

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

OF THE

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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Tuesday, April 28, 2026

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HELD AT: 250 Broadway - 8th Floor - Hearing
Room 1

B E F O R E: Hon. Sandy Nurse, Chair

COUNCIL MEMBERS:

Jumaane Williams, Public Advocate
Shaun Abreu
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Shahana K. Hanif
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COMMITTEE ON CIVIL AND HUMAN RIGHTS

A P P E A R A N C E S (CONTINUED)

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Affairs at the New York City Commission on Human
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Hillary Scrivani,
Director of Policy and Adjudications
at the New York City Commission on Human Rights
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SERGEANT CAMERON: This is a sound check for the Committee on Civil and Human Rights. Today's date is April 28, 2026; recorded by Preston Cameron in Hearing Room 1.

SERGEANT AT ARMS: Good morning. Welcome to the New York City Council Hearing for the Committee on Civil and Human Rights. At this time, please place all electronic devices to vibrate.

If you wish to participate in today's hearing, please fill out an appearance card with the Sergeant at Arms. And as a friendly reminder, please do not approach the dais.

Chair, we are ready to begin.

CHAIRPERSON NURSE: [GAVEL] Good morning. My name is Sandy Nurse, and I serve as Chair of the Committee on Civil and Human Rights. I'd like to start by thanking everyone who's joining us today, and thank you to the committee staff who worked hard to put this hearing together.

Today, we are hearing about the Fair Chance Act and its challenges and successes since its enactment.

The Fair Chance Act, first passed in 2015 and later expanded in 2021, prohibits most

1 employers from asking about an applicant's criminal
2 record before making a job offer or from including
3 such inquiries in a job advertisement. It also
4 protects employees from being treated less well than
5 other employees due to a previous arrest or
6 conviction. Local Law 24 of 2024, which took effect
7 in January 2025, created similar Fair Chance
8 protections for housing. The Fair Chance in Housing
9 Law prohibits landlords, real estate brokers, or
10 their agents from discriminating against renters and
11 buyers because of arrest records, convictions, or
12 other criminal history.

13 But before we can really dive into the
14 Law's implementation, I think it's important to
15 highlight why we passed this bill in the first place.

16 The United States incarcerates more human
17 beings than any other nation on the face of this
18 earth. One in three Americans carries a criminal
19 record. The arrest rate for Black Americans is more
20 than double that of white Americans. In Manhattan,
21 the financial capital of the world, Black individuals
are convicted of felonies at a rate 21 times higher
than white individuals, and Latinos are convicted 8.5
times more.

These statistics represent individuals who do not reflect a difference in conduct amongst racial groups. They reflect a difference in treatment.

At every single stage of the criminal justice system, marginalized people are squeezed harder. They have pretrial detention more often. They face harsher charges and longer sentences for the same behavior. They are convicted at higher rates. And when people are innocent, they are more likely to accept a plea deal anyway because the system has very little protections for them. Some wait years to clear their names of wrongful convictions, while the machinery of that system moves on without apology.

This is the reality in which the Fair Chance Act was built: 750,000 New York City residents carry a criminal conviction, nearly a million of our neighbors. And when they are released, in other words, have paid their debt to society, they face closed doors at every turn. Employers will not hire them, landlords who will not house them, and a society that says, you have served your time and then make certain your time, and never truly ends.

Ninety-three percent of formerly incarcerated individuals want to work and seek employment. They are ready, able, and willing, and yet six out of 10 cannot find work, especially during that critical window after release.

The reality is, we have built a system of invisible punishment that follows a person long after they leave prison. More acutely, in New York City, when a person cannot find housing, they are 10 times more likely to become homeless than someone without a record. Families are forced to choose between keeping their loved one under their roof and keeping that roof at all. And those who leave prison homeless are seven times more likely to violate their release terms, beginning a very terrible cycle.

The Fair Chance Act in Employment and the Fair Chance in Housing Law, passed in 2024, are not charity. They are the bare minimum of what justice requires. These laws allow nearly a million of our neighbors to formally end the period of punishment and move on with their lives. And of course, a law means nothing if it is not enforced with the full backing of the City's power, including resources and services.

1 Today, we will examine whether these
2 protections are reaching the people that they were
3 written for, what the state of enforcement and
4 investment looks like, and if we are making gains on
5 the Fair Chance for Housing expansion.

6 I look forward to hearing your testimony
7 and getting into the details. I'm going to pass it
8 off to Committee Counsel to administer the oath.

9 COMMITTEE COUNSEL: Good morning,
10 everyone. Thank you for joining us. If you could
11 please raise your right hands.

12 Do you swear to tell the truth, the whole
13 truth, and nothing but the truth before this
14 committee?

15 ADMINISTRATION AFFIRMS

16 COMMITTEE COUNSEL: Thank you so much. You
17 may begin.

18 DEPUTY COMMISSIONER KAMUF WARD: Good
19 morning, Chair Nurse and Committee staff, thanks as
20 well. I am just echoing. I know that there is a lot
21 of effort behind the scenes that goes into these
 hearings, and we appreciate the partnership with you.
 It is also Fair Housing Month, so happy Fair Housing
 Month. Nice to do this in April.

My name is JoAnn Kamuf Ward, and I am Deputy Commissioner of Policy and External Affairs at the New York City Commission on Human Rights ("CCHR" or "the Commission"). Joining me today for questions is Hillary Scrivani, Director of Policy and Adjudications.

CCHR is excited to speak about our ongoing commitment to advancing Fair Chance protections in employment and housing—amendments the Commission has staunchly supported for decades and which are groundbreaking.

Today, we will speak about how the Commission educates New Yorkers about their expanded rights and works with housing providers and employers so they know and comply with evolving obligations.

There is more detail in the written testimony than what I am going to say this morning.

Since the passage of the Fair Chance employment protections in 2015, the Commission has continued to develop new initiatives to address this pervasive type of discrimination.

I will speak briefly about our dual mandate, and then turn more specifically to the

provisions of the Law and what we have been doing to date.

The law that we enforce, I think, as we have discussed, historically, is one of the strongest local civil rights laws in the nation and reflects a clear principle. All New Yorkers deserve to live, work, and thrive in our city free from discrimination. To this end, the New York City Human Rights Law prohibits discrimination in housing, employment, and public accommodations across more than 25 protected categories.

Since its inception, the Commission has been responsible for preventing discrimination through education, outreach, and partnerships. And when violations are reported to us, we investigate, seek to settle cases, and prosecute violations in order to foster accountability and secure meaningful relief for New Yorkers.

Now, just turning to the protections in the Fair Chance Amendments that are really a vital part of our mission to expand access to opportunity.

These protections state that past interaction with the criminal legal system should not be a barrier to housing or to employment. They also

recognize that background checks are not always reliable and provide New Yorkers the ability to respond when errors show up in their applications for housing or employment.

These protections have evolved over time. As the Chair noted, in 2015, the Fair Chance Employment Act was passed, prohibiting most New York City employers from considering an applicant's criminal history until after a conditional offer of employment, or from referencing criminal histories and job ads and applications, which we know had a chilling effect on just applying for jobs in the first place.

The law allows for criminal history to be taken into account in limited circumstances, but it also guarantees that when this happens, job applicants receive an individualized assessment and requires that employers demonstrate a specific connection between a conviction and a position before an applicant can be turned away.

In 2019, these protections were expanded to cover current employees and additional types of case dispositions.

Together, these workplace protections ensure that qualified applicants are evaluated based on their skills and ability to perform a job, rather than being automatically excluded. This enhances access to employment and supports economic mobility, family stability, and successful re-entry.

Turning to housing, as we all know, and as the Chair also mentioned, stable housing is foundational to dignity, health, and economic security.

Fair Chance Housing protections ensure that individuals do not face permanent exclusion from housing based on past legal system involvement or the existence of a criminal record.

The Fair Chance Housing Act requires that New Yorkers be considered for housing based on current eligibility. It says that landlords and brokers cannot discuss criminal history in ads or applications.

While the law does not strictly prohibit background checks, the Fair Chance Housing Act requires two important things:

First, if a housing provider does a criminal background check, it must be the last part of the application process.

And secondly, before a candidate can be turned away, the housing provider must conduct an individualized analysis and provide a reason to the applicant in writing.

By promoting individualized review and transparent decision-making, these protections help create the conditions necessary for employment stability and community safety. And as noted by the Chair, these protections are also in place to address long-standing racial injustice.

That's the law. Now I'm going to talk a little bit about what we've been doing.

So I just want to start by noting the Commission works very closely with Council and with advocates and other stakeholders on the passage of Fair Chance housing protections. And we continue to collaborate with partners with experience in reentry, some of whom are in this room and are part of the Fair Chance Housing Coalition, including the Fortune Society, the Osborne Association, Legal Aid, Community Service Society, and others.

We also engaged an artist with the Department of Cultural Affairs to take a participatory approach to really meet with community members who were impacted by the criminal legal system, and bring that to our education and outreach. And I'm happy to talk more about that in the Q&A. And our efforts were designed to ensure that outreach and education reflect lived experience.

One of the aims, of course, of the Commission is to prevent discrimination before it occurs through outreach, technical assistance, and education, through guidance, trainings and speaking to workers, tenants, employers, housing providers, and CBOs (community-based organizations) across the five boroughs. We help New Yorkers understand their rights and responsibilities.

I think being proactive in the Fair Chance space is also super important because compliance depends on awareness of in-depth procedural requirements, the use of lawful screening practices, which sometimes are kind of a black box of information, and individualized review standards. By expanding awareness and promoting compliance on the front end, education and outreach make the

protections of the law meaningful in everyday practice.

Ahead of the Fair Chance Housing Act's effective date, the agency worked with advocates, sibling agencies, and housing providers to develop comprehensive information and launched the "Break Down Barriers to Housing" campaign, ushering awareness of the law. We also distributed resources and outreach events, ran digital social media and link kiosk ads, and placed posters and convenience stores across the city in multiple languages to drive individuals to information that we've created on our website.

In fiscal year 2025, the Commission also created an in-house training for our staff. We also have a free Fair Chance Housing training for members of the public, available by request, to ensure that anyone who wants to know about the law and learn more about some of the details has the ability to do so. These protections are also included in our more frequently offered "Human Rights Law 101," so that anyone who is talking to the Commission and receiving training is going to know that Fair Chance protections exist in New York City.

And we think that education and awareness really foster compliance with the aim of reducing violations of the law, which is a lofty objective. These efforts complement our enforcement, and I think, as we've discussed before, when the Commission receives information suggesting potential violations of Fair Chance protections, the agency has the ability to launch investigations to determine whether employers or housing providers have engaged in discriminatory conduct and to enter settlements in those cases.

During the first year of Fair Chance Housing, the Commission has prioritized outreach and education. And as we look ahead, we anticipate that, like employment, Fair Chance housing enforcement will result in settlements, including agreements that involve training of housing providers and policy changes to prevent future discrimination.

