

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL  
AND HUMAN RIGHTS

Jointly with the

COMMITTEE ON CONSUMER AND  
WORKER PROTECTION

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Thursday, February 29, 2024  
Start: 10:22 a.m.  
Recess: 11:31 a.m.

HELD AT: 250 Broadway  
Committee Room 16th Floor

B E F O R E: Nantasha Williams, Chairperson  
Julie Menin, Chairperson

COUNCIL MEMBERS:  
Shaun Abreu  
Amanda Farias  
Rita C. Joseph  
Christopher Marte  
Chi A. Ossé  
Rafael Salamanca, Jr.  
Kevin C. Riley  
Julie Won  
Lincoln Restler

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

Jumaane Williams  
New York City Public Advocate

Joann Kamuf Ward  
Deputy Commissioner  
Policy and External Affairs  
Commission on Human Rights

Hillary Scrivani  
Senior Policy Counsel  
Commission on Human Rights

Carlos Ortiz  
Assistant Commissioner  
External Affairs  
Department of Consumer and Worker  
Protection

Andrew Schwenk  
Associate General Counsel  
Department of Consumer and Worker  
Protection

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2 SERGEANT AT ARMS: Good morning. Welcome to the  
3 Committees on Consumer and Worker Protection jointly  
4 with Civil and Human Rights. At this time, we ask if  
5 you could please place phones on vibrate or silent  
6 mode. Thank you Chairs we are ready to begin

7 CHAIRPERSON WILLIAMS: Good morning everyone. My  
8 name is Nantasha Williams and I serve as Chair to the  
9 Committee on Civil and Human Rights. Today we are  
10 joined by the Committee on Consumer and Worker  
11 Protection chaired by my colleague and co-Chair of  
12 this hearing councilmember Julie Menin. As this  
13 year's Black History Month draws to a close today,  
14 I'm proud to be addressing an issue that greatly  
15 impacts people of color not only in New York City,  
16 but across the country. Historically, marginalized  
17 groups in the United States have faced legal and  
18 policy barriers to accessing traditional financial  
19 institutions, including access to capital and credit  
20 for home mortgages, business loans, and other  
21 savings, credit, and investing means.

22 These systematic impediments constitute chronic  
23 barriers to economic autonomy and generational wealth  
24 building for marginalized individuals with  
25 particularly severe impacts on black Americans.

2 Today, borrowers of color continue to face undue  
3 challenges to accessing mainstream financial  
4 institutions, including as a result of the  
5 neighborhood segregation produced by historical  
6 redlining and other discriminatory practices, some of  
7 which unfortunately continued today.

8       As a result of these barriers, homeowners and  
9 consumers of color and minority-owned businesses are  
10 often the first and worst affected when market shocks  
11 occur, as we saw most recently during the COVID 19  
12 pandemic. In October 2023, The New York State  
13 Attorney General's Office published a report that  
14 found applicants of color in New York are denied home  
15 purchase mortgages at higher rates than white  
16 applicants, even when controlling for credit score,  
17 income, size of loan, debt-to-income ratio and year  
18 of application.

19       Despite federal protections against  
20 discrimination, borrowers of color are still impacted  
21 by this ongoing problem. As legislators, we have a  
22 responsibility to do what is in our power to protect  
23 New Yorkers from inequitable and predatory practices.  
24 In an effort to explore options for increasing  
25 transparency and financial borrowing and lending.

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2 The Committee on Civil and Human Rights will be  
3 hearing Intro number 401. In relation to prohibiting  
4 discrimination in the issuance of credit and  
5 requiring creditors to disclose to potential  
6 borrowers how their rate is calculated. This bill is  
7 sponsored by public advocate Jumaane Williams.

8       Additionally, this Committee will hear Intro  
9 number 69 and relations to forbidding agreements to  
10 shorten the period in which claims and complaints of  
11 unlawful discriminatory practices, harassment, or  
12 violence may be filed, and in which civil actions may  
13 be commenced, sponsored by a councilmember Restler,  
14 and Intro number 242 in relation to the creation of a  
15 truth, healing, and reconciliation process sponsored  
16 by Councilmember Hudson, and Intro number 279, in  
17 relation to creating a task force to consider the  
18 impact of slavery and passing justices for African  
19 Americans in New York City, and reparations for such  
20 injustice is sponsored by Councilmember Lewis. ,  
21 Introduction 69, 242, and 279 were heard last session  
22 and all testimony from the respective hearings will  
23 be incorporated into the record for today's hearings.

24       Before we begin, I would like to thank my  
25 colleagues and everyone that has joined us today.

2 Now I'll turn it over to my Co-Chair  
3 Councilmember Julie minute for her opening statement.

4 CHAIRPERSON MENIN: Thank you so much, Chair  
5 Williams, it's a pleasure to Co-Chair this hearing  
6 with you. Welcome everyone. I'm Julie Menin, Chair  
7 of the Committee on Consumer and Worker Protection.

8 Access to credit is a very important vehicle for  
9 individuals to access both economic opportunity and  
10 to build wealth. By taking on a mortgage to purchase  
11 a home families build equity and an asset and  
12 maintain stable housing. By taking out a business  
13 loan, New Yorkers without deep pockets or connections  
14 can realize their dream of starting a business. And  
15 by securing an auto loan to buy a car, workers can  
16 expand the jobs that are available to them.

