication that we are simply not doing enough to keep the City entities in compliance. More can be done such as conducting periodic spot checks, or providing periodic reminders to agency EEO Professionals, or by even preparing an instruction manual to help new EEO Officers get through the audit process and advise them of what they need to do to stay in compliance. Such actions would require at least one additional EEO Program Analyst to take on these additional tasks.

Local Law 13 requires that the EEPC review the City's workforce for a period of 10-years. We are currently in the 4th year of the review and as we delve more deeply into the analyses, we recognize that we do not have the bandwidth with our current staff of 3 researchers to perform the types of nuanced and complicated analyses into the drivers of underutilization that we believe are necessary to provide the City with the most effective legislative, regulatory and budgetary recommendations. Those drivers will include a deeper review into the recruiting, hiring, promotional and separation activities at the entities. Thus, the EEPC is requesting the resources for 3 additional staff members to our Research Unit, who would be tasked with analyzing demographic selection rates and recruitment source information at each stage in the

application to hiring process, identify obstacles both before and during employment, review exit interviews, and offer meaningful recommendations and solutions.

Lastly, we also believe that a full-time Executive Agency Counsel would be beneficial as this person would be familiar with and understand the work of the EEPC and would therefore be able to perform such tasks as drafting the legislative and regulatory recommendations from the perspective of someone who is fully involved with the agency, its mission, and its work.

In light of the above, we are respectfully requesting funding for a total of 5 additional staff:

- Labor Economist for the Research Unit - \$100,000 salary + Associated OTPS funding
- (2) City Research Scientist – \$70,100 salary each + Associated OTPS funding
- EEO Program Analyst - \$59,116 + Associated OTPS funding
- Executive Agency Counsel - \$115,000 + Associated OTPS funding (less \$40,000 that is currently being used to fund a part-time Executive Agency Counsel)

We estimate that our total request amounts to approximately \$500,000, with the most important and crucial of these positions being the Labor Economist, Executive Agency Counsel, and at least one City Research Scientist.

We believe the work that we do is valuable and important to the City. We believe that with a relatively minor investment today, we can provide the City with the kinds of recommendations that move the needle and solve the problem of underutilization of women and people of color in the City's workforce. Such investments are what make the City of New York a leader across the nation.

We greatly appreciate the support of this committee, Chair Nantasha Williams and the Committee on Civil and Human Rights, City Council, the Mayor's Office and our representatives at OMB. We look forward to doing great work for the City in FY'25.

Thank you and I am happy to answer any questions you may have.



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NYC City Council Committee on Civil & Human Rights Preliminary Budget Hearings - Public Testimony

Written Testimony of Dina Bakst, Co-President A Better Balance March 15, 2024

My name is Dina Bakst, and I am the Co-Founder and Co-President of A Better Balance, a New York City-based legal advocacy organization that uses the power of the law to ensure all workers can care for themselves and their loved ones without sacrificing their economic security. We are part of the Human Rights Law Working Group and are writing to support the Group's common interest in the work of the New York City Commission on Human Rights (CCHR).

CCHR plays a vital role in ensuring dignity and equity for the most vulnerable New Yorkers. The agency enforces the New York City Human Rights Law, the strongest anti-discrimination law in our country, which includes critical protections banning pregnancy discrimination, sexual harassment, and other forms of gender discrimination at work. For decades, A Better Balance has fought for legislation that expands the New York City Human Rights Law to protect the rights of pregnant workers and caregivers, ensure fair pay for all workers, and prevent gender-based harassment and violence. A Better Balance also runs a free, confidential legal helpline through which we hear every day from low-wage workers in New York City who are struggling to assert their rights under these laws.

We have been a driving force behind many critical protections the Commission enforces, including the Pregnant Workers Fairness Act, the Lactation Accommodation Laws, and the Salary History and Salary Transparency Laws. Each of these laws provides vital protections for vulnerable New Yorkers. The Council passed the Pregnant Workers Fairness Act to stop pregnant workers from being pushed off the job because they needed minor modifications related to their pregnancy, such as a stool to sit down or additional bathroom breaks. The Lactation Accommodation Laws ensure that workers who have given birth can return to the workplace without having to sacrifice their ability to express milk to feed their infant. And the Salary History and Salary Transparency Laws break the cycle of gender-based pay disparities by giving all workers equal access to information about the value of their labor, irrespective of gender or other protected characteristics. The Commission is also responsible for enforcing the NYC Human Rights Law's prohibitions on workplace sexual harassment and discriminatory treatment of transgender and gender nonconforming applicants and employees. **In fiscal year 2023, inquiries related to gender comprised 60% of all inquiries received by the Commission's intake team regarding protected class-based employment discrimination.** This figure reflects the continued prevalence of gender-based discrimination in our City, as well as the tremendous need that exists for the Commission to identify, investigate, and remedy these wrongs.

Unfortunately, the Commission is in crisis. Funding has been slashed and staff headcounts have dwindled since the pandemic. In 2018, the Law Enforcement Bureau (LEB) - the Commission's enforcement arm - had nearly 50 staff attorneys plus 13 supervising attorneys. Today, there are only 17 staff attorneys and 5 supervisors working to enforce an ever-expanding list of protected classes. The Commission's budget has plummeted while its responsibilities have grown. As a result, the Commission lacks the staff and resources it needs to fulfill the Council's vision of a powerful, responsive enforcement body. We are calling on you to help us save this critical institution.

The capacity strain at the Commission has a direct impact on the lives of low-income New Yorkers. The current wait time for an intake appointment is up to six months, while cases take years to be brought to court. At A Better Balance, we hear on our helpline from workers who are keen to file at the Commission, or have already done so, yet are experiencing lengthy delays in the processing and investigation of their claims. These delays create stress and economic hardship for workers, compounding the discrimination and other harms they have already experienced. Without sufficient staffing, the Commission is also unable to reliably identify and fast-track claims from workers who are currently in critical need of accommodations for their pregnancy, or who are experiencing ongoing harassment or retaliation.

A Better Balance and the low-wage workers we speak with on our helpline also depend on agencies like the Commission not only to remedy individual harms, but to rout out systemic, workplace-wide violations that impact thousands of workers. Such investigations take resources, including staff time and litigation support, to ensure that the Commission can conduct the necessary document review and interviews to uncover systemic violations of the law.

At \$14.1 million dollars, which Mayor Adams proposed reducing even further to \$13.6 million dollars in his FY2025 Preliminary Budget, the Commission's budget is infinitely small compared to the immense mission it has been tasked with. Even doubled, **the Commission's entire budget would remain less than 0.01% of the City's total budget.**

Our budget ask for FY2025 is as follows:

- 1. Secure \$3 million in new funding for the Commission's Law Enforcement Bureau**
 - This funding would restore the agency to its 2018 staffing levels by adding at least 34 attorneys, one assistant commissioner, and critical support staff
- 2. Lift hiring restrictions to allow 1-to-1 replacement for open staff positions**
 - Currently, the Commission can only hire 1 new staff member for every 2 departures, which guarantees that the agency will continue to shrink
- 3. Implement competitive salary rates**
 - Low salaries and large caseloads are unappealing; to attract and retain talent, the Commission must be allowed to hire attorneys at the Agency Attorney II and Agency Attorney III levels to compete with nonprofit legal service providers and the City's own Law Department

Without sufficient funding, the Commission cannot ensure that low-wage New Yorkers realize the rights the Council has imbued them with through its creation of the NYC Human Rights Law. We appreciate any steps you each can take towards ensuring robust funding for a strong and effective Commission.

Sincerely,



Dina Bakst
Co-President
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TESTIMONY OF:

**Alexandra Dougherty, Senior Staff Attorney and Policy Counsel
Civil Justice Practice**

BROOKLYN DEFENDER SERVICES

Presented before

**The New York City Council
Committee on Civil and Human Rights**

Preliminary Budget Hearing

March 15, 2024

My name is Alexandra Dougherty, and I am a Senior Staff Attorney and Policy Counsel of the Civil Justice Practice at Brooklyn Defender Services. I want to thank the Committee on Civil and Human Rights and Chair Williams for inviting us to testify today about the New York City Commission on Human Rights budget. Adequate funding to enforce the city's anti-discrimination laws is necessary to protect the right to stable affordable housing for all New Yorkers.

BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. BDS represents about 22,000 people each year who are accused of a crime, facing the removal of their children to the foster system, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing, and benefits advocacy, as well as immigration advice and representation.

BDS' Civil Justice Practice aims to reduce the civil collateral consequences for the people we serve who are involved with the criminal, family, or immigration legal systems. Our practice combats housing instability in a variety of ways: we defend people from eviction in housing court, provide proactive relocation assistance and benefits advocacy, and help clients navigate the shelter system. We work with clients through all stages of the struggle to secure stable



housing. Through this work we see the profound challenges New Yorkers face in securing safe, affordable, and permanent housing.

Source of Income Discrimination

BDS's Affordable Housing Specialist works with BDS clients who are experiencing housing insecurity or are unhoused and works to help them find secure and stable housing. Through this work, the largest and most pervasive obstacle our clients face is source of income discrimination.

Most people we work with in this capacity are voucher-holders. Generally, the housing search process typically starts with a voucher-holder reaching out to brokers via listings websites and private brokerage firms. Brokers then request a credit score and proof of income at least 40 times the monthly rent. Prospective tenants who respond with proof of their voucher rarely receive a response from the broker or they are told that "the landlord does not accept vouchers." Despite New York City's strong source of income discrimination protections, landlords and brokers know that enforcement is weak, and they are unlikely to be held accountable for denying housing to voucher holders.

Inadequate enforcement of the city's anti-discrimination laws has left BDS clients to routinely face source of income discrimination. One BDS client's experience with such discrimination culminated in October 2022 when she was told that an owner was not accepting any vouchers and that "you'll be speaking to a brick wall of a homeowner who absolutely has refused to accept voucher tenants." On March 24th, 2023, she reported her incident of source of income discrimination to the Commission on Human Rights. The case was not assigned to an investigator until January 8, 2024; almost a full year later. The Commission is still processing this complaint.

Vouchers such as CityFHEPS and Section 8 are billed by the city as the ticket to finding safe, affordable, and permanent housing. But vouchers themselves are meaningless if the agencies tasked with limiting discrimination by landlords and brokers are unable, due to lack of resources, to provide meaningful enforcement of these protections. Without this enforcement, our anti-discrimination laws are merely cosmetic, and our clients are unable to search for housing in any meaningful way. The Commission on Human Rights must be fully funded to enable voucher-holders to secure stable housing.

Discrimination Based on Criminal Background

For many of our clients experiencing housing insecurity, housing options are even further limited by an old arrest or conviction history. Because of long-standing racial inequities in our criminal legal system, Black and Brown people have been disproportionately impacted by housing discrimination on the basis of an arrest or conviction record. By shutting people out of the city's



limited affordable housing stock, discriminatory background checks prevent people from stabilizing their families and perpetuate cycles of homelessness.

The council's passage of Fair Chance for Housing was an important milestone to combat housing discrimination against New Yorkers with conviction and arrest histories. This is crucial because housing is the foundation of thriving communities. Access to housing lowers recidivism, allows people to support themselves and their families, and makes our city safer. By banning discriminatory background checks, the city took an important step towards guaranteeing equal access to stable housing for all New Yorkers. However, as with all our robust antidiscrimination laws, this new law is only as strong as our ability to enforce it and to educate the public on its rights and responsibilities.

The City Must Invest in Anti-Discrimination Enforcement

The Commission on Human rights, which is tasked with the city's laws that prohibit discrimination, has been systemically underfunded. It is both underfunded and understaffed compared to similar agencies in smaller cities.¹ The proposed Fiscal Year 2025 Executive Budget of \$13.6 million is drastically insufficient; it is lower even than the pre-pandemic 2019 budget. The Commission's staff has consistently decreased, leading to ballooning workloads and delays in hearing complaints. According to one investigator, the backlog of complaints began at the beginning of the COVID-19 pandemic when many staff members left. There are currently nine investigators handling all Commission complaints. Although the Commission is supposed to conduct an investigation once a complaint is filed and answered, the case backlog results in significant delays. One investigator's newest assignment is a 170-day-old complaint, and their longest investigation has been open for 668 days.

It is critical that the Commission on Human Rights receive full funding across the entire agency and be exempt from future PEGs. Funding the Commission's Law Enforcement Bureau is necessary to hire an adequate number of investigators and attorneys. But that must be in conjunction with full funding for the entire agency can function effectively. Full funding must also ensure that the Commission has resources to conduct comprehensive and ongoing community outreach and education about our anti-discrimination laws.

The Commission continues to make laudable efforts to combat discrimination in New York City but cannot be expected to meet its mandate under the proposed budget and without a meaningful increase in funding. This Council passed the city's Human Rights Law in order to provide broad and comprehensive protections for vulnerable populations, but it can only do so if the Commission is given the resources to enforce those protections. With the addition of the newly enacted Fair Chance for Housing law, the Commission's need for those resources is greater now than ever.

Conclusion

BDS is grateful to New York City Council's Civil and Human Rights Committee for hosting this important and timely hearing. Thank you for your time and consideration of our comments. We



look forward to further discussing these and other issues that impact the people and communities we serve. If you have any additional questions, please contact Alexandra Dougherty, Senior Attorney and Policy Counsel, at adougherty@bds.org.



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Testimony on the Preliminary Budget for the Committee on Civil and Human Rights

March 15, 2024

To Whom it Concerns:

My name is Molly Senack, and I am testifying today on behalf of the Center for Independence of the Disabled, New York (CIDNY) as their Education and Employment Community Organizer. This testimony is supported by Sharon McLennon Wier, Ph.D., MSEd., CRC, LMHC, Executive Director of CIDNY.

In the last year, significant efforts have been made at both the city and state levels to increase the hiring and workplace retention rates of people with disabilities. In July 2023, Governor Hochul issued Executive Order 31, which requires all New York State agencies to develop a plan to improve hiring practices and working accommodations for people with disabilities within those agencies and to submit progress reports to the Office of the Chief Disability Officer beginning six months after the Order's issuance. This order has a similar citywide equivalent enacted in January 2023-- Local Law 12-- which requires all city agencies to develop (and eventually implement) a five-year plan to ensure that each agency's workplace, programs, and services are accessible to people with disabilities. Additionally, in the summer of 2023 Mayor Adams announced an initiative to support career advancement for people with disabilities. It includes the creation of a Center for Workplace Accessibility and Inclusion and the expansion of the existing NYC: ATWORK, both of which aim to remove barriers to people with disabilities seeking employment. This initiative is happening in conjunction with an expansion of New York's 55-a and b/c programs, which allow qualified people with disabilities to be hired for civil service positions (55-a are for city positions, 55-b/c are for state positions) without having to take a qualifying exam.

These measures to improve employment rates for people with disabilities are critically important. In 2022, only 34.8% of disabled people between the ages of 16-64 were employed in the United States. In New York State, only 26.1% of that demographic were employed. Unfortunately, those numbers make it unsurprising that, according to the American Community Survey, people with disabilities in NYS are almost twice as likely as people without disabilities to live below the poverty line (30% vs 17%).

People with disabilities experience disproportionate difficulty obtaining and retaining jobs for numerous and nuanced reasons. But often it ultimately comes down to bias. Many of the practices involved in applying, hiring, and training for jobs are implicitly discriminatory. Employees who request accommodations they are legally entitled to can be met with discouragement and even hostility in the workplace, often leaving those employees with a

difficult decision: either struggle to work without necessary resources and supports or endure further marginalization. Both choices can lead to that employee leaving their job.

The NYC Commission on Human Rights (CCHR) and the Equal Employment Practices Commission (EEPC) work to protect people against discriminatory practices in employment. The creation and expansion of so many new initiatives that address barriers to employment faced by people with disabilities may result in discriminatory practices coming under much greater scrutiny.

Under Local Law 12, each city agency just released its five-year accessibility plan. As each agency begins to address its gaps in accessibility and implements a plan to significantly improve access, communication, and inclusion (as per the requirements of the Law), it is imperative that funding for CCHR and EEPC is protected, if not increased. As city agencies across NYC are forced to cut corners amid sweeping budget cuts, funding for these Commissions, which are tasked with reviewing, communicating, and enforcing anti-discrimination laws, will help ensure that making workplaces accessible and inclusive for people with disabilities remains a priority.

Thank you for your time and consideration.

Sincerely,

Molly Senack (She/Her)
Education and Employment Community Organizer
Center for Independence of the Disabled, New York
Email: msenack@cidny.org [REDACTED]



**Powering a
more equitable
New York**

New York City Council Budget and Oversight Hearings Civil and Human Rights

Testimony of Paul Keefe, VP of Legal Services, and
Stephen Dunn, Senior Staff Attorney

March 15, 2024

The Community Service Society of New York (“CSS”) strongly encourages the Council to significantly increase funding to the Law Enforcement Bureau (“LEB”) of the New York City Commission on Human Rights (“CCHR”). Over its 180 years, CSS has powered a more equitable New York with a unique combination of research, policy advocacy, and direct service work, all of which inform our call for increased funding for CCHR. We have filed cases there because is a vital resource for low-income New Yorkers and the organizations serving them to, even without a lawyer, vindicate their right to be free from discrimination and receive the best legal interpretation of their case under the City Human Rights Law (“CHRL”).

In 2015, as an attorney at CSS, I was the lead legal advocate behind the Fair Chance Act, which amended the CHRL to prohibit employers from inquiring into an applicant’s criminal history until after a conditional offer of employment and mandated a “Fair Chance Process” before someone could be denied employment based on their conviction history. I then worked at CCHR until 2022 as a supervising attorney in employment, so I am intimately familiar with how CCHR works and its unfulfilled potential. At base, the agency’s shortcomings can be solved with increased and sustained funding.

LEB attorneys should have pay parity with Law Department attorneys. Right now, an entry-level attorney at CCHR will earn \$5,000 - \$6,000 less than a legal services attorney; nearly \$9,000 less than a similar role at the City Department of Consumer and Worker Protection; and over \$12,500 less than an attorney in the Law Department.¹ For employees who could work in legal services, that differential only grows as time passes and City salaries fail to keep pace with the market.

¹ Comparing the \$69,090 salary for an Agency Attorney I with entry-level salaries at Legal Services of New York (\$74,882), Legal Aid (\$74,882), the City Department of Consumer and Worker Protection (\$78,046), and the City Law Department (\$82,500), as set forth in current job descriptions and collective bargaining agreements. Sources available upon request.

Low salaries, along with high caseloads and the City's inflexible work from home policy, has caused an exodus of talent and institutional knowledge from CCHR. As of last summer, the agency had 70% fewer staff attorneys than it did in 2017.² Today, CCHR is the second-worst funded and staffed agency in the Mayor's Management Report's "Public Safety and Access to Justice" area of City service.³ For historical context, under Mayor Dinkins, CCHR employed over 300 people and, in today's dollars, had a budget of over \$18.3 million.⁴ The City should fund CCHR at least at that level.

The Proposed FY 25 Executive Budget allocates just over \$13.5 million, however. This is not nearly enough to meet the agency's needs—and less than the pre-pandemic FY19 budget of \$13.7 million, which is one ten-thousandth (0.0001%) of the City's \$111 billion budget. Meanwhile, the City devotes almost six percent of its budget to the police department. Compared to a crime victim, does the City really value justice for a sexual harassment victim so much less? Does it so devalue a disabled person's right to access their home and public spaces? Is the ability to overcome discrimination and exit the shelter system with a housing voucher not vital to public safety?⁵ The City's budget says yes—ten thousand times less.

Despite underfunding CCHR, the City Council has amended the CHRL over 40 times and substantively expanded the agency's jurisdiction 19 times since 2015, when I began working there. Unsurprisingly, CCHR is fielding a record number of inquiries and complaints. During the last fiscal year, LEB received 12,190 inquiries, a record amount.⁶ However, that record is unlikely to stand for long. During the first four months of the current fiscal year, CCHR saw an 18

² Ishan Thakore, *Plagued by Staff Shortage, N.Y.C. Agency Fails to Make Determinations in Most Discrimination Cases* GOTHAMIST (July 6, 2023), available at gothamist.com/news/plagued-by-staff-shortage-nyc-agency-fails-to-make-determinations-in-most-discrimination-cases.

³ N.Y.C. COMPTROLLER, TITLE VACANT: ADDRESSING CRITICAL VACANCIES IN NYC GOV'T AGENCIES at 4-6 (Dec. 6, 2022), available at comptroller.nyc.gov/reports/title-vacant/.

⁴ The 1991 funding level for CCHR, adjusted for inflation, was \$18,323,468. See New York City Human Rights Law Working Group, Letter to Speaker Mark Viverito re NYCCHR budget (Mar. 17, 2017), available at nylpi.org/wp-content/uploads/2017/03/Letter-to-Speaker-Mark-Viverito-re-NYCCHR-budget.pdf.

⁵ In 2023, the City spent nearly \$500 million in housing vouchers, or 38 times CCHR's budget. N.Y.C. INDEP. BUDGET OFFICE, UNDERSTANDING THE CITY FIGHTING HOMELESSNESS & EVICTION PREVENTION SUPPLEMENT (CITYFHEPS) PROGRAM: BUDGET, USAGE, EXPANSION PROJECTIONS, AND CONCERNS at 2 (2024), available at www.ibo.nyc.ny.us/iboreports/CityFHEPS_Jan2024.pdf.

⁶ CAMILLE JOSEPH VARLACK & DANIEL STEINBERG, MAYOR'S MGMT. REPORT FISCAL 2023 at 117 (September 2023), available at www.nyc.gov/assets/operations/downloads/pdf/mmr2023/2023_mmr.pdf.

percent increase in inquiries, a 10 percent increase in matters initiated, and a 42 percent increase in complaints filed.⁷

CCHR is struggling to keep up with this heightened demand. In the first four months of this fiscal year, the number of complaints LEB closed fell another 12 percent “due in part to increased demand in other aspects of CCHR’s work, including the greater numbers of complaints filed, which necessitated more intake and filings from staff focused on complaints.”⁸

While non-attorney LEB staff handle all initial inquiries from potential complainants, LEB attorneys nearly always interview complainants before deciding to file a complaint; then the attorneys alone handle the entire case, from drafting the complaint to its resolution. Though LEB could hire and rely on more non-attorney investigators and paralegals, the only way to significantly improve case processing times is to hire more attorneys because no line attorney may work more than 35 hours per week under their collective bargaining agreement.

The demands on the Commission are only going to increase as recent legislation becomes effective. The Clean Slate Act will civilly seal the conviction records of millions of New Yorkers, and inquiring into or illegally asking about sealed records violates both the State and City Human Rights Laws. The Clean Slate Act becomes effective in November this year; two months later, the Fair Chance for Housing Act also becomes effective. Those two laws give new rights to the roughly 817,000 people with criminal records in New York City.⁹ By finally outlawing housing discrimination simply based on a criminal record, the Fair Chance for Housing Act addresses a problem at least as pervasive as discrimination against people with housing vouchers, which has a dedicated enforcement unit within LEB. That unit, which was created in 2018 but was recently expanded, has already successfully resolved 55 pre-complaint interventions in the first four months of this fiscal year, demonstrating the effectiveness of a team with dedicated resources.¹⁰ Additional specialized enforcement units can speed case processing times and win prompt resolutions.

⁷ CAMILLE JOSEPH VARLACK & DANIEL STEINBERG, PRELIMINARY MAYOR’S MGMT. REPORT JANUARY 2024 at 101, *available at* www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/2024_pmmr.pdf.

⁸ *Id.* at 101. Similarly, CCHR’s independent Office of Mediation and Conflict Resolution resolved 28 cases last fiscal year, down from 45 the previous year. MAYOR’S MGMT. REPORT FISCAL 2023, *supra* note 6 at 99.