So just in closing, Fair Chance protections embody a fundamental promise of the City Human Rights Law that every New Yorker is treated fairly.

Access to employment and housing creates the stability that strengthens families, supports

1 re-entry, and advances safety for everyone. We remain
2 committed to pairing vigorous enforcement with
3 proactive education. So these rights are meaningful
4 in practice.

5 And we thank the committee and Members of
6 the Council for their partnership and look forward to
7 continuing this work together. And we welcome the
8 opportunity to answer your questions.

9 CHAIRPERSON NURSE: Thank you so much, and
10 I want to recognize that we have been joined by
11 Council Member Shaun Abreu.

12 So we'll start out by talking about the
13 Fair Chance Act regarding employment. I have some
14 questions around outreach inquiries and testing. And
15 then we'll move into some other areas.

16 DEPUTY COMMISSIONER KAMUF WARD: Okay.

17 CHAIRPERSON NURSE: For the Fair Chance
18 Employment Act, CCHR had reported for the first two
19 years that you've conducted outreach to over 18,000
20 individuals, but you also provided technical
21 assistance to just under 2,000 people. And we were
wondering what the technical assistance entails?

DEPUTY COMMISSIONER KAMUF WARD: So you're
talking about now, 2016 to 2017 years?

CHAIRPERSON NURSE: Yes, the first two years.

DEPUTY COMMISSIONER KAMUF WARD: So I think, I mean, technical assistance is not a term we use these days about the way that we engage with members of the public. But I can speak about my time, you know, since I've joined the Commission, what we do in this space.

I think for Fair Chance Employment, we created a citywide campaign, "Criminal History? You Can Work With That", which was across subway ads. We created a handbook in partnership with some of the advocates who are in this room, so that people know what is permissible during the application process. We developed rules to guide employers and job applicants on what the law looks like. And we conducted, I think, many, many trainings in correctional facilities with sibling agencies, and with service providers as well as reentry organizations, so that individuals would know what their protections in this space are.

We still get a lot of questions about Fair Chance employment. We monitor on my team just an inbox that is questions from law firms, questions

1 from individual New Yorkers that say, "Hey, this is
2 my background, someone asked me this question, is
3 this a violation of the law?" I think that's the kind
4 of technical assistance that was being referred
5 to—fielding questions from members of the public,
6 both on, again, the service provider side, the
7 employer side, HR, I would say, also asks a lot of
8 questions. So those, I think, are the types of
9 inquiries that, on the policy tech team, we deal
10 with, but also the Law Enforcement Bureau. Not
11 everyone wants to file a claim; sometimes, people are
just seeking answers to their technical questions.

CHAIRPERSON NURSE: Okay, thank you for
that.

13 And you mentioned in your testimony that
14 you include fair chance information in your "Human
15 Rights 101 training". Can you explain how often that
16 is offered and generally who takes those trainings?

DEPUTY COMMISSIONER KAMUF WARD: I would
17 say just on the second question, who takes those
18 trainings, it's really a wide array of people who are
19 doing the "Human Rights Law 101". So today, one of
20 our colleagues is at Visions, which is a nonprofit
21 serving people with disabilities, doing a "Human

1 Rights Law 101". We definitely do them for sibling
2 agencies. We have regular trainings with DOHMH for
3 example and regular trainings with HPD. "The Human
4 Rights Law 101", we offer between 100 and 200-- when
5 I say we offer, I mean we are holding that training,
6 not just that we're saying like, "It's on offer".

7 CHAIRPERSON NURSE: You host one.

8 DEPUTY COMMISSIONER KAMUF WARD: Yeah, we
9 have 100 to 200 of those a year, reaching several
10 thousand New Yorkers each year. And it can really run
11 the gamut of, you know, employment agencies, service
12 providers, and CBOs are often requesting those
13 trainings.

14 We also have a dedicated "Fair Chance in
15 Employment" training, and we have a dedicated "Fair
16 Chance in Housing" training.

17 So the "HR Law 101" is sort of a teaser
18 training in that it covers everything under the Human
19 Rights Law, and our goal is always to be engaging in
20 longer terms, but folks are also taking the deeper
21 dive trainings on topics like Fair Chance and
disability protections.

CHAIRPERSON NURSE: Was there any training given as a corrective action for a party who was in violation of the Fair Chance and Employment Act?

DEPUTY COMMISSIONER KAMUF WARD: So I would say almost all of our settlements in the Fair Chance employment space involve training on the Human Rights Law. That's really larger for most of our settlements. Training is a component of what we order people to do. So, in Fair Chance employment in particular, I think there are a couple of novel things we have done that are worth mentioning. So training is a basic one, and we do respondent trainings on the Fair Chance Employment Act as a standalone. We also require people, obviously, to fix their ads or applications that are violating the law. And I think if a company is based in New York, but they have offices countrywide, that's something that can impact and have a ripple effect past New York City, which I think is really great. And we can also require and have required companies to share their model employment policies with us. I anticipate something very similar in the housing space, where we are looking at what your policy says on a wide range of topics, including Fair Chance. And then the last

1 thing I'll say about the Fair Chance employment space
2 is that, also as part of our settlements, we have,
3 depending on the employer, requiring folks to
4 actually do job fairs and engage with reentry
5 organizations. Again, with the idea that we want to
6 not just stop the facial violation, obviously, we
7 want to do that, but really expand the pipeline of
8 opportunity that employers are pulling from, so that
9 the demographics of who they are employing changes.

9 CHAIRPERSON NURSE: And it doesn't seem
10 like there's been reporting on the number of
11 trainings or technical assistance numbers since the
12 pandemic. Are you all still tracking that?

12 DEPUTY COMMISSIONER KAMUF WARD: So again,
13 the technical assistance number is not a number we've
14 tracked in that way... (CROSS-TALK)

15 CHAIRPERSON NURSE: Or trainings last
16 (INAUDIBLE)... (CROSS-TALK)

16 DEPUTY COMMISSIONER KAMUF WARD: Yeah, so
17 trainings, yeah, 100%.

18 CHAIRPERSON NURSE: Okay.

19 DEPUTY COMMISSIONER KAMUF WARD: So we
20 have training numbers. I think I can talk to you
21 about some of the ones we have today... (CROSS-TALK)

CHAIRPERSON NURSE: Yeah, that would be great...

DEPUTY COMMISSIONER KAMUF WARD: Mm-hmm?

CHAIRPERSON NURSE: Even if you want to list them here...

DEPUTY COMMISSIONER KAMUF WARD: Yep.

CHAIRPERSON NURSE: or if you want to also send them...

DEPUTY COMMISSIONER KAMUF WARD: Yeah.

CHAIRPERSON NURSE: You know, just how many individuals have received training or participated in workshops regarding financials for Fair Chance for employment...

DEPUTY COMMISSIONER KAMUF WARD: Mm-hmm.

CHAIRPERSON NURSE: in each of the post-pandemic years. So I think that's FY22 through 25. If you're saying technical assistance you're not using, that's fine, uh, just so that we can have that for our records... (CROSS-TALK)

DEPUTY COMMISSIONER KAMUF WARD: And I can say the years I have with me right now are 23-24 and 25. So I can say just for those years: for Fair Chance employment in Fiscal Year 2024, we did about 30 of those trainings, reaching 351 people. That one

person's very important. In Fiscal Year 2025, we did 33 trainings reaching 321 people. And in Fiscal Year 2026, to date, 46 of those trainings— reaching about 500 people.

You asked about Human Rights Law 101, so I'll just say those numbers as well:

In Fiscal Year 2024, we did 150 of those trainings, reaching about 4,000 people. In 2025, we did 200 of those trainings, reaching 7,000 people. And in Fiscal Year 2026 to date, we've done 99 of those trainings, reaching about 6,000 people as well.

When we add the Fair Chance, the specific training, do you want me to speak to that number?

CHAIRPERSON NURSE: Yeah, if you could, yes.

DEPUTY COMMISSIONER KAMUF WARD: So that only started in 2025, but as I mentioned, the Human Rights Law 101 trainings that I just covered would introduce Fair Chance protections. The specific Fair Chance housing training was offered 16 times in 2025, reaching about 175 people. In Fiscal Year 2026, we've almost doubled that number to date, doing 26 and reaching 350 people.

1 And then I should also say I think
2 relevant to the Fair Chance housing space in reaching
3 realtors and housing providers, who are very
4 important in the application market, we have
5 developed with the Fordham Real Estate School a
6 partnership where we offer a free training for real
7 estate brokers where they get continuing education
8 credit, and we've trained about 1,000 brokers in
Fiscal Year 2025.

9 Again, it's the suite of housing
10 protections in the City Human Rights Law, so it's
11 source of income, it's disability, it's Fair Chance,
12 but we think that's a really effective program,
13 because people are incentivized to want to do the
training, and it helps them keep their license.

14 CHAIRPERSON NURSE: Yeah, that's great.
15 Thank you for that breakdown.

16 I want to move into inquiries. Can you
17 tell us what the difference is between phone calls
18 and walk-ins reported? So, in the Mayor's Management
19 Report for FY25, there were just over 20,000
20 reported. But then in CCHR's annual report, it's a
21 little bit lower at about 15,000 for FY25. So, we're
just wondering what the difference is here.

1 DEPUTY COMMISSIONER KAMUF WARD: I'm just
2 trying to pull up the PMMR data. I mean, part of that
3 data is when in time it was run. So I think we have
4 opined on our case management system at a separate
5 hearing. But if we run the data on a date, and one of
6 our staff members entered their inquiries after we
7 run that data, the next report we run is going to
8 have a different number.

9 But I think the number of inquiries that
10 we have been talking about for Fiscal Year 2025 is
11 like 15,500-ish. I don't have the walk-in versus
12 phone call, or the other way we take inquiries is in
13 a web form, but I don't have that breakdown with me
14 today.

15 CHAIRPERSON NURSE: Okay. And when someone
16 calls into the info line, are they talking to a Human
17 Rights Specialist, or are they just talking to
18 someone who does general intake?

19 DEPUTY COMMISSIONER KAMUF WARD: Yeah, so
20 our Human Rights Specialists, our info line, are the
21 intake folks who are really taking down all of the
information, and doing kind of a first run analysis
of whether what they're saying states a claim if
taken as true. And then if that's the case, we set up

an appointment to meet with an attorney. And that's how the process moves forward.

And I think we also talked previously about the opportunity to file complaints as one mechanism for resolving cases. But I think in the housing space, we have seen the use of what we call precomplaint interventions, which are, you know, we get the phone call, something has happened recently in time, the individual who calls wants a quick resolution if possible, and the potential respondent is open to that. We try to resolve matters like a viewing for an apartment in the (INAUDIBLE) space, a reasonable accommodation in the disability space, without ever filing a complaint. Because we know that can be a lengthy process, and we don't have the number of claims to bear this out yet, but we anticipate that Fair Chance Housing will also be a space where we are able to utilize precomplaint interventions.