17 While loans can be engines of opportunity,  
18 deceptive and unfair practices can turn them into  
19 debt traps for low-income New Yorkers. Predatory  
20 lenders target vulnerable individuals with loans that  
21 have high interest rates and hidden fees, making it  
22 difficult for borrowers to pay them back, and debt  
23 collectors may harass borrowers or make false claims  
24 to coerce them into making payments.

2           In response to these dynamics, the City Council  
3 has enacted legislation to ensure equal access to  
4 credit and protect consumers from unfair practices in  
5 lending and debt collection. The New York City Human  
6 Rights Law prohibits discrimination in mortgages and  
7 loans, and the Consumer Protection Law forbids all  
8 deceptive or unconscionable trade practices around  
9 both lending and debt collection. However,  
10 marginalized groups in New York City still face  
11 discriminatory practices when trying to access  
12 credit.

13           As Councilmember Williams mentioned, an analysis  
14 published by the New York State Attorney General's  
15 Office in October found that applicants of color are  
16 denied mortgages at higher rates than white  
17 applicants, even when controlling for factors such as  
18 credit score, income, and size of the loan. The  
19 report also found that people of color who are  
20 approved for home mortgage loans are given worse  
21 terms than their white counterparts, with higher  
22 interest, costs, and fees, and there remain bad  
23 actors that prey on financially vulnerable consumers  
24 to get them into loans. Just last month DCWP  
25 announced an agreement that will deliver \$1.5 million

2 in relief to New Yorkers harmed by six used car  
3 dealerships' deceptive sales practices, including  
4 forcing consumers into financing deals and providing  
5 false information to financial organizations to  
6 secure loans. And back in 2014 When I served as  
7 Commissioner of DCWP, we heard reports of New Yorkers  
8 receiving predatory auto loans from used car  
9 dealerships. People would be pushed into new  
10 products that would drive up the cost of the loan.

11 As a result is Commissioner I oversaw a program  
12 that would have reputable banks and credit unions  
13 provide direct loans to consumers, particularly low-  
14 income consumers. There were several requirements to  
15 this, including interest rates that were lower than  
16 the usury rate of 16% and no required add-ons. The  
17 agency played a key role in ensuring consumers had a  
18 fair and safe loan to access.

19 After decades of exclusion from my financial  
20 institutions, it's critical that people of color,  
21 immigrants, and low-income New Yorkers are able to  
22 access credit, but not under conditions that  
23 jeopardize the benefits of access.

24 I look forward to hearing from The Administration  
25 regarding their efforts to educate consumers about



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2 their rights and enforce the city's human rights and  
3 Consumer Protection Law around lending and debt  
4 collection. I want to thank committee staff Sarah  
5 Swain, Natalie Meltzer for the work and putting this  
6 hearing together, as well as my Chief of Staff  
7 Jonathan Schutt and my legislative director, Brandon  
8 Jordan, for their assistance.

9 And now I'm going to turn it over to the public  
10 advocate Jumaane Williams for his statement. Thank  
11 you.

12 PUBLIC ADVOCATE WILLIAMS: Thank you so much. As  
13 mentioned, my name is Jumaane Williams, Public  
14 Advocate for the city of New York. Want to thank our  
15 Chairs Menin and Williams, and members of the  
16 Committee's on Consumer and Worker Protection and  
17 Civil and Human Rights for holding this hearing.

18 Today I'll be speaking on Introduction 0401, of  
19 which I am the primary sponsor. The bill would  
20 prohibit discrimination based on an individual's  
21 membership in a protected class in the issuance of  
22 credit, and would require creditors to disclose to  
23 potential borrowers how their rate was calculated.

24 More specifically, the bill would deem it an  
25 unlawful practice-- sorry, deem it an unlawful

2 discriminatory practice for any creditor or any  
3 officer, agent, or employee to discriminate in the  
4 granting, withholding, extending, or renewing of any  
5 form of credit on the basis of an applicant's race,  
6 creed, religion, national origin, sexual orientation,  
7 age, gender, and disability among other  
8 classifications.

9 I first introduced this bill during my tenure as  
10 a Councilmember in 2016. The bill's original  
11 introduction in 2016 was inspired by a \$24 million  
12 settlement, alleging that Honda creditors engaged in  
13 a pattern or practice of discrimination against  
14 African American, Hispanic, Asian, and Pacific  
15 Islander islanders boring borrowers in auto lending.

16 It has been nearly 10 years and since the bill  
17 was introduced, and the need for it still remains in  
18 2023. Citigroup settled for \$26 million for claims  
19 that its employees denied Armenian Americans free  
20 access to Citigroup credit cards. Mortgage lenders,  
21 such as Wells Fargo and Navy Federal Credit Union  
22 also face heightened scrutiny and lawsuits on the  
23 lending practices and high disparities, notably  
24 between black and Latino homeowners against white  
25 homeowners.

2 I met with Wells Fargo myself shortly before the  
3 news broke, and they vehemently tried to suggest that  
4 this was not the case, while it really appears that  
5 it is.

6 Currently there are federal laws such as the  
7 Truth in Lending Act and the Equal Credit Opportunity  
8 Act that provide safeguards for consumers in their  
9 dealings with lenders and creditors. The city should  
10 enact similar policies at the local level that  
11 fortify existing Consumer Protection Laws. Intro  
12 0401 could help hundreds of 1000s of people applying  
13 for mortgages, small business loans, and other types  
14 of credit.