⁹ DATA COLLABORATIVE FOR JUSTICE AT JOHN JAY COLL., CRIMINAL CONVICTIONS IN N.Y.S., 1980-2021 at 7 (May 2023), *available at* datacollaborativeforjustice.org/wp-content/uploads/2023/04/ConvictionsReport-2.pdf.

¹⁰ 2024 PRELIMINARY MAYOR’S MGMT. REPORT, *supra* note 7 at 99.

Only a multi-year commitment of increased funding will allow the agency to rebuild lost capacity and increase starting salaries to a competitive level. As suggested above, funding and staffing the agency as it was under Mayor Dinkins is a good start. The \$700,000 in FY25 to support enforcement of the Fair Chance for Housing Act suggested by the City Council's Fiscal Impact Statement would be a welcome addition.¹¹ But CCHR has a much broader jurisdiction and receives thousands more complaints than the Civilian Complaint Review Board, yet CCHR's budget is nearly \$10 million less. Its budget should match the breadth of its jurisdiction.

With strong, independent leadership and a robust, predictable budget, CCHR can effectively enforce the rights of the low-income New Yorkers CSS serves. CCHR can move faster than the court system but award the same monetary damages to complainants. It can also assess civil penalties, which go directly into the City's General Fund, and mandate policy changes and remedial actions—like reserving apartments for voucher-holders—that are difficult to achieve in court. Finally, it can issue policy guidance and make rules that can change industry practice without filing any complaints at all.

Laws are only as good as their enforcement. The Commission on Human Rights must be fully funded so New Yorkers don't simply see the Council enacting a law to prohibit discrimination; they feel the effects in their lives, so whether at work, at home, or in public, they can live free from discrimination.

¹¹ COUNCIL OF THE CITY OF N.Y., FISCAL IMPACT STATEMENT FOR PROPOSED INTRO 632-A (Dec. 19, 2023), available at legistar.council.nyc.gov/LegislationDetail.aspx?ID=5755059&GUID=1081D9A0-5626-4DE4-BB6A-142AB373A4AF&Options=ID|&Search=632-2022.



**Testimony of Jonathan Eber
Program Officer, Policy and Communications
Enterprise Community Partners, Inc.**

**To the New York City Council
Committee on Civil and Human Rights
Public Hearing on the FY 25 Executive Budget
March 15, 2024**

My name is Jonathan Eber, and I am a Program Officer on the Policy and Communications team at Enterprise Community Partners. Enterprise is a national nonprofit that exists to make a good home possible for the millions of families without one. We support community development organizations on the ground, aggregate and invest capital for impact, advance housing policy at every level of government, and build and manage communities ourselves. Since our New York office opened in 1987, we have committed more than \$4.2 billion in equity, loans and grants to create or preserve over 67,000 affordable homes across New York City. I would like to thank Chair Williams and the Committee on Civil and Human Rights for the opportunity to testify today in support of increased funding to support the critical work of the New York City Commission on Human Rights (CCHR).

Discrimination exacerbates New York City's affordable housing crisis, entrenching segregation and inequality. Source of Income (SOI) discrimination, in which a landlord refuses to rent to a prospective tenant on the basis of their lawful non-wage income, undermines New York City's critical investment in the rental assistance programs that are a pathway to housing stability for many. In 2019, Enterprise co-led a diverse coalition that successfully outlawed SOI discrimination statewide and we have been active in advocating for robust enforcement since. Despite local protections in New York City for over a decade, SOI discrimination remains pervasive, and is New York City's most common fair housing complaint type. In addition, the new 'Fair Chance for Housing Act' will expand housing protections to New Yorkers impacted by the criminal legal system beginning in 2025.

All of this speaks to the need for strong enforcement resources. We ask that CCHR be prioritized for funding in the FY 25 budget to adequately enforce these laws. Today, data shows that CCHR's Law Enforcement Bureau has 30% of the number of staff attorneys than it did in 2017. The agency saw cuts in November and January's Programs to Eliminate the Gaps (PEGs), eliminating three vacant positions. We urge the Council to allocate an additional \$3 million to the Law Enforcement Bureau this year to bring staffing levels back to where they were in 2018, a time when the agency had 48 staff attorneys as well as 13 supervising attorneys and an assistant commissioner. We also urge the Council to exempt CCHR from any future potential budget cuts or hiring freezes.

We also request that the Commission as a whole receive an additional \$1.4 million to implement the Fair Chance for Housing Act, which will begin protecting New Yorkers with criminal justice involvement against housing discrimination next year. This law will require rulemaking, enforcement and public awareness efforts to alert tenants and landlords of the new law. Combined



with our ask of \$3 million to staff up the Law Enforcement Bureau, we request a total increase of at least \$4.4 million beyond what the Executive Budget proposes in FY 25 for the Commission overall.

Thank you again for the opportunity to testify on this year's Budget about the need for adequate funding for CCHR. We look forward to working with you this year to ensure that all New Yorkers have access to fair, affordable and stable housing.



Testimony of FPWA

**Presented to:
New York City Council
Committee on Civil and Human Rights
Hearing on Mayor's Preliminary Budget for CCHR and EEP
Hon. Chair Nantasha Williams
March 15, 2024**

**Jennifer Jones Austin
Executive Director/CEO**

**Prepared By:
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We are grateful to the New York City Council Committee on Civil and Human Rights for holding this hearing on the Mayor's Preliminary Budget for CCHR (NYC Commission on Human Rights) and EEPC (Equal Employment Practices Commission) and for the opportunity to provide written comments on behalf of FPWA (Federation of Protestant Welfare Agencies) regarding the proposal.

FPWA is an anti-poverty policy and advocacy organization committed to advancing economic opportunity, justice, and upward mobility for New Yorkers with low incomes. Since 1922, FPWA has driven groundbreaking policy reforms to better serve those in need. We work to dismantle the systemic barriers that impede economic security and well-being, and we strengthen the capacity of human services agencies and faith organizations so New Yorkers with lower incomes can thrive and live with dignity.

FPWA also has a membership network of more than 170 faith and community-based organizations. We support our members by offering workshops and trainings on topics such as leadership development, organizational management, and trauma-informed approaches to service delivery. FPWA also provides a range of financial assistance grants through our member network, working to strengthen individuals and families at the ground level. These grants provide direct support to New Yorkers in the form of scholarships, financial assistance for aging adults, funding for organizations providing HIV/AIDS related services, and more.

To ensure that CCHR can Protect the Rights of New Yorker's we recommend the following:

- Replenish staffing of CCHR to pre-pandemic levels.
- Maintain new funding for Source-of-income unit secured in last year's budget - \$1.3 million.
- Add another \$3 million for the Law Enforcement Bureau to hire at least 34 attorneys and support staff.
- Exempt CCHR from the hiring freeze.
- Hire a mix of entry-level and experienced attorneys at competitive rates.

To Ensure that EEPC can Protect the Rights of New Yorkers we recommend the following:

- Allocate an additional \$800,000 to EEPC.
- Increase EEPC's investigative capacity by hiring 2 Auditors, 2 Labor Economists/Data Scientists, and an Executive Agency Counsel. (EEPC currently only has 1 auditor and 1 manager in the Audit unit)
- Fund training for EEPC's staff on equal employment opportunity implementation.

The City Budget Should Prioritize Funding that Addresses the Housing and Employment Needs of New Yorkers

This hearing comes at a critical moment, where New York city is struggling to address a series of intersecting crises and balance its budget. New York City has insufficient housing inventory due to

housing construction failing to keep up with demand, and a lack of affordable housing options. ¹ Starting in the Spring of 2022, an increased number of migrants arrived in New York City. Since then, city programs and services have struggled to mobilize and adapt to the needs of this new population, and many migrants remain in the city's shelter system. Employment issues such as occupational segregation ² continue to be a problem throughout the state.

FPWA has used our recently updated and relaunched New York City Funds Tracker³ to monitor New York City funding streams. We have also reported ⁴ on the end of COVID-19 era funding which threatens to upend the budget for human services. The city must take a measured and methodical approach to budgeting to protect the city's human services programming and workers, who are on the frontlines of addressing these issues.

Amid these struggles, the city has entered a period of austerity. In September the Adams Administration called for a 15% budget cut for FY25 and instituted a hiring freeze. The budget cuts were distributed among three scheduled Programs to Eliminate the Gap (PEGs), in November of 2023, and January and April of 2024. Each city agency was expected to cut 5% from its total budget at each PEG. The mayor suggested that the budget cuts were necessary to address shortfalls in the budget created by spending on services for migrants. The Adams Administration failed to acknowledge the expected fiscal cliff created by the ending of state and federal COVID-19 funding. ⁵ FPWA issued a statement criticizing the proposed budget cuts of \$16.5 billion. ⁶ The mayor has cancelled ⁷ the final round of cuts after receiving significant backlash, unfortunately, Mayor Adams rhetoric has already contributed to a rise in xenophobic sentiment in New York City.

With so many New Yorkers struggling, it is unlikely that they will be able to afford private attorneys or other advocates to protect their rights. This is why the city infrastructure for protecting civil and human rights through CCHR and EEPC is so essential.

The NYC Human Rights Law and CCHR are Essential to the Protection of New Yorkers Civil Rights

The New York City Human Rights law, administered by CCHR, prohibits discrimination in employment, housing, and public accommodations, and protects against discriminatory lending practices, retaliation, discriminatory harassment, and bias-based profiling by law enforcement. The Human Rights Law is an outlier and model for other jurisdictions because of its expansive view of civil and human rights, and because of the long list of protected classes recognized under this law. They include age, immigration or

¹ <https://comptroller.nyc.gov/reports/spotlight-new-york-citys-housing-supply-challenge/>

² <https://citylimits.org/2024/02/21/opinion-addressing-income-inadequacy-and-occupational-segregation-this-black-history-month/>; https://www.fpwa.org/wp-content/uploads/2023/12/NY_FPWA_BriefOne.pdf

³ <https://www.fpwa.org/nycfundstracker/#Dashboard>

⁴ https://www.fpwa.org/wp-content/uploads/2023/06/Human-Services-Funding-Tracker-Annual-Update-FY22_5.24.23-3.pdf

⁵ <https://www.fpwa.org/resource-center/in-the-news/new-fpwa-report-reveals-alarming-decline-in-federal-state-funding-for-city-agencies/>

⁶ <https://www.fpwa.org/resource-center/in-the-news/fpwa-response-to-15-budget-cuts/#:~:text=%E2%80%9CWe%20at%20FPWA%20are%20deeply,crisis%20is%20the%20reason%20why>

⁷ <https://www.fpwa.org/resource-center/in-the-news/fpwa-statement-on-mayor-adams-canceling-upcoming-city-budget-cuts/>

citizenship status, disability, gender and gender identity, national origin, race, religion/creed, sexual orientation, and more.⁸ We commend city government for routinely reviewing and expanding the list of protected classes, codifying additional protections for New Yorkers human rights into law. However, the impact of this legislation has been severely hampered by budget cuts that threaten to undermine this agency's important work.

CCHR Staffing Shortages are Exacerbating the Housing Crisis

Since 2018, the number of staff attorneys in the law enforcement unit of CCHR has been reduced from 47 to 13 as of 2023. These are the folks who are tasked with investigating claims of human rights violations and seeking redress and relief for vulnerable New Yorkers. The staffing shortages have created a backlog in the CCHR intake process forcing New Yorkers to wait to address their discrimination claims. Some claims are never fully processed or investigated.

In FY23, 42% of CCHR cases, (down from 56% in FY22), were administratively closed rather than settled, mediated, referred to the Office of Mediated Trials and Hearings, or closed due to a lack of probable cause.⁹ It's been reported that some CCHR employees believe CCHR has utilized its broad powers to administratively close cases, to decrease the backlog or improve performance data statistics.¹⁰ These allegations are disturbing. CCHR can administratively close cases without addressing the merits of the claim, for reasons such as the complainant cannot be found, the case sat idle for 180 days, or the case requires a "disproportionate investment" of agency resources. If CCHR cannot execute its mandate, then the broad human rights powers afforded to this agency will have no practical impact on New Yorkers' lives.

The staffing shortage has undermined CCHR's ability to tackle one of its priorities, source-of-income discrimination in housing. This is when lenders and brokers refuse to rent to low-income New Yorkers, because they are using housing subsidies to pay rent.¹¹ The prevalence of this discriminatory practice is not only an injustice against the individuals and families who struggle to find permanent housing due to source-of-income discrimination, but also an administrative issue for New York City, at a time when New York City's shelter system is overwhelmed.

The New York City shelter system has been struggling to transition people into permanent housing for years. A report from the NYC comptroller's office shows that from FY21 to FY22 the average shelter length of stay for an adult family increased from 773 days to 885 days, for adult families with children from 520 days to 534 days, and for single adults from 483 days to 509 days.¹² Housing subsidies are an important part of how New York City transitions folks into permanent housing. Under the current budget restraints CCHR cannot play its essential role in preventing housing discrimination for low-income New Yorkers.

⁸ <https://www.nyc.gov/site/cchr/law/the-law.page>

⁹ <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/cchr.pdf>

¹⁰ <https://gothamist.com/news/plagued-by-staff-shortage-nyc-agency-fails-to-make-determinations-in-most-discrimination-cases>

¹¹ <https://www.nytimes.com/2022/05/25/nyregion/ny-vouchers-homeless-discrimination.html>

¹² <https://comptroller.nyc.gov/wp-content/uploads/documents/MD22-105S.pdf>

Immigrant populations rely on CCHR to protect their housing rights. While the court battle surrounding the right to shelter threatens all New Yorkers' rights, the dismantling of the right to shelter is currently targeting migrants. The city is issuing eviction notices to migrants –30-day notices for single adults and 60-day notices for migrant families. We are grateful to the New York City Council for reintroducing a bill to challenge the shelter limits placed upon migrants, but today migrants are still facing eviction.¹³ A recent report from the NYC Comptroller noted that of the 4,753 adults from families with children in households whose 60-day notices had expired as of February 4th, 16% remain in the shelter where their 60-day notice was given, 29% have been transferred to other shelters, and 55% do not remain in shelters.¹⁴ Some of these migrants are finding housing, but many are ending up homeless or living in substandard conditions.¹⁵ CCHR is the city's best tool for addressing systemic discrimination which undermines these vulnerable populations from receiving housing.

CCHR Must have Sufficient Staff to Implement the Fair Chance for Housing Act

In December of 2023, New York City Council passed the Fair Chance for Housing Act which would prohibit landlords, owners, and brokers from using criminal history to exclude otherwise qualified individuals from housing with few exceptions. It's estimated that 750,000 New York City residents have criminal convictions and could be impacted by the passage of this law, which is set to take effect on January 1st of 2025.¹⁶ Once in effect, individuals whose arrest records or convictions were used to exclude them from housing can file a complaint with CCHR. This could have a transformative impact on the lives of New Yorkers with criminal histories, who have historically struggled to find housing.

Formerly incarcerated individuals are ten times more likely to be unhoused than the general population.¹⁷ When those with criminal convictions are unable to obtain stable housing, their families suffer, particularly their children. Having a parent with a criminal conviction increases the likelihood that a child will live in poverty.¹⁸ Children that grow up in poverty are far more likely to remain living in poverty throughout their lives. With continued staffing shortages, CCHR may not be able to plan and prepare for this law to take effect in January of 2025.

¹³ <https://ny1.com/nyc/all-boroughs/politics/2024/03/02/council-hears-bill-aimed-to-roll-back-migrant-shelter-limits>

¹⁴ <https://comptroller.nyc.gov/newsroom/newsletter/new-york-by-the-numbers-monthly-economic-and-fiscal-outlook-no-86-february-13th-2024/>

¹⁵ <https://gothamist.com/news/where-did-the-migrants-who-left-nycs-shelter-system-go>

¹⁶ <https://www.nytimes.com/2022/08/09/nyregion/criminal-background-checks-nyc-housing.html>

¹⁷ <https://www.prisonpolicy.org/reports/housing.html>

¹⁸ <https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/incarceration#:~:text=According%20to%20data%20from%202011,resided%20with%20at%20some%20time.&text=Children%20of%20incarcerated%20parents%20may,in%20poverty%20and%20be%20homeless.>

CCHR Plays and Important Role Addressing Employment Discrimination

Under the Clean Slate Act, signed into law this past November, New York State will seal state conviction records for misdemeanors after three years, and qualifying felonies after eight years, for individuals who have completed their sentence and have not been convicted of additional crimes.¹⁹ This law is an excellent complement to the protection for employees with arrest records or convictions codified in the Human Rights Law. The impact of protecting employees from employment discrimination based on criminal history is significant. One report found that felony convictions reduce income by about 20% and misdemeanors by about 15%.²⁰ The value and impact of this law will be measured by the effectiveness of its implementation. It is important to ensure that CCHR staff are not spread thin and can continue protecting New Yorkers against this type of discrimination. This is also a racial justice issue as Black and Brown New Yorkers have disproportionately high arrest and conviction rates, compared to their white counterparts.²¹

One of the many issues that the work of CCHR can help to alleviate, is the consequences of occupational Segregation, or segregation of labor sectors by demographic. This accounts for the barriers to entry into a particular labor sector, and the circumstances that prevent workers from thriving, and ultimately push them out of a labor sector, such as sexual harassment. Women report sexual harassment at higher rates in professions that are dominated by men such as construction, utilities, mining, and transportation and warehousing.²² Federal protections against discrimination based on race, gender, disability, and pregnancy do not adequately protect against employment discrimination, partly due to a lack of enforcement capacity.²³ This is why sufficient funding for CCHR is so essential.

Recently NYC Council passed a bill tasking the Department of Consumer and Worker Protection (DCWP), in coordination with the Mayor's Office of Immigrant Affairs (MOIA) and CCHR to craft a Workers Bill of Rights for Immigrants.²⁴ We applaud NYC Council for taking that important step of recognizing the need to advance labor protections within immigrant communities, which are often the target of exploitative labor practices, and who's lack of familiarity with U.S. policies and labor protections leave immigrants

¹⁹ <https://www.nytimes.com/2023/11/16/nyregion/clean-slate-act-ny.html>

²⁰ <https://www.brennancenter.org/our-work/analysis-opinion/new-data-poverty-and-criminal-records-new-york-state>

²¹ <https://datacollaborativeforjustice.org/work/communities/criminal-conviction-records-in-new-york-city-1980-2019/>

²² <https://csw.ucla.edu/2020/10/15/sexual-harassment-and-occupational-segregation-the-impact-of-sexual-harassment-on-women-in-the-trades/>; <https://www.americanprogress.org/article/occupational-segregation-in-america/#:~:text=In%20predominantly%20female%20roles%2C%20occupational,genders%2C%20races%2C%20and%20ethnicities.&text=Highly%20gender%2Dsegregated%20labor%20markets,the%20earnings%20of%20Black%20women.>

²³ <https://www.americanprogress.org/article/occupational-segregation-in-america/#:~:text=In%20predominantly%20female%20roles%2C%20occupational,genders%2C%20races%2C%20and%20ethnicities.&text=Highly%20gender%2Dsegregated%20labor%20markets,the%20earnings%20of%20Black%20women.>

²⁴ <https://legistar.council.nyc.gov/LegislationDetail.aspx?GUID=6CFBB7F1-1D5A-474B-878A-37484592207F&ID=5725252>

vulnerable. We caution CCHR to be weary of developing a symbolic document without any teeth behind it. CCHR, along with other city agencies, has an important role to play in protecting civil and human rights and must be sufficiently funded to do so.

EEPC Plays an Important Role in Ensuring that City Agencies Comply with Equal Employment Opportunity Law and Policy

EEPC's mandate is to ensure that the City's employment practices, including equal employment opportunity policies and programs, are properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements.²⁵ While CCHR addresses individual claims, EEPC looks at the city's systemic approach to equal employment. Given that EEPC has the power to audit city agencies, develop recommendations, and monitor compliance and implementation, this agency not only can address employment violations, but also prevent them, and save the city time and money on litigation and the costs of bringing agencies into compliance. An investment in EEPC is an upfront investment both in administrative process, and in justice. EEPC is one of the smallest agencies in New York City government, we believe that this council should allocate additional funds to ensure that EEPC can carry out its mission.

Conclusion

Thank you for the opportunity to testify. FPWA hopes you will consider our recommendations and increase funding for CCHR and EEPC to cover the cost of hiring additional employees and expanding the capacity of these agencies. Meaningful investments in anti-discrimination work are essential to ensuring that our civil and human rights laws and policies are not simply signals of the values we hope to live up to, but codifications of the standards we demand for our people. We look forward to working with you to ensure that New Yorkers and New York City agencies are empowered to protect civil and human rights.

²⁵ <https://www.nyc.gov/site/eepc/about/about.page>

GENDER EQUALITY LAW CENTER

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NYC City Council Committee on Civil & Human Rights Preliminary Budget Hearings - Public Testimony

Date of Public Hearing March 15, 2024

Testimony of the GENDER EQUALITY LAW CENTER

Introduction

My name is Allegra L. Fishel. I am the Founder and Executive Director of the Gender Equality Law Center (“GELC”), a not-for-profit law firm and advocacy center based in Brooklyn, New York. Among other work, GELC provides direct legal services to hundreds of low-income women, girls and LGBTQ + New Yorkers each year experiencing gender-based discrimination in New York city, primarily in the areas of workplace discrimination, but also in areas of housing and public accommodations. While GELC’s work focuses on gender-based discrimination, almost all of our intakes and clients also have experienced intersectional forms of bias, including on the basis of race, national origin, English language proficiency, immigration status and disability, among others.

This testimony is submitted based on my knowledge of the Commission’s operations and functions over the past 25 years, during which I have worked in New York City in both the not-for-profit sector and in a variety of private law firms as a plaintiff’s employment lawyer. I am also well-connected with many bar associations and our partner organizations in New York, as well as the private civil rights bar. I am therefore aware of the work of hundreds of other civil rights lawyers attempting to break down barriers to economic justice in this City; and therefore, knowledgeable about the status and outcomes of thousands of cases filed with the Commission in the past five years, and before.

The Current State of the City Commission on Human Rights

I sat through the testimony of the New York City Commission on Human Rights (“CCHR” or “the Commission”) before the City Council’s Civil and Human Rights Committee (“the Committee”) on March 15, 2024. For someone with no knowledge of how the Commission works, or should work, it would have appeared that the CHHR was successfully meeting its mandate. It gives me no pleasure to say this, but nothing could be further from the truth. Quite simply put, the CCHR is currently dysfunctional. It is regularly referred to by both private and non-profit advocates in New York City (sometimes referred to as the “City”) as a place where “complaints of discrimination go to die.” This does not even include the hundreds of cases that unrepresented individuals seek to file without the assistance of a lawyer; a significant number of whom miss the statute of limitation because of the delays in receiving a call back from a Commission attorney.¹

Cases currently drag on before the Commission for between four and six years if not more, and that is just to get the case to the initial finding of “probable cause.” After that, it can take another two to three years to get to a Judge before the Office of Administrative Trials and Tribunals (“OATH”), where cases are tried. Successful outcomes, after an Administrative Law Judge renders a decision, still must be reviewed, and confirmed by the Commissioner, who is currently not a lawyer. This adds an additional period of one or more years before the Complainant has a collectable judgment, bringing case times to between 7-10 years from filing to resolution.

One example of the appalling delays at the Commission is the case of two Latino male workers, represented by GELC, who were sexually assaulted at work by their male supervisor at a restaurant in New York City. The discrimination occurred in 2018 and 2019. A “Probable Cause” finding was issued in April of 2022. Almost two years later in March of 2024, this case has not been referred to a hearing before OATH. The stated reason from the Commission Staff Attorney in the Legal Enforcement Bureau (“LEB”) is that the Agency wants to attempt to settle the case before going to OATH. Of course, GELC concurs with this course of action, but in the past two years, this attorney has

¹ Notably, the statute of limitations is one year for most cases, with some exceptions.

made only one call to the lawyer representing the Respondent restaurant to see if the case could be settled. The attorney for the Respondent has apparently not responded to the CCHR and the LEB attorney has not pursued his response. There is little incentive for him or his client to do so when no dates have been set for an administrative law hearing. This is an absurd and unfathomable delay in prosecuting our clients' cases. If it is based on the lack of staff to move this case to OATH no one has told us. We simply do not hear back from the LEB attorney, notwithstanding inquiries made regularly to the Commission. GELC's clients have become despondent while waiting due to the lack of any predictability in the outcomes of their case. One has been forced to move his family out of the City because his lost earnings, after being fired when he complained to his former employer, forced his family into a period of poverty and he can no longer afford to live in New York City.