CHAIRPERSON NURSE: And are staff trained in how to identify what kind of discrimination may have occurred as part of determining the protected class or other basis for CCHR's jurisdiction when an inquiry happens?

DEPUTY COMMISSIONER KAMUF WARD: Yeah. So, are they looking at the multiple potential claims that might show up? Yeah, 100%. And I think, you know, just looking at some of the data in anticipation of today, we see in the Fair Chance employment space, some crossover with disability claims, some crossover with race claims, and we've seen in the small number of housing inquiries we have had, also crossover with source of income, which I think is not a huge surprise. I don't know if that trend will continue, but we definitely are training and encouraging our staff to think about intersectionality and to recognize that people might come to us with a problem. We might uncover another problem while talking to that individual, but it's part of the intake and investigation process to try to bear out if other potential claims exist.

CHAIRPERSON NURSE: When that happens, in terms of additional claims or violations that are identified, is that reconciled in your annual reporting data?

DEPUTY COMMISSIONER KAMUF WARD: Yes. So that's why if you look at the claims numbers, it doesn't exactly match the number of complaints filed

because complaints can have a host of claims, sometimes related to each other, sometimes a little different. So a complaint can bear multiple claims.

CHAIRPERSON NURSE: If it seems like discrimination may have occurred, is that person always offered an intake appointment?

DEPUTY COMMISSIONER KAMUF WARD: Yes, I think they are always offered an intake appointment. I know that we have in our system something called a "no show", which means that we've tried to reach someone, we've set an appointment, and they are not able to make it, and we try to follow up with those people. But everyone who states a colorable claim is invited to further work with the Commission. We are a right to file agency, so we take everyone who has a colorable claim... (CROSS-TALK)

CHAIRPERSON NURSE: And... And...
(CROSS-TALK)

DEPUTY COMMISSIONER KAMUF WARD:
(INAUDIBLE)

CHAIRPERSON NURSE: Thank you for that.
And if someone is offered that, I mean, we've spoken about the length of time. So, for someone who doesn't want to wait the amount of time

1 anticipated to get that intake appointment, do you
2 refer them out to another legal service provider?
3 What are the options that you're providing, and how
4 are those referrals made?

5 DEPUTY COMMISSIONER KAMUF WARD: I think
6 this is an ongoing work in progress. Because our goal
7 is always to give a warm handoff either to legal
8 service providers if we can't help someone, which you
9 know, the numbers of increase are very high, and the
10 numbers of claims are much lower because there are
11 many things that don't end up being Human Rights Law
12 violations. So we attempt to make a warm handoff
13 where possible, and where we know someone who's
14 working in that space, one of the legal service
15 provider organizations, sometimes it's going to the
16 state division, which has some parallel jurisdiction
17 with us. And sometimes it's just that people are
18 looking for resources for understanding what their
19 rights are, and they don't even want to file a claim.

20 But I think, yes, we are committed to
21 lowering the amount of time it takes at every stage
of the complaint process. So that's from when someone
calls to when they meet with an attorney. That's the
amount of time it takes to resolve a claim. I think

1 the Commissioner has stated her objective to have
2 cases resolved in one year or less, and we want to be
3 moving in that direction, and that's, you know, how
4 we are evaluating our current staffing to think about
5 how we move the needle.

6 CHAIRPERSON NURSE: When CCHR is unable to
7 identify a protected class, what happens to those
8 folks? Do you also refer them out to these other
9 organizations?

10 DEPUTY COMMISSIONER KAMUF WARD: I think
11 it will totally depend on the situation, right? If
12 someone is contacting us and they're not in New York
13 City, there are analogs to us in lots of places that
14 they can contact. So the state division, or
15 Westchester County Human Rights Commission, or
16 another Commission with similar jurisdiction.

17 Sometimes, you know, folks contact us
18 because they know we do SOI work. And they're having
19 a voucher issue, but it's not a discrimination issue,
20 it's like their, you know, Shopping Letter or
21 something to do with their package. So we really work
hard to hand them off directly to our colleagues at
sibling agencies, because we know that navigating
multiple agencies... (CROSS-TALK)

CHAIRPERSON NURSE: Agencies? It's a nightmare? Yeah.

DEPUTY COMMISSIONER KAMUF WARD: Can be challenging.

So yeah, I think where we can help folks or where we see kind of a direct resource, we provide that. I think that the challenge can be that sometimes folks are experiencing something that's very unpleasant, but doesn't rise to the level of illegal violation that we can help them with. So we try to explain that to the best of our ability, and all of our attorneys and intake staff have lists of referral agencies and legal service providers that we can share if appropriate.

CHAIRPERSON NURSE: Right. Okay.

From 2016 to 2017, about 6% of inquiries with an identified protected class were for discrimination on the basis of arrest or conviction record, and in recent years, that number has varied from around 3% to as much as 15%. Do you think that these inquiries are most likely additional reports of Fair Chance employment discrimination, but they're just not being identified?

DEPUTY COMMISSIONER KAMUF WARD: Can you just ask that again so I can fully understand the question?

CHAIRPERSON NURSE: Yeah. Just a little bit of a wonky question. From 2016 to 2017, about 6% of inquiries with an identified protected class were for discrimination on the basis of arrest or conviction record. And in recent years, that number has varied from around 3% to as much as 15%. And we are wondering if you would agree, or do you-- what do you think about this percent of that are most likely there are more-- Sorry, I'm trying to restate how it's written here-- Are there most likely additional reports of Fair Chance employment discrimination that are not being identified?

DEPUTY COMMISSIONER KAMUF WARD: Not coming to us, but I think generally there is likely more discrimination happening than what we're seeing in our reports.

I think when I look at the data on inquiries and claims, there's one standout year where we have a huge number of inquiries, which is FY22, which is, you know, I think we can anecdotally connect to the fact that the law was changed to cover

1
2 current employees and people anticipated they might
3 have a claim with us. Every other year really hovers;
4 the number of claims is the same in this space. So 25
5 to 35. I think that just indicates that this is a
6 persistent problem. And I think there's always just a
7 percentage of people who want to take the step of
8 reporting discrimination to an agency for action.

9 But we know that in almost every area
10 covered by the law, there's underreporting. So, to
11 the extent we think that's the whole universe of
12 discrimination, I would say probably not. People can,
13 of course, go to court. I think there are examples of
14 that, but we don't track how many people are going to
15 court. I think we are just one agency.

16 The other piece I will say is that you
17 know, the state division also has jurisdiction over
18 Fair Chance complaints that are filed, you know,
19 within their jurisdiction, which is the whole state.

20 So again, we are like one piece of the
21 picture. But I don't think our inquiries and claim
22 numbers paint a picture of what's happening in New
23 York City writ large.

24 CHAIRPERSON NURSE: Yeah. I think what the
25 question is trying to get at is just trying to

understand why so many inquiries don't have a protected class identified.

DEPUTY COMMISSIONER KAMUF WARD: Oh yeah, okay, yeah, that one I can... (CROSS-TALK)

CHAIRPERSON NURSE: Yeah, sorry, I...

(LAUGHTER)

CHAIRPERSON NURSE: (UNINTELLIGIBLE) Like one of the statistics here is FY22, increase for Fair Chance employment discrimination was really high, 500 and-- almost 600 inquiries. Approximately one in every six inquiries was identified as a protected class. And it just seems surprising that with a huge surge in inquiries about Fair Chance employment protections, only eighteen of those claims were filed as complaints. Zero were resolved through precomplaint intervention, and so I'm just trying to understand what happened to the rest of the people.

DEPUTY COMMISSIONER KAMUF WARD: So I think just on the data point, the (INAUDIBLE) is for one year, maybe resolved in a subsequent year. So there's not like a one-to-one ratio with the number of inquiries that come in in FY25 and how many results in precomplaint intervention.

1 But I think the reason so many inquiries
2 have a non-jurisdiction, you know, we don't have the
3 basis, is because at that stage, people may not have
4 provided all of the information for their case. So we
5 might get, you know, a web form that says, "I
6 experienced discrimination." We call the person back,
7 and that data is filled in over time after we're able
8 to contact the person.

9 So at the inquiry stage, we just don't
10 always have the full picture to be able to label what
11 the connection is. But if we can identify a protected
12 category, it is then reported in that way in our
13 system.

14 CHAIRPERSON NURSE: So if something's not
15 identified, a claim could still be filed within that
16 same year, correct?

17 DEPUTY COMMISSIONER KAMUF WARD: Yeah, and
18 it might also happen in the next year... (CROSS-TALK)

19 CHAIRPERSON NURSE: (INAUDIBLE) reconciled
20 in the data, right?

21 DEPUTY COMMISSIONER KAMUF WARD: So that
 doesn't mean nothing happens. It means that at the
 time the inquiry was made, we're not sure what the
 full picture was. But it's the job of our intake

folks and our investigators to identify if there is a protected category once we connect with the person who made that inquiry.

CHAIRPERSON NURSE: Okay.

Is there an official checklist used to identify a case that is very urgent, time sensitive, or otherwise a good candidate for early intervention?

DEPUTY COMMISSIONER KAMUF WARD: I think there are a number of tools. I don't know that we have a specific checklist. I will have to get back to you on that.

CHAIRPERSON NURSE: Okay, just a few more questions.

DEPUTY COMMISSIONER KAMUF WARD: Yep.

CHAIRPERSON NURSE: How often would you say Fair Chance employment cases qualify for those expedited processes on average?

DEPUTY COMMISSIONER KAMUF WARD: So I think the expedited processes have been most prevalently used in the disability space and the source of income space. So I think in employment where, you know, it is often we're collecting information, as we've already talked about with the

1 Fair Chance Employment process. It's a little bit
2 complicated.

3 So I think it's not as easy to spot or
4 reconcile as some of our other protected categories.
5 I mean, this is a difference between Fair Chance and
6 other protected categories. You can ultimately still
7 consider criminal history if you're an employer or
8 housing provider. The law sets up the timeframes to
9 do that. It sets up procedural requirements for that.
10 But it's not like race or disability, where it's a
11 non-starter to consider that factor as a result of
12 both state and federal law. There are regulations
13 that require, in some instances, employers or housing
14 providers to look at and evaluate criminal history.

15 So it makes it, I think, just a more
16 complicated analysis on the enforcement side.

17 CHAIRPERSON NURSE: Thank you for that.

18 So you'd say, just to repeat what you're
19 saying to me, in the disability and source of income,
20 you're expediting those cases, what? Fifty percent of
21 the time?

DEPUTY COMMISSIONER KAMUF WARD: I don't
think we can give a number for that, because it
depends on the year, kind of what the incoming is,

and what the bulk of those cases are. But we can try to run at least the historical data and get back to you on that.

CHAIRPERSON NURSE: That would be helpful to know.

And then my last question on this topic is, why hasn't CCHR resolved any Fair Chance inquiries through precomplaint interventions since 2021?