15 Having in place a law that mandates transparency  
16 and how a person's interest rate is calculated will  
17 also protect groups of people in the city that face  
18 historical discrimination and unfair treatment when  
19 it comes to banking homeownership, and accessing  
20 financial opportunities. I urge my colleagues to  
21 sign onto this bill and hope for its subsequent  
22 passage. I would also like the clerk to please sign  
23 me on to Intro 69, 242, and 279 which sound like  
24 great bills. Well, thank you so much.

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2 CHAIRPERSON MENIN: Great, thank you Public  
3 Advocate. I also want to mention we've been joined  
4 by Councilmember Restler. Yes, I'm going to turn it  
5 over to him to make a statement on.

6 COUNCILMEMBER RESTLER: Great. Thank you so  
7 much, Chair Menin. And I want to express special  
8 gratitude to Chair Williams for the opportunity for a  
9 hearing on this bill today and, for her tremendous  
10 partnership as a colleague here in the Council. And  
11 I want to thank The Administration for more warmly  
12 testifying about Intro 69 than the last time we had  
13 an opportunity to engage on it. So, thank you for  
14 crisper and clearer testimony today on this topic.

15 Just briefly, because I know it's not the central  
16 thrust of our hearing, but it just to explain Intro  
17 69 on the record, you know, under the city Human  
18 Rights Law, our landmark Human Rights Law that I know  
19 that our colleagues the Human Rights Commission, and  
20 many New Yorkers are immensely proud of. New  
21 Yorkers-- employees have three years to file claims  
22 for discrimination, harassment, violence in the  
23 workplace. And employees-- too many employees have  
24 been unknowingly signing away their rights and their  
25 protections by-- in contracts that their employers

2 are giving to them. And this is not a rare  
3 occurrence. Unfortunately, some of the largest  
4 employers in the state of New York are perpetuating  
5 this practice. And it is undermining the protections  
6 that New Yorkers are guaranteed.

7       Employers like Northwell Health, the largest  
8 employer in the state of New York, Raymour &  
9 Flanigan, FedEx, other big corporate entities are--  
10 are hurting New Yorkers.

11       It is an absolute tragedy when harassment and  
12 discrimination occurs in the workplace. But the idea  
13 that New Yorkers would unwittingly, unknowingly sign  
14 away their own rights to be able to hold their  
15 employer accountable, when that horrible action  
16 happens, is unacceptable. And the truth is, many of  
17 these employers only give their employees a six-month  
18 window after the incident occurs to pursue legal  
19 action. And for those who have been victims of  
20 harassment or discrimination, it takes time to  
21 process what's occurred. It takes time to find a  
22 lawyer. It takes time to file legal action. Six  
23 months is essentially a way for employers to prevent  
24 their employees from pursuing legal action  
25 altogether. That's what that timeframe means.

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2 We created the law, where three years is the  
3 appropriate timeframe for employees to be able to  
4 pursue legal action for good reason. And it needs--  
5 We should be protecting that law. And I'm really  
6 appreciative of the opportunity for hearing on Intro  
7 69 Today appreciative that the Human Rights  
8 Commission sworn testimony. If there are-- If there  
9 is feedback on this law, we would request that you  
10 provide it as quickly as possible in writing, because  
11 we are eager to move this bill forward. So, thank  
12 you very much, and really just special thanks to  
13 Chair Williams for being an exceptional partner and  
14 to Speaker Adams and her team for their willingness  
15 to support this as well. Thank you very much.

16 CHAIRPERSON MENIN: Great, thank you. I also  
17 want to mention we've been recognized by  
18 Councilmember Joseph. So, we'll now turn it over to  
19 Committee Counsel.

20 COMMITTEE COUNSEL: Thank you. Thank you, Chair  
21 Menin and Chair Williams. Good morning. I'm Jessica  
22 Boulais, Counsel to the Committee on Civil and Human  
23 Rights. Before we begin testimony, I want to remind  
24 everyone who may be joining on Zoom, you will be on  
25 mute until you are called on to testify. I will be

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2 calling on public witnesses to testify after the  
3 conclusion of The Administration's testimony and  
4 Councilmember questions. So, please listen carefully  
5 for your name to be called. Councilmembers you will  
6 be called on for questions after the panel has  
7 completed their testimony.

8 I will now call representatives of The  
9 Administration to testify. We will be hearing  
10 testimony from the Commission on Human Rights and the  
11 Department of Consumer and Worker Protection. At  
12 this time, I will administer the affirmation.

13 Our panelists today are Joann Kamuf Ward, Deputy  
14 Commissioner of Policy and External Affairs and  
15 Hillary Scrivani, Senior Policy Counsel, both at the  
16 Commission on Human Rights, and from the Department  
17 of Consumer and Worker Protection, Carlos Ortiz,  
18 Assistant Commissioner for External Affairs, and  
19 Andrew Schwenk Associate General Council.

20 Panelists, please raise your right hands. Do you  
21 affirm to tell the truth, the whole truth and nothing  
22 but the truth before this committee and to respond  
23 honestly to Councilmember questions?

24 ALL PANELISTS: I do.

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2 COMMITTEE COUNSEL: Thank you. At this time, I'd  
3 like to invite Deputy Commissioner Kamuf-Ward to  
4 begin testimony.

5 DEPUTY COMMISSIONER KAMUF-WARD: First, great--  
6 great job with the name pronunciation. It's a  
7 challenge. Thank you.