The passage of time in prosecuting cases never benefits Complainants. When an individual loses their job or housing, they cannot wait for relief for years and years. Many of GELC's clients, as well as those represented by our partner organizations fall into dire economic situations when redress for discrimination or justice is delayed for five six, seven years or often longer. Some become so despondent that they can no longer function, suffer emotional breakdowns, become homeless and live without shelter. Many are forced to move out of the City because they can no longer afford to live here.

In addition, waiting years to have a case adjudicated is an enormous advantage for Respondents; that is employers, landlords, schools and public benefit organizations. Evidence can easily be lost during such long wait times. Witnesses to the discrimination disappear. Documents are lost or destroyed. Respondents go out of business. All of these outcomes result in the Complainant being denied justice and redress.

Finally, unfathomable delays undermine the very purpose of the CCHR a City-funded agency which was created to help ensure that New York City would remain a place where a widely diverse population can work and live together. These delays signal to employers, landlords, schools, and other institutions that they have a free pass to discriminate against workers, tenants, students, and others. This outcome does not help to promote a diverse City which pays attention to redressing historical inequities against women, LGBTQ + individuals, persons of color and individuals with disabilities.

Many Complainants Do Not Have Options to File Complainants of Discrimination in Other Forums

The Commission provides the broadest avenue of relief for victims of discrimination in New York City because the law covers so many areas of daily life and is, at least on paper, the most accessible to file for *pro se* individuals, i.e. those without attorneys, to represent them. Filing with other anti-discrimination agencies such as the U.S. Equal Employment Opportunity Commission (“EEOC”) or the New York State Human Rights Division, offer less coverage, under existing laws and higher legal standards to meet to prove discrimination. For instance, complainants can only file workplace discrimination claims with the EEOC if their employer had 15 or more employees. By comparison, the NYCHRL covers claims against employers with four or more employees. In the case of domestic workers, the law provides redress against employers with only one employee. There is no individual cause of action against individual wrong-doers and there are many less causes of action under federal law than under the NYCHRL.

While victims of discrimination can file under the NYCHRL in federal and state court, *pro se*, or unrepresented, claimants rarely can do so, even if assisted at the filing stage by *pro se* law clerks. This is true because such filings are complicated and usually cannot be prosecuted without a lawyer. Low-income individuals generally cannot find lawyers to represent them outside of a hand full of organizations such as GELC, a few other not for profits in the City and some divisions of government-funded legal services agencies here in New York.² These same individuals rarely can find private representation because they cannot afford to pay hourly legal fees, and it is difficult to impossible to find private lawyers who will take contingency cases unless the outcome generates a significantly high amount of damages so as to generate a correspondingly high fee for the lawyer. This is often not the case for individuals who earn minimum wage.

² Most government-funded legal services agencies such as the Legal Aid Society and NYC Legal Services have tiny units devoted to handling discrimination claims because most work on the civil side is by necessity focused on representing tenants in housing eviction cases, unemployment insurance hearings and applications for benefits such as housing vouchers, EBT applications and other social services subsidies.

The CCHR Has Been Decimated by Lack of Funding, Failure to Replace Exiting Staff, Increased Jurisdictional Demands and Lack of Leadership Among Other Problems

The Commission has been decimated over the past few years by a variety of known factors, including: (1) An exodus of highly talented attorneys and professional staff since the end of the DeBlasio administration; (2) Attorney vacancies that cannot be filled because hiring lines are frozen; (3) a growing number of amendments to the New York City Human Rights Laws, meaning more areas of coverage for the Commission and more work; (4) a perception by practicing attorneys in New York City that the Agency does not train its investigators effectively; and a resulting apathy which currently exists among Attorney investigators in the LEB; and (5) The persistent insistence of the Agency to keep only one Mediator on staff (this predates the current administration).

(1) Exodus of Talented Legal Staff from the Commission

While GELC is not privy to the internal politics of the Commission, it is keenly Aware, as are our partner organizations and the private bar in New York City, that at least a dozen, but probably more, talented lawyers, several at the highest levels of the CCHR have left the Commission in the past three years. While the Mayor retains the prerogative to appoint whoever he wants to head the CCHR, Mayor Adams appointment of a non-lawyer to head an Agency whose main mandate is to educate and enforce the laws under the NYCHR seems misguided. Other talented attorneys have left the Commission since the new Administration came into effect who are not political appointments. Upon information and belief, this exodus of talented lawyers, over the past three years and continuing to this day has been caused by plummeting morale. While GELC cannot comment on the quality or background of the current attorneys, we have to wonder why this mass exodus from the Commission of professional staff has occurred.

(2) Attorney Vacancies That Cannot be Filled Because Lines of Hire Are Frozen

As LEB attorneys and other professional staff left the Commission after Mayor Adams was elected, positions have not been re-filled. Staff levels are down from approximately 65 attorneys in 2018, to currently 25 or less. Yet, at the March 15, 2024 hearing, the Commission representatives maintained that the Agency's operations were

“robust.” I can tell you from having seen what the Commission is capable of doing over the past twenty-five years, and from having represented, consulted with and/or discussed with other lawyers their cases filed at the Commission – totaling probably over 1,000 -- that its processes and operations are far from “robust,” and in fact at an all-time low in terms of both productivity and functionality. In fact, the CCHR’s lack of ability to even put a dent in the number of cases filed has so discouraged complainants that the intake of cases has dropped 50% since 2018.

Notwithstanding the exodus of many talented LEB lawyers and professional staff, “Lines” for rehiring have been frozen by the City. While the Commissioner and her deputies at the March 15, 2024 hearing spoke about having trouble attracting candidates because of lower salaries, in fact, few positions have been authorized by the City to be filled, regardless of what salary was offered.

(3) Growing Number of Responsibilities of the Commission

While the LEB attorney staff is down 60% since 2018, new amendments which have been enacted over the past six years has increased several areas of protection for New Yorkers and added more work to the Commission’s responsibilities. Some of these new amendments include protecting New Yorkers against criminal record discrimination, height and weight discrimination and source of income discrimination. New amendments to the NYCHR also include salary transparency laws, expanded protections for domestic workers, the expansion of the scope of actionable claims for domestic violence survivors, increased age discrimination oversight and trainings and more. These additional areas which the Commission is mandated to investigate and prosecute have considerably increased the amount of work they are tasked to do handle. There is absolutely no way the Commission as it stands today with its current LEB staffing levels can be fully functional and operational in any meaningful fashion which would create accountability to the public.

(4) Perception That There is a Failure of Leadership in Training

While GELC has no personal knowledge about the skills or capabilities of the Commissioner and her Deputy Commissioners, GELC does believe that the effectiveness of the LEB Attorney Investigators is dictated by the sense of mission held by any Commissioner and their Deputy Commissioners and how that sense of mission translates

to whom they appoint to effectively oversee of the work of the LEB investigators. Recent conversations, with current LEB attorneys in the course of their investigations of cases filed by GELC demonstrate a lack of training and accountability. When investigating attorneys in the LEB do not seem to know the law, are confused about the process in handling cases and never return calls. It is therefore hard not to have concerns about leadership at the Agency and meaningful oversight of the LEB.

(5) Persistent Insistence by the CCHR to Keep Only One Mediator on Staff

The Commission currently has a voluntary mediation process. Voluntary mediation whereby both a Complainant and a Respondent are brought together to attempt to settle a discrimination claim is one way that a Complainant does not have to wait 5-8 years for some type of resolution. Early intervention usually provides compensation to a Complainant and an ending to their case. While the Complainant may get less money than if they waited nearly a decade to pursue their claim through an administrative law hearing and then through to the decision of the Commissioner, they can obtain compensation and move on from these cases. As an added benefit mediation at the Commission means that a Respondent has to agree to comply with non-monetary measures that will help ensure that future workers, students and/or tenants, to name a few, are protected from discrimination in those institutions. Such injunctive relief includes enhanced trainings and other commitments on behalf of the Respondent.

For the past ten years or so, the Commission has had only one Mediator. This means that fewer cases can be mediated, and even those selected for mediation still are on a waiting list for between nine months to a year. Although GELC and other organizations have testified before the City Council for years about adding more mediators, the CCHR, even during the DeBlasio Administration, refused to even request added funding and designated lines to hire one or more additional mediators. This decision has absolutely no cost-benefit associated with it and is harmful to low-income New Yorkers who experience discrimination and seek economic justice. Still further, and perhaps more troubling, it does not appear that the Agency wants to add additional mediators. Nothing could be more counterproductive in seeking to grant relief to individuals targeted by discrimination. Moreover, the number of cases a mediator can handle each year (which usually involves a one-day mediation) is considerably greater

than a staff attorney preparing for and taking a case to OATH for a multiple day trial. Refusing to add additional mediators makes absolutely no economic sense and does little to help alleviate the years long backlog of cases handled at the Commission.

Proposed Recommendations to the City Council

New York City is the largest city in the United States, with over eight million residents. Over 4.5 million adults (and we are sure more if youth are added to this number) work in New York City. If we are to be a truly diverse city, we need to have a working, accountable and fully staffed Commission, at least at 2018 levels, but that is a bare minimum. The cost of this is hard to predict, but the math can be done if the lines for another 40 attorneys are allocated. In addition to attorneys, the Agency should also add several other lines for additional mediators who can intervene early and by doing so potentially redress the discrimination faced by New Yorkers who have filed claims with the Agency before their lives are totally destroyed by years long waits for justice.

GELC also believes that after years of dysfunction and fluctuating staffing, the time has come to create an independent taskforce to review the operations and functions of the Commission. It is not enough to simply have *ad hoc* groups of advocates testify about the functions of the Agency at annual budget committee hearings. It is certainly not enough for the Commission to testify at length before this Committee that they are meeting their mandate, when the facts show that is demonstrably untrue. Such a taskforce would spend the necessary period of time to study the CCHR's mandates, operations, and outcomes and ultimately to make an appropriate, thoughtful, and realistic recommendation as to how much money the City should appropriate for funding so that the Commission can operate with true functionality and accountability . It is only by having a true internal review of the functionality of this Agency that the City Council can recommend and/or authorize the right amount of additional funding to enable the Commission to fulfill its mandate. Without such a review, any money requested by advocates will create only a band aid over an ongoing gaping wound; that is the decimation of the Commission in fulfilling its true purpose.

While most advocates in New York City would seek spending be increased so as to get back to 2018 staffing levels, even then the Commission was incredibly backlogged. It is imperative that New York City look at the functionality of the Commission and come up with a proposed way to fix this flagging Agency so that it can make a difference in the lives of New Yorkers.

Finally, GELC suggests that the Committee convene a group of civil rights advocates to help guide the inquiry of an independent taskforce. GELC's proposal would include the creation of this so-called Advisory Committee in order that advocates who have decades of experience before the Commission or who have actually worked at the Commission, could provide input into the scope of inquiry conducted by any independent taskforce. To make this process fully balanced, we would suggest that employer and housing representatives as well as a range of other representatives of the community also be part of this advisory committee. I know that GELC would be willing to participate in this Committee on a *pro bono* basis and I believe other advocates would as well. I would be happy to speak with the Committee further about this proposal.

Such an Advisory Committee and then independent task force could best report back to the Committee and the City Council with how to best use the current money allocated to the Commission, as well as recommend what amount of money is truly needed to have the Commission become the Agency the City designated to make a difference in the lives in Nes Yorker by preventing discrimination in the lives of New Yorkers.

Thank you for the opportunity to testify in person on March 15, 2024 and to be able to present this written testimony to the Commission.

Dated: March 18, 2024

Respectfully submitted to the Committee,
GENDER EQUALITY LAW CENTER

By: Allegra Fishel
Allegra L. Fishel



**New York City Council
Preliminary Budget Hearings - Public Testimony**

**Testimony of New York City Human Rights Law Working Group
March 15, 2024**

Thank you for the opportunity to present this testimony. We are a coalition of advocates who fight for New Yorkers who have been discriminated against in housing, employment, public accommodation, and credit. We are lawyers, paralegals, organizers, and other advocates. We work at non-profits, at public interest law firms, and in the private sector. We write because the New York City Human Rights Commission, a critical partner in our work, is in freefall and needs your help to protect New Yorkers from discrimination. What unifies the Coalition is our belief that a well-funded Commission is essential to the flourishing of New York City and to the safety, well-being, and success of all New Yorkers.

We submit this testimony to raise our concern about the crisis at the Commission and to implore the City to take immediate action to increase its funding and staffing. Without adequate funding and staffing, thousands of New Yorkers - disproportionately low-income people of color – who have been discriminated against will go without justice.

The City Commission is an indispensable partner for New York's most vulnerable residents seeking to enforce their rights. For low-income New Yorkers the Commission is likely the only way to protect their rights. Accessing the courts, without the assistance of counsel, is not viable for many low-income New Yorkers. This is because court procedures are complex; litigation can be expensive and

involve multiple appearances requiring low-income New Yorkers to miss work they cannot afford to forego; and language access can be a barrier. Often private attorneys will not take the cases of low-income New Yorkers who cannot afford to pay an hourly rate or retainer. Non-profits used to file regularly in the Commission because it allowed us to help more people. Today, we do not feel comfortable filing in the Commission or referring *pro se* individuals there because the waits are too long, and the outcomes are poor. This leaves New York's most vulnerable residents without an avenue to protect their rights and disproportionately impacts people of color.

The Commission is a unique body in the City, entrusted with the authority and charged with the duty of “thoroughly” investigating allegations of discrimination and, to the best of its ability, “eliminate and prevent” discrimination in New York.¹ The Commission's budget has plummeted while its responsibilities have grown. In nearly every year in the past decade, the City Council has added to the Laws the Commission is charged with enforcing in some way. Since 2013, the City Council has passed more than 40 separate amendments to the laws.²

Staffing Crisis at the Commission

In 2018, the LEB had 47 staff attorneys. In the summer of 2023, that fell to only 9 staff attorneys. **Today, the Commission has less than 1/3 of the staff attorneys it had in 2018 – it has 17 staff attorneys in the LEB serving the entire City today and enforcing the strongest human rights law in the country.** Support and managerial staff suffered similar reductions in personnel. Because limited staff means limited intake appointments, the number of complaints filed at the commission dropped substantially over this same period. In FY2018 just over 800

¹ N.Y.C. Admin Code § 8-109(g).

² See *Amendments to NYC Human Rights Law*
<https://www.nyc.gov/site/cchr/law/amendments.page#:~:text=A%20Local%20Law%20to%20amend,%2C%20housing%2C%20and%20public%20accommodations.>

complaints were filed at the Commission.³ In FY2023 just 340 complaints were filed for all of New York City – **a 42% reduction of its prior performance.**⁴ Damages collected by the Commission have dropped from over \$8 million to \$4.6 million in two years. On average, *pro se* callers wait **6 months to get an intake appointment** to speak with an agency attorney. During this time, their statute of limitations for their claims may run out and their situation remains unaddressed.

The Case of Mr. J., a disabled New Yorker who has experienced source of income discrimination in his search for housing, is emblematic of the problem. After Mr. J. was mocked by a broker who said, “Why would I accept someone with a program when there’s qualified people with actual employment... you people are hilarious!” Brooklyn Legal Services helped him file a complaint with the Commission in 2016. After investigating his complaint for four years, in 2020 the Commission found probable cause that he had been discriminated against. However, after two more years of inaction, the Commission administratively closed the case without explanation, even after another complaint was filed against the same broker—sending the clear message that there are no consequences for those who commit source of income discrimination. BLS appealed the closure, and in October 2023 it was reopened; since then, however, the Commission has taken no further steps to hold the repeat violator accountable. Mr. J. is just one of thousands of New Yorkers whom the Commission has failed due to grossly inadequate staff and funding.

The Commission cannot eliminate and prevent discrimination when understaffing is so acute that it closes rather than resolves cases like Mr. J’s with a repeat offender and after years of inaction. **The Commission is in crisis.**

Increase the Commission’s Budget, Unfreeze Hiring, and Allow the Commission to Hire Experienced Staff Attorneys

³ https://www.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf.

⁴ <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/cchr.pdf>.

The Commission's budget must be expanded from \$13,652,383, in the current Mayor's Preliminary budget proposal, to at least \$18,000,000. This would bring LEB staff back to pre-pandemic levels and provide the funds necessary to enforce the Fair Chance For Housing Act from Jan. 1, 2025 when it takes effect.

What would be a significant budget increase for the Commission is an insignificant rounding error for the City. Without a course correction, the Commission cannot recover. But even doubled, **the Commission's entire budget would remain less than 0.01% of the City's total budget.** The Commission is a critical law enforcement body for protecting the rights of New Yorkers who are disproportionately people of color, yet it is funded at just 2.5% of what the City contributes to the District Attorneys' offices.⁵

Further, the City must lift hiring restrictions so that the Commission is no longer subject to a two-to-one hiring replacement rule by which it can only hire one person for every two departures. This policy is responsible for accelerating the crisis facing the Commission since the remaining staff are forced to take on more work with no relief and at uncompetitive salaries. This citywide budget measure has a disproportionate impact on the Commission because it is so small. With less than twenty LEB staff attorneys, four departures could reduce the LEB unit by ten percent while saving the City virtually no money. The Commission must be exempt from this policy. It must be encouraged to promptly replace any departing staff members.

The Commission must be permitted to hire at the Agency II and III attorney to attract the best talent. The Commission will not be able to rebuild if it offers its employees jobs promising low salaries and large caseloads.

For low-income, vulnerable New Yorkers - disproportionately people of color - delay in resolving an employment matter can quickly spiral, impacting housing and creating additional and avoidable pressures on the City's shelter system.

⁵ See https://www.checkbooknyc.com/spending_landing/yeartype/B/year/125 reporting that collectively the City spends \$312 million to fund the five District Attorneys' offices and just \$7.52 million on CCHR.

Delay in resolving a source of income discrimination case can similarly lead to further pressure on the shelter system.

Maria, a transgender former-undocumented worker from Mexico, tried to find a job where she could be herself. She faced obstacles in different industries: in construction she was told that she could not use make-up at the beginning of the day because her foreman thought she looked ridiculous, and as a kitchen worker she was taunted with uncomfortable questions and comments about her gender identity. With help from her advocates, Maria filed both cases at the Commission almost a year and a half ago and little has happened since then. The loss of income and the emotional distress has led Maria to lose her housing and end up in the City's shelter system. Had the Commission intervened promptly, reaching out to her employer and advising them of the law, she might not have lost her job and her home. She might not have ended up in the shelter system. Maria is now documented but has had a hard time finding employment where she can be herself. The Commission's delay in resolving this matter promptly, depleted her hopes that she could be the person she dreamed of becoming when immigrating to New York City.

Far from fulfilling its mandate to protect low-income New Yorkers who cannot afford or cannot identify private attorneys willing to take their cases, today's Commission is barely able to function. **This is a moment of urgency.** Without intervention the situation will deteriorate still further. Today's underfunded and understaffed Commission is not positioned to meet the needs of New Yorkers when the Fair Chance For Housing Act takes effect in less than a year.⁶ It is not positioned to meet the needs of the undocumented New Yorkers who - with a federal election looming - may reasonably fear the repercussions of filing discrimination complaints with a federal agency or in court. The Commission is failing New Yorkers and must be rescued.

⁶ The law goes into effect on Jan 1, 2025.

Reinvigorating the Commission and building up its staff will take time. Today cases linger - sometimes for years - without resolution. They are passed from one staff attorney to the next as staff leaves. We ask you to act to stop the revolving door at the Commission and provide New Yorkers with a partner in ensuring they receive the protections under the law.

We thank the Council for its consideration of this testimony. For more information or to address concerns, please feel free to contact me at rcook-mack@legal-aid.org or (212)298-5311 on behalf of:

Community Service Society of New York

Enterprise Community Partners

Fair Housing Justice Center, Inc.

Housing Works, Inc.

The Legal Aid Society

Make the Road New York

NELA/NY

New York City Anti-Violence Project

NYLAG

NYLPI

Take Root Justice

Unlock NYC



**NYC City Council Committee on Civil & Human Rights
Preliminary Budget Hearings - Public Testimony**

**Testimony of Cristobal Gutierrez, Lead Attorney,
Workplace and TGNCIQ Justice Projects
Make the Road New York**

March 15, 2024

My name is Cristobal Gutierrez and I am a Lead Attorney for the Workplace Justice and Trans, Gender non-conforming, Intersex and Queer (TGNCIQ) Justice Projects at Make the Road New York ("MRNY"). MRNY is pleased to submit this testimony to the New York City Council Committee on Civil & Human Rights on the urgent need for the City to sufficiently fund the New York City Commission of Human Rights ("Commission") so that it may enforce the law against discriminatory actors.

MRNY is a non-profit community-based membership organization with over 25,000 low-income members dedicated to building the power of immigrant and working-class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services, including legal services for workplace justice, immigration, and housing issues. MRNY's five community centers, including centers in the New York City neighborhoods of Jackson Heights, Bushwick, and Port Richmond, provide a broad array of support to thousands of New Yorkers every year. Our workplace justice legal team represents hundreds of workers each year in cases to enforce their workplace rights and provides community rights education that reaches thousands more. We are part of the Human Rights Law Working Group and are here representing our common interests.

The NYC Human Rights Law (the "Law") is among the strongest in the country, reflecting our city's culture of tolerance and equity, and the Commission is charged with enforcing that law to protect the rights of the most vulnerable New Yorkers. New Yorkers continue to demonstrate

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their dedication to the spirit and expansion of this law as is demonstrated by the more than 40 separate amendments made by the New York City Council since 2013.¹

Despite the people's strong will to expand protections under the Law, the City has left the Commission in crisis. Funding has been slashed and staff headcounts have dwindled since the pandemic. In 2018, the Law Enforcement Bureau (LEB) - the Commission's enforcement arm - had nearly 50 staff attorneys plus 13 supervising attorneys. Today, there are only 17 staff attorneys and 5 supervisors working to enforce an ever-expanding list of protected classes including but not limited to immigration status, religion, national origin, source of income, criminal background, and pregnancy. The Commission's budget has plummeted while its responsibilities have grown, and today, it is unable to operate and fulfill its mission. We are calling on you to help us save this critical institution.

The capacity strain at the Commission has a direct impact on the lives of New Yorkers of color and of low-income. The current wait time for an intake appointment is up to six months, while cases take years to be adjudicated.

Our community, composed mainly of low-wage immigrants, many of whom are undocumented, depend on having a strong Commission. As a workers' rights attorney at MRNY for almost nine years, I have seen firsthand how frightening it is for undocumented immigrants to report discrimination, like sexual harassment. Immigrants are less likely to know their rights and the enforceability of those rights. And because of the disproportionate exploitation of undocumented workers, often they incorrectly believe they are not entitled to the same protections as other New Yorkers. This Law is pivotal to addressing the disproportionate exploitation of immigrant workers because it is one of few jurisdictions that acknowledges perceived immigration status as a protected category.