DEPUTY COMMISSIONER KAMUF WARD: I will have to go back to our enforcement team and try to suss out the answer to that question. I think it's going to be along the lines of the things that I was saying. I think in the beginning periods, we saw a lot of facial violations that were ads and applications. I think our cases now are much more about the processes that are being used in hiring.

So, does that make sense? Like the facial violations, if we see an ad and it's violative, you can pick up the phone and say, "Correct that ad," and that's a precomplaint intervention action.

If someone says that their criminal history was used inappropriately during the hiring process, it's going to take us longer to both collect

1 the information on that, potentially do an RFI to the
2 employer, or request information, to try and identify
3 where the process went wrong vis-à-vis Fair Chance.
4 But that's my anecdotal response, and we'll have to
5 circle back.

6 CHAIRPERSON NURSE: Yeah, any data or
7 additional information that you could provide in the
8 followup to explain that would be helpful. Because it
9 seems like it's quite a bit of a difference, and if
10 it's the nature of the inquiries, that's
11 understandable, but we would just like to have a
12 little more on that.

13 I'm going to pass it over to the Public
14 Advocate, who wants to make a statement.

15 PUBLIC ADVOCATE WILLIAMS: Thank you very
16 much, Madam Chair. Welcome, Deputy Commissioner and
17 Director.

18 As mentioned, my name is Jumaane
19 Williams, Public Advocate of the City of New York. I
20 want to thank Chair Nurse and the Members of the
21 Committee on Civil and Human Rights for holding this
important hearing.

An estimated 2.1 million people in New
York State have a criminal record, and roughly

337,000 have spent time in prison. Contact with the criminal legal system can impact every aspect of a person's life, from housing to relationships to mental health and physical health. Perhaps the biggest barrier to employment is a criminal record or time spent in prison. The stigma of a criminal record, even when the record has nothing to do with the responsibilities of a particular job, is difficult to overcome. Trades bound by occupational licenses, for example, like cosmetology or addiction counseling, are subject to background checks, and a criminal history may disqualify a person.

These barriers to employment have a real economic impact. A Brennan Center [for Justice] Analysis estimates that underemployment related to a criminal record costs New Yorkers around \$12.6 billion annually. For Black and Latino people, who already have lower average lifetime earnings than their white counterparts and are more likely to be justice-involved, this impact is even greater.

Racial disparities in the criminal justice system flow directly into economic inequality and the racial wealth gap. We must take steps to

1 reduce the economic damage of mass incarceration in
2 New York City and beyond.

3 The Fair Chance Act, which I was proud to
4 be the prime sponsor of as a council member, went
5 into effect in October of 2015, limiting when and how
6 most New York City employees can consider a person's
7 criminal conviction history, or open criminal case,
8 when deciding to hire or fire or discipline them,
9 sometimes called "Ban the Box" law, due to the
10 prohibition on asking about prior criminal evictions
11 on job applications.

12 The City Council later amended the Fair
13 Chance Act—I am proud as the Public Advocate to have
14 been the prime sponsor of that amendment—expanding
15 protections for current employees as well as
16 applicants. If an employer wishes to rescind the job
17 offer, there are certain guidelines they must follow
18 and specific factors they must use to analyze the
19 applicant and determine if there is a direct
20 relationship between the prior offense and the
21 specific employment sought.

 The Fair Chance Act and its amendments
are critical in combating some of the economic harm
of the criminal legal system on New Yorkers. But we

1 can and should do more. In New York State, some
2 misdemeanor and felony convictions can't be sealed or
3 expunged, underscoring the need for laws like the
4 Fair Chance Act, the Fair Chance for Housing Act, and
5 the Clean Slate Act.

6 New Yorkers with criminal records are our
7 families, friends, coworkers, and neighbors, and have
8 the same rights to gainful employment as anyone else.
9 It's always a surprise to me that the things people
10 need are the two things that are oftentimes banned
11 when people come home, which are employment and
12 housing. I don't know how you'd be able to make it if
13 you can't get a house or be employed.

14 I remember that we were told that we were
15 going to force people to hire particular people. I
16 don't believe that's what happened. I do believe that
17 more qualified people were hired. So I'm happy that
18 we're having this hearing.

19 I would love to know if we have any
20 numbers on the people who may have been hired on this
21 that may not have otherwise been hired, and whether
we have had any complaints from employees.

DEPUTY COMMISSIONER KAMUF WARD: Yes, so I
think...

PUBLIC ADVOCATE WILLIAMS: I'm sorry, I meant employers. How many have (INAUDIBLE)

DEPUTY COMMISSIONER KAMUF WARD: Oh, complaints from employers?

PUBLIC ADVOCATE WILLIAMS: Yes.

DEPUTY COMMISSIONER KAMUF WARD: Formal legal complaints, no. I think you know, when the amendments happened in 2019, there was a lot of-- I didn't start in my role until 2021, and we were still getting communications about how it was impossible to do a bifurcated background check and move the criminal history information to later in the process. That's not a complaint. I think it's an objection to the law and kind of the idea that you mentioned, Public Advocate, which is moving the criminal history review to as far back as possible in the application process. Something that we tried to mirror in housing, so that it really is the last possible thing someone looks at. This makes it easier to identify if that is the thing that is causing concern about a particular applicant.

So we have not had any formal legal complaints by employers, but we get a lot of

1 questions and a lot of concerns that this is a
2 burden.

3 I think we were expecting some similar
4 ideas in the housing space, because housing
5 providers, I think, were very concerned at the front
6 end, while the bill was being negotiated. That said,
7 some of the things that we saw repeat violations in
8 the Fair Chance employment context, which again are
9 ads that are just violative of the law, we have not
 been seeing in the housing space.

10 We worked pretty closely with REBNY (Real
11 Estate Board of New York) and others when the law was
12 being passed. There was a long window between the
13 passage and the effective date. So we were talking to
14 all of those folks so that people had the notice that
15 we had created and understood what the law required.
16 I think the Fair Chance Housing Act is also written
17 in a fairly clear way, and there's less back and
18 forth in the process than there is in employment.

19 So I would say there are just more
20 questions and concerns from employers if that's the
21 kind of information you're looking for.

PUBLIC ADVOCATE WILLIAMS: Oh, yes, thank you. And I just don't know if we have any numbers of people who may have been hired...

DEPUTY COMMISSIONER KAMUF WARD: So that we don't have that. What we do have, and what we can pull, is the number of settlements in this space. I can say, anecdotally, in the past, I think it's Fiscal Year 2023 to 2026, I think we have about \$3 million in civil penalties and damages that have accrued to people who have filed claims with CCHR. And so civil penalties go to the city of New York, and more than half of that amount has been damages that are going to people who were either not hired, passed over, or treated inappropriately in the employment pipeline.

PUBLIC ADVOCATE WILLIAMS: Thank you and thank you, Madam Chair.

I guess it would be safe to say that the sky actually didn't fall, and people have not been forced to hire any particular person because of this law. Thank you.

DEPUTY COMMISSIONER KAMUF WARD: Yeah. And I'll just add to that, because I think that was a question during the Fair Chance housing passage as

1 well. We've heard anecdotally, and there are actually
2 articles, at least one, that says this, that if you
3 put Fair Chance in place, it actually causes more
4 discrimination in hiring. So we got that question
5 about housing, I think that is also, you know,
6 anecdotally not what we're seeing happening. I think
7 these laws are going to increase access and increase
8 stability, as was intended.

9 CHAIRPERSON NURSE: Thank you. Thank you,
10 Public Advocate. Yes, we are still here. The world is
11 not falling apart so far.

12 All right, so I'm going to ask about
13 testing. From the very beginning, when Fair Chance
14 employment laws first came into effect in late 2015,
15 CCHR has prioritized proactive testing for
16 violations, typically several 100 tests each year,
17 from what I understand. What types of violations do
18 tests typically uncover? How are those resolved? Has
19 testing ever helped identify repeat offenders? There
20 is one more question, but I will let that one go
21 first.

DEPUTY COMMISSIONER KAMUF WARD: Yes. So I
think we can use testing in a few different ways. One
is kind of Commission-initiated proactive testing,

1 which is that we're just-- we're doing scans of
2 websites, employment sites, and job applications to
3 find a facial violation. We also can use testing if
4 something is reported to us as a tip or we get an
5 inquiry to confirm whether that practice is still
6 ongoing. I do not have the numbers, but I can say
7 with confidence that testing has uncovered
8 discriminatory ads and applications, and those things
9 can be resolved without any complaint ever being
10 filed. And that is the case. But I don't have the
11 exact numbers.

12 CHAIRPERSON NURSE: And repeat offenders
13 to identify people who are repeat offenders?

14 DEPUTY COMMISSIONER KAMUF WARD: I mean, I
15 think often there are repeat offenders because they
16 will put out an ad, and it's been circulated widely.

17 CHAIRPERSON NURSE: Okay.

18 DEPUTY COMMISSIONER KAMUF WARD: So those
19 kinds of multiple violations are included in the
20 civil penalties that we order for entities that
21 violate the law. So if you had one ad versus 50, over
 time, there's going to be a higher amount of money
 that you're required to pay as a settlement of the
 case... (CROSS-TALK)

CHAIRPERSON NURSE: I understand that, but they're-- if you've done a corrective action with someone and it's resolved, have you found that they've done it again?

DEPUTY COMMISSIONER KAMUF WARD: So I will have to get back to you about the Fair Chance...

(CROSS-TALK)

CHAIRPERSON NURSE: Okay, can you follow up?

DEPUTY COMMISSIONER KAMUF WARD: employment space, yeah.

CHAIRPERSON NURSE: Okay, yeah.

And then, for testing for Fair Chance protections in FY24, they were unusually low, 38 tests for discrimination on the basis of arrest and conviction record, respectively, whereas in other years, CCHR reported hundreds of tests. Can you tell us what happened that year and how that affected the claims CCHR was able to file?

DEPUTY COMMISSIONER KAMUF WARD: And you said FY24?

CHAIRPERSON NURSE: '24, yeah.

DEPUTY COMMISSIONER KAMUF WARD: So I think that, you know, actually the number of

1 Commission-initiated complaints for that year was not
2 significantly lower than some other years. I would
3 have to look back at-- I'd have to inquire with our
4 enforcement bureau why testing shifted in that
5 particular year. But I see what you're saying that
6 the number was lower than it had been in the years
7 before that, and since that time. We've kind of
8 almost doubled or tripled testing in that space.

9 CHAIRPERSON NURSE: Okay. So what are the
10 most, in terms of precomplaint interventions and
11 mediation, what are the most common outcomes of
12 precomplaint interventions in relation to Fair Chance
13 in employment?

14 DEPUTY COMMISSIONER KAMUF WARD: So I
15 think I said this already, that I think it's actually
16 most often used in other spaces. So we'll have to
17 circle back on specific examples of precomplaint
18 resolutions for Fair Chance employment.