8 Good morning, Chair Williams, Chair Menin, Public  
9 Advocate Williams, Councilwoman Joseph, Councilman  
10 Restler, committee staff, and everyone who's put  
11 together this this hearing this morning. I'm Joanne  
12 Kamuf-Ward. I'm Deputy Commissioner of policy and  
13 External Affairs at the Commission on Human Rights  
14 joined by Hillary, as Jessica mentioned. We're very  
15 thankful and honored to be here for this important  
16 topic. These are large-scale challenges, which take  
17 local government, federal government, state  
18 government, and many stakeholders to address, and  
19 we're excited to highlight some of The Commission's  
20 work that addresses discrimination and advances  
21 equity and to be here with DCWP as well.

22 So I think as-- as many people on the Council  
23 side know, the Human Rights Law prohibits  
24 discrimination on the basis of more than 25 protected  
25 categories and housing, employment and public



2 accommodations. And in the past year, the Human  
3 Rights Law was expanded to address critical barriers  
4 to equity for New Yorkers. I'm going to give a brief  
5 overview of our dual mandate and the Human Rights  
6 Laws, provisions, specifically that operate to  
7 address historical and ongoing disparities with a  
8 focus on employment and housing, and there's more  
9 detail on our structure in my written testimony.

10 First, The Commission engages in outreach and  
11 education to raise awareness of the Human Rights Laws  
12 protections and to strengthen relationships with and  
13 between communities through events, workshops, and  
14 trainings. This is done primarily through our  
15 Community Relations Bureau. Engaging within hearing  
16 from New Yorkers are critical components of  
17 preventing discrimination and translating legal  
18 protections into tangible change for community  
19 members. To this end, we've engaged in participatory  
20 research projects to inform our work over the past  
21 decade.

22 Second, individuals who believe they have  
23 experienced discrimination or harassment in violation  
24 of the Human Rights Law can report discrimination  
25 directly to The Commission's Law Enforcement Bureau,

2 or they can choose to file a complaint in state or  
3 federal court. If individuals come to The  
4 Commission, the Law Enforcement Bureau launches  
5 investigations, can initiate complaints can enter  
6 settlements, and can take cases to administrative  
7 trial to address discrimination. If appropriate,  
8 individuals can also choose alternate forms to seek  
9 redress at the state or federal level.

10 The highest number of claims that come before the  
11 Law Enforcement Bureau relate to the protected  
12 categories of disability and gender.

13 In light of today's topic, I want to spotlight  
14 portions of the Human Rights Law and The Commission's  
15 work that address barriers to equity.

16 So starting with the workplace, which is where we  
17 see the highest number of of claims in law  
18 enforcement, the Human Rights Law has a number of  
19 provisions that enhance equitable hiring and  
20 employment for New Yorkers. The Human Rights Law was  
21 amended in 2022 to require that employers post a  
22 good-faith wage range and job ads. This provision  
23 complements the prohibition on employer inquiries  
24 into applicants' salary history during the hiring  
25 process. Additionally, the Human Rights Law

2 prohibits employers from asking about a job  
3 applicants credit history, which is relevant, I  
4 think, to today's hearing topic, and prohibits  
5 employers from asking questions regarding an  
6 applicant's involvement with the criminal legal  
7 system until after an employer makes a conditional  
8 offer. Together these provisions address practices  
9 that have long contributed to wage disparities, and  
10 hindered access to opportunities and economic  
11 mobility for women and people of color.

12 In the arena of housing discrimination, The  
13 Commission has longstanding expertise. The law has  
14 some of the most expansive protections in the nation  
15 and housing is one of the most active areas of  
16 enforcement, specifically preventing and addressing  
17 voucher discrimination, which I know is a priority  
18 for this council.

19 The Commission is also currently preparing  
20 outreach efforts to inform all New Yorkers that New  
21 York City will prohibit discrimination on the basis  
22 of criminal history in housing beginning in 2025.  
23 That's a result of the Fair Chance Housing  
24 legislation adopted in December of last year. The  
25

2 Human Rights Law also prohibits discrimination and  
3 all aspects of the sale and rental of housing.

4 Finally, the Human Rights Law prohibits public  
5 accommodations from discriminating against  
6 individuals on the basis of a protected category.

7 I will now turn to the proposed legislation.

8 As mentioned already, Intro 401 seeks to address  
9 discriminatory lending by amending the city Human  
10 Rights Law to prohibit differential rates for loans  
11 and credit issued in New York City on the basis of  
12 several protected categories. 401 also requires The  
13 Commission to undertake a number of tests and  
14 investigations regarding discriminatory lending  
15 practice.

16 The Administration supports the goal of ensuring  
17 equitable access to credit and the objective of  
18 cultivating intergenerational wealth for all New  
19 Yorkers, regardless of identity. The Administration  
20 is currently reviewing the complex arena of credit,  
21 which is largely regulated by federal and state laws,  
22 and where an array of government entities have  
23 oversight authority to identify and address  
24 discrimination and other aspects of credit, which  
25 have also been mentioned already this morning.

2 This hearing is a welcome opportunity for The  
3 Administration and The Commission to hear from  
4 stakeholders on this important topic.