Immigrant workers who stand up against dangerous and illegal conduct by their employers such as sexual harassment, or relentless threats about how their immigration status makes them disposable, are courageous. Many immigrant workers face retaliation by their employers attempting to have them detained or deported when they seek some dignity in their workplace and report violations. Other protected traits can exacerbate an immigrant worker's vulnerability

¹ See *Amendments to NYC Human Rights Law*, New York City Human Rights Commission, <https://www.nyc.gov/site/cchr/law/amendments.page#:~:text=A%20Local%20Law%20to%20amend,%2C%20housing%2C%20and%20public%20accommodations> (last visited Nov. 28, 2023).

in the workplace. Undocumented women are at a higher risk for sexual harassment because of their vulnerability to deportation.² This vulnerability only increases if they are transgender.³

Cecilia, an immigrant woman from Central America, started working at a spa in Queens. She was excited when she was hired as a manicurist. That excitement faded when she found out that she was not only expected to give massages but also expected to perform sexual "favors" for the clientele. Stating that he was providing her training on how to give massages, her employer assaulted her.

Though Cecilia wanted to escape, her employer and his wife threatened to tell her husband about her work and what had happened. Cecilia bowed her head and continued to work at the salon. Not only did she continue to have to face her attacker on a regular basis, but because of her immigration status, her employer paid her only \$70 a day to perform the services, while her co-workers earned a commission. The employer also forced her to take on more clients than the rest of her co-workers, which made her a target for them. Ultimately, this toxic work experience ended with additional violence when her co-worker began throwing jars and vases at her "for stealing all the clients." One of the vases hit Cecilia and she was kicked to the ground.

We filed Cecilia's charges of discrimination at the Commission in 2022, and other than receiving the employer's answer and Cecilia's rebuttal, the Commission has been unable to move forward on this case.

At MRNY, we see dozens of cases at the Commission in a predicament like Cecilia's. Cases where the employer has inflicted so much pain on our clients and does not face accountability. Our clients and members need a forum that is survivor-centric and takes into account trauma and our clients' vulnerability. In 2018, the Commission was such a place, with a robust and well-trained staff. Unfortunately, the Commission is no longer an effective forum for New Yorkers who experience discrimination.

New York City needs a robust, effective, and well-funded Commission to protect its workers, tenants, and consumers. New Yorkers' will to protect its own residents is more pressing now, as we fear that changes at the federal level may result in unjust prosecution of New York's most vulnerable populations, like Cecilia. We urge you to not allow this to happen.

² See Marin, L. et al. Workplace Sexual Harassment and Vulnerabilities among Low-Wage Hispanic Women, Centers for Disease Control and Prevention (March 14, 2023).

https://stacks.cdc.gov/view/cdc/128469/cdc_128469_DS1.pdf

³ Rabelo, V. C., & Cortina, L. M. (2014). Two sides of the same coin: Gender harassment and heterosexist harassment in LGBTQ work lives. Law and Human Behavior (March 14, 2023)

https://www.researchgate.net/publication/263205758_Two_Sides_of_the_Same_Coin_Gender_Harassment_and_Heterosexist_Harassment_in_LGBTQ_Work_Lives

Mayor Adams' FY 2024 Preliminary Budget not only fails to increase the current budget for the Commission but rather proposes to further reduce the budget by half a million dollars to \$13.6 million. The Commission's budget is infinitely small compared to the immense mission it has been tasked with by New Yorkers. Despite the Commission's herculean mandate to address discrimination in our City, were the Commission's budget to double **it still would not even constitute 0.01% of the City's total budget.**

Our budget ask for FY2025 is as follows:

- **Secure \$3 million in new funding for the Commission's Law Enforcement Bureau**
 - This funding would increase capacity at the LEB to mirror staffing levels in 2018, which requires adding at least 34 attorneys, one assistant commissioner, as well as support staff;
- **Lift hiring restrictions and create new positions that allow the Commission a one-to-one replacement for any staff turnover**
 - Currently, the Commission can only hire 1 staff member for every 2 vacancies, which hinders its ability to quickly staff up to match the urgency in rehabilitating the agency;
- **Implement competitive salary rates**
 - Low salaries and large caseloads are unappealing; to attract and retain expertise, the Commission must be allowed to raise salaries to remain competitive.

Without a functioning Commission, immigrant New Yorkers, particularly the undocumented, will continue to face discrimination and employers and other covered actors will not be held accountable. A weakened agency will be unable to protect workers like Cecilia and vitiate the power that New Yorkers have time and again authorized the Commission to exercise in addressing discrimination.

Thank you.

Cristobal Gutierrez

Lead Attorney- Workplace Project and TGNCIQ Justice Project

Make The Road New York

New York City Council Committee on Civil and Human Rights Preliminary Budget Hearing

**Testimony by Neighbors Together
Written by Amy Blumsack, Director of Organizing & Policy**

March 15, 2024

Neighbors Together would like to thank the Chair of the New York City Council Committee on Civil and Human Rights, Council Member Williams, as well as the other council members on the committee for the opportunity to submit testimony.

About Neighbors Together

Neighbors Together is a community based organization located in central Brooklyn. Our organization provides hot meals five days per week in our Community Café, offers a range of one-on-one stabilizing services in our Empowerment Program, and engages members in community organizing, policy advocacy and leadership development in our Community Action Program. We serve approximately 100,000 meals to over 12,000 individuals per year. Over the past year alone, we have seen a 63% increase in the number of meals we are serving, and we see new people on the line every day.

Our members come to us from across the five boroughs of New York City, with the majority living in central Brooklyn. Nearly 60% of our members are homeless or unstably housed, with a significant number staying in shelters, doubled-up with relatives or friends, and living on the street. Approximately 40% of our members rent apartments or rooms in privately owned homes, or live in rent stabilized units.

Over the last five to ten years, our members increasingly report that homelessness and lack of affordable housing options are their primary concern. Our data backs the anecdotal evidence we see and hear from our members daily: an increasing number of our members are either living in shelter with vouchers for years at a time, ineligible for a voucher, or unable to find permanent housing due to rampant source of income discrimination and a vacancy rate of under 1% for affordable housing units in New York City.¹

¹<https://www.nyc.gov/site/hpd/news/007-24/new-york-city-s-vacancy-rate-reaches-historic-low-1-4-percent-demanding-urgent-action-new#/0>

Our Work with Voucher Holders

Neighbors Together has been organizing voucher holders since 2018. We conduct Know Your Rights trainings on how to identify and report source of income (SOI) discrimination, and Housing Search Workshops where voucher holders get additional support in their housing search and assistance on filing source of income discrimination complaints to the City Commission on Human Rights (CCHR) when needed. We work closely with CCHR to ensure that source of income discrimination reports are effective and have the best possible outcomes for our members. We also partner with CCHR on their restorative justice set-aside program² to ensure that set-aside units obtained through settlements are most likely to go to people in need as efficiently and effectively as possible. Additionally, in partnership with Unlock NYC, we built and launched the Stop Source of Income Discrimination (SID) NYC website,³ which provides information about source of income discrimination and how to report it as well as a mechanism for reporting via the website.

We work closely with Unlock NYC⁴ to improve New Yorkers' ability to utilize their vouchers. Starting in 2019 our members worked with the Unlock team to design and test an online tool to help voucher holders easily report source of income discrimination. The tool has enabled hundreds of our members to quickly and easily gather evidence and report source of discrimination to CCHR. In our partnership with Unlock NYC, we have released multiple reports on source of income discrimination and voucher efficacy, including "An Illusion of Choice," the SOI mapping tool, the "Serial Discriminators List"⁵, as well as ongoing budget advocacy to ensure CCHR is adequately funded to enforce against SOI discrimination.

After over a year of collecting data through the Stop SID NYC website, running know your rights trainings and conducting housing searches for people with vouchers, Neighbors Together built a grassroots organizing campaign of directly impacted people who had voucher shopping letters but couldn't find housing. The **VALUE in Housing (Voucher Advocates Lifting Up Equity in Housing)** campaign created a platform of 5 policy reforms aimed at making vouchers effective tools for accessing permanent affordable housing. Since launching in 2019, the VALUE in Housing campaign has won a significant portion of its platform, including:

- Ensuring that CityFHEPS voucher holders receive know-your-rights information about SOI discrimination upon receipt of their shopping letter
- Increasing the size of the source of income unit at CCHR

²<https://gothamist.com/news/nyc-requiring-landlords-set-aside-apartments-voucher-tenants-under-new-approach-enforcing-human-rights-law>

³ <https://www.stopsidnyc.com/>

⁴ <https://weunlock.nyc/>

⁵ <https://weunlock.nyc/data/>

- Increasing the payment standard of CityFHEPS to fair market rent
- Improving income requirements for CityFHEPS vouchers so that recipients can increase their income until they are financially self-sufficient without fear of losing their voucher.⁶

Importance of the City Commission on Human Rights (CCHR)

From early in our work with voucher holders, the City Commission on Human Rights has been one of our most important resources for getting our members housed. Rampant source of income discrimination is a nearly universal experience for voucher holders; the majority of our members with rental assistance vouchers have searched for housing for months and come up empty handed because they experience SOI discrimination with nearly every call.

The Commission on Human Rights is the only city agency that enforces against discrimination on behalf of the individual who was discriminated against. Other agencies can bring litigation against discriminators, but the penalties don't go to the person who experienced the discrimination. CCHR is the primary means by which voucher holders can receive restitution. This restitution can take different forms; monetary compensation for damages, access to view an apartment or access to an application, or an apartment itself.

One of the practices of the Commission that has been most beneficial for our members is the pre-complaint intervention (PCI). If a voucher holder submits a complaint of SOI discrimination and there is enough evidence to support that claim, then the SOI Unit will intervene by reaching out to the landlord or broker to inform them about SOI discrimination and the city's human rights laws. This is often enough to make the landlord or broker reconsider, and our members often get housed as a result. PCI's are one of the fastest ways our members can secure housing with their voucher.

Another important tool that CCHR uses to help voucher holders secure housing after being discriminated against is their set-aside program. When negotiating settlements with landlords who discriminated against voucher holders, the Commission frequently negotiates for set aside units that will be held explicitly for voucher holders.

Litigation is another important tool, and when CCHR is adequately staffed, it has the capacity to pursue litigation on behalf of voucher holders, as well as impact litigation. That said, members of Neighbors Together almost always want to focus on securing safe and stable housing before they pursue litigation. For many, the stability of housing

⁶ <https://www.stopsidnyc.com/get-involved>

gives them the mental and emotional bandwidth to consider or follow through on bringing litigation against a discriminating party.

When adequately staffed, the SOI Unit at CCHR is a life raft for voucher holders who are drowning in the unforgiving and inequitable sea of New York City housing. For that reason, **it is critical that the FY25 budget maintains the additional \$1.3 million dollars allocated to the SOI Unit in FY24.** The allocation of additional funding to combat SOI was hard won after many years of advocacy by members of Neighbors Together, other impacted individuals, and organizing and advocacy groups.

Ongoing Funding Challenges at CCHR

Discrimination doesn't happen in silos - it is intersectional, and occurs in many different forms. SOI discrimination often overlaps with, or is a stand-in for, discrimination against other protected classes such as race, disability, gender, or presence of children, to name a few. The SOI Unit sits within the Law Enforcement Bureau (LEB) at CCHR. The LEB does the hard work of enforcing the city's human rights laws, which have continually been broadened to include additional protected classes.

As protected classes were added to the city's human rights law and the LEB's workload increased, the staffing of the LEB dropped from 48 attorneys in 2018 to 17 attorneys in 2024. This was due in part to the overall loss of staff during the pandemic years, but also to years of Mayor Adams' austerity budgets - multiple rounds of PEGS and hiring freezes have made it impossible to adequately staff the Law Enforcement Bureau. Additionally, the city salaries for attorney positions are not competitive with the market, making the positions less attractive to potential applicants. This is compounded by the increasingly large caseloads that attorneys in the LEB are being forced to carry as staff lines have dwindled. The staffing shortage in the LEB results in much longer wait times for complainants filing reports of discrimination with CCHR. Neighbors Together members have months at a time to hear back from staff at CCHR, and many have experienced their cases taking years to resolve, if they are resolved at all.

The 17 attorneys currently staffing the LEB have a mandate to cover the more than 8 million people who live in New York City, and 17 people is simply not enough. **In order to effectively enforce the human rights law, the city must fund CCHR annually at \$18 million dollars total, \$3 million of which should be allocated to bring the LEB back up to its 2018 levels, and an additional \$1.4 million in funding to account for the expansion of protected classes with the recent enactment of the Fair Chance for Housing Act.**

Recommendations

The City Council must stand firm in its support for the City Commission on Human Rights, and champion increased funding for CCHR to effectively do its job. To that end, Neighbors Together strongly recommends that the Council:

- **Maintain the \$1.3 million dollars allocated to the SOI Unit in the FY24 budget**
- **Fund CCHR annually at \$18 million dollars total, including:**
 - **\$3 million allocated to bring the LEB back up to its 2018 levels.** This requires adding at least 34 attorneys, one assistant commissioner to the LEB, and supporting staff, including investigators and testers.
 - **\$1.4 million in funding for the Law Enforcement Bureau must be added to support enforcement of the recently passed Fair Chance for Housing Act.**
- **The city must classify attorneys at CCHR as “critical” positions and exempt them from the hiring freeze.**
- **Salaries at the Commission need to be raised to competitive rates in order to attract and retain experienced attorneys**

In addition to increased funding for CCHR’s Law Enforcement Bureau, **the city must address deep staffing shortages in the Department of Homeless Services and the Human Resources Administration, as well as Homebase, all of which administer or process CityFHEPS vouchers.** DHS, HRA and Homebase’s serious lack of capacity to meet the need of voucher holders also affects CCHR’s ability to effectively settle negotiations and close out cases in a timely manner. Lack of communication, slow response times, and delays in processing voucher packets can draw out the timeline for securing housing and moving a voucher holder into housing negotiated through CCHR settlements. One member of Neighbors Together with a CityFHEPS voucher secured housing through a CCHR set-aside unit, but it took the city over a year to process and renew his voucher packet. He lost the unit because of the delays, and remains homeless to this day. To prevent other voucher holders from experiencing the same unnecessary fate, the city must:

- **Reverse PEGS and Increase Staffing In CityFHEPS Units at DHS and HRA**
- **Stop further PEGS to DHS/HRA and Restore Service Dollars for Shelters**
- **Increase Staffing at Homebase Offices**

Conclusion

In order to address the historic homelessness and housing crisis in New York City, Council must stand strong against the mayoral administration's ongoing cuts to the social safety net. In particular, Council must ensure robust funding for the City Commission on Human Rights' Law Enforcement Bureau and maintain the FY24 funding levels for the Source of Income Unit. Without a proper investment in CCHR, New York City will continue to see voucher holders languish in shelters as source of income discrimination and other intersectional forms of discrimination go unchecked. Budgets are moral documents, and the allocation of funds represent the values of our city. If New York City is truly a city for all, one that values equity and uplifting its vulnerable groups, then it must affirm those values by investing in the agencies that help protect those groups, particularly CCHR and its Law Enforcement Bureau.

The historic homelessness crisis that New York City is currently facing requires a bold willingness to invest in our city's systems and its people, and the funding priorities outlined above will provide significant positive outcomes for tens of thousands of New Yorkers for years to come.

For questions regarding this testimony, please contact Amy Blumsack, Director of Organizing & Policy at Neighbors Together, at amy@neighborstogether.org or 718-498-7256 ext. 5003.



Testimony of Julia Elmaleh-Sachs for National Employment Lawyers
Association/New York

Good morning. Thank you for the opportunity to testify at this morning's hearing. My name is Julia Elmaleh-Sachs and I am an attorney at Crumiller PC, the Feminist Litigation Firm. I am also a member of the Legislative Committee of the National Employment Lawyers Association, New York affiliate. NELA/NY comprises about 350 New York lawyers who primarily represent employees.

We submit this testimony to implore the City to take immediate action to increase the funding and staffing of the New York City Commission on Human Rights, which is charged with the duty of eliminating and preventing discrimination in New York. New York City has what has often been described as the most protective and strongest human rights law in the country. The City Council has frequently added additional important protections against discrimination, such as protection against height and weight discrimination and source of income protection, launching public education campaigns ensuring the public that they are entitled to further protections from discrimination. However, the reality is that because of repeated staffing and budgetary decisions, the much

vaunted New York City Human Rights Law has been drastically and embarrassingly weakened. In our experience, employers bent on violating the law are well aware that at present, there is profoundly insufficient government enforcement. The burden for enforcing the law therefore falls largely on those individual employees who have the resources and ability to avoid the Commission by retaining private counsel and sustaining years of often re-traumatizing litigation in court. These cases routinely drag on for years, and typically settle privately for money damages, and no injunctive relief, so there is little incentive for employers to change their behavior, and no record-keeping or oversight to prevent offenders from routinely violating the law. Ordinary citizens who lack the resources or desire to engage in expensive, intrusive litigation, have no realistic method for timely vindicating their rights, since at present there is an average six month wait for a pro se intake interview at the Commission. Not surprisingly, the result is that far fewer citizens than in the past bother to exercise their rights at the Commission, and the Commission's overall fine and damage collection numbers have plummeted. In short, the City has chosen to use its budgeting and staffing powers to weaken a once-proud and impactful agency into a shrinking bureaucracy seemingly destined for insignificance.

In order to begin to turn the tide, the Commission's budget must be expanded from \$13,652,383, in the current Mayor's Preliminary budget proposal, to at least \$18,000,000. What would be a significant budget increase for the Commission is an insignificant rounding error for the City.

Further, the City must lift hiring restrictions so that the Commission is no longer subject to a two-to-one hiring replacement rule by which it can only hire one person for every two departures. This policy is responsible for accelerating the crisis facing the Commission since the remaining staff are forced to take on more work with no relief and at uncompetitive salaries. This citywide budget measure has a disproportionate impact on the Commission because it is so small. With less than twenty LEB staff attorneys, four departures could reduce the LEB unit by ten percent while saving the City virtually no money. The Commission must be exempt from this policy. It must be encouraged to promptly replace any departing staff members.

The Commission must be permitted to hire at the Agency II and III level attorneys to attract the best talent. The Commission will not be able to rebuild if it offers its employees jobs promising low salaries and large caseloads.

In conclusion, while the City Council has every reason to be proud of the broad protections against discrimination contained in the Human Rights Law, a well-staffed and pro-active Commission is absolutely necessary for protecting these rights.



NEW YORK
CITY BAR

**CIVIL RIGHTS COMMITTEE,
LGBTQ RIGHTS COMMITTEE,
AND SEX AND LAW COMMITTEE**

**WRITTEN TESTIMONY TO SUPPORT RESTORATION
OF CITY FUNDING AND STAFF
TO CITY COMMISSION ON HUMAN RIGHTS
AND EQUAL EMPLOYMENT PRACTICES COMMISSION**

**New York City Council Committee on Civil and Human Rights
Budget and Oversight Hearings on the
Preliminary Budget for Fiscal Year 2025,
The Preliminary Capital Plan for Fiscal Years 2024-2028,
and The Fiscal 2024 Preliminary Mayor's Management Report**

MARCH 15, 2024

The Civil Rights, LGBTQ Rights, and Sex & Law Committees of the New York City Bar Association (the City Bar) strongly support restoration of City funding and staff to the New York City Commission on Human Rights (CCHR), a cornerstone in our city's commitment to civil rights, and the Equal Employment Practices Commission (EEPC).

Both agencies are currently facing significant challenges. These agencies have suffered from disinvestment for years rendering them unable to meet the needs of New Yorkers. The agencies have minimal staff and budget but play an outsized role in maintaining the rule of law. As vital and frontline defenders of essential civil rights, they provide indispensable and otherwise unavailable services to the people of New York. Both agencies require the level of funding necessary for them to vigorously enforce essential civil rights on behalf of all New Yorkers.

We urge the city budget to restore these agencies to effectiveness, by protecting their staff from further budget cuts, exempting them from headcount caps, and ensuring their staffing levels are commensurate with their critical missions, by bridging the disinvestment gap these agencies have faced over the last several years.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

The urgency of this request cannot be overstated. With hate crimes on the rise at an alarming rate and an increase in housing discriminatory practices¹ among other injustices that CCHR and EEPC work to combat, these agencies need more resources, not less from our City.

The City Commission of Human Rights, with its budget constituting only 0.01% of the city's overall budget, totaling \$13.6 million out of \$110.5 billion in FY2024, plays a pivotal role in upholding our City's commitment to being a leader in the protection of civil rights. Ensuring that CCHR receives the necessary resources to enforce the City's landmark, benchmark-setting Human Rights Law is a fundamental necessity to protect the rights of all New Yorkers. And this is especially true for low-income New Yorkers who are not represented by private counsel and depend on the Commission's staff to take, receive and investigate their discrimination complaints and, where warranted, take prompt and meaningful corrective action.

The Commission's Law Enforcement Bureau has witnessed an unprecedented reduction in staff attorneys, from 47 in 2018 to only 13 at present, a 73% reduction in workforce. And this retraction is in the context of an expansion of the Commission's purview. For instance, during the first four months of Fiscal 2023, 290 new matters were initiated, 79% more than the same period from the previous year.² The expansion of NYC's Human Rights Law and the addition of new protected classes means that the Commission faces even more responsibilities -- with fewer resources. Indeed, the NYC Human Rights Law as of November 26, 2023 now protects New Yorkers from discrimination based on height and weight in housing, employment and public accommodations.³ Height and weight provisions join the 25 protected categories already enshrined in the New York City Human Rights Law.

The data is shocking to consider. In the last fiscal year, CCHR received a record 12,190 discrimination inquiries from the public but was only able to resolve 471 cases. The waiting time for an intake appointment averages six months.

Thus, the Commission finds itself unable to meet the needs of New Yorkers facing discrimination and hate even as global events inflame tensions in our City.

Commendably, the Fiscal 2024 Executive Plan included an additional \$1.3 million, along with 17 new positions, for CCHR's Source of Income (SOI) Unit. This increase was baselined, starting in FY2024, but is now under threat due to potential budget cuts and the hiring freeze. CCHR was able to fill only three of the 17 new positions secured before the headcount cap went into effect. Thus, it is critical to exempt CCHR from the headcount cap.

¹ See <https://www.cbsnews.com/newyork/news/cbs-new-york-investigates-housing-voucher-discrimination-in-new-york-city/>; and <https://gothamist.com/news/nyc-landlords-are-discriminating-against-tenants-with-housing-vouchers-new-report-says> (All websites last visited March 13, 2024.)

² See, <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/cchr.pdf>.

³ See, <https://www.nyc.gov/assets/cchr/downloads/pdf/press-releases/Height-and-Weight-Press-Release.pdf>

The underfunding and understaffing at CCHR has severe implications, particularly for low-income New Yorkers who face prolonged legal battles and uncertainty to secure housing. With the housing crisis this City faces, this investment was meant to protect the most vulnerable New Yorkers from being locked out of housing options even after aid is made available and to avoid placing additional pressures on the shelter system.

The Commission's SOI Discrimination Unit is one of the primary means for housing voucher holders to enforce laws against source of income discrimination and secure stable affordable housing. It is imperative that the investment in CCHR's SOI Unit is maintained to help New Yorkers access housing.

Discrimination is increasingly intersectional. Many New Yorkers face multiple layers of discrimination. Whether it be discrimination based on disability, family makeup, race, employment, or other protected classes, the Law Enforcement Bureau (LEB) provides critical enforcement of the city's civil and human rights laws and therefore funding and staffing of the LEB must meet the size of the mandate.

We urge the City to increase the staffing levels of the Law Enforcement Bureau to levels that mirror staffing in 2018. This requires adding at least 34 attorneys and one assistant commissioner to the LEB, as well as supporting staff, including investigators and testers, at an estimated cost of \$3 million in new funding for the Law Enforcement Bureau in FY25.

Allocating additional resources for hiring more staff and essential training is imperative to maintain the CCHR as an effective protector against hate and discrimination. CCHR plays a vital role in addressing discrimination in employment, housing, and public accommodations. When adequately funded, its early intervention unit has successfully resolved issues that could have led to significant hardships, and even homelessness. However, without sufficient funding, its ability to carry out this critical mission is severely compromised. All New Yorkers are and will continue to experience the cost of its absence.