19 CHAIRPERSON NURSE: And when you do use
20 mediation, when it fails, what are typically the next
21 steps?

DEPUTY COMMISSIONER KAMUF WARD: Yeah. So,
just on mediation, I think we have a formal mediation
program at CCHR. So cases can be referred from the

1 Law Enforcement Bureau to a mediation that is handled
2 by a trained mediator. We have used that historically
3 in cases where both parties are represented, and that
4 has been-- 99% of those cases have been in the
5 employment space. If mediation fails, that can be
6 referred back to the Law Enforcement Bureau of the
7 same settlements and outcomes that we've talked
8 about. And ultimately, if a Law Enforcement Bureau
9 case cannot be settled, it is referred to OATH for an
administrative trial.

10 CHAIRPERSON NURSE: And then for your
11 community and government partners, could you tell us
12 more about the community partners in the space? What
13 does the selection process look like, and to what
14 extent are these partners compensated for their work
with CCHR?

15 DEPUTY COMMISSIONER KAMUF WARD: Yeah,
16 sure. I'll talk about the housing space, since that's
17 the most recent and the one that we've been really
18 involved with. And I think I mentioned already that
19 we had for Fair Chance Housing, we partnered with a
20 public artist in residence, which is a City program
21 through DCLA. We had embedded with us an artist who
created a participatory theater education project on

1 Fair Chance housing, where she had advisors who were
2 justice system-impacted individuals, and brought this
3 performance, which was created over several months
4 with input from community members, to the Fortune
5 Society and the Center for Court Innovation. And we
6 have a pending date to bring it to supportive housing
7 with the Osborne Association. But it's been very
8 complicated to get into that space. So, Caitlin
9 (phonetic), who is our public artist in residence,
10 was compensated because that is a city program that
11 compensates artists. And she met over a series of
12 several months with about 30 individuals who either
13 were incarcerated at some point or have family
14 members who are incarcerated, and those folks were
15 reimbursed for their time through a gift card
16 program. So, not direct compensation, but we
17 recognize that time is valuable and that these folks
18 are experts who were really helping us. So we hope to
19 do more of that. I don't know if we will have the
20 resources to be able to do more of that.

18 CHAIRPERSON NURSE: And what is your
19 system for receiving information from community
20 partners on an occurrence or the pervasiveness of
21 discriminatory conduct? How many referrals has CCHR

received from community partners regarding Fair Chance protections in recent years for employment and housing?

DEPUTY COMMISSIONER KAMUF WARD: Yeah. So the way that our system-- well, I should take a step back. I think referrals to us can happen in a lot of ways. So we can be in a space at a resource fair, and someone can say, "Come over and talk to CCHR." And that's kind of the warm handoff that we think is the gold standard. But there's also the possibility that individuals at Fortune or Osborne or one of the legal service providers we've been working with are told, you know, to contact CCHR. We often--Our system currently tracks the individual's name, so we don't have full data on the referral and where individuals learn about CCHR. That's something I hope--I know that we want to be able to rectify with a different case management system, but we currently don't, we can't report fully on that data. I can share anecdotal information. I can say in the housing space where we've had, I think we have had six inquiries in FY26 to date. And two of those are kind of handoffs from legal reentry organizations.

CHAIRPERSON NURSE: Okay. I'm going to--
thank you for that. I'm going to shift to housing.

I know you've been (INAUDIBLE)...
(CROSS-TALK)

DEPUTY COMMISSIONER KAMUF WARD: Yeah,
yeah...

CHAIRPERSON NURSE: in and out of that,
but. Given that, you know, it's new, we want to kind
of spend a little time on it.

DEPUTY COMMISSIONER KAMUF WARD: Yeah.

CHAIRPERSON NURSE: So, just in terms of
monitoring enforcement, again, thinking about
outreach, you mentioned that CCHR delivered trainings
on Fair Chance housing to several hundred individuals
and that CCHR offers a Fair Chance housing training
by request. Do you have any numbers on how many
people or organizations have requested this or how
many that you have proactively reached out to
provide...

DEPUTY COMMISSIONER KAMUF WARD: Yeah. So,
Fair Chance housing-specific training, in FY25, we
delivered that 16 times to about 176 people. And in
FY26, to date, we've done 26 Fair Chance housing
trainings reaching 354 people. Those are always by

1 request. So that is the number. We don't turn away
2 requests. If there's an individual requesting the
3 training, we kind of aggregate that so that we're not
4 doing a training for one person. But I would say the
5 number of trainings we've done mirrors the number of
6 requests we've gotten for that specific training.

7 CHAIRPERSON NURSE: Excuse me, I've been
8 trying-- you've been looking at me while I'm yawning
9 because I took allergy medicine, and it's impacting
me.

10 How many of these were roughly in person
11 or online? What is typical? Do people ask you to come
12 in person, or do you mostly do these virtually?

13 DEPUTY COMMISSIONER KAMUF WARD: So I
14 think since the pandemic, we have found that most
15 people want to do training online because it's easier
16 to get everyone together and to be able to schedule
17 it. As I mentioned, the public artists in residence
18 performances, which were really like theater and
19 education, were all in person at the reentry
20 organization spaces. I think that is helpful for us,
21 because we can bring an intake law enforcement
attorney, so people are learning about the law, and
then directly after that, folks can talk to someone

1 to assess if they have a potential claim with CCHR.
2 So I think we really like to do them in person, but
3 the majority of requests are virtual.

4 CHAIRPERSON NURSE: And are your mobile
5 intake units a part of this outreach and education
6 effort around housing?

7 DEPUTY COMMISSIONER KAMUF WARD: So yeah,
8 the kind of mobile intake that we have done, or the
9 in community intake, has been broader, it hasn't
10 really been targeted just on one type of violation,
11 but as I said, the performances that we've done with
12 Caitlin have involved bringing a law enforcement
13 attorney and then a member either me or a member of
14 my team to be able to answer questions about the law
15 that the artist can't answer. And that's our hope to
16 expand that work as well.

15 CHAIRPERSON NURSE: And for these mobile
16 intake units, what would be a typical place that you
17 would go to? Are you going to shelters, are you going
18 to like commercial corridors...

18 DEPUTY COMMISSIONER KAMUF WARD: So,
19 mostly we've been going to community-based
20 organizations because that's where people are coming
21 already. So we try to be in the space where people

1 are going to be. I think Commissioner Clark is
2 thinking about how we do this most effectively, and
3 everything is kind of on the table right now for how
4 we're doing our outreach and intake—really, at the
5 time when we know folks are afraid to come to
6 government offices, we also do online appointments
7 just for that reason, so people don't have to come to
8 our physical space.

9 CHAIRPERSON NURSE: And for testing,
10 you've outlined all of the proactive enforcement that
11 you've done for Fair Chance laws. When Fair Chance
12 Employment launched, CCHR filed over 250 claims in
13 the first two years of its launch and averaged 112
14 claims annually over the first four years the law was
15 enforced.

16 For Fair Chance Housing, we saw a similar
17 enforcement strategy in New Jersey, where their
18 Division on Civil Rights brought over 200 enforcement
19 actions in the first year that their Fair Chance
20 Housing Act came into effect. So it seems that
21 experts in the Fair Chance housing space report that
this type of discrimination is fairly pervasive.

Are you all going to be engaged in this
way, similar to how you did with employment?

DEPUTY COMMISSIONER KAMUF WARD: Yeah.

I'll answer that, and then I want to elaborate on some of the other outreach that we've been doing that I think I haven't covered yet.

I think New Jersey is actually a bit of an outlier in the number of enforcement actions that--I think it's the state agency where this has initiated as I kind of mentioned in response to the Public Advocate's remarks, our Law Enforcement Bureau has not been seeing the illegal ads that we thought would be very prevalent, in which where a huge area of Fair Chance employment testing and enforcement. So I think that's a bit of a surprise. And my understanding is that in New Jersey, there were a lot of those illegal ads at the front end of enforcement.

When we were talking to other jurisdictions that had Fair Chance housing protections before the New York law went into effect, they had all seen very, very low numbers of complaints and were very focused on education and outreach. So our plan in this space has been to spend the first year focused on outreach and education. But, 100%, we are planning to do proactive enforcement in this space. I think we are staffing up

1 or have now staffed up a commission-initiated team to
2 do some of the proactive work, and they'll be in full
3 swing in FY27, and definitely will be focused on Fair
4 Chance housing as one of many priorities.

5 We have also, when this law went into
6 effect, the housing law, we did reach out to
7 background check companies to ensure that their
8 products could actually do what we are now requiring
9 in New York City, which is to limit the look back
10 periods for what is showing up in a background check,
11 and also be able to move the background check piece
12 of looking at someone's tenancy score until later on
13 in the process. So that's like one of our ways to
14 think systemically about how we're ensuring that
15 housing providers can comply with the law. Right?
16 They often use the same products as each other. So,
17 trying to think from a systems perspective, how we
18 address that...

19 CHAIRPERSON NURSE: Yeah.

20 DEPUTY COMMISSIONER KAMUF WARD: And then,
21 I think the other pieces that I'll just say for
enforcement are that we are already in housing cases
that are now with us that are being settled. We are,
when I say we, I mean our Enforcement Team, are

1 asking housing providers about how they look at
2 criminal history and baking that into settlements
3 that they're doing now, because we are thinking
4 again, proactively.

5 We know that we can't wait for all these
6 cases to come to us. People with criminal histories
7 are worried mostly about securing housing and might
8 want to file a claim later. But we know that, you
9 know, it's our duty to be proactively doing this
10 work, and we are setting ourselves up to be able to
do that.

11 And then, the last thing which really
12 relates to the community partnerships is that we will
13 be developing an intake form that service providers
14 can have, so that if individuals are reporting to
15 them, they know what information CCHR is going to
16 want to be able to verify a potential claim. So the
17 service providers can work with individuals to gather
18 information on the front end, so that when they come
19 to us, there is not a lot of back and forth; it
20 lowers the amount of time it takes to file a
21 complaint with us. And that is really taking a lesson
from the source of income space, where we work very

1 closely with Unlock NYC, and they have an intake form
2 that they use for their community members.

3 CHAIRPERSON NURSE: Is there a specific
4 percentage or number of tests that you all believe
5 annually kind of hits the right mark in terms of
6 monitoring and deterring this type of discrimination?
7 Or is it just based on capacity?

8 DEPUTY COMMISSIONER KAMUF WARD: It is in
9 part based on capacity. I think that we also--the
10 enforcement team is looking at what community
11 partners are saying and thinking about how, if we are
12 not seeing ads that are illegal anecdotally, I think
13 we are probably not going to invest a lot of time in
14 trying to find those ads, because we know that there
15 are spaces where there are still facial violations. I
16 think the complicating factor for testing in the
17 housing space for Fair Chance is that to be able to
18 move ahead with an application, you have to have a
19 Social Security number in most instances. So, it is
20 actually much harder than what we see in sources of
21 income-- it is also ghosting or still illegal ads. So
 if we have a tester who is calling and saying, "I
 have a voucher, and they are being ghosted," it is
 pretty clear that discrimination is taking place.