5 Turning to Intros 242 and 279, the  
6 Administration's positions on these bills  
7 establishing a truth and reconciliation process and a  
8 Reparations Task Force remain as expressed in the  
9 testimony by the Mayor's Office of Equity and racial  
10 justice at the Juneteenth package-- bill package  
11 hearing this past September. In summary, The  
12 Administration supports a truth, healing, and  
13 reconciliation process and a task force to study  
14 reparations. But as detailed by Commissioner Sherman  
15 would like to see greater alignment between the two  
16 efforts, an extension of the timeline for both  
17 reparations in truth and healing, and wants to ensure  
18 adequate resources and expertise are embedded into  
19 these efforts because they are- are significant and  
20 can be transformative for for New York City.

21 Intro 69 would render unenforceable and void any  
22 and all agreements that shorten the statute of  
23 limitations for filing a case with The Commission or  
24 filing a complaint in court, including agreements  
25 that are already in place. The Administration

2 supports the public policy aim of preventing coercive  
3 contract terms that contravene the rights of New  
4 Yorkers to pursue claims of discrimination. The law  
5 department continues to review how the current draft  
6 comports with constitutional contract law principles  
7 and New York case law. In doing so The  
8 Administration is specifically analyzing legal  
9 considerations regarding the bill's retroactive  
10 application to contracts that are already in place.

11 The Administration looks forward to working with  
12 counsel to ensure New Yorkers maintain the ability to  
13 vindicate their rights.

14 And in closing, The Commission is committed to  
15 preventing and combating discrimination in New York  
16 City. We appreciate the council's attention and  
17 commitment to addressing these issues. And we  
18 welcome your questions today and your partnership  
19 moving forward.

20 ASSISTANT COMMISSIONER ORTIZ: Good morning Chair  
21 Menin, and Chair Williams, Public Advocate Williams,  
22 and members of the committee's on Consumer and Worker  
23 Protection and civil and Civil and Human Rights. I'm  
24 Carlos Ortiz, Assistant Commissioner of External  
25 Affairs at the Department of Consumer Worker

2 Protection, I am joined by Associate General Counsel  
3 Andrew Schwenk.

4 Our agency's mission is to protect and enhance  
5 the daily economic lives of New Yorkers to create  
6 thriving communities. While we do not regulate bank  
7 and lending services, our work does focus on  
8 improving New Yorkers financial health in our  
9 enforcement of key consumer protections, and since  
10 the start of The Administration, we have helped  
11 deliver \$319 million to the pockets to New Yorkers  
12 across all our areas of work.

13 DCWP is committed to protecting consumers from  
14 deceptive or predatory trade practices in the  
15 marketplace and ensuring that consumers have relief  
16 if their rights have been violated. We accomplish  
17 this through robust enforcement of our licensing laws  
18 and other cities hallmark Consumer Protection Law.

19 For example, we license approximately 470 used  
20 car dealerships across the five boroughs, and  
21 regulate specific requirements dealers must adhere to  
22 regarding our consumer protection standards. These  
23 include price display requirements, various  
24 disclosure requirements including a financing  
25 disclosure, and a prohibition on false advertising.

2 Moreover, under the Consumer Protection Law, all  
3 businesses are prohibited from engaging in deceptive  
4 or unfair trade practices. Under Mayor Eric Adams'  
5 administration, we have announced major victories on  
6 behalf of consumers through proactive investigations  
7 into use car dealerships, in total, securing more  
8 than \$7 million in restitution and civil penalties in  
9 this specific area of work.

10 A recent highlight of our work in two used car  
11 dealerships was just announced this past January,  
12 concerning an entity known as 26 Motors. Agreements  
13 secured \$1.5 million in restitution for consumers  
14 required the closure of five dealerships, and barred  
15 five individuals from owning a used car dealership  
16 for the next five years. We've also brought  
17 significant cases against for-profit colleges under  
18 the Consumer Protection Law, such as Berkeley and ASA  
19 College, for running misleading and deceptive  
20 advertising. In just those two cases alone, we  
21 secured close to half a million dollars in civil  
22 penalties, as well as \$20 million in debt relief for  
23 New Yorkers.

24 Each of these cases drives home the message to  
25 New Yorkers that this administration will continue to



2 protect and support working people in our city. We  
3 also strive to ensure that New Yorkers are educated  
4 on their rights and protections, and since the start  
5 of administration we have held more than 1400  
6 outreach events, reaching over 105,000 attendees to  
7 educate New Yorkers about DCWP.

8 DCWP also offers innovative programs and services  
9 to support New Yorkers in improving their financial  
10 health. One of our key programs is our network of  
11 Financial Empowerment Centers. Residents across all  
12 five boroughs can visit for free on of more than 37  
13 Financial Empowerment Centers to receive  
14 confidential, one-on-one professional financial  
15 counseling. Our trained financial counselors help  
16 clients navigate their finances, create a budget,  
17 open safe and affordable bank accounts, and so much  
18 more. Our financial coaching and counseling places  
19 an emphasis on financial education to help clients  
20 reach both short term and long term financial goals.  
21 Clients that come to our centers looking for  
22 assistance with loans are provided with an in-depth  
23 understanding of their rates, terms, and possible  
24 risk involved. And we also offer additional options

2 for clients to find safe and affordable financial  
3 products including bank accounts.

4 Since the inception of the Financial Empowerment  
5 Centers, we have served nearly 77,000 New Yorkers  
6 helping them reduce their debt by \$106 million and  
7 increase their savings by \$12 million in total.

8 We are incredibly proud of our financial  
9 empowerment programs overall, and the successes that  
10 New Yorkers have achieved.