Turning to the EEPC, this agency plays a crucial role in assisting 143 other City entities in ensuring equal employment opportunity (EEO) within our municipal workforce. Despite its significant responsibilities, EEPC is one of the smallest agencies in New York City. This means they have rarely been spared from the worst cuts of past budgets, including this one, while also never receiving adequate investments from past Administrations in more fiscally solvent times. This means today, years of disinvestment have had a significant impact on the EEPC's ability to fulfill its charter mandate and the requirements of Local Law 13, which requires underutilization research and reporting to ensure the City identifies and acts on disparities before they become costly lawsuits.

To effectively carry out its mission, the EEPC needs a total of 17 employees, including two more Auditors, two more Labor Economists/Data Scientists, and an Executive Agency Counsel. Additionally, funding for training is essential to ensure that the EEPC's staff are expert in EEO implementation. The current budget for the EEPC stands at \$1.1 million. At this time, there are only nine staff members in total, with only one auditor and one manager currently staffing the

Audit Unit. Only \$86,000 is allocated for Other Than Personal Service expenses. In a city budget upwards of \$100 billion, it would require only an additional \$800,000 to help this agency meet the needs of the City. In a metropolis with over 300,000 employees, the EEPC's role is critical in ensuring that every employee has equal access to opportunities and treatment.

For these reasons, the City Bar strongly urges increased funding and staffing for the NYC Commission on Human Rights and Equal Employment Practices Commission, to support their critical work on behalf of all New Yorkers, and to enable them to do their job to enforce New York City's anti-discrimination laws, on behalf of all New Yorkers.

Respectfully,

Natalie R. Birnbaum
Susan E. Cersovsky
Co-Chairs, Sex and Law Committee

Deborah H. Karpatkin
Principal Drafter, Sex and Law Committee

Evan Henley
Molly Thomas-Jensen
Co-Chairs, Civil Rights Committee

Hayley Gorenberg
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**Testimony of
Tahmir Williams, Legal Intern, Disability Justice Program
and
Maureen Belluscio, Managing Attorney, Disability Justice Program
New York Lawyers for the Public Interest**

to the

**New York City Council
Committee on Civil and Human Rights**

regarding

**Oversight – Preliminary Budget Hearing, New York City Commission on Human Rights
March 15, 2024**

Our names are Tahmir Williams and Maureen Belluscio. We work in the Disability Justice Program at New York Lawyers for the Public Interest (“NYLPI”). NYLPI is a civil rights organization with a robust disability rights practice. NYLPI is also a member of the New York City Human Rights Law Working Group, and we submit this testimony to support the testimonies of our colleagues in this coalition and to amplify the testimony of the community members here today to support increasing the New York City Commission on Human Rights’ budget.

NYLPI’s Disability Justice Program represents people in disability rights and anti-discrimination matters, including before the New York City Commission on Human Rights (“Commission”). A fully functioning Commission, which enforces and maintains the strength of the New York City Human Rights Law (“NYCHRL”), is critical to the lives of countless New Yorkers. The NYCHRL provides important protections against disability discrimination, protections that go far beyond those available under analogous state and federal anti-discrimination laws.

We appreciate the opportunity to provide testimony to urge that New York City fully fund the New York City Commission on Human Rights, and thereby protect our communities from discrimination.

A Fully Functioning Commission is Critical for All New Yorkers

The Commission is charged with enforcing the NYCHRL, which protects the most vulnerable New Yorkers from discrimination. The NYCHRL is the strongest anti-discrimination law in the

United States, reflecting our city's culture of equality and equity. Among other categories, this law protects New Yorkers from discrimination based on their race, gender, disability, gender orientation, immigration status, religion, national origin, hair, source of income, criminal background, and pregnancy. In nearly every year in the past decade, the City Council has added more protections to the Law in some way. Since 2013, the City Council has passed more than 40 separate far-reaching amendments to the law.

Unfortunately, the work the Commission does to enforce these critical civil rights protections has been undermined by underfunding, which has resulted in severe understaffing. Through years of budget cuts, vacancy reductions, and resignations by overstretched workers, staffing levels at the Commission have sharply declined. In 2018, the Commission had almost 50 attorneys working in the Law Enforcement Bureau enforcing the NYCHRL, in addition to 13 supervising attorneys. Today, the Law Enforcement Bureau has shrunk by an alarming percentage, with only 23 attorneys in total to enforce the law for over 8 million New Yorkers. In fact, in [FY23](#), the Commission fielded a record 12,190 inquiries from members of the public alleging discrimination, yet only resolved 471 filed cases. The Commission is already operating well below capacity and cannot withstand any further cuts. On the contrary, staffing levels at the Commission must be adequately raised to meet the incredible demand for its services.

The Commission Provides Unique Services Not Available Anywhere Else

One of the most critical aspects of the Commission's work is prosecuting violations of the NYCHRL on behalf of *pro se* litigants. Often, the Commission provides the only opportunity for *pro se* litigants to enforce their civil rights. This is an indispensable and otherwise unavailable service to the people of New York City. *Pro se* litigants, in particular, are negatively affected by the results of the Commission's underfunding and understaffing: lengthy wait times for intakes, cases taking years to be adjudicated, bad actors going unpunished, administrative hearings lingering with no resolution, and cases being administratively closed that could and should have been resolved. The process of filing and resolving complaints at the Commission has slowed to a standstill. In short, *pro se* New Yorkers are denied access to one of the only venues available to enforce their civil rights. The Commission does not currently have adequate resources to enforce the NYCHRL to the detriment of all New Yorkers, and particularly those who have low income and are therefore *pro se*.

The Commission also has the authority to conduct Commission-led investigations. This means that the Commission can investigate systemic issues without having a named Complainant, based merely on a report of discrimination. Commission-led investigations are particularly helpful in circumstances where a potential Complainant may have a reason not to file a Complaint themselves. This is an incredibly important service to the communities NYLPI serves. For example, when a hospital or other medical setting does not provide accessible services for patients with disabilities, a patient may not want to file a Complaint because they would then feel uncomfortable returning to that location to receive further medical care. NYLPI assisted a patient to present a set of issues at a particular hospital to the Commission. Without requiring the patient to hold themselves out as a Complainant, the Commission took this information and investigated

a broader range of issues at all hospitals throughout the hospital system. Without the Commission's services, these critical access issues may have never been addressed.

The Commission Requires a Significant Budget and Staffing Increase to Adequately Protect New Yorkers

New York City—which has long touted itself a bastion of civil rights—has a Commission that has continued to receive significantly less funding in its budget per capita than smaller cities like [San Francisco](#), [Washington D.C.](#), and [Seattle](#).

At \$14.1 million dollars, which Mayor Adams proposed reducing even further to \$13.6 million dollars in his FY2025 Preliminary Budget, the Commission's budget is infinitely small compared to the immense mission with which it has been tasked. Even doubled, **the Commission's entire budget would remain less than 0.01% of the City's total budget.**

To meet the incredible demand for the Commission's services, our coalition's budget ask for FY2025 is as follows:

- **Secure \$3 million in new funding for the Commission's Law Enforcement Bureau (LEB):**
 - This funding would increase capacity at the LEB to mirror staffing levels in 2018, which requires adding at least 34 attorneys, one assistant commissioner, as well as supporting staff.
- **Lift hiring restrictions and create new positions that allow the Commission a one-to-one replacement for any staff turnover:**
 - Currently, the Commission can only hire one staff member for every two vacancies, which hinders its ability to quickly staff up to meet case urgency.
- **Implement competitive salary rates:**
 - To attract and retain talent, the Commission must be allowed to raise salaries to compete with nonprofit legal service providers in the city.

Thank you for recognizing that, without a functioning Commission, justice simply cannot be served in New York City.

About the New York City Human Rights Law Working Group

We are a coalition of advocates who work on issues related to discrimination. We assist New Yorkers—most of them low-income—who seek to enforce their civil and human rights in the areas of housing, employment, credit, public accommodations, and more. We are lawyers, paralegals, organizers, and other advocates. We work at non-profits, at public interest law firms, and in the private sector. What unifies us is our belief that a well-funded New York City Commission on Human Rights is essential to the flourishing of New York City and to the safety, well-being, and success of all New Yorkers.

About New York Lawyers for the Public Interest

For nearly 50 years, NYLPI has been a leader in advocating for New Yorkers, working to accomplish equality of opportunity for all. We utilize a community lawyering model to bridge gaps between traditional civil legal services and civil rights advocacy and to fortify capacity for both individual solutions and long-term impact.

Our work encompasses comprehensive organizing, policy campaigns, impact litigation, and individual legal services, and we are guided by the priorities of our communities as we advocate for the rights of people with disabilities, equal access to health care, immigrant opportunity, invigorated local non-profits, and environmental justice for low-income communities and communities of color.

NYLPI's Disability Justice Program has represented thousands of individuals and triumphed in numerous campaigns improving the lives of New Yorkers with disabilities. We have long fought disability-based discrimination in housing, education, public accommodations, and government services, and our landmark victories include access to New York City Housing Authority housing for persons with disabilities, halting discrimination by charter schools against students with disabilities, and access to the observation deck of the Empire State Building.

Ongoing Support from NYLPI

We thank the City Council for convening this important hearing. We appreciate the opportunity to provide this written testimony on behalf of our clients and communities who deserve access to the Commission's much needed services. Please feel free to contact us at (212) 244-4664, ex. 9312 or mbelluscio@nylpi.org.

**Testimony to New York City Council
Civil and Human Rights Committee
Executive Budget FY25**

Public Hearing

March 15, 2024

Wendell Walters

Manager, Policy & Advocacy
Osborne Center for Justice Across Generations



Thank you, Chair Williams, and Committee members for the opportunity to testify today. My name is Wendell Walters and I am the Manager for Policy and Advocacy at the Osborne Center for Justice Across Generations at Osborne Association. As many of you know, Osborne is one of the oldest and largest criminal justice service organizations in the state. We serve 10,000 participants in programs from arrest to reentry. We have offices in Harlem, Brooklyn, Buffalo, Newburgh, White Plains, and Troy, with our headquarters in the Bronx. We also have programming in 41 state prisons and on Rikers Island. Through advocacy, direct service, and policy reform, Osborne works to create opportunities for people to heal, grow, and thrive.

Why, you might ask, is Osborne giving testimony in the Civil and Human Rights Committee? The answer is simple. There are 750,000 people in NYC with a conviction history who experience perpetual punishment from their record after they have served their time or fulfilled the required consequence for their actions. This large community of people, 80% of whom are Black and Brown, endure widespread discrimination in all manner of life. For years, many of them have been excluded and restricted from where they can work; where they can live; what licenses they can possess; what benefits they are eligible for; whether they can vote; and where they can travel. The [National Inventory of Collateral Consequences of Conviction](#) documents 1,206 collateral consequences of a conviction in New York State. Osborne joins with other organizations and the Fair Chance for Housing Coalition to dismantle step by step these “collateral consequences” imposed by society. These discriminatory consequences limit people’s ability to move on and live their best lives, which negatively affects their families and ultimately hurts us as a City.

This past December, this City Council took the bold step to pass the Fair Chance for Housing Act, and for this we are grateful. I also congratulate the Council for the significant step they took in 2015 to limit employment discrimination against those with a conviction history with the passage of the Fair Chance Act. The legislation made it illegal for most employers in NYC to ask about the criminal record of job applicants before making a job offer. The new law meant that ads, applications, and interview questions cannot include inquiries into an applicant's criminal record. While we would have preferred that all inquiries into an applicant's criminal background be forbidden, it was a step in the right direction for employment equity that will help many to re-establish themselves economically after incarceration.

After the Fair Chance Act gave the previously incarcerated a greater opportunity to find a job, attention shifted to the discrimination the previously incarcerated are often subjected to when it comes to housing. For far too long, landlords have routinely excluded those with a conviction history from a “fair chance” to rent an apartment in NYC: **79% of formerly incarcerated people and their families report being denied housing because of a conviction.** ¹

We can all appreciate the importance of stable housing; it is no less critical to the formerly incarcerated, and often a necessity for successful reentry.² People who return from a period of incarceration are single-minded in their desire to find a place to call home upon release. Even the many people who were released years ago and have transformed their lives with a good paying job and strong references are still at risk of housing discrimination when they enter the housing market. By removing these discriminatory barriers, people are in a better position to support themselves and their families, lowering the chance of recidivism and making our neighborhoods safer.

This past December, the Council took the important step in reducing barriers for the previously incarcerated with the passage of the Fair Chance for Housing Act. After years of unwavering advocacy, including the dedicated efforts of the more than 100 organizations - including Osborne - that make up the Fair Chance for Housing Coalition, landlords are now limited in their use of criminal background checks. We are thankful for the leadership of the bill’s chief sponsor, Council Member Keith Powers, and his staff for their patience and commitment to this cause. We could not have done it without him and Speaker Adams’ willingness to bring it to the floor for a full Council vote. We in the Coalition are all extremely proud of this accomplishment.

We now enter the implementation phase, to ensure this law leads to fairness and opportunity. We must now put all of our effort to ensure the requirements under the law are fully enforced. NYC has some of the strongest anti-discrimination and civil rights laws in the country, covering many different categories of people, including those who possess rental assistance vouchers. However, these requirements are only as strong as our ability to enforce them and to continually educate the public about them. The Fair Chance for Housing Coalition will continue to advocate on behalf of the law and do our part (to the extent that we can) to make sure landlords adhere to

¹ PrisonPolicy.org, September 2015, [Who Pays? The True Cost of Incarceration on Families](#)

² CAP20, April 2023, [Strengthening Access to Housing for People with Criminal Records is Key to Successful Reentry](#)

the new restrictions, but the burden truly falls to the City administration and the City Commission on Human Rights (CCHR).

CCHR is underfunded compared to similar agencies in smaller cities.³

- For example, the adopted budget for Seattle’s Office of Civil Rights in 2022⁴ was \$7,764,185, for about 39 staff. At that time the city had a population of 750,000.⁵
- In contrast, the CCHR budget in FY23⁶ was \$11.7 million – not even double that of Seattle, with 122 staff lines. The NYC population at that time was over 10 times greater, at over 8 million.⁷

CCHR is underfunded despite rising workloads.

- The Proposed FY25 Executive Budget allocates just \$13,652,383, which is woefully short of where the agency needs to be and is even slightly lower than its pre-pandemic FY19 budget of \$13.7 million.⁸
- CCHR had 160 staff lines in FY21.⁹ But that number has been dropping and by summer 2023, the agency had 70% fewer staff attorneys than it did in 2017.¹⁰
- CCHR makes heroic efforts with inadequate resources and staff with an increasing workload. Preliminary FY24 MMR¹¹ shows:
 - Complaints rose by 18% due to important changes in our laws.
 - While complaints rose the number of officially filed complaints have sharply decreased due to understaffing.

CCHR must be fully resourced, across the entire agency.

- It is critical to fund the Law Enforcement Bureau (LEB) to hire more investigators and attorneys.

³ New York City Human Rights Law Working Group, March 2017, [Letter to Melissa Mark-Viverito, City Council Speaker](#)

⁴ Seattle Office of Civil Rights, [Adopted Budget 2022](#)

⁵ United States Census Bureau, [Quick Facts, Seattle City, Washington 2022](#)

⁶ New York City Commission on Human Rights, [FY24 Executive Budget](#)

⁷ United States Census Bureau, [Quick Facts, New York City, New York 2023](#)

⁸ [Mayor’s Management Report 2019](#)

⁹ City Council, [Report to Finance Division FY21](#)

¹⁰ Gothamist, July 2023, [Plagues by Staff Shortages, NYC Agency Fails to Make Determinations in Most Discrimination Cases](#)

¹¹ [Preliminary Mayor’s Management Report FY24](#)

- CCHR as an agency needs to be adequately funded not just with additional investigators but also with administrative and operational support for the entire agency. If funding just goes to the LEB, the overall agency cannot properly function.
- Funding should go both towards a dedicated Fair Chance for Housing unit, and towards staff who can effectively respond to other forms of discrimination.
- To ensure this law actually provides a fair chance, CCHR must also have resources to undertake comprehensive community engagement and education, as well as enforcement.

CCHR needs more funding than what is indicated in the Fair Chance for Housing Fiscal Impact Statement.

- CCHR's Fiscal Impact Statement¹² for Fair Chance for Housing indicates a need for \$700,000 for FY25, and a total annual cost in FY26 of \$1.4 million for the hiring of ten new staff and implementation of a public education campaign. This is solely to enforce this new law, and does not reflect the overall agency need.
- With the enactment of Fair Chance, the City must increase CCHR's funding to not only return to previous staffing levels, but also to cover costs for educating the community and enforcing the new law.

Educate and enforce other critical laws that directly impact people with convictions, and disproportionately impact people of color.

- This is a matter of racial justice due to the disproportionate numbers of Black and brown people with convictions.
- Monitoring the implementation of related and intersectional laws that affect people with convictions, such as the Fair Chance Act (that outlaws employment discrimination based on conviction history) and Source of Income Discrimination in housing, is also critical.

Osborne remains excited by the passage of the Fair Chance for Housing Act. This Act removes what was once an insurmountable barrier and creates a greater opportunity for housing for those with prior convictions. It will help thousands of people, despite the shortage of affordable housing in our city.¹³ However, what is equally important is what we do now to ensure its proper implementation. Providing the CCHR with the resources they need to meet this new obligation is

¹² City Commission on Human Rights (CCHR), [Fiscal Impact Statement](#)

¹³ NYC Housing Preservation and Development, February 2024, [New York City's Vacancy Rate Reaches Historic Low of 1.4%. Demanding Urgent Action & New Affordable Housing](#)

critical and we support their budget funding request not only to enforce Fair Chance for Housing, but so they have the necessary resources to fulfill their many obligations under NYC civil rights laws.

Thank you.



**Testimony to the Committee on Civil and Human Rights
Preliminary Budget Hearing
New York City Council
March 2024**

Thank you for the opportunity to testify on behalf of the Open Hearts Initiative to the New York City Council Committee on Civil and Human Rights to discuss budgetary needs for our most vulnerable neighbors. Our organization consists of New Yorkers who live in neighborhoods throughout the city and volunteer to welcome and support people currently or formerly experiencing homelessness, regardless of who they are, what they look like, and where they come from. As part of this work, our members have built deep and long-standing relationships with homeless New Yorkers, and have benefitted from the direct expertise of those who have lived through homelessness in New York City—which we foreground in our work and believe is vital for the legislative and budget activity of the Council. We have met countless neighbors who have encountered discrimination in housing and in other services and sectors based on the perception of their housing status, their use of rental subsidies as a lawful source of income, and other characteristics. Enforcement against two critical forms of discrimination in housing—source-of-income discrimination and discrimination based on legal system involvement—that have not been adequately combatted must be funded appropriately in the Fiscal Year 2025 New York City budget, as well as funding for the existing set of human rights protections that make New York City a safer, fairer, and more equitable city on paper. It is time to fully enforce the city's civil and human rights protections to make that fairness a reality for our most vulnerable neighbors.

Source-of-income discrimination affects homeless and at-risk New Yorkers and their families who, for a variety of reasons, require support in the form of a government-funded rental subsidy (commonly known as a housing voucher) to pay market rents. Source of income discrimination is already illegal under human rights law in New York City, but instances of this practice, which range from outright denials of individuals who use vouchers to "ghosting" them (ignoring inquiries from clients within the protected class), are difficult to enforce. That's why additional funding must be given to the Law Enforcement Bureau and funding for the Source of Income Unit must be maintained after being added in the last budget.

In terms of discrimination in housing based on legal system involvement, Open Hearts is proud to have supported the passage of the Fair Chance for Housing Act, which will dramatically limit discrimination against New Yorkers with past convictions as they search for housing *after they have served their sentences of incarceration*. The Fair Chance for Housing Act will go into effect on January 1, 2025. The City Council's fiscal impact statement for the legislation suggests that



additional baselined funding for implementation of the legislation is needed at \$1.4 million per year. This funding target must be *met* for implementation of the law and *exceeded* for the implementation of public education and greater staffing for agency needs at the City Commission on Human Rights.

On both of these, agencies including the City Commission on Human Rights must provide adequate public education to landlords, real estate brokers, tenants, and other interested stakeholders to increase awareness of the existing law, changes to the law (like the implementation of the Fair Chance for Housing Act), and the rights of victims of discrimination to report their cases to the City Commission on Human Rights and bring forward private rights of action. These public education campaigns must be robustly funded in the budget but will result in cost savings in other areas and improvements in quality of life for homeless New Yorkers and other marginalized populations.

Overall, the City Commission on Human Rights must be protected from any future voucher cuts and have its overall budget raised at least to \$18 million to meet its mandate to support the most vulnerable New Yorkers. Thank you again for the opportunity to submit written testimony to the Commission on Civil and Human Rights. Please do not hesitate to reach out with any questions to info@openheartsinitiative.org.

Submitted by: Bennett Reinhardt, Advocacy Coordinator & Neighborhood Organizer



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**Written Testimony of Rita Sethi, Of Counsel
Stoll, Glickman & Bellina LLP
March 15, 2024**

**SUPPORTING RESTORATION OF CITY FUNDING AND STAFF TO
NYC COMMISSION ON HUMAN RIGHTS**

I am Of Counsel to Stoll, Glickman & Bellina LLP, a civil rights law firm in New York City and part of the Human Rights Law Working Group and represent our common interests. We strongly support restoration of City funding and staff to the New York City Commission on Human Rights (“Commission”).

I am testifying to highlight some of the lives affected by the dire underfunding of the Commission. The consequences of the staffing shortages have been to hinder our clients in their ability to secure redress under the City’s laws, touted as among the strongest in the country, but hollow if these rights cannot be enforced. Here are some stories of how denuding the Commission in this way has impacted our clients.

B.M. was a cashier at a chain fast-food restaurant and was subjected to sexual harassment in the form of constant propositions, attempts to slap her with a spatula, and persistent comments about her body. She filed a complaint with the Commission in November 2016 and received a Probable Cause determination, indicating that the Commission found that she had been discriminated against, in December 2019. After an administrative trial at OATH, the Administrative Law Judge (“Judge”) concluded in August 2022 that she had been subjected to sexual harassment and awarded her \$30,000 and issued a penalty payable to the City of \$60,000 because the Commission spent years investigating the case, conducting depositions, preparing for and co-counseling the trial. Since filing comment on the Judge’s Report and Recommendation in April 2023, B.M.’s case has been stalled at the Office of the Chair of the Commission, awaiting approval. It has been a year and a half since the Judge made her decision and yet, due to the staffing shortages, the decision has not been finalized and enforced. Every day that passes and after the painful depositions and trial testimony that she, her partner and her childhood friend had to endure, B.M. wonders whether there will ever be closure. Meanwhile, the employer has no obligation to pay the monetary award to B.M. or pay the fine into the City’s coffers and can only take from this experience that there’s

no need to resolve or conciliate claims of discrimination because the Commission itself is too overburdened and understaffed to collect on its victories.

K.W. was a server at a catering hall and he and his brother were regularly subjected to racial slurs and unable to achieve career advancement in a racially stratified workplace, culminating in a racial assault. He filed a complaint with the Commission in 2016 and four years later, in May 2020, received a Probable Cause determination. After attempts by the Commission failed to settle the case, we sought a dismissal to file in court, but it took the Commission until January 2021 to release the case. Because the case was at the Commission for so many years, Defendants filed a motion to dismiss once it was filed in federal court, claiming that there had been no tolling of the statute of limitations while the case was being investigated at the Commission. It took nearly two years from filing in court and tens of attorney's hours to secure a green light for K.W. to proceed ahead with his claims. However, eight years later, prosecution of the case is now much more challenging as it is very hard to find all the witnesses and secure the relevant documents needed to support K.W.'s claims due to the passage of time.