1 Because we are not seeing the illegal ads in the Fair
2 Chance housing space, we have to figure out what our
3 ability is to do testing, because we don't have
4 profiles for people with Social Security numbers, and
5 that is a different animal than the testing we have
6 done to date, either in the employment space or the
7 housing space. So I think that there are some open
8 questions about that.

CHAIRPERSON NURSE: Okay, Interesting.

9 And, just in terms of enforcement, I'll just ask some
10 questions about budgeting.

DEPUTY COMMISSIONER KAMUF WARD: Yes.

11 CHAIRPERSON NURSE: When the Fair Chance
12 in Housing law was passed, the Council worked with
13 OMB to determine that \$1.4 million in new funding
14 would be necessary to hire 10 staff to implement this
15 law.

16 Did we get that budget increased? Did we
17 hire the 10 people? Kind of where are we at? How many
18 attorneys have you been able to hire?

19 DEPUTY COMMISSIONER KAMUF WARD: Yeah. So
20 we did not get a budget increase with the Fair Chance
21 Act passage. As I mentioned, we ran a campaign that
was about a \$90,000 campaign. I think the Fiscal

Impact Statement called for a \$600,000 campaign. So those numbers are not the same.

I will say Fair Chance housing is actually a citywide priority. It's embedded into the HPD Where We Live plan, so we have been working with HPD and will continue to work with HPD to raise awareness. And there's a Five-Year Commitment in the Where We Live plan to educate New Yorkers on Fair Chance housing specifically. So, as you know, we're still in prelim phases, and that's a part of a priority for us, but not just us. Because I think, as you've identified, and we've been talking about this protection, it is very important for lots of equity reasons for New York City. So it is also not just CCHR, I think it's a whole administration push.

CHAIRPERSON NURSE: Well, we hope.

DEPUTY COMMISSIONER KAMUF WARD: Yeah.

CHAIRPERSON NURSE: We hope we are....

(CROSS-TALK)

DEPUTY COMMISSIONER KAMUF WARD: We are.... (CROSS-TALK)

CHAIRPERSON NURSE: We'll only know when the money gets actually put there to make that real.

So just between the law being adopted and where we are today, you're saying there have been-- just to clarify for the record...

DEPUTY COMMISSIONER KAMUF WARD: Yeah.

CHAIRPERSON NURSE: Have we hired any additional staff attorneys for Fair Chance housing?

DEPUTY COMMISSIONER KAMUF WARD: So we, yes, we have. Again, there's a temporal connection, which is not necessarily that we don't hire people to do Fair Chance work. But we have since-- what I have is the number since 2024 that we've hired 15 staff level attorney positions.

CHAIRPERSON NURSE: I want to recognize that Council Member Hanif has joined us.

And then for the number of inquiries, I mean, we've talked about this before, the number of inquiries that CCHR reports annually has increased from roughly 9,000 in FY21 to nearly 16,000 in FY26. So people know about this, they're making use of it.

How many people staff the CCHR info line, and when was the last time that staff for that line was increased?

DEPUTY COMMISSIONER KAMUF WARD: Yeah, so I think we talked about this at the Prelim Budget

1 Hearing as well. There were eight people in our info
2 line working very hard every day. We have hired, in
3 the info line space, again, the numbers I have are
4 since 2024, we've hired four people into the info
5 line. But these numbers don't necessarily account for
6 attrition. The number of people on the info line may
7 not have grown, but we've hired into that space, and
8 the current number is eight.

9 CHAIRPERSON NURSE: Right.

10 DEPUTY COMMISSIONER KAMUF WARD: And I
11 think the Commissioner has flagged an interest in
12 increasing, as I was saying, the ability for us to
13 move cases faster. That includes from the first
14 conversation with the info line to having a meeting
15 with an attorney, and ultimately resolving cases.

16 So we are looking hard at our current
17 number one resource, which is our people. And
18 thinking about how we effectively staff up so we can
19 meet New Yorkers... (CROSS-TALK)

20 CHAIRPERSON NURSE: Yeah, stretch that
21 (INAUDIBLE) I get it... (CROSS-TALK)

 DEPUTY COMMISSIONER KAMUF WARD: units...
(CROSS-TALK)

CHAIRPERSON NURSE: My question--so and I know the Council just gave you another line, right? There's another line that we're-- a hotline that's being stood up by your office?

DEPUTY COMMISSIONER KAMUF WARD: There is, yeah, Intro 380... (CROSS-TALK)

CHAIRPERSON NURSE: At some point we will be stood up... (CROSS-TALK)

DEPUTY COMMISSIONER KAMUF WARD: Yes, yep, Mm-hmm... (CROSS-TALK)

CHAIRPERSON NURSE: And that will not come with additional staff. So will those eight people also be dealing with this other hotline?

DEPUTY COMMISSIONER KAMUF WARD: Yes. But we are again thinking about how we expand the capacity of that. Obviously, the front line engagement with New Yorkers is critical. And so we are thinking about what it looks like in FY27, I think we'll-- I'm not an optimist, (LAUGHS) but we're going to remain optimistic that we can move the needle in the in the prelim budget conversations. With all of these bills, we've identified the fiscal impact, and regardless of whether we get new headcount, we have-- are full steam ahead on meeting

1 New Yorkers' needs. And we do not turn people away.
2 Also, we do not move as quickly as many people would
3 desire. And so that's a reality that we are going to
4 do our best to resolve.

5 CHAIRPERSON NURSE: Okay. I have only a
6 few more questions.

7 So, my understanding is that CCHR hadn't
8 recorded any inquiries or claims for housing
9 discrimination on the basis of arrest or conviction
10 record in FY25. Yet, we do know community
11 organizations report this type of discrimination is
rampant.

12 Does CCHR disagree with the idea that
13 Fair Chance housing violations are widespread? What
14 is the framework for expedited handling of per se
15 violations and the penalty schedule for Fair Chance
housing?

16 DEPUTY COMMISSIONER KAMUF WARD: Sure. So
17 I think we understand that there is a lot of
18 discrimination against people with criminal
19 histories. And we expect that as we move further into
20 enforcement, we're going to see housing providers who
21 are attempting to turn candidates away because they
have a criminal history. We think the law is set up

1 to try to alleviate that possibility as much as
2 possible. Housing providers have to write down the
3 reasons that they are rejecting candidates, and all
4 of those materials are available now. And so you
5 really have to put your cards on the table, which
6 will make ultimately, we think, enforcement more
7 effective. We're removing some of the lack of
8 transparency in the housing market, which I think has
9 allowed this type of discrimination to go unmitigated
for a very long time.

10 I will say, even before the law went into
11 effect, we did have a Fair Chance-style case, which
12 was really based on disparate impact based on race
13 and national origin. So we have been thinking about
14 this issue, which is a 2018 case, for quite a long
15 time, and we don't expect that the world has changed
16 so much that this type of discrimination has gone
away.

17 We don't have a penalty schedule as such.
18 The way that our civil penalties and damages work is
19 that we look at how willing someone is to work with
20 us, how rampant or bad faith their discriminatory
21 conduct was, as well as the size of, in this case, a
housing provider and a realtor, to try to assess

1 damages and civil penalties that have a
2 disincentivizing effect. Because otherwise, there's
3 no reason folks wouldn't engage in discrimination
4 again. But there might have been another part of your
5 question that I didn't...

6 CHAIRPERSON NURSE: Yeah, that's okay.

7 Do you all have plans to publish official
8 rules for expediting cases and the official penalty
9 schedule, even though--I mean, at some point?

10 DEPUTY COMMISSIONER KAMUF WARD: You know,
11 I think we are discussing it. We are not 100% in
12 agreement on whether that's helpful or not. I think
13 there was a time that was part of the employment
14 schema, and I think we have recently been working on
15 rules, and we're actually removing that kind of early
16 penalty scheme. I think part of the spending the
17 first year on awareness and education is that there's
18 not as much of a runway to say we didn't know or that
19 this was too hard. But I think we will discuss that
20 internally. I don't think we have a resolution or a
21 clear position on that yet.

19 CHAIRPERSON NURSE: I think those are all
20 of my questions. Council Member Hanif, do you have
21 any questions?

Okay. I think that's... thank you so much for coming and sharing as much information as you can. I really appreciate it. Certainly, we want to make sure that there are resources in place, and I know that we're all advocating for that because this is a big task. And if there are additional resources required for rulemaking, please let us know. We'd like to be helpful here, but thank you so much.

DEPUTY COMMISSIONER KAMUF WARD: Can I... I am going to use this opportunity...

CHAIRPERSON NURSE: Oh, yes, please.

DEPUTY COMMISSIONER KAMUF WARD: Hillary reminded me of something that I should say. Which is really an area that we would love to explore with you all, and I think we touched upon this, maybe in a different setting, is the idea of increasing civil penalties as a disincentive for discriminators. That is not just Fair Chance housing, that's across the board. The civil penalty amounts in the Human Rights Law have not been raised in 20 years or so. Everything else in the market has gotten more expensive, not particularly discrimination, so I think that is an area where we would love to speak

more with stakeholders and with Council about the possibility of pursuing that.

CHAIRPERSON NURSE: Absolutely.

DEPUTY COMMISSIONER KAMUF WARD: Thank you so much for your time and energy.

CHAIRPERSON NURSE: Yes.

We are going to take a five-minute break before testimony, and then we will go right into public testimony.

(PAUSE)

CHAIRPERSON NURSE: All right, ya'll, thanks for hanging tough. That was actually pretty quick.

I am now going to open the hearing for public testimony. I have to read this preamble, because we've had some incidents.

I remind members of the public that this is a formal government proceeding and that decorum shall be observed at all times. As such, members of the public shall remain silent at all times.

The witness table is reserved for people who wish to testify. No video recording or photography is allowed from the witness table.

Further, members of the public may not present audio or video recordings as testimony, but may submit transcripts of such recordings to the Sergeant at Arms for inclusion in the hearing record.

If you wish to speak at today's hearing, please fill out an appearance card with the Sergeant at Arms and wait to be recognized. When recognized, you will have three minutes to speak on today's hearing topic. We are a smaller crowd, so I think we will be okay.

If you have a written statement or additional testimony you wish to submit for the record, please provide a copy of that testimony to the Sergeant at Arms.

You may also email written testimony to testimony@council.nyc.gov within 72 hours after the close of this hearing. Audio and video recordings will not be accepted.

Our first panel will be Robert Desir, Legal Aid Society; Anna Arkin-Gallagher; and KB White. And you may begin in any order you'd like.

ROBERT DESIR: Good morning, I am Robert Desir, and I'm with the Legal Aid Society and the

Fair Chance for Housing Coalition. Thank you for the opportunity to testify.

Our coalition worked hard to get the law passed, and we're happy to move forward and start seeing enforcement and start seeing results for our clients and the people that we interact with in the community.