11 As I mentioned earlier, DCPD is committed to  
12 protecting and enhancing the economic lives of New  
13 Yorkers, and we look forward to working with this  
14 council to find new and innovative ways to continue  
15 doing so.

16 Thank you for the opportunity to speak today with  
17 you and I look forward to your questions. Thank you.

18 CHAIRPERSON WILLIAMS: Thank you. I just want to  
19 acknowledge that we've been joined by Councilmembers  
20 Ossé, Riley, and Abreu. Thank you so much for your  
21 testimony. I have a few questions for The  
22 Commission.

23 So what possible hurdles, if any, does CCHR  
24 anticipate in the implementation and enforcement of  
25 Intro 401?

2 DEPUTY COMMISSIONER KAMUF-WARD: Thank you, as  
3 always happy to talk about our work and to be with  
4 this this committee. The Administration, as I noted,  
5 supports the intent of the bill to prohibit  
6 discrimination in issuance of credit, and to require  
7 creditors to disclose to potential borrowers how  
8 their rate is calculated. I think we're very  
9 interested to hear from stakeholders who do this work  
10 every day, their perspective on-- on the bill. But I  
11 will mention just a few of the things that have come  
12 up as we do our sort of initial review of Intro--  
13 Intro 401.

14 As was already noted, there is a fair amount of  
15 state and federal regulation, both on the anti-  
16 discrimination side and on the transparency side.  
17 And, so part of the work The Administration is doing  
18 is identifying how a law at the local level would fit  
19 in with existing protections, and to identify if  
20 there's any conflict with those existing-- existing  
21 laws. I think one up from CCHR's perspective, the  
22 work that we do often, as I noted in my testimony,  
23 involves individuals coming to us to file complaints.  
24 We're a file-as-a-right agency, which means any New  
25 Yorker has the ability to come to us to file a claim

2 of discrimination, and we are obligated and pleased  
3 to be able to serve those New Yorkers, and to  
4 identify if they have a viable claim.

5 We also do testing in housing, employment, and  
6 public accommodations. I think one of the concerns  
7 CCHR has with the-- with the bill is the testing  
8 requirements. We understand from just preliminary  
9 conversations that testing in this space is extremely  
10 complicated. There are some hurdles that are much  
11 different than the other kinds of testing that we do.  
12 So, for example, to identify if someone is giving a  
13 differential loan rate on the basis of a protected  
14 category, you would have to have two testers with  
15 almost identical financial profiles apply for a loan,  
16 find out what their credit score is, and then be able  
17 to analyze those credit scores to identify if the  
18 protected category was the basis for differentiation.  
19 That's both a long process that would require testers  
20 to be able to have a financial profile and identity  
21 which is not something currently that-- that we are  
22 able to do a lot of our testing in apartment spaces  
23 or an employment can be showing up to a housing  
24 provider. Someone from-- from you know, we will have  
25 applicants with very similar profiles but for a

2 protected category. So, a woman goes to ask for an  
3 apartment and possibly has her child with her and  
4 she's told, "I'm sorry, we don't have an apartment."  
5 A single male might go ask the same housing provider  
6 three hours later for an apartment they say, "Yes, we  
7 have one we can show you right now." That's  
8 discrimination potentially on the basis of gender,  
9 potentially on the basis of race, and also  
10 potentially on the basis of presence of children.  
11 So, that's a much different kind of test than I think  
12 what's-- what's contemplated in in this bill.

13 CHAIRPERSON WILLIAMS: Thank you. Do you have  
14 any thoughts with respect to the outreach and  
15 education required by the bill?

16 DEPUTY COMMISSIONER KAMUF-WARD: Sure. So, as  
17 you're probably sick of me saying, we really see our  
18 prevention and education work as a critical part of  
19 addressing discrimination. As has been already noted  
20 that there are some lending protections in our law.  
21 Those are part of the outreach and education that we  
22 do every day in the housing space. Our Community  
23 Relations Bureau, for the past several years, the  
24 time that I have been at The Commission, have  
25 increased their outreach and education efforts every

2 year, reaching more than 100,000 New Yorkers in  
3 fiscal year 23. So, we are excited about education  
4 in this space. I think that the challenge is, again,  
5 goes back to some of the immense number of laws and  
6 regulations and the specifics of financial expertise  
7 that that apply in this in this field and identifying  
8 who are the right messengers for some of that  
9 information. But it's already part of the work that  
10 we do, and we are excited to think about ways to  
11 expand that work with The Council, with sibling  
12 agencies, and with other stakeholders.

13 CHAIRPERSON WILLIAMS: Okay. Does CCHR receive  
14 any inquiries in relation to discriminatory lending  
15 practices? And if so, could you share how many and  
16 what these type of inquiries consist of?

17 DEPUTY COMMISSIONER KAMUF-WARD: Yes. So, we do  
18 have these protections. They're part of our  
19 trainings. I would say this is a very small number  
20 of the cases that we receive. In terms of inquiries  
21 and complaints, it's really a handful over the past  
22 five years. I think the most we've had in a year is  
23 eight, which is a small number. I think there's lots  
24 of reasons for that. Part of the reason that we see  
25 that is, as I mentioned in my testimony, New Yorkers

2 have a lot of choices when it comes to addressing  
3 discrimination. A lot of the cases around financial  
4 products are handled in courts, where you can pull in  
5 federal and state law.