As a result of these experiences, we cannot in good conscience counsel our clients to avail themselves of the powerful New York City law and to rely upon the dedicated and talented Commission staff, because the lack of resources and staff will inevitably impair our clients' ability to receive procedural and substantive justice. We implore the City Council to restore funding to the Commission to address staffing in the Law Enforcement Bureau, by lifting hiring restrictions, and by implementing competitive salary rates. Without a New York City agency that has the resources and staffing to prosecute discrimination, employers are licensed to harass and discriminate with impunity and the gold standard of our prized City law means nothing.

Sincerely,



Rita Sethi



**TESTIMONY OF
THE FORTUNE SOCIETY**

**THE COMMITTEE ON CIVIL AND HUMAN RIGHTS
OF THE NEW YORK CITY COUNCIL**

250 Broadway,
New York, NY

Friday, March 15th, 2024

SUBJECT: Preliminary Budget Hearing – Civil and Human Rights

PURPOSE: To support additional funding for the NYC Commission on Human Rights in order to properly implement and enforce anti-discrimination laws, including the Fair Chance for Housing Act

Presented by

Tabber B. Benedict
Housing Advocate,
The David Rothenberg Center for Public Policy

The Fortune Society
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(212) 691-7554 (main)

Thank you Council Committee Chair Williams and Members of the Committee for the opportunity to provide testimony today.

My name is Tabber B. Benedict. I am the Housing Advocate of The Fortune Society's David Rothenberg Center for Public Policy. Fortune is a 57-year-old organization that supports successful reentry from incarceration and promotes alternatives to incarceration, thus strengthening the fabric of our communities. We do this by believing in the power of people to change; building lives through service programs shaped by the experiences of our participants; and changing minds through education and advocacy to promote the creation of a fair, humane, and truly rehabilitative justice system.

At Fortune, one of the first things that more than a quarter of our new clients say to us is that they are homeless or unstably housed. This is a constant plea from the individuals walking through our doors. Many times, participants meet all of the requirements to have a housing application accepted; however, in far too many instances, acquiring a place to call home is an uphill battle because of their past criminal legal system involvement.

Additionally, most participants do not have full time, living-wage employment. In fact, another one of the initial questions we hear when people first walk through our doors is, "I need a job. Can you please help me find work?" This is a consistent need we hear about whether the participant has just come home from prison, has been mandated to participate in our Alternative to Incarceration Program, or has come to us voluntarily to begin or resume engaging in our services.

It is clear that the lack of access to housing contributes to the challenge of finding a job and vice versa. New York City's bold legislative solutions to these immense problems – the recently enacted Fair Chance for Housing Act and the Fair Chance Act regarding employment - require impactful implementation and enforcement efforts by the NYC Commission on Human Rights (the "CCHR" or the "Commission"). Therefore, it is necessary that substantial additional funding be allocated to the Commission above and beyond what was put forth in the Mayor's Preliminary Budget.

Housing Discrimination against People with Criminal Legal System Involvement

There are about 750,000 people in New York City who have conviction records.¹ They are often barred from buying a house or renting an apartment because of those records. As reported in 2022, based on a report from the New York State Department of Corrections and Community Supervision,

(T)wo out of five people returning to New York City from prison...were released to a shelter or another placement for homeless adults...At roughly 2,050 people, it was enough to fill the largest hotel in midtown Manhattan. They often ended up sleeping on the streets.²

¹ Mihir Zaveri, *City Council Votes to Limit Criminal Background Checks by Landlords*, N. Y. TIMES (Dec. 20, 2023), <https://www.nytimes.com/2023/12/20/nyregion/criminal-background-checks-tenants.html#:~:text=There%20are%20an%20estimated%20750%2C000,housing%20advocates%20and%20landlord%20gro ups.>

² Ethan Geringer-Sameth, *Little Being Done to Address New York's Prison-to-Shelter Pipeline*, GOTHAM GAZETTE (June 03, 2022), <https://www.gothamgazette.com/state/11353-new-york-prison-shelter-pipeline#:~:text=People%20have%20gone%20from%20state,making%20referrals%20to%20other%20agencies.>

The pervasive problem of housing discrimination against people with legal system involvement was the driving force behind the development of Fortune’s continuum of housing options for individuals returning home. Last year, Fortune housed almost 500 people. However, the demand for housing for people with criminal legal system involvement substantially exceeds the capacity that Fortune can supply.

In addition, the ongoing housing crisis in New York City is only getting worse.³ In recent years, homelessness in New York City has reached the highest levels since the Great Depression of the 1930s.⁴ In November 2023, there were 92,824 homeless people, including 33,365 homeless children, sleeping each night in New York City’s main municipal shelter system and a total of 23,945 single adults slept in shelters each night.⁵ More than 100,000 school kids – about 1-in-10 of all NYC public school children – were homeless at some point during the last school year as tracked by the Coalition for the Homeless.⁶ “And hundreds of thousands more New Yorkers were doubled- or tripled-up in overcrowded apartments, or teetered on the edge of homelessness in illegal, substandard, or tenuous housing situations.”⁷ Housing discrimination based on an individual’s conviction record perpetuates homelessness, and undermines families’ opportunity for mobility and success across generations.

In addition to being a family justice issue, access to housing is a racial justice issue. Our criminal legal system disproportionately impacts people of color.⁸ These structural inequities have disproportionate effects on Black and brown communities — as a result, 80% of New York City residents with a conviction are Black or brown.⁹ The federal Fair Housing Act of 1968 (the “FHA”),¹⁰ which was enacted to end racial discrimination in housing, has been interpreted by the U.S. Department of Housing and Urban Development (“HUD”) to prohibit housing providers from enacting blanket bans against people with convictions, since people with convictions are disproportionately Black and brown and thus such bans constitute race discrimination.¹¹ This form of discrimination is

³ New York City Comptroller Brad Lander, *NYC For All: The Housing We Need*, N.Y.C. COMPTROLLER BRAD LANDER (Nov. 29, 2018), <https://comptroller.nyc.gov/reports/nyc-for-all-the-housing-we-need/>; See also Patrick Spauster, Adrian Nesta, & Emma Whitford, *Tracking NYC’s Record-High Homeless Shelter Population*, CITY LIMITS (Dec. 7, 2023), <https://citylimits.org/2023/12/07/tracking-nycs-record-high-homeless-shelter-population/#:~:text=The%20DHS%20Nightly%20Shelter%20Population%20increased%20sharply&text=Data%20current%20as%20of%2012%2F04%2F2023.&text=In%20the%20less%20than%20two,population%20has%20more%20than%20doubled.>

⁴ Coalition for the Homeless, *Basic Facts About Homelessness: New York City*, COAL. FOR THE HOMELESS (Updated Dec. 2023), <https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/>.

⁵ *Id.*

⁶ David Giffen, *State of the Homeless 2023*, COAL. FOR THE HOMELESS (JUNE 2023), <https://www.coalitionforthehomeless.org/state-of-the-homeless-2023/>.

⁷ *Id.*

⁸ See Becca Cadoff, M.P.A., Erica Bond, J.D., Preeti Chauhan, Ph.D., & Allie Meizlish, J.D., *Criminal Conviction Records in New York City (1980-2019)*, DATA COLLABORATIVE FOR JUST. AT JOHN JAY COLL. (Apr. 2021), https://datacollaborativeforjustice.org/wp-content/uploads/2021/04/2021_04_07_Conviction_Record_Report.pdf. Among the more than 11,000 justice-impacted individuals whom Fortune serves each year, over 90% are individuals of color. Internal Fortune data.

⁹ *Id.*

¹⁰ 42 U.S.C. §§ 3601-3619, 3631.

¹¹ U.S. Department of Housing and Urban Development, *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, U.S. DEP’T OF HOUS. AND URB. DEV. (Apr. 4, 2016), https://www.hud.gov/sites/documents/hud_ogcguidappfhastandcr.pdf.

unfortunately alive and well in New York City. Fortune recently achieved a landmark \$500,000 judgment against an affordable housing marketing agent for uniformly screening out applicants with conviction histories in violation of the FHA.¹² This practice also violated NYC Housing Preservation & Development policies.¹³

We are grateful to the City Council for passing the FCHA with such an overwhelming majority. Its enactment presents us with a momentous opportunity to combat housing discrimination against people with convictions by ensuring the CCHR has the resources to enforce the law.

The CCHR's work in a number of other areas that has a significant positive impact on the opportunities afforded to people with conviction histories and their families is being hampered by budgetary constraints. One of those areas of Source of Income discrimination for people who rely on vouchers to pay their rent, as do many Fortune participants; this is another area in which funding cuts have impacted CCHR.¹⁴ In addition, another issue salient to Fortune and its participants is in the area of employment.

Employment Discrimination

It is well-documented that people with criminal legal system involvement face barriers to obtaining employment. An analysis of over 5 million formerly incarcerated people across the country revealed that their unemployment rate was a shocking 27%, a level higher than the total United States unemployment rate during any period of time, including the Great Depression.¹⁵ That rate is also

¹² Graham A. Rayman, *NYC-Approved Company Caught Immediately Rejecting Low-Income Housing Applicants for Having Criminal Records: Lawsuit*, N.Y. DAILY NEWS (Oct. 31, 2022), <https://www.nydailynews.com/new-york/nyc-crime/ny-lawsuit-nyc-housing-discrimination-criminal-records-20221031-larr3sy6afdtjnnno6yplyseni-story.html>. See also Relman Colfax, *Relman Colfax Secures \$500,000 Judgment Against Affordable Housing Marketing Agent that Categorically Excluded Applicants with Criminal Legal Involvement*, RELMAN COLFAX, News and Updates (Aug. 21, 2023), <https://www.relmanlaw.com/news-495>. This is the second such lawsuit Fortune has initiated, as the problem has not abated. In 2014, Fortune brought a federal lawsuit under the FHA based on what appeared to be a blanket ban against formerly incarcerated people. In 2019, the case was settled for nearly \$1.2 million in one of the largest settlements to date in a case alleging a blanket ban on renting to people with conviction records. Relman Colfax, *The Fortune Society v. Sandcastle Towers Housing Development Fund Corp.*, RELMAN COLFAX, Case Profiles, <https://www.relmanlaw.com/cases-fortune> (last visited Mar. 12, 2024) (Case Caption: The Fortune Society, Inc. v. Sandcastle Towers Housing Development Fund, Inc., No. 1:14-cv-6410 (E.D.N.Y.), Published Decision: 388 F. Supp. 3d 145 (E.D.N.Y. 2019); includes Amended Complaint, Memorandum and Order (July 19, 2019), and summary of the case); See also Mireya Navarro, *Lawsuit Says Rental Complex in Queens Excludes Ex-Offenders*, N.Y. TIMES (Oct. 30, 2014), <https://www.nytimes.com/2014/10/31/nyregion/lawsuit-says-rental-complex-in-queens-excludes-ex-offenders.html? r=0>.

¹³ See Fair Housing Justice Center, *NYC Changes Background Check Policy for City-Funded Housing Following FHJC Investigation and LAS Lawsuit*, FAIR HOUS. JUST. CTR., Pol'y (May 2, 2022), <https://fairhousingjustice.org/policy/opening-acts-may-2-2022/> (summary of the (i) case that led to the HPD rules, (ii) relevant HPD rules, and (iii) links to provisions of the HPD rules, which require either no consideration of criminal legal system involvement, or individualized reviews).

¹⁴ Tim Nichols et al. "CBS New York Investigates: Housing voucher discrimination in New York City." *CBS News*. (Dec. 19, 2023). <https://www.cbsnews.com/newyork/news/cbs-new-york-investigates-housing-voucher-discrimination-in-new-york-city/>.

¹⁵ Lucius Couloute & Daniel Kopf, *Out of Prison & Out of Work: Unemployment among formerly incarcerated people*, PRISON POL'Y INITIATIVE. 1, 1 (July 2018), <https://www.ywboston.org/wp-content/uploads/2021/10/Out-of-Prison-Out-of-Work- -Prison-Policy-Initiative.pdf>.

almost five times higher than it is for the general population.¹⁶ These findings are particularly distressing when placed in context of the great efforts that formerly incarcerated people make to find work and to support themselves and their families. As the same study noted, over 93% of formerly incarcerated people aged 25-44 were either working or actively seeking work – more than the 83% of people of the same age across the total population.¹⁷ This analysis is borne out in the halls, classrooms, and computer rooms of Fortune everyday: people who have been incarcerated want to work, and they are trying to work.

People of color who have been incarcerated face even greater hurdles to obtaining employment.¹⁸ This difficulty is compounded for women of color: Black women have a 6.4% unemployment rate in general, while those who were incarcerated have an unemployment rate of about 43.5%, compared to that of formerly incarcerated white men, at about 18.5%.¹⁹ This difficulty in obtaining employment creates significant future earning losses and produces a profound racial disparity between entire communities.²⁰ For example, the unemployment gap between Black and White New Yorkers is widening.²¹

Opening doors to employment opportunities for formerly incarcerated people is thus a matter of racial justice and the moral thing to do. It also helps people achieve greater success in the community, improving community safety. Numerous studies have shown that people are more likely to desist from crime if they are employed.²² Higher-quality employment, with access to benefits and the potential for upward employment mobility, are even more likely to play a role in desistance.²³ There

¹⁶ *Id.* at 2.

¹⁷ *Id.* at 3.

¹⁸ *Id.* at 3-4; See also Sandra Susan Smith and Jonathan Simon, *Exclusion and Extraction: Criminal Justice Contact and the Reallocation of Labor*, RSF: THE RUSSELL SAGE FOUND. J. OF THE SOC. SCIS., 1, 8 (Mar. 2020), <https://www.rsfjournal.org/content/rsfjss/6/1/1.full.pdf> (“Regardless of race, then, having a criminal record has a substantial and negative effect on making it through the hiring process, but those odds are far worse for [B]lacks than for their white justice involved counterparts.” Citing See also Devah Pager, Bruce Western, & Bart Bonikowski, *Discrimination in a low-wage labor market: A field experiment*, 74(5) Am. Socio. Rev., 777 (Oct. 1, 2009), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2915472/?source=post_page.

¹⁹ Couloute & Daniel Kopf, *supra* note 18 at 3-4.

²⁰ Terry-Ann Craigie, Ames Grawert, Cameron Kimble & Joseph E. Stiglitz, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*, BRENNAN CTR. FOR JUST., Our Work, Research and Reports (Sept. 15, 2020), <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.

²¹ Stefanos Chen, *The Unemployment Gap Between Black and White New Yorkers in Widening*, N. Y. TIMES, (Apr. 28, 2023) <https://www.nytimes.com/2023/04/28/jobs/black-unemployment-rate-nyc.html>.

²² Joe LaBriola, *Post-prison employment quality and future criminal justice contact*, 6 (1) RSF: THE RUSSELL SAGE FOUND. J. OF THE SOC. SCIS., 154, 155 (Mar. 1, 2020) (“Sociologists and criminologists emphasize the role of employment in reducing future criminal justice contact after release from prison. Employment has been theorized to reduce economic motivations for crime...facilitate the achievement of normative societal goals...act as an informal social control on parolees...and provide a routine set of obligations that replace previous criminal activities...In particular, post-prison employment that pays well, is stable, and allows for future earnings growth is thought to be especially important in preventing future criminal justice contact.”), <https://www.rsfjournal.org/content/6/1/154>; See also Grant Duwe, Ph.D., *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*, U.S. DEP’T OF JUST., OFF. OF JUST. PROGRAMS, NAT’L INST. OF JUST., 1,3 (June 2017), <https://www.ojp.gov/pdffiles1/nij/250476.pdf>.

²³ See LaBriola, *supra* note 25 at 156.

are many theories about the connection between employment and desistance, such as the relief it provides from economic pressures and the benefits of engaging in a durable routine.²⁴ Notably, research also shows that it changes one’s sense of self to be meaningfully employed, providing a sense of connection and purpose, and of true social engagement with the broader community.²⁵ When people experience these tangible and intangible benefits of meaningful employment, we are all safer and better off.

Fortune advocated for passage of the Fair Chance Act (the “FCA”), which became effective in 2015,²⁶ which seeks to reduce employment discrimination against people with convictions. However, like the Fair Chance for Housing Act, the FCA is only as effective as its enforcement; that depends on CCHR having the resources to conduct that enforcement.

The Clear Need for Additional Funding to Properly Implement and Enforce Landmark NYC Laws

New York City prides itself on being at the forefront of respecting and protecting human rights. Nevertheless, New York City has provided significantly lower per capita funding for civil and human rights.²⁷ For years the CCHR has been underfunded compared to similar agencies in smaller cities.²⁸

For example, the adopted budget for Seattle’s Office for Civil Rights in 2022 was \$7,764,185, for about 39 staff.²⁹ At that time the city had a population of not quite 750,000.³⁰ In contrast, the CCHR budget in Fiscal Year 23 was \$11.7 million dollars – not even double that of Seattle, with 122 staff lines.³¹ And the NYC population at that time was more than 10 times greater, over 8 million.³²

Therefore, Fortune urges the NYC Council to negotiate a budget that includes substantial additional funding for the Commission to implement and enforce laws like the FCHA and FCA. Such funding will give NYC a fighting chance against deeply rooted policies like housing and employment discrimination against people with convictions. The Commission must receive holistic, agency-wide

²⁴ *Id.*

²⁵ See *generally Id.* (discussing the benefits of employment, especially higher-quality employment with career growth opportunities, for formerly incarcerated people, including (i) giving people greater purpose and (ii) allowing for greater and better social connections, which in turn afford better opportunities for success and higher quality social interactions)

²⁶ National Employment Law Project, *NYC ‘FAIR CHANCE’ HIRING LAW TAKES EFFECT TODAY*, Nat’l Emp. L. Project (Oct. 27, 2015), <https://www.nelp.org/news-releases/nyc-fair-chance-hiring-law-takes-effect-today/>.

²⁷ See New York City Human Rights Law Working Group, *New York City Human Rights Law Working Group, Letter to Speaker Melissa Mark-Viverito*, N.Y.C. HUM. RTS. L. WORKING GRP. (Mar. 17, 2017), <https://nylpi.org/wp-content/uploads/2017/03/Letter-to-Speaker-Mark-Viverito-re-NYCCHR-budget.pdf>.

²⁸ *Id.*

²⁹ Seattle Office for Civil Rights, *Department Overview*, SEATTLE OFF. FOR C.R. (2022), <https://www.seattle.gov/documents/Departments/FinanceDepartment/22adoptedbudget/OCR.pdf>.

³⁰ United States Census Bureau, *QuickFacts, Seattle city, Washington*, U.S. CENSUS BUREAU, Table <https://www.census.gov/quickfacts/fact/table/seattlecitywashington/PST045222#PST045222> (last visited Mar. 12, 2024).

³¹ Tanveer Singh & New York City Commission on Human Rights, *Report to the Committee on Finance and the Committee on Civil and Human Rights on the Fiscal 2024 Executive Plan for the Commission on Human Rights*, N.Y.C. COMM’N ON HUM. RTS. (May 9, 2023), <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2023/05/CCHR.pdf>.

³² United States Census Bureau, *QuickFacts, New York city, New York*, U.S. CENSUS BUREAU, Table, <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045223> (last visited Mar. 12, 2024).

funding to conduct robust education and outreach, as well as hire staff across the agency. While funding for the CCHR's Law Enforcement Bureau ("LEB") is critical, the Commission also needs additional funding for day-to-day operations. For example, funding the LEB would allow the Commission to hire more investigators and attorneys, but unless human resources staffing is properly funded as well, the agency will not have the capacity to hire LEB staff.

Fortune therefore calls for the Commission to be exempt from any future budget cuts or hiring freezes. Fortune also calls for the additional funding, including at least \$700,000 of funding for the proper implementation and enforcement of FCHA for Fiscal Year 2025 and a budget of \$1.4 million in Fiscal Year 2026 for the hiring of ten new staff and implementation of a public education campaign, as noted in the Fiscal Impact Statement for the FCHA. This is the bare minimum required; much more is needed so they can properly enforce the FCA, Source of Income discrimination matters, and more. Furthermore, if funding is allocated only to a dedicated FCHA unit, as funding to fight Source of Income Discrimination was allocated, the overall agency cannot pivot to effectively respond to upticks in other forms of discrimination as needed.

Additional funding for the CCHR is essential to (i) adequately educate people about their rights and responsibilities, (ii) enforce existing civil rights laws, and (iii) properly implement and enforce the Fair Chance for Housing Act, all of which have the great potential to help people with convictions achieve greater success in the community. To ensure that the FCHA actually provides a fair chance, the CCHR must have the resources to undertake comprehensive community outreach and education, as well as enforcement. Expanding resources for the CCHR will show that NYC is truly committed to advancing and protecting human rights in 2024 and beyond.

March 15, 2024

The Legal Aid Society's Testimony Regarding the Importance of the New York City Commission on Human Rights and the Crisis in Staffing that is Harming New Yorkers

Submitted by Rebekah Cook-Mack

Thank you for the opportunity to present this testimony. I am a Staff Attorney in the Employment Law Unit of The Legal Aid Society.

The Legal Aid Society is the oldest and largest not-for-profit public interest law firm in the United States, working on more than 300,000 individual legal matters annually for low-income New Yorkers with civil, criminal, and juvenile rights problems. The Society also brings law reform cases that benefit all New Yorkers. The Society delivers a full range of comprehensive legal services to low-income families and individuals in the City. Our Civil Practice has local neighborhood offices in all five boroughs, along with centralized citywide law reform, employment law, immigration law, health law, homeless rights, consumer rights, and family law practices. Many of these units represent people experiencing discrimination and are impacted by the work of the Commission.

The Society's Employment Law Unit represents low-wage workers in employment-related matters such as claims for violations of leave laws, unpaid wages, claims of discrimination, and unemployment insurance hearings. Our clients are overwhelmingly people of color living paycheck to paycheck. The Unit conducts litigation, outreach, and advocacy designed to assist the most vulnerable workers in New York City, among them, low-wage workers who are sexually harassed; discriminated against based on race, national origin, immigration status, pregnancy, disability, sex, sexual orientation, gender identify, age, domestic violence, or criminal background; or denied reasonable accommodations needed due to pregnancy or disabilities.

Justice in Every Borough.

The LGBTQ+ Unit of the Legal Aid Society seeks to address systemic issues impacting Legal Aid's LGBTQ+ clients through public education, advocacy, legislation, and impact litigation. It also provides trainings to Society staff on the New York State and New York City Human Rights Law's protections for LGBTQ+ people.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change. Law Reform Unit's representation of clients benefits more than 1.7 million low-income families and individuals in New York City, and the landmark rulings in many of these cases have state-wide and national impacts.

The Legal Aid Society is a steering committee member of the NYC Human Rights Law Working Group Coalition, a group of advocates who fight for New Yorkers who have been discriminated against. Members assist New Yorkers—most of them low-income—who seek to enforce their civil and human rights in the areas of housing, employment, credit, public accommodations, and more. Coalition members are lawyers, paralegals, organizers, and other advocates. Members work at non-profits, at public interest law firms, and in the private sector. What unifies the Coalition is our belief that a well-funded Commission is essential to the flourishing of New York City and to the safety, well-being, and success of all New Yorkers. The Legal Aid Society is proud to work with this dedicated group of New York City advocates to address the crisis at the Commission.

I. Importance of the Commission

The Commission should be a key partner in protecting the people of New York City and bringing bad actors to justice. Unfortunately, today, the Commission is in crisis. It no longer serves the needs of New Yorkers. The City Commission is in freefall and needs your help to protect New Yorkers from discrimination. **We write to alert you to this crisis and to implore you to take immediate action to increase its funding and staffing.** Without adequate funding and staffing, thousands of New Yorkers - disproportionately low-income people of color – who have been discriminated against will go without justice.