So the Fair Chance for Housing Act is a significant step forward in advancing equity and access to housing across New York City. By limiting the use of criminal history in housing decisions and requiring conditional offer before any background check, the law directly addresses long standing barriers that have prevented many individuals from securing stable housing.

Stable housing is closely tied to economic mobility and community wellbeing. By ensuring that applicants are first evaluated on their financial qualifications and rental history, the law seeks to create a process that balances legitimate safety concerns with the need for second chances. At the same time, the promise of the law heavily depends on its enforcement—effective enforcement.

The complaint process involves multiple steps, including intake, investigation, potential mediation, and adjudication. While this structure is designed to ensure fairness and due process, it also introduces friction that can deter complaints or delay resolution. Without consistent, visible enforcement, there is a real risk that noncompliance will go unchecked, undermining the law's intended impact.

The Commission is already tasked with enforcing a broad range of civil rights protections across employment, housing, and public accommodations. Adding the Fair Chance for Housing Act to its portfolio increases both volume and complexity of its workload. If the agency lacks sufficient resources, enforcement may become reactive rather than proactive, thereby limiting the law's effectiveness.

For the ACT to achieve its goal, sustained investment is essential. Additional funding should be directed towards hiring investigators, expanding legal staff, and improving data collection systems. Clear public reporting on complaints, outcomes, and timelines would also strengthen

1 accountability and public confidence. In parallel,
2 targeted education campaigns for stakeholders can
3 prevent violations before they occur. We also
4 recommend establishing standardized guidance for
5 housing providers, streamlining the complaint intake
6 process to reduce barriers for applicants, and
7 exploring proactive auditing or testing mechanisms to
8 identify patterns of discrimination. Consideration
9 could also be given to interim relief measures for
10 applicants who may lose housing opportunities during
11 lengthy investigations.

12 In sum, the Fair Chance for Housing Act
13 is a well conceived and necessary reform with the
14 potential to produce meaningful social benefits.
15 Realizing that potential, however, will require not
16 only strong legal standards but also the
17 institutional capacity to enforce them. With adequate
18 resources, transparency, and commitment, the City can
19 ensure that the law delivers on its promise of fairer
20 access to housing for all. Thank you.

21 ANNA ARKIN-GALLAGHER: Hi. My name is Anna
22 Arkin-Gallagher, and I am the Associate Director of
23 the Civil Justice Practice at Brooklyn Defender
24 Services (BDS).

Our employment team provides legal representation and informal advocacy to people facing employment discrimination due to current or prior contact with the criminal legal system.

Many of our clients are suspended or terminated from employment upon arrest and, in the absence of any finding of criminal culpability, while others are completely excluded from employment opportunities due to their criminal histories.

The Fair Chance Act is a critical bill that helps ensure New Yorkers have the opportunity to get and keep jobs without their criminal history standing in the way. But even over a decade after the Fair Chance Act was passed, there's still much to do to ensure the potential of the groundbreaking laws is fully realized.

When the Fair Chance Act works, it provides vital protections for New Yorkers whose lives can otherwise be devastated by the fact of an arrest. Before the Fair Chance Act and the expanded protections the Council passed in 2021, expanding the protections to pending arrests, our clients were often rendered unemployable for the duration of their

criminal cases, a process that, in the best case, can take months.

Now, we sometimes work with employers to provide more information regarding pending charges to avoid suspensions or potential job rejections. And in the event we're unable to help a client retain or find a job, we are able to sometimes use the protections in the law to negotiate settlements if employers have violated the law. This, in turn, can provide a lifeline to clients who are out of work. But there are significant hurdles that continue to blunt the Fair Chance Act's impact.

First, even 15 years after the Fair Chance Act took effect, many employers simply do not comply with the law. For example, we find near universal noncompliance among home health aid employers. The home health aid industry is among the most popular employers for our client base, and it's an essential service. When home health aides are suspended, it harms not only the aides but obviously the patients they're serving. I was recently working with a home health aide who had worked with a patient for over half a decade and was suspended because her employer thought they had to suspend her

1 automatically. So we recommend continued public
2 education campaigns and early intervention to bring
3 awareness to the Fair Chance Act to these employers,
4 so home health aides and other workers don't continue
5 to face these automatic suspensions.

6 Second, the funding and staffing deficits
7 at the City Commission on Human Rights have left the
8 agency severely diminished. I'm happy to hear
9 Commissioner Clark is saying that she's endeavoring
10 to have cases settle within a year. We have many
11 cases that have not moved beyond the opening
12 investigation stage for multiple years. Employers
13 know how long cases at the Commission take, and we
14 know that they're often unmotivated to settle cases
15 quickly when they know the alternative is a case that
16 will drag on for years.

17 I was recently told by an investigator at
18 the Commission that she saw in her investigation
19 communications where the employer was essentially
20 saying, "I don't care if they file a Commission
21 complaint, because I'm never going to face any
repercussions for this."

The Commission must be adequately funded
so it can properly and swiftly investigate cases,

1
2 resolve cases early through mediation when
3 appropriate, and hold employers accountable.

4 Thank you for holding this important
5 hearing. Our written testimony will provide further
6 details on recommendations to strengthen both the
Fair Chance Act and Fair Chance for housing.

7 K.B. WHITE: Hello, my name is K.B. White.
8 I'm a staff attorney with the Legal Action Center. We
9 are a statewide nonprofit that defends the civil
10 rights of people with arrest and conviction histories
11 throughout the states. We've got a good perspective
12 on what happens both at the city level and the rest
13 of the state, where there are no such protections.

14 I'll talk briefly about two clients that
15 we've had:

16 Recently, a national rideshare company
17 denied our client a job due to his 40-year-old
18 conviction. That company never conducted the analysis
19 that the Fair Chance Act requires. It didn't provide
20 a Fair Chance notice and never gave him a chance to
21 respond. Now, after our demand letter and advocacy
with an attorney, the company did reverse pay damages
and give that client the job.

Again, in a recent Fair Chance Housing case, we successfully forced a landlord with nearly 10,000 units in its portfolio to reverse a denial with the help of CCHR. That is what enforcement looks like in our caseload. The Fair Chance Act absolutely works. Our client is back to work because of it, but he shouldn't have needed an attorney to make a decade-old law function.

Last year alone, LAC handled approximately 1,600 employment related matters and recovered hundreds of thousands of dollars for clients. And the majority of those cases reached out to us only because employers completely ignored the FCA. We see the same large companies in case after case proving that current penalties do not move them, and if and after a complaint is filed in the Commission, as my colleague said, years passing until resolution is absolutely not unusual. We do not believe that that is deterrence at all. It is just the cost of doing business, a calculation that these companies make that favors continued non-compliance.

The Commission already has a lot of tools at its disposal. I was pleased to hear the Commission state that they were interested in raising civil

1 penalties. They do have the ability to do that, to
2 impose penalties up to a quarter of a million dollars
3 per discriminatory practice, as it is stated in the
4 law right now. And unlike individual applicants, they
5 are not bound by forced arbitration, which we see
6 quite a bit.

7 I guess I'll just say, we ask for a
8 clear, accessible early intervention processes. The
9 precomplaint can work in these instances, not just
10 with source of income and with housing, but it can
11 also work with arrest and conviction discrimination.
12 We want penalty floors at scale to repeat conduct and
13 to the size of the company, and, if we can, practice
14 change required, not optional, with the Commission in
15 mediation and when they are involved. Thank you.

16 CHAIRPERSON NURSE: Thank you. I have a
17 question for you on the repeat offenders,
18 particularly the large ones, because that was a
19 question we asked, you know, who are some of the
20 folks who are repeatedly doing-- the answer was that
21 it was largely related to like, someone had put out a
bunch of ads or in multiple different mediums and;
therefore, the count is high, but it's not
necessarily that they are a repeat offender. And when

1 I asked, well, do you have, you know, even after the
2 corrective action, do you see that again? I don't
3 believe they said that they saw that.

4 So I'm curious to hear who you're talking
5 about and what types of sectors they're coming from.

6 K.B. WHITE: Sure. So, I would say that a
7 lot of the organizations, and Anna can also speak to
8 this, we see rideshares, Uber, Lyft, Amazon, Gopuff,
9 these larger companies where I can understand the
10 Commission saying that there's a bunch of different
11 ads going out, and so they're just kind of playing
12 whack a mole, but they are represented by counsel,
13 and we are making these-- we are settling these cases
14 in large part. A lot of the time, when we go to the
15 Commission, I know the Commission is interested in
16 early, like topping off the ads, because that will
17 affect a lot of people. So whenever we see one of
18 those types of cases, you know, LAC, our practice is
19 to go to the Commission with those because they do
20 intervene and get great penalties for that. But when
21 it is just like a one-off client with the same
company, we are speaking to the same attorneys from
those offices all the time.

CHAIRPERSON NURSE: Hmmm. And do you know if the folks are people that you're repeatedly speaking with, has CCHR gone and done trainings for these companies that you're aware of, or have they communicated that to you all?

K.B. WHITE: Not that I'm aware of.

CHAIRPERSON NURSE: Okay.

For Robert, can you just speak a little bit more about the number in nature of the Fair Chance housing cases your organization or partner organizations in the years since the law came into effect, you've seen?

ROBERT DESIR: Sure. You know, we haven't directly handled a lot of those cases. I think what we've been focused on with the Coalition is education, working with community-based organizations to, you know, educate them about the Act and what's required, and encouraging their members to come forward and bring forth those complaints.

What we have done prior to the passage of the Act, Legal Aid was involved in a case involving an applicant in a development in Queens where they were subject to kind of the same discrimination, have gone through a long process of applying for an

1 apartment, you know, all of the markers checking out,
2 and then at the end the rug is pulled out because of
3 the past.

4 So you know, we were part of bringing a
5 case that sets standards for city-subsidized housing,
6 and then, subsequent to that, the Act was passed. You
7 know, we are kind of getting our feet under us as far
8 as setting up mechanisms to receive these cases, but
9 really actively, we've been out in the community as
10 part of the Fair Chance for Housing Coalition, doing
the education and doing the outreach.

11 CHAIRPERSON NURSE: Where have you seen
12 these cases really brought? Who is bringing the
largest number of these cases forward?

13 ROBERT DESIR: You know, there are, within
14 our criminal practice, we kind of work on a lot of
15 the issues that our clients present. So, we're seeing
16 discrimination against people with vouchers, people
17 because of family composition, and also the issues
around having a criminal past.

18 We have been referring those cases to our
19 partners, alerting them about this, for
20 investigation, and also referring people to pursue
21 their complaints at the Commission.

1 So that's why we're really concerned
2 about the resources that the Commission has and their
3 ability to move these cases forward.

4 You know, we understand that we are in
5 the budget season, and there's been a lot of
6 discussion about the resources that the Commission
7 will receive. So you know, with all the duties that
8 they already have, and you know this, which is a
9 little different from source of income
10 discrimination, and it's a multi-step process, you
11 know, as far as the information that an owner has to
12 put forward when they're rejecting an application, we
13 recognize that they are going to require resources to
14 be able to be effective.