6 I think another challenge in this space that  
7 makes it very hard to regulate, is that often  
8 individuals who have been-- who have experienced  
9 discrimination in financial products do not realize  
10 that until the time when they bring their loan  
11 documents that they may have signed (I don't know how  
12 many people here have a mortgage; I have one; I  
13 signed millions of pieces of paper; I don't know what  
14 they all say) is really complicated, and you might  
15 not find out about the coercive or discriminatory  
16 terms until years after you've been paying off a  
17 loan. So, I think those make it a challenge for an  
18 agency like ours, which are often dealing with  
19 individual acts of discrimination in a particular  
20 timeframe.

21 CHAIRPERSON WILLIAMS: Okay. Would CCHR and CWP  
22 consider coordinating on financial and lending  
23 education and outreach?

24 ASSISTANT COMMISSIONER ORTIZ: I can-- I can take  
25 that one. So, I think, for ourselves, education is a

2 cornerstone of the work of the agency, ensuring folks  
3 understand what their rights and protections are.  
4 That-- That applies to consumer protection, financial  
5 crime, and even worker protection too. So, we will  
6 always be happy to partner with our sibling agencies  
7 in that sense, um, to get the word out. And we do  
8 partner currently on events as well. So, it's-- it's  
9 really, I think, part of the efforts of this  
10 administration to ensure we're coordinated at all  
11 times.

12 DEPUTY COMMISSIONER KAMUF-WARD: Yeah, and I'll  
13 just add to that, in the education and outreach to  
14 the public facing work we do in concert already. And  
15 we think that's effective since there's a wealth of  
16 information that both of our agencies hold. We also  
17 refer cases to each other or to other agencies or  
18 organizations when-- when that's appropriate. So,  
19 there's information sharing also outside of the-- the  
20 event space.

21 CHAIRPERSON WILLIAMS: And I know that there are  
22 minimal cases that come to CCHR in reference to  
23 discriminatory lending practices, but do you see  
24 other types of complaints that might feed into, or  
25 result from discriminatory lending practices? So



2 maybe the complaint wasn't explicitly that, but it  
3 might be a part of it.

4 DEPUTY COMMISSIONER KAMUF-WARD: So maybe not as  
5 expressly as you're identifying. But I think, again,  
6 when we talk about employment cases and looking at  
7 credit history that the fact that credit history can-  
8 - is asked for in many, many spaces, if you have bad  
9 credit or have been the recipient of unfair terms,  
10 and you're still paying, that off that has knock-on  
11 effects that-- that can occur in employment. That's  
12 why the prohibition on asking those questions which  
13 are 100%, irrelevant to your ability to be a good  
14 employee is a really important part of our work.

15 I would also say that the-- the work we do in the  
16 source of income space, and-- and vouchers is also a  
17 knock-on effect of some of the challenges in  
18 generating intergenerational wealth, and in limits to  
19 economic opportunity, because we know that in this  
20 source of income space, most of the claims that come  
21 to us (and I think it's fair to say most of the  
22 voucher holders in New York City) are people of  
23 color. And so this, I think, is-- is all related in  
24 a way that is both complicated, but something that  
25 that we can work together, I think to address.

2 CHAIRPERSON WILLIAMS: Yeah, I put in some bills  
3 on credit history discriminatory action. So, let's  
4 see from the present time. You know, we have a nice  
5 little process here on The Council.

6 So, the next question I have has to do with  
7 artificial intelligence impacting discrimination--  
8 discrimination and lending practices.

9 And if I could just reframe that a bit. I'm just  
10 wondering your knowledge of any trends you're seeing?  
11 I know, you mentioned credit history trend. But if  
12 there are any other trends you see. And then adding  
13 into the advent of artificial intelligence, and if  
14 you think that would also have disparate impacts on  
15 discrimination and lending practices.

16 DEPUTY COMMISSIONER KAMUF-WARD: So this is  
17 really from my personal thinking. I think it would  
18 be very difficult to say that AI isn't going to allow  
19 for discrimination to be harder to identify, right?  
20 I mean, I think that-- that there's evidence of that.  
21 I think that is definitely going to impact lending.  
22 It's already a complex area, to regulate. And I  
23 think AI makes it so the decision making is more  
24 diffuse and amorphous, and it's harder to identify  
25 in, in the work that we do-- the respondent, right?

2 Who was the decision maker. So I think that will be  
3 a major challenge. And that's why the transparency  
4 piece is so important.

5 But in terms of our work, I think we haven't seen  
6 these intersections. But we're definitely thinking  
7 about them and watching what's happening both in the  
8 employment space and-- and the housing space, to both  
9 see what federal regulators are doing and to  
10 understand how it might come to our to our agency.

11 CHAIRPERSON WILLIAMS: Thank you. I'll turn it  
12 over to my Co-Chair, Julie Menin, for questions.

13 CHAIRPERSON MENIN: Thank you so much, Chair.  
14 Um, so a number of questions for DCWP. The debt  
15 collection guide for consumers, which was last  
16 revised in September 2023, states that debt  
17 collection has been the number one complaint category  
18 for the agency in recent years. Can you tell our  
19 committees how many debt-collection-related  
20 complaints you've received annually over the last  
21 five years?