The Commission is an indispensable partner for New York's most vulnerable residents seeking to enforce their rights. For low-income New Yorkers, often people of color, the Commission is likely the only way to protect their rights. Accessing the courts, without

the assistance of counsel, is not viable for many low-income New Yorkers. This is because court procedures are complex; litigation can be expensive and involve multiple appearances requiring low-income New Yorkers to miss work they cannot afford to forego; and language access can be a barrier. Often private attorneys will not take the cases of low-income New Yorkers who cannot afford to pay an hourly rate or retainer. Non-profits, like The Legal Aid Society, used to file regularly in the Commission because it allowed us to help more people. Today, we rarely do. We are hesitant to refer pro se individuals there because the waits are too long and the outcomes are poor. This leaves New York's most vulnerable residents without an avenue to protect their rights and disproportionately impacts people of color.

Reinvigorating the Commission and rebuilding its staff will take time. Today cases linger - sometimes for years - without resolution. They are passed from one staff attorney to the next as staff leaves. We ask you to act to stop the revolving door at the Commission, increase its budget and ensure it has the staff it needs to provide New Yorkers with a viable option for receiving the protections the Council passed.

II. New York City Human Rights Law, the Strongest in the Nation, Continues to Expand

The Commission is a unique body in the City, entrusted with the authority and charged with the duty of "thoroughly" investigating allegations of discrimination and, to the best of its ability, "eliminate and prevent" discrimination in New York. The Commission's budget has plummeted while its responsibilities have grown. In nearly every year in the past decade, the City Council has added to the Law in some way. Since 2013, the City Council has passed more than 40 amendments to the laws.¹

The severe budget cuts are particularly harmful because many of the more recent additions to the law have no equivalent protections at the state or federal level. Some of

¹ See *Amendments to NYC Human Rights Law*

<https://www.nyc.gov/site/cchr/law/amendments.page#:~:text=A%20Local%20Law%20to%20amend,%2C%20housing%2C%20and%20public%20accommodations.>

these new rights and obligations are among the most common forms of discrimination in the City, significantly increasing the Commission’s workload.²

Protected Category or Duty	Year New York City Added Category
Race	1955
Color	1955
Creed/Religion	1955
National Origin	1955
Gender	1965–75
Physical Disability	1965–75
Age	1965–75
Mental Disability	1981
Immigration or Citizenship Status	1984
Presence of Children (Housing)	1984
Sexual Orientation	1986
Marital Status	1991
Criminal Conviction or Arrest Record (Employment)	1991
Prohibition of Retaliation for Bringing Civil Rights Actions	1991
Prohibition of Sexual Harassment	1991
Prohibition on Bias-Related Harassment	1993; 2011 (cyberbullying added)
Status as a Victim of Domestic Violence or Stalking (Housing and Employment)	2001 (employment); 2016 (housing)
Gender Identity ³	2002

² See Ishan Thakore, *Plagued by staff shortage, NYC agency fails to make determinations in most discrimination cases*, Gothamist (July 6, 2023) (noting that source of income discrimination is the most common form of housing discrimination), <https://gothamist.com/news/plagued-by-staff-shortage-nyc-agency-fails-to-make-determinations-in-most-discrimination-cases>.

³ The City expanded its definitions of sexual orientation and gender identity in 2018. See N.Y.C. Local Law 38 (Jan. 10, 2018).

Requirement that Employers Provide Reasonable Accommodations of the Needs of Victims of Domestic Violence, Sex Offenses or Stalking	2003
Partnership Status	2005
Lawful Source of Income (Housing)	2008
Requirement to Educate the Public on Discrimination-Related Issues	2011
Unemployment Status (Employment)	2013
Domestic Workers, Freelancers, Independent Contractors and Interns	2014
Pregnancy	2014
Credit History (Employment)	2015
Right to Truthful Information Regarding Whether Jobs, Public Accommodations, Private Clubs or Housing are Available or Not	2016
Caregiver Status (Employment)	2016
Veteran or Active Military Status	2017
Prohibition of Inquiring about Salary History (Employment)	2017
Requirement that Employers Provide Reasonable Accommodations for Pregnant and Lactating Workers	2018
Hair	2019
Prohibition of Testing for THC (Employment)	2019
Sexual and Reproductive Health Decisions (Employment)	2019
Requirement to Post Minimum and Maximum Salary Information on Job Openings	2022
Weight	2023
Height	2023
Fair Chance For Housing Act	Effective 1/1/25

III. Staffing Crisis at the Commission

The Commission is in crisis. Not only has it lost staff attorneys but with recent resignations from high-level staff, today the Law Enforcement Bureau (LEB) is without a leader and the Commission is without a General Counsel. The LEB is the only avenue for justice for many New Yorkers. It requires a visionary and committed leader to

rebuild and expand the unit. Such a leader will certainly demand a similar commitment from the City to the Commission. The leader the Commission needs is not a person willing to captain a sinking ship: the City must demonstrate its commitment to the Commission so that we can attract the leaders our City deserves.

In 2018, the LEB had 47 staff attorneys. In the summer of 2023, that fell to only 9 staff attorneys. **Today, the Commission has less than 1/3 of the staff attorneys it had in 2018 – it has 17 staff attorneys in the LEB serving the entire City today and enforcing the strongest human rights law in the country.** Support and managerial staff suffered similar reductions in personnel. Because limited staff means limited intake appointments, the number of complaints filed at the Commission dropped substantially over this same period. In FY2018 just over 800 complaints were filed at the Commission.⁴ In FY2023 just 340 complaints were filed for all of New York City – **a 42% reduction of its prior performance.**⁵ Damages collected by the Commission have dropped from over \$8 million to \$4.6 million in two years. On average, **pro se callers wait 6 months to get an intake appointment** to speak with an agency attorney. During this time, their statute of limitations for their claims may run out and their situation remains unaddressed.

IV. Impact of the Staffing Crisis on Low-Income New Yorkers

The staffing crisis at the Commission has led to delays caused in part by near constant staff turnover. Complaints are no longer handled by a single dedicated LEB attorney familiar with the facts and circumstances of the case. Gone are the days when a case handler followed a case through to completion. Instead, complaints are transferred from attorney to attorney. This staff turnover causes significant delay.

Today my colleagues and I are more likely to spend our time filing an appeal of an administrative closure on behalf of a client the Commission has failed to help than we are to file a case with the Commission on behalf of New Yorkers in need of assistance. The need to appeal cases closed for administrative convenience is a waste of our

⁴ https://www.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf.

⁵ <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/cchr.pdf>.

resources and of the Commission's. In some instances, the Commission dedicated significant resources to investigating a complaint only to administratively close for convenience. Lengthy delays followed by administrative convenience closures do a disservice to all New Yorkers; they undermine the Commission's credibility with respondents which could have a lasting effect on the Commission's efficacy and impact if action is not taken to address the problem.

The Legal Aid Society has numerous cases where delay and administrative closure define the Commission's impact. This has led us to conclude that the Commission is no longer serving its purpose. It is not meeting its obligations to the City.

A. Understaffing and Employment Discrimination

The Society's client, Mr. R's experience at the Commission today is emblematic of the problem we are experiencing today: extended delays coupled with "administrative convenience closures." Mr. R. experienced disability discrimination at his job, and Legal Aid filed a Commission complaint on his behalf in 2021. For two years little was done as the case transferred from one staff member to another as LEB attorneys moved on. In March 2023, after two years of inaction, a "new investigative attorney assigned to the case" contacted Respondents' counsel. The investigative attorney explained "the matter continues to be under investigation and, *due to staffing issues, our investigations have had some delays.*" (E-mail from Commission case file.) Then, after conducting just two interviews, the Commission closed the case in 2023 for "administrative convenience."

These delays and case transfers have become the norm for how cases at the Commission are "investigated." Case closures for "administrative convenience" have become all too familiar. Legal Aid has appealed the closure of Mr. R's case and several others. Administrative closure for the "public interest" was not intended to be, and should not be permitted to serve as, a means for closing cases that staffing issues have delayed.

Our client Ms. G, a Black lesbian woman, was the victim of pervasive and violent harassment at her job because of her race, sexual orientation, and gender. Ms. G suffered harassment and retaliation and ultimately lost her job. Legal Aid filed a complaint with the Commission in 2018 on her behalf. The Commission investigated

and found probable cause existed that our client had been discriminated against in 2021. Then, without taking further action the Commission administratively closed the case two years later, in September 2023. Once again Legal Aid has appealed the closure. The appeal is pending.

B. Delay and Gender Identity Discrimination

The LGBTQ+ Unit of Legal Aid represented a complainant alleging gender identity discrimination and retaliation against a medical provider. The complaint was filed in August 2016 and we were told that the investigation would begin in December 2016. Nevertheless, six months later, the Commission had made minimal progress in the investigation and the initial investigator left the Commission. A year after the first investigator left, the second investigator left, once again stalling the investigation. After a third and final investigator was assigned, in February 2019, the Commission took two and a half years to resolve the matter, which finally concluded in summer 2021. The delay caused our client stress and anxiety and they feared that the Commission was not taking their complaint seriously. With the Commission's assistance we obtained damages for our client and policy changes at the medical provider. It is impossible to know how many people might have benefited had those changes been implemented in a timely fashion and not 5 long years after the complaint was brought.

C. Understaffing and Source of Income (SOI) Discrimination

Despite prohibitions in the City and State Human Rights Laws and ambitious private enforcement actions, source of income discrimination—particularly landlords' refusal to rent to voucher holders—remains rampant in New York City.⁶ Homeless and rent-

⁶ Matthew Haag, *She Wants Well-Qualified People': 88 Landlords Accused of Housing Bias*, The New York Times, March 15, 2021,

<https://www.nytimes.com/2021/03/15/nyregion/real-estate-lawsuit-section-8-discrimination.html>; Mihir Zaveri, *Discrimination Weakens Tool for Reducing N.Y. Homelessness, Lawsuit Says*, The New York Times, May 25, 2022,

<https://www.nytimes.com/2022/05/25/nyregion/ny-vouchers-homeless-discrimination.html>.

burdened New Yorkers continue to face repeated rejections because of their vouchers or never receive responses from the landlords they have contacted. The delays in resolving instances of SOI discrimination place additional and avoidable burdens on the City's shelter system, the housing of last resort for the most vulnerable New Yorkers. Over the past several years, the SOI Discrimination Unit at the Commission lost numerous staff members.⁷

Currently, New Yorkers who file Source of Income complaints with the Commission face years-long delays. For pro se complainants, the wait is even longer because they can wait months for their initial intake appointment with Commission staff when they file their complaint. These delays have particularly devastating impacts on the lives of voucher holders. This is because, under most voucher programs, the voucher must be used by a fixed deadline or will expire and be permanently lost. Delay in resolving these SOI claims increases the likelihood that the victim of discrimination will lose their voucher before their case is resolved and they have the chance to secure housing. Further, many complainants remain in unstable housing – or in the City's overburdened shelters - while their complaints are pending. Unstable housing has well documented negative impacts on health, employment, and education. Delays at the Commission leave SOI discrimination victims in limbo and exacerbate these effects.

Delays in processing SOI complaints also have significant costs for the City. Instead of using a voucher to move into permanent housing, voucher holders experiencing unresolved SOI discrimination may be forced to rely on the City's overburdened shelter system for longer. In 2021, the Independent Budget office estimated that it cost the City \$4,000 a month to house a single adult in a homeless shelter.⁸ The math is clear: **housing vouchers that move people out of shelters and into permanent housing save money** even before the multiplier effects associated with stable housing are accounted for. Funding the Commission to complete its work efficiently is good for the City's bottom line.

⁷ David Brand, *NYC's Long-Understaffed Voucher Discrimination Unit Now Has Zero Employees*, City Limits, Apr. 13, 2022, <https://citylimits.org/2022/04/13/nycs-long-understaffed-voucher-discrimination-unit-now-has-zero-employees/>.

⁸ See <https://ibo.nyc.ny.us/iboreports/adams-increases-funds-for-homeless-shelters-but-more-needed-for-shelters-and-other-programs-fopb-march-2022.pdf>.

Delays in resolving SOI discrimination at the City Commission carry a cost. They diminish any deterrent effect Commission action might have, making the speedy resolution of SOI complaints take longer. The lack of an adequate government response to SOI entrenches segregation, as voucher holders are primarily limited to low-opportunity areas.

The Commission's "pre-complaint intervention" program, where SOI Unit employees perform rapid outreach to landlords, is an important SOI Discrimination Unit resource. This team can successfully and quickly intervene to enable voucher holders to use their voucher and obtain relief for voucher holders when they need it most.

The "pre-complaint intervention" process works best in situations where the person or entity committing SOI discrimination might be uninformed about the law or susceptible to pressure from a governmental authority. For example, we have connected voucher holders with the pre-complaint intervention team where a broker told a voucher holder that they could not use their voucher in the building because it had "violations" and where a landlord refused to provide a tax form needed for voucher subsidy payments to be made. The pre-complaint intervention process seeks to quickly provide individual voucher holders with what they need—a chance to use their voucher and achieve housing stability. The process also can educate real estate market participants in a less adversarial manner than investigations and litigation. Pre-complaint intervention is an effective and efficient way to combat SOI discrimination, reduce homelessness, and move New Yorkers into stable housing. We recommended that additional resources be allocated to expanding pre-complaint intervention efforts.

New York City needs to commit to eliminating SOI discrimination and send a clear signal to the real estate industry that it cannot continue to discriminate without consequences. The Fiscal 2024 budget contained \$1.3 million to add 17 attorney and specialist positions to NYCHRR's source of income discrimination unit.⁹ This was an important step forward but many of those positions were not filled. To be effective, the

⁹ Tanveer Singh, NYC Council Fin. Div., *Report to the Committee on Finance and the Committee on Civil and Human Rights on the Fiscal 2024 Executive Plan for the Commission on Human Rights* (May 9, 2023), available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2023/05/CCHR.pdf>.

City's commitment to combatting source of income discrimination needs to be robust and sustained.

V. Reinvest in the Commission

The Commission cannot eliminate and prevent discrimination when understaffing is so acute that it closes rather than resolves cases after years of inaction. **The Commission is in crisis. We call on the City to:**

1. Restore the Commission's Budget to Pre-Pandemic Levels

The Commission's budget must be expanded from \$13,652,383, in the current Mayor's Preliminary budget proposal, to at least \$18,000,000 – this would bring LEB staff back to pre-pandemic levels and provide the funds necessary to enforce the Fair Chance For Housing Act from Jan. 1, 2025 when it takes effect.

What would be a significant budget increase for the Commission is an insignificant rounding error for the City. Without a course correction the Commission cannot recover. But even doubled, **the Commission's entire budget would remain less than 0.01% of the City's total budget.**

2. Fully Fund the Commission's Work for the Fair Chance For Housing Act

We thank Council for including a Fiscal Impact Statement with this law that estimates \$700,000 in additional expenditures in FY2025 and \$1,400,000 additional expenditure in FY2026.¹⁰ It is clear the Commission's budget must be expanded. The Commission must begin hiring and training staff before 2025 so that it can be prepared to respond to complaints filed when the law takes effect. We call on the City to ensure the Commission has the funds necessary in FY2025 budget so that it can be prepared on day one to fully enforce the new law. The Fiscal Impact Statement likely underestimates the FY2025 expenditures required,

¹⁰ Fiscal Impact Statement associated with Int. 0632-2022 version A: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5755059&GUID=1081D9A0-5626-4DE4-BB6A-142AB373A4AF>.

and the City should ensure the Commission has the funding needed to fulfill its mandate.

3. Exempt the Commission from the Hiring Freeze and Allow it to Hire Experienced Attorneys.

The City must lift hiring restrictions so that the Commission is no longer subject to a two-to-one hiring replacement scheme by which it can only hire one person for every two departures. This policy is responsible for accelerating the crisis facing the Commission. Remaining staff are forced to take on more work with no relief. This citywide budget measure has a disproportionate impact on the Commission because it is so small. With less than twenty LEB staff attorneys, four departures could reduce the LEB unit by ten percent while saving the City virtually no money. The Commission must be exempt from this policy. It must be encouraged to promptly replace any departing staff members.

Rather than hiring the most junior attorneys, the Commission should hire at the Agency II and III attorneys to attract the best talent. The Commission will not be able to rebuild if it offers its employees jobs promising low salaries and large caseloads.

This is a moment of urgency. Without intervention the situation will deteriorate still further. Today's underfunded and understaffed Commission is not positioned to meet the needs of New Yorkers when the Fair Chance For Housing Act takes effect in less than a year. It is not positioned to meet the needs of the undocumented New Yorkers who - with a federal election looming - may reasonably fear the repercussions of filing complaints with a federal agency or in court. The Commission is failing New Yorkers and must be rescued.

We thank the Council for its consideration of this testimony. For more information or to address concerns, please feel free to contact me at rcook-mack@legal-aid.org or (212) 298-5311.



Free to
Be Youth
Project

Free to Be Youth Project

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**NYC City Council Committee on Civil & Human Rights
Preliminary Budget Hearings - Public Testimony
March 15, 2024**

To The NYC City Council Committee on Civil & Human Rights

Good morning. Thank you so much for the opportunity to speak with you today. On behalf of the Free to Be Youth Project (formerly the Peter Cicchino Youth Project) of the Urban Justice Center, I would like to thank the New York City Council's Committee on Civil and Human Rights for convening this important hearing. My name is Connie Ticho, and I am a Pro Bono Scholar working with Amy Leipziger, the Director of the Free to Be Youth Project.

Free to Be Youth Project

The Free to Be Youth Project is dedicated to serving homeless and at-risk lesbian, gay, bisexual, transgender and queer (LGBTQ+) youth. We provide free legal services for individual LGBTQ+ young people up to the age of 24 and systemic advocacy for the LGBTQ+ youth community. The Project is housed at the Urban Justice Center, a non-profit law collective serving New York City's most disenfranchised poverty populations. Since 1994, we have been providing legal services to LGBTQ+ youth and young adults who are low-income, living on the streets, in homeless shelters, in the juvenile justice system or foster care. We regularly travel to drop-in centers where homeless youth congregate to offer direct legal services. We have helped hundreds of LGBTQ+ youth with legal problems like applying for legal immigration status, fighting wrongful denials of disability benefits, changing their names, fighting terminations of their public assistance benefits, overcoming barriers to obtaining safe and stable housing, and being wrongly turned away from our City's homeless shelters.

The New York City Commission on Human Rights

The New York City Commission on Human Rights protects the rights of the most vulnerable New Yorkers. The NYC Human Rights Law is one of the most robust, and affirmative, laws in the country, reflecting our city's culture of tolerance and equity. Along with race, gender, sexuality, and disability, the law protects New Yorkers from discrimination in employment and public accommodations based on their immigration status, religion, national origin, hair, source of income, criminal background, and pregnancy. In nearly every year in the past decade, the City

Council has added to the Law in some way. Since 2013, the City Council has passed more than 40 separate amendments to the laws.

Unfortunately, the Commission is in crisis. Funding has been slashed and staff headcounts have dwindled since the pandemic. In 2018, the Law Enforcement Bureau (LEB) - the Commission's enforcement arm - had nearly 50 staff attorneys plus 13 supervising attorneys. Today, there are only 17 staff attorneys and five supervisors working to enforce an ever-expanding list of protected classes. This is less than a third of the staff attorneys that it had in 2018 responsible for serving the entire city. The Commission's budget has plummeted while its responsibilities have grown; and today, it is unable to operate and fulfill its mission. We are calling on you to help us save this critical institution that has served countless New Yorkers.

The capacity strain at the Commission has a direct impact on the lives of low-income New Yorkers, especially for our clients, who are most vulnerable because of their age, homelessness and minority status. On average, pro se callers wait six months to get an intake appointment to speak with an agency attorney. During this time, the statute of limitations for their claims may run out, leaving their situation unaddressed. This leaves young people, like our clients, with no legal avenue or remedy to pursue when they experience discrimination and homelessness in the city. As a result, many of our clients find themselves living on the streets, waiting for agencies to comply with their obligations under the law and provide them with shelter accommodation.

The Experience of Homeless Youth

It's no secret by now that New York City is in the midst of a homelessness crisis. Young people become homeless for many complex reasons including family conflict, shortage of affordable housing, and family poverty. Youth run away for many reasons including violence, abuse or neglect in the home; mental illness or substance abuse among family members; challenges at school. Others are rejected by their families or experience family conflict because of their sexual orientation or gender identity, an unplanned pregnancy, use of drugs or alcohol, or inability to comply with parent/caretaker rules. Lacking the financial resources and basic life skills needed to live independently, they can experience criminal victimization, including commercial survival sex and labor trafficking, resulting in traumas that jeopardize their well-being and development into thriving adults.

I am here today to speak about the discriminatory barriers that homeless LGBTQ+ youth in this city are experiencing in the city. Specifically, the challenge of obtaining a safe place to sleep in a shelter, and some of the hurdles in transitioning to stable housing. Their stories speak of the urgent need to ensure there is sufficient funding at the Commission. Without any legal recourse, our clients find themselves in dire circumstances, often more precarious than the ones that brought them to our door in the first place.

Even before a young person is considered runaway or homeless, they have likely experienced trauma. This trauma is only exacerbated each day they experience homelessness. The challenges in ensuring safe shelter, or stable housing, exacts a punishing toll on the mental health of homeless youth. It is not surprising, then, that homeless LGBTQ+ youth are two to four times more likely to report depression, anxiety, self-harm, suicidal thoughts and suicide attempts. Notably, homeless LGBTQ+ youth are also more likely to experience bullying, sexual assault, violence, trauma, HIV infection, and substance abuse than either heterosexual or stably housed LGBTQ+ peers.

Moreover, homeless LGBTQ+ youth, in particular youth of color, are at high risk of involvement with the juvenile or criminal justice system due to their homelessness.

The repeated stressors brought on by homelessness often exacerbate pre-existing trauma and create an overwhelming lack of stability. For young people, this can impact their ability to continue with school, or find and maintain employment. Many of our clients face discrimination when seeking shelter, often turned away, and forcing them to live on the streets or find other, and often unsafe, temporary accommodations. Even if there are beds for their identified gender, they are still turned away. This transphobia and bias exacerbate the challenges our clients are facing. When seeking shelter, many of our clients are unable to find housing that aligns with their gender identity even though that is legally required. Our clients are then forced to choose whether to live in unsafe conditions with members of a sex they are not comfortable with or return to sleeping on the streets.

That our clients face this bias, despite the most robust human rights law in the country, is maddening. Moreover, the budget cuts these last few years have forestalled any legal relief for our clients, frustrating these robust human rights laws, because of the long wait times to file a complaint with the Commission. Even if they do file a complaint, during this process, our clients remain in a state of instability in shelters or rooms that they are uncomfortable with or remain on the streets.

Our Clients¹

a. Bruce Cain

On or around February 23, 2024, Bruce Cain, a young transgender man, attempted to return to his Department of Homeless Services' bed upon discharge from respite. He went to Samaritan Village, his assigned Department of Homeless Services (DHS) shelter, to request a bed when he was informed that there were no available Transgender, Gender Non-Confirming ("TGNC") beds. In response, Mr. Cain asked if he could have a regular male bed, but he was informed that, despite the availability of male beds, staff would not allow him to have one because they were concerned about "liability." Because of the lack of training and understanding of the mandated laws, the staff at this site, along with many other homeless shelters, are unable to provide services to the TGNC community. Due to this unlawful practice, Mr. Cain was without shelter for over a month and resigned himself to sleeping on the street. Mr. Cain's story is a prime example of a case in which FYP would suggest a complaint to the Commission as a remedy. With more funding and employees who receive more resources, the Commission would be able to meet with the client, assess their claims, and offer relief, including training for the shelter staff to ensure they comply with the policies under the law.

b. Fran Point

In early 2024, Fran Point, a transgender woman, was seeking shelter at the Jericho Project, a nonprofit that provides supportive housing to New Yorkers, and receives federal funds. The policy at Jericho Project is that women are housed with women, and men are housed with men.

¹ The names of the clients have been changed for confidentiality purposes.