15 CHAIRPERSON NURSE: For anyone here on the
16 panel, if there's anything else you want to add to
17 your experience working with CCHR, I know, especially
18 for Fair Chance housing, we're still in early stages,
19 but if there's anything else you'd like to share on
20 the record? No sweat. No pressure either.

21 (LAUGHTER)

 ANNA ARKIN-GALLAGHER: I'll just say that
in the cases where, you know, we've had clients who

1 have met with Commission staff about emotional
2 distress interviews and stuff, they've uniformly been
3 great and professional. They just seem so overworked.
4 Cases are so slow. So you know, I don't mean to
5 criticize any individual people at the Commission;
6 it's just that the overall process is a really long
7 one.

CHAIRPERSON NURSE: Yes, agreed.

8 Thank you all for coming in and for your
9 testimony. I would love to follow up about the
10 universal noncompliance with the home health aides.
11 Maybe we could strategize around that.

Again, thank you for coming.

12 The next panel will be Paul Keefe, Ella
13 Nalepka, and Yvette Chen.

14 Why don't we start with you, Paul, then
15 we'll move down, and Yvette is on Zoom.

16 PAUL KEEFE: Okay, great. So, my name is
17 Paul Keefe, and I am Vice President of Legal
18 Services at Community Service Society of New York. I
19 have spent most of-- all of my legal career
20 advocating on behalf of people with criminal records.
21 I began at CSS as a staff attorney and was the lead
legal advocate behind the Fair Chance Act in 2015,

and then I moved to the Commission to enforce it for seven years. And now I'm back at CSS.

I want to spend my time today just talking about what enforcement looks like at the Commission when it's very effective. And so the Commission has a lot of powers that a private litigant doesn't have. It is the driver of all litigation, so it can decide to settle a case or not, and in doing so, it can impose civil penalties, and also use the threat of high civil penalties to create policy changes that a private litigant simply couldn't. That's going to affect how the company operates systemically. So, while I was there, we routinely, not only in every case, would we examine their hiring policies and sort of draft them so we'd know that the HR is following the Fair Chance Act and looking at the right factors and making the right decisions. But we can also get things that go beyond the Fair Chance Act. So we can say to them that we'll lower the civil penalties if they apply the Fair Chance Act throughout New York State, throughout the country. We got some national employers to "Ban the Box" nationwide. We can ask if they can exclude any positions from background checks, so there's just a

1 position with a lot of supervision, maybe a lower
2 responsibility where you don't need a background
3 check, or there's some kind of convictions that you
4 just know are going to be acceptable because so much
5 amount of time has passed, or it's a minor
6 conviction.

7 We also worked with national employers to
8 allow local hiring managers to override the decision
9 of a corporate HR department. So oftentimes, for big
10 employers, they go to apply, and the manager who
11 meets them and interviews them wants to hire them,
12 but then the HR in Ohio will look at their record and
13 say, "No, we can't hire them." And so really that
14 goes against the intent of the Fair Chance Act, which
15 is a dialogue between the employer and the employee
16 about what the risks are and whether the employee
17 works safely in that environment.

18 And then also, we did targeted hiring
19 with reentry organizations. So we would say, you
20 know, set up and you have to do X number of job fairs
21 with an organization for a certain amount of time.
You have to interview every candidate who goes
through this training program, which makes them
qualified to work at your company. And so we really

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2 tried to work at increasing the pipeline of people
3 with records working for particular companies.

4 I'm just going to end by echoing the need
5 for increased funding for the Commission. Obviously,
6 you know, I'm part of the group advocating for \$25
7 million and consistent funding to allow the
8 Commission to become a credible adversary to
9 employers and reach the point where the employers
10 take them seriously when a complaint is brought.

11 ELLA NALEPKA: Hi, good morning; my name
12 is Ella Nalepka, and I am a staff attorney with the
13 Worker Justice Project, an initiative at the Legal
14 Aid Society's criminal defense practice that fights
15 employment discrimination faced by individuals with
16 criminal records living in New York City. Thank you,
17 Chairperson Nurse, and the Committee for the
18 opportunity to provide testimony today.

19 To start, I just want to express Legal
20 Aid's strong support for the Fair Chance Act and
21 share some of the wonderful victories that it has
22 allowed us to achieve.

23 Since the Acts expansion in July 2021,
24 the Worker Justice Project has provided direct legal
25 assistance to more than 2,400 workers and provided

1 over 5,600 direct consultations to our criminal
2 defense attorneys. We have strategically used the
3 amended Fair Chance Act to get employment,
4 reinstatement, and financial compensation for more
5 than 720 workers, many of them with pending criminal
6 cases.

7 The Fair Chance Act has been
8 transformative as it has created real pathways to
9 employment stability for working class New Yorkers
10 who otherwise would be shut out of the labor market.
11 Although passage and subsequent modifications of the
12 Act have been crucial to strengthening protections
13 for New York workers with criminal records, important
14 gaps remain that have to be addressed. My written
15 testimony addresses some of these gaps in depth,
16 including, since we mentioned it, the universal
17 noncompliance of home health aide organizations. I go
18 into that a bit, but I wanted to use my time here
19 today to focus on the fact that the New York City
20 Department of Education employees and contractors,
21 who make up a significant portion of the clients that
we serve at Legal Aid, are excluded from the
protections of the Fair Chance Act.

The 2021 amendment does not apply to public agencies that take adverse action against a current employee, or the public agency follows its own disciplinary process set forth in agency rules. So, theoretically, there is a disciplinary process for DOE workers laid out in Chancellor's Regulations C-105. However, in practice, the Department of Education suspends almost all DOE nonunionized employees and contractors who are arrested, regardless of their role or the nature of the charges, until the criminal case is fully resolved. The suspensions occur without pay, without meaningful review, and without any avenue for appeal.

Some unionized DOE employees who are protected by collective bargaining agreements fare better, but a large number are still subjected to unfair suspensions and loss of pay. This leaves DOE workers in prolonged financial hardship and uncertainty, even when the charges are minor or entirely unrelated to their job. Therefore, we urge the Council to explicitly extend Fair Chance protections to these workers.

I go into greater detail about the issues related to Fair Chance Act enforcement and make further suggestions in my written testimony.

The Fair Chance Act has been monumental for strengthening workers' rights in New York City, and we hope that going forward, the City Council will continue to solicit feedback from legal service providers and continue to make changes to the law to fortify these protections that provide crucial relief for New York City workers. Thanks.

CHAIRPERSON NURSE: I do have some follow up questions for you, but I'm going to let Yvette go. Yvette, if you're online, you can begin testifying now.

YVETTE CHEN: Great, thank you.

Hello, my name is Yvette Chen. I'm a Policy Associate at the Fair Housing Justice Center, a civil rights nonprofit organization serving the NYC area. Our mission is to eliminate housing discrimination, promote accessible and inclusive communities, and strengthen the enforcement of Fair housing laws. Chair Sandy Nurse and the Committee on Civil and Human Rights, thanks for the opportunity to testify today.

Just to reiterate some of the past testimonies, we ask the Committee to ensure that CCHR is adequately funded and increases the CCHR budget by \$10 million, part of which can be spent on proper education and outreach on the Fair Chance Act in housing.

A robust budget will ensure that CCHR can meaningfully enforce fair housing laws, including the Fair Chance Act, and improve the lives of countless New Yorkers in the areas of employment, public accommodations, and housing.

The Commission is responsible for informing housing providers and the public about their rights and obligations under law, processing Fair Chance Act in housing complaints, mediating cases, and filing enforcement actions. But the Commission has not received an increase in its budget to support this new protection.

Anecdotally, Fair Housing Justice Center has not seen a significant increase in complaints related to the Fair Chance Act, which we suspect is due to the public being unaware of the law. Early investigation of and enforcement of this law by FHJC has demonstrated that providers are either ignoring

or are uneducated about their obligations under the law and the penalties they may face for violating it.

The Fair Chance Act in housing needs institutional capacity to enforce the law effectively, and a well funded CCHR will ensure that the promise of Fair housing is real for all New Yorkers. Thank you for the opportunity to testify.

CHAIRPERSON NURSE: Thank you.

I have a question about the DOE workers. I know that you said you submitted more details, but you are saying that folks are suspended and/or terminated for any charge after an arrest?

ELLA NALEPKA: Yeah, that's correct. So basically, what happens is when they are arrested, due to the fact that they were fingerprinted for their employment at DOE, there's an automatic arrest notification sent to the DOE and the Office of Personnel Investigation. They almost automatically suspend the employee or the contractor in question, and there's virtually no recourse, like there's no appeal process. In theory, when you read the regulations, it says that there is a review, but what exactly goes into this review is unclear. And what happens in practice is that nearly 100% of

1 individuals with pending cases are just suspended,
2 and OPI will not allow them back to work until. The
3 case is resolved, and they have a Certificate of
4 Disposition from the court.

5 CHAIRPERSON NURSE: And this is even for
6 folks who might not work at a school, I mean, I could
7 understand the hysteria that-- I mean, I don't know
8 if you've been to a CC meeting or any of these parent
9 meetings, I don't have children, so I don't have to
10 go to those, but I've been to them and my staff goes
11 to them, and it's not fun when situations like that
12 kind of arise. So is this also for people who are not
13 actually working at a school site?

14 ELLA NALEPKA: I've had clients who are IT
15 personnel who don't interact with children and still
16 completely lose their employment until the case is
17 resolved.

18 CHAIRPERSON NURSE: All right, okay. I
19 think we can look into that. Certainly, I think it is
20 worth clarifying the process and making sure that it
21 is actually being used. I think this is a
hard-pressed environment to create that. But, you
know, we can probably see what we can do about that.
"The world won't fall apart".

Thank you so much for that testimony. If there is anything else you all want to add, please do; otherwise, thank you for coming today.

PAUL KEEFE: If I may, Chair, I just wanted to add one other thing, which is that the City also should work toward, and this is in my testimony, but should work towards becoming a Fair Chance employer itself.

Obviously, the City is the largest employer in New York City, and I'm old enough to remember when Michael Bloomberg issued an Executive Order in 2011 that banned the box for City employment. So even before the Fair Chance Act came into effect, the Mayor was able to do that. And so, you know, the kinds of remedies that I talked about that the Commission can impose, the kinds of limits on looking back at criminal records that the Clean Slate Act imposes, that does not apply to public employment, those can still be implemented affirmatively by the City by using the same justifications and rationale of bringing people out of poverty and also just giving them that chance to not have to answer about their record anymore after a certain amount of time has passed.

CHAIRPERSON NURSE: Thank you so much. I really appreciate it.

Is there anyone who wanted to testify today who has not signed up? Going once, going twice, going three times.

Okay, thank you, everybody, for this hearing. Thank you to the committee staff for all your hard work. Thank you, Council Member Hanif, for hanging in there. I appreciate you, Sergeants. I'm going to close this hearing. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date July 9, 2026