Although Ms. Point legally changed her name and her sex designation to female, the Jericho Project refused to place her in its female housing. Ms. Point encountered hostility and derision from the agent, rather than assistance, in attempting to secure safe housing. Rather than place Ms. Point in female housing, the agent placed her in a house with two cis men. In addition to violating its policy, this placement also proved even more dangerous as one of the men threatened Ms. Point. The housing agent then deliberately, and falsely, alleged to the prospective landlord of the residence that Ms. Point was a man, and not a woman, and that she should be housed with other men. When a client, like Ms. Point, attempts to file a discrimination report, employees at Jericho Project refused to address the complaint. Although our office would normally recommend that Ms. Point files a complaint with the Commission seeking relief, because of the long processing times, she would be unable to obtain the immediate relief she needs. With more funding and employees, the Commission would be able to handle their growing caseload, and our clients could receive the relief they so desperately need.

Cases like Mr. Cain and Ms. Point are not unique, but part of a larger pattern and practice of gender-based bias, harassment and discrimination. By securing new funding and implementing competitive salaries, the Commission will be able to handle the growing caseload and swiftly address the problems our clients face every day. Furthermore, by lifting the restriction that the Commission can only hire one staff member for every two vacancies, the Commission, again, will have more resources to address this ever-growing problem.

Conclusion

At \$14.1 million dollars, which Mayor Adams proposed reducing even further to \$13.6 million dollars in his FY2025 Preliminary Budget, the Commission's budget is infinitely small compared to the immense mission it has been tasked with. Even doubled, **the Commission's entire budget would remain less than 0.01% of the City's total budget.**

Our budget ask for FY2025 is as follows:

- **Secure \$3 million in new funding for the Commission's Law Enforcement Bureau**
 - This funding would increase capacity at the LEB to mirror staffing levels in 2018, which requires adding at least 34 attorneys, one assistant commissioner, as well as supporting staff.
- **Lift hiring restrictions and create new positions that allow the Commission a one-to-one replacement for any staff turnover**
 - Currently, the Commission can only hire one staff member for every two vacancies, which hinders its ability to quickly staff up to meet the urgency.
- **Implement competitive salary rates**
 - Low salaries and large caseloads are unappealing. To attract and retain talent, the Commission must be allowed to raise salaries to compete with nonprofit legal service providers.

Without a functioning Commission, young, queer and trans unhoused New Yorkers will continue to face discrimination and remain on the streets without a bed or protection.

Thank you to the members of this Committee and to the community of human rights who have been working hard to address the needs of this community. The Free to Be Youth Project stands

ready to assist the NYC City Council Committee on Civil & Human Rights in any way that we can.

Sincerely,

A handwritten signature in black ink, appearing to read "Connie Ticho". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Connie Ticho
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**New York City Council
Preliminary Budget Hearings - Public Testimony**

**Testimony of Manon Vergerio, Head of Data & Advocacy
Unlock NYC
March 15, 2024**

My name is Manon Vergerio and I am the Head of Data & Advocacy at Unlock NYC, a tech nonprofit led by women who have experienced source of income (SOI) discrimination. We design mobile tools that enable New Yorkers with rental assistance vouchers to create a paper trail when landlords illegally turn them away. The majority of tenants who use our tools are currently experiencing homelessness, either staying in a shelter (36%), living doubled up with family (24%), or on the street (4%). **SOI discrimination is a vicious barrier that keeps New Yorkers homeless.**

Since launching our reporting tool in 2021, **we have received nearly 2,000 complaints of SOI discrimination, and referred over 600 of these reports to the NYC Commission on Human Rights (CCHR) for further action.** As the enforcement agency tasked with protecting New Yorkers from discrimination in housing and employment, CCHR has effective tools at its disposal to combat SOI discrimination and house homeless New Yorkers. Since its inception in 2018, CCHR's dedicated SOI Unit has secured over 200 "set-aside" units for voucher holders through settlements with landlords, reversed hundreds of illegal denials through pre-complaint interventions (PCIs), and won \$2 million in civil penalties from prosecuting discriminatory landlords and brokers.

Unfortunately, **CCHR desperately needs more funding and staffing.** Through years of cuts, vacancy reductions, and resignations from overstretched workers, staffing levels at CCHR have sharply declined. In 2018, the Law Enforcement Bureau (LEB) - the Commission's enforcement arm - had nearly 50 staff attorneys plus 13 supervising attorneys. Today, there are only 17 staff attorneys and 5 supervisors working to enforce an ever-expanding list of protected classes.

The Commission has had to do more and more work with dwindling resources. In nearly every year in the past decade, the City Council has added to the NYC Human Rights Law in some way. Since 2013, the City Council has passed more than 40 separate amendments to the laws.¹ Most recently, the Council passed the Fair Chance Act to ban employers from using criminal records in hiring decisions. While having the country's most expansive Human Rights Law is commendable, these valuable protections are toothless without proper resources to enforce them.

¹ See *Amendments to NYC Human Rights Law*, New York City Human Rights Commission, [Link to URL](#) (last visited Nov. 28, 2023).

The Human and Financial Cost of Understaffing CCHR

The capacity strain at the Commission has a direct impact on the lives of low-income New Yorkers. The current wait time for an intake appointment is up to six months, while cases take years to be brought to court. One of our members at Unlock NYC has been waiting two years for his case to be re-assigned a lawyer after the attorney working on his case resigned. Formal complaints languish for months (or years) without resolution, and are sometimes “administratively closed” with no clear motive. This waiting process is particularly crushing for homeless New Yorkers who are in a race against the clock to find an apartment before their voucher expires. Furthermore, the lack of enforcement sends the wrong message to discriminators, who continue their illegal practices knowing that they are unlikely to face any consequences.

Progress has been made, thanks to the efforts of the New York City Council. Last year, the FY2024 Adopted Budget included \$1.3 million for CCHR’s specialized SOI Unit, which carries out a mediation program called Pre-Complaint Interventions (PCIs). The SOI Unit was fortunately exempted from the hiring freeze and able to grow to 11 staff members (primarily non-attorneys) who negotiate with brokers and landlords caught in the act of discrimination to reverse illegal denials.

Investing in enforcement to combat SOI discrimination is a cost-saving measure. Per the Mayor’s Housing Blueprint, it cost the city nearly \$8,773 per month to house a family of two in the shelter system in 2022.² A CityFHEPS voucher for the same family costs a maximum of \$2,696³ for a one-bedroom with all utilities included. Every time CCHR is successful in shifting a family from a shelter to a permanent home, taxpayers save \$6,000/month for each month that family would have spent in shelter. Even by conservative estimates,⁴ CCHR’s SOI Unit would fully fund itself by housing 36 two-person households in a year, a target they largely exceed. For example, in FY2023, the SOI Unit conducted 145 successful PCIs, resolving 41% of SOI inquiries without the need to pursue a formal complaint⁵ - and that was *before* the size of their unit was doubled. Given CCHR’s track record, investing in combatting SOI discrimination is not only sustainable, it is a smart financial investment.

In our current housing market, turning down applicants with housing vouchers is the norm. SOI discrimination is the most pervasive form of housing bias in New York City,⁶ and landlords have adapted their techniques over the years to become increasingly hard to catch. Our organization has cataloged over 20 discrimination tactics, including changing the price of the apartment after a voucher holder applies, creating a separate “waitlist” for voucher holders, not responding to an applicant after they reveal their voucher, steering voucher holders to substandard housing units, implementing exclusionary income requirements, and many more.

² Mayor’s Housing Blueprint, [cited by Council Member Pierina Ana Sanchez](#), June 16, 2023

³ NYC Department of Social Services, [CityFHEPS payment standards](#) as of January 1, 2024

⁴ [Per the Comptroller’s August 2023 review of DHS](#), adult families spend an average of 28 months in shelter before finding a home. Here we assume an intervention from CCHR’s SOI Unit helps a family of two move out of shelter 6 months sooner than they would otherwise. Taxpayers would save \$36,000 per two-person household that transitions from shelter to housing (\$6,000 a month, for 6 months). By helping 36 families transition from shelter to housing, CCHR’s SOI Unit would save the city ~\$1.3 million annually, essentially paying for itself.

⁵ NYC Commission on Human Rights, [Annual Impact Report, FY2023](#)

⁶ *ibid*

At Unlock NYC, we envision a world where landlords and brokers fear the financial and social costs of discriminating against vouchers. While PCIs are effective in reversing illegal denials, they are not enough to create a robust enforcement landscape that deters the real estate industry from perpetrating SOI discrimination. The table below breaks down SOI enforcement strategies within the Commission’s toolbox, and to what extent the Commission currently has capacity to utilize them.

SOI Enforcement tools	Description	Responsible	Staffed and funded?
Pre-Complaint Interventions (PCIs)	Mediation tactic where the Commission negotiates with brokers and landlords caught in the act of discrimination to reverse a denial. Requires robust evidence, a fresh denial (24-48h), unit availability, and contact information for the broker and landlord.	Source of Income (SOI) Unit	✓*
Formal Complaints	Any New Yorker who believes they are a victim of discrimination has the right to file a formal complaint with CCHR within a year of the incident. Formal complaints can lead to monetary damages for the complainant, fines for the respondent, and other restorative justice and accountability measures.	Law Enforcement Bureau	✗
Commission-initiated investigations	Proactive enforcement via undercover investigations and high-impact lawsuits. Past settlements have yielded hundreds of “set aside” units for voucher holders. The Commission successfully worked with community groups to house New Yorkers coming out of homeless shelters into these set asides.	Law Enforcement Bureau	✗
* As of March 1, 2024, our understanding is that 11 out of the 17 positions secured in the FY2024 budget for CCHR’s SOI Unit have been filled.			

Our Ask: Protect the People, Fund the Commission

With the expansion of CityFHEPS to thousands more New Yorkers, it is essential to staff up the NYC Commission on Human Rights. Without proper SOI enforcement, vouchers cannot be an effective tool to alleviate our daunting homelessness crisis. Furthermore, SOI discrimination does not happen in a vacuum; research suggests that SOI discrimination may serve as a proxy for racial discrimination⁷ and that it disproportionately impacts women, the elderly, and the disabled.⁸ The Commission is the agency responsible for protecting New Yorkers from these myriad forms of discrimination.

At \$14.1 million dollars, which Mayor Adams proposed reducing even further to \$13.6 million dollars in his FY2025 Preliminary Budget, the Commission’s budget is infinitely small compared to the immense mission it has been tasked with. Even doubled, **the Commission’s entire budget would remain less than 0.01% of the City’s total budget.**

⁷ Scott and Uprety, “In the District, Source of Income Discrimination Is Race Discrimination Too – Equal Rights Center;” Tighe, Hatch, and Mead, “Source of Income Discrimination and Fair Housing Policy.”

⁸ Bluthenthal, “The Disproportionate Burden of Eviction on Black Women.”

We urge the Mayor and the City Council to **increase the NYC Commission on Human Rights' budget to at least 18 million dollars a year in FY2025 and in the outyears.** Our ask includes:

- **Secure \$3 million in additional funding for the Commission's Law Enforcement Bureau**
 - This funding would restore the agency to its 2018 staffing levels by adding at least 34 attorneys, one assistant commissioner, and critical support staff.

- **Add \$1.4 million for the implementation of the Fair Chance Act**
 - Additional capacity is needed to implement the Fair Chance Act (FCA),⁹ including hiring of ten new staff and related costs for a public education campaign at the New York City Commission of Human Rights for a total annual cost of \$1.4 million, per the FCA fiscal impact statement.

- **Lift hiring restrictions to allow 1-to-1 replacement for open staff positions**
 - Currently, the Commission can only hire 1 new staff member for every 2 departures, which guarantees that the agency will continue to shrink.

- **Implement competitive salary rates**
 - Low salaries and large caseloads are unappealing; to attract and retain talent, the Commission must be allowed to hire attorneys at the Agency Attorney II and Agency Attorney III levels to compete with nonprofit legal service providers and the City's own Law Department.

As New Yorkers, we pride ourselves on our culture of acceptance - but without the Commission, it is an illusion and not a reality. We look forward to continuing to work with our allies in City Council to build a robust anti-discrimination landscape and house our homeless neighbors.

Sincerely,

Manon Vergerio

Co-founder and Head of Data & Advocacy, Unlock NYC | manon@weunlock.nyc

⁹ See [Fair Chance Act Fiscal Impact Statement](#)



Written Testimony
New York City Council
Committee on Civil and Human Rights
Preliminary Budget Hearing
March 15, 2024

Thank you, Chair Williams and members of the Committee for the opportunity to submit written testimony for the Committee on General Welfare's Fiscal Year 2025 Preliminary Budget Hearing about the need to properly fund the City Commission on Human Rights to combat source of income discrimination.

My name is Nicole McVinua, and I am the Director of Policy at Urban Pathways. Urban Pathways is a nonprofit homeless services and supportive housing provider serving single adults. Last year, we served over 2,000 unique individuals through a full continuum of services including street outreach, drop-in services, safe havens and stabilization beds, extended-stay residences, and permanent supportive housing in Manhattan, Brooklyn, Queens, and the Bronx. We also offer a wide range of additional programming to meet the needs of our clients, including our Total Wellness, Employment, and Advocacy programs. We hold City contracts with DHS, DOHMH, and HRA.

Source of Income (SOI) Discrimination is the biggest challenge the people served by Urban Pathways face when searching for an apartment and can lead to extended stays in our safe havens, stabilization beds, and drop-in centers despite our clients actively searching for apartments. SOI discrimination is rampant city-wide and impacts all types of voucher holders, including CityFHEPS, FHEPS, and Section 8/ Housing Choice Vouchers. Legal protections against SOI discrimination must be enforced to ensure that voucher holders are able to utilize their vouchers in a timely manner. The only agency tasked with protecting the rights of voucher holders and holding discriminators accountable is the City Commission on Human Rights, specifically the Commission's enforcement arm (Law Enforcement Bureau) and specialized unit (Source of Income Unit). Unfortunately, years of vacancy reductions, budget cuts, and resignations have brought the Commission's work to a halt. In order to resolve this capacity issue, the following measures are needed in the FY25 budget:

- The City must **maintain the funding level secured in FY24 for the Source of Income Unit at the City Commission on Human Rights (CCHR), which includes \$1.3 million to hire 17 new positions.**
- **CCHR’s Law Enforcement Bureau (LEB) must, at minimum, be increased to levels that mirror staffing in 2018. This requires adding at least 34 attorneys and one assistant commissioner to the LEB, as well as support staff, including investigators and testers, at an estimated cost of \$3 million in new funding for the Law Enforcement Bureau in FY25.**
- The City must **classify attorneys at CCHR as “critical” positions and exempt them from the hiring freeze.**
- **Salaries at the Commission need to be raised to competitive rates** in order to attract and retain experienced attorneys.

Thank you for the opportunity to provide testimony on behalf of Urban Pathways. We hope that the critical work of CCHR can be continued and strengthened in this year’s budget to combat the rampant SOI discrimination against voucher holders and low-income renters across the City, including so many of the people served by Urban Pathways who are seeking permanent housing with CityFHEPS or Section 8 subsidies.

We look forward to working with the City Council on a fair and equitable budget for all New Yorkers.

For questions or more information, please contact:

Nicole McVinua, Director of Policy
nmcvinua@urbanpathways.org
212-736-7385, Ext: 233

Greetings to the Council and the Committee on Civil and Human Rights for having this meeting to discuss the budget for an agency that New Yorkers depend on to receive justice for all forms of discrimination and harassment. My name is Malahaika Israel, and I am a member from Neighbors Together. I am submitting my testimony to share the challenges I faced while finding a home with a voucher due to source of income discrimination, the importance of the New York City Commission on Human Rights fighting discrimination in this city, and the importance of a comprehensive budget for this agency for resources and stronger enforcement.

My encounter with CCHR was when I experienced source of income discrimination when looking for a home with CityFHEPS in 2018. I tried to find apartments that fit my voucher amount, but landlords and brokers would ghost me; they preferred Section 8 and told me I didn't meet the income and credit requirements despite explaining the bonuses they would receive to rent an apartment. I felt like a failure and that finding a home was impossible, which left me feeling hopeless and alone. I took action to understand why I could not find a home with a voucher that covers the full rent; that was when I became involved with Neighbors Together, where I became educated on source of income discrimination and my rights as a voucher holder. With a new approach to a successful housing search, I created a log of all the apartments and real estate agents I contacted to find a home.

When I created a list of apartments with the help of keeping a record of real estate agents to hold accountable for this injustice, the frustration of not finding a home for my family made me feel invisible. The agents ignore the needs of people like me searching for a home with a voucher. I submitted many reports to The New York City Commission on Human Rights (CCHR) with evidence of source of income discrimination. In 2020, a staff attorney contacted me at CCHR to review my report, confirm the allegations of source income discrimination, and ensure that the agency would fight to seek justice and get me housed. The staff attorney contacted me again a few months later and said she would contact the broker's attorney to conduct a pre-complaint intervention to decide how I wanted to proceed with my case. During this time, I found an apartment on my own but decided to continue with the lawsuit against the landlord who discriminated against me.

Because of the pandemic, I lost contact with CCHR and received no updates from the pre-complaint interview, along with my voucher expiring. With the collaboration with Riseboro and Neighbors Together, I got my voucher extended due to being discriminated against with an ongoing case with CCHR. Although my case was delayed with CCHR, I still had faith in the agency to help me seek justice and up until now my case hasn't been settled.

Source of income discrimination is an injustice to individuals and families who seek housing using a voucher to secure stability and a home that is their sanctuary. New York Commission on Human Rights (CCHR) **SOI** Unit has the tools for voucher holders to hold bad actors accountable. Litigation and pre-complaint interventions help voucher holders access a home more quickly through negotiations with the discriminating landlord and other discriminating parties.

We understand that this city is in a budget crisis - what we are asking for is the bare minimum. From hearing my testimony and others facing harassment and discrimination, I hope you can visualize my experience finding a home with a voucher and imagine what other voucher holders' experience, such as prolonged stays at the shelters and being prevented from moving to existing apartments with various issues and other discriminatory actions. This shows that voucher holders and other New Yorkers rely on the New York City Commission on Human Rights to fight for justice on discriminatory actions. Replenishing staffing to pre-pandemic levels will enable staff to conduct pre-complaint interventions swiftly, getting voucher holders housed and proceeding with litigations.

This is why we are calling to maintain the new funding secured for the SOI unit last year. Also, we are calling for the city to include an additional \$3 million for the Law Enforcement Bureau to hire at least 34 attorneys plus supporting staff, including a mix of entry-level and

experienced attorneys at competitive rates to meet the needs of the New Yorker and the capacity of CCHR.

Stronger enforcement, a comprehensive budget to get homeless New Yorkers and victims of discrimination and harassment justice includes funding for more staff and an abundance of resources to handle reports of source of income discrimination, and other types of discrimination which are often overlapping. Investing in the Law Enforcement Bureau at CCHR is an advantage for New Yorkers and the City in actively enforcing against all forms of discrimination, including fighting for fair housing laws and keeping homeless New Yorkers housed.

Thank you to the Committee on Civil and Human Rights for listening to impacted individuals' feedback on the challenges and funding needs facing the City Commission on Human Rights, and for supporting the people of New York City in seeking justice for all forms of discrimination.

Good morning, my name is Nycole-Lanyse Jacques. I'm a part of Unlock NYC's Leadership Collective for 2023-2024.

Unlock NYC is a nonprofit that assists voucher holders who have faced discrimination based on their source of income. Additionally, Unlock NYC collaborates with legislators and advocates to uphold fair housing rights for individuals. I'm here today to give my testimony on how budget cuts contributed to my homelessness.

In the winter of 2022, I received my CityFHEPS Voucher to assist me with future rent. From the winter of 2022 until the summer of 2023, I viewed and applied to several apartments throughout New York City. Unfortunately, during my search, I experienced a lot of discrimination because I was a voucher recipient.

However, after discovering Unlock NYC, I was able to report people through their platform. Then, on January 30, 2023, I was contacted by LEB stating that I would receive an appointment with CCHR. At this point, I was unaware of the staffing shortage at (CCHR). However, it wasn't until April of 2023, that I received an email about an in-person meeting scheduled for August of 2023.

Once I met with an attorney, I was given two options. One was a Pre-Intervention, which aimed to secure a comparable apartment. The other option was for them to draft a complaint on my behalf. Initially, I chose the Pre-Intervention, but unfortunately it didn't work out, so a complaint was filed. At first, the LEB attorney assigned to me was responsive and stayed in touch. However, after my complaint was signed and notarized in November 2023, I didn't receive any communication until March of 2024.

I firmly believe that if CCHR had a larger budget and more staff with better wages, this entity would be able to mitigate clients claims before their Statute of Limitation elapsed. Since that's not the case,

some agents and landlords will continue to discriminate against voucher

holders. It's imperative not to cut budgets from city entities that are supposed to be the backbone of New Yorkers' human rights. It costs more to have clients in the shelter system than for them to have their own apartment. Please take a stance against budget cuts that contribute to homelessness in New York City. To this day, I haven't been able to recover physically, emotionally, and mentally because justice wasn't served.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kayt Tiskus

Address: 16 Maiden Lane, Apt 111

I represent: Collective Public Affairs on behalf of Trans Equity Initiative

Address: Support for Persons in the Sex Trade, Domestic Worker Empowerment

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: SAPNA RAJ

Address: 22 Reade St.

I represent: NYC Commission on Human Rights.

Address: 22 Reade St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 03/15/24

(PLEASE PRINT)

Name: KAZORI CHAUDHURI

Address: 22 READE ST, NY NY 10007

I represent: NYCCHR

Address: 22 READE ST, NY NY 10007

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Annabel Palma
Address: 22 READE ST NY NY
I represent: NY CCHR
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 3/15/24

(PLEASE PRINT)

Name: Mariela Salazar
Address: 22 Reade St NY, NY 10001
I represent: NYC Commission on Human Rights
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 3-15-2024

(PLEASE PRINT)

Name: Russell Ferri
Address: 253 Broadway, Suite 602
I represent: Equal Employment Practices Commission
Address: _____



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dr Aldrin Rafael Bonilla

Address: Bronx, N.Y

I represent: EEPC

Address: 253 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nicole Yearwood

Address: Bronx, NY

I represent: EEPC

Address: 253 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/15/24

(PLEASE PRINT)

Name: JEANNE M. VICTOR

Address: 253 BROADWAY, SUITE 602

I represent: EEPC

Address: 253 BROADWAY, SUITE 602

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Tahmir Williams

Address: _____ NJ 07107

I represent: New York Lawyers for The Public Interest

Address: 151 W 30th St, New York, NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Paul Keefe

Address: _____ Brooklyn 11201

I represent: Community Service Society

Address: 633 Third Ave 10th Floor NY 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 03/15/2020

(PLEASE PRINT)

Name: Nicole - Lanyse Jacques

Address: _____ NY, NY 10021

I represent: Unlock NYC

Address: BK

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/15/24

(PLEASE PRINT)

Name: Amy Blumsack

Address: 209W Fulton St Brooklyn NY 11233

I represent: Neighbors Together

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 03-15-2024

(PLEASE PRINT)

Name: Allegra Tishe

Address: _____

I represent: Gender Equality Law Center

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 03/15/24

(PLEASE PRINT)

Name: CRISTOBAL GUTIERREZ

Address: _____

I represent: MAKE THE ROAD NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/15/23

(PLEASE PRINT)

Name: Jonathan Eber

Address: _____ Bk, NY

I represent: Enterprise community partners

Address: 1 Whitehall Street, NY, NY, 10004

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rebetah Cook-Mack

Address: _____

I represent: Legal Aid

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/15/2024

(PLEASE PRINT)

Name: Donnie Ticho

Address: 40 Rector St, NY, NY 10006

I represent: Urban Justice Center

Address: 40 Rector St. NY, NY 10006

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cristobal Gutierrez

Address: _____

I represent: MAKE the Road

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