22 ASSISTANT COMMISSIONER ORTIZ: I'm sorry, Chair  
23 Menin and I don't have the particular number on  
24 complaints of debt collection agencies. I--  
25 Generally, across all of our laws and rules and

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2 categories, we receive about 26,000 complaints. I'm  
3 happy to pull the number for you--

4 CHAIRPERSON MENIN: 26,000 in total over...?

5 ASSISTANT COMMISSIONER ORTIZ: Over the calendar  
6 year of 2023.

7 CHAIRPERSON MENIN: Uh-huh.

8 ASSISTANT COMMISSIONER ORTIZ: Yes.

9 CHAIRPERSON MENIN: So in 2014, when I served as  
10 Commissioner of DCWP, the agency mediated 382  
11 consumer complaints against debt collection and debt  
12 settlement companies. Over the last 10 years that  
13 steadily declined. The agency mediated just 41  
14 consumer complaints against debt collection and debt  
15 settlement companies in 2023. So, I'm incredibly  
16 concerned about that. If that's the agency's number  
17 one category of complaint, why are the numbers so  
18 low?

19 ASSISTANT COMMISSIONER ORTIZ: I'm sorry-- I  
20 think I would love to get perhaps a range of which  
21 are our priority complaint categories are. I think,  
22 for us mediating complaints is-- is part of the part  
23 and parcel of the essential work we have to do. I  
24 know that that process itself is very-- it involves  
25 many communications to consumers. We definitely want

2 to make sure that they're being helped throughout  
3 these processes. So, I think I would love to get the  
4 specific data for you, and we could talk through more  
5 of those complaints.

6 CHAIRPERSON MENIN: I mean, my concern is you  
7 have in your debt collection guide that it is the  
8 number one complaint category.

9 ASSISTANT COMMISSIONER ORTIZ: Yeah.

10 CHAIRPERSON MENIN: So, that's out there. That's  
11 the number one complaint category. So, why would the  
12 number be dropping from where it was a decade ago to  
13 where it is today?

14 ASSISTANT COMMISSIONER ORTIZ: I totally hear  
15 your concern, Chair Menin, on this issue. And I  
16 think-- I just want to be able to pull the  
17 information for you on-- on this. I'm not aware of  
18 if it dropping in recent years. Perhaps compared to  
19 2014, but I haven't seen those numbers either. So,  
20 I'm happy to-- When I have that information in front  
21 of me, I can bring it to you.

22 CHAIRPERSON MENIN: I do just want to say this is  
23 very disappointing. I mean, this is a hearing on  
24 this topic. You know, if it's the number one  
25 complaint of the agency, you should have that

2 information available. And I'm not pulling out  
3 information from a hat. It literally-- We have the  
4 information that the agency mediated just 41 consumer  
5 complaints against debt collection and debt  
6 settlement companies in 2023. That number has gone  
7 down precipitously.

8 ASSISTANT COMMISSIONER ORTIZ: I'm sorry  
9 Councilmember that we don't have the debt collector  
10 information for you. My understanding is that we--  
11 the request was for us to talk about our secondhand  
12 dealer work, so I have some of that information. But  
13 again, I'm sorry, I don't have the debt collector  
14 information. I will get that to you.

15 CHAIRPERSON MENIN: Okay. If you can get that to  
16 our committees. On-- On debt and auto loans, so, I  
17 spoke in my opening statement about, you know, an  
18 initiative that we launched a decade ago on auto  
19 loans. Can you give the committee's an update on  
20 what is happening in terms of predatory loans? What  
21 is-- And you mentioned some of it in your testimony.  
22 What is the agency doing to deal with that issue?

23 ASSISTANT COMMISSIONER ORTIZ: Yes, of course. I  
24 think, in some of the-- the work in that we've seen  
25 three used car dealership investigations and

2 inspections and-- and in response to complaints. I  
3 think it's some of the core work that we do at the  
4 agency.

5 As I mentioned, under the Adams administration,  
6 we've been able to secure more than \$7 million in  
7 restitution and civil penalties around used car  
8 dealerships.

9 With respect to the initiative that you mentioned  
10 from 2014, understanding from that time is that we  
11 put out an RFEI and an RFP for that program  
12 initiative. However, there was a low uptake on that  
13 response that made the program unviable at the time.

14 That said, I think we took the lessons of that  
15 initiative, and the goals of it in terms of providing  
16 more information to consumers, and used that to  
17 implement new legislation that came out in 2016 and  
18 2017, which has strengthened our hands in terms of  
19 regulating us car dealerships, particularly with  
20 respect to disclosure requirements, but also robust  
21 recordkeeping requirements and that has borne fruit  
22 now, from 2014, to now of our-- of our secondhand car  
23 dealer work.

24 CHAIRPERSON MENIN: Okay. For-profit colleges.  
25 You mentioned Berkeley. We began that investigation

2 when I was at the agency. You mentioned relief for  
3 Berkeley. What about the other for-profit colleges  
4 that we subpoenaed?

5 ASSISTANT COMMISSIONER ORTIZ: Well, in the  
6 particular case of Berkeley, and ASA college, I think  
7 those were the situations where we saw and were able  
8 to collect evidence and observations that were able  
9 to bring a case to the Office of Administrative  
10 Trials and Hearings. I'm not familiar with the other  
11 cases, or the other for-profit colleges that-- that  
12 were-- that you're saying we're committing  
13 violations.

14 CHAIRPERSON MENIN: Those were Mandell, New York  
15 Career Institute, and TCI. We had a-- an  
16 investigation into those as well as to Berkeley.

17 ASSISTANT COMMISSIONER ORTIZ: I think  
18 ultimately, in looking into those cases and  
19 processing complaints, we were not able to proceed  
20 with a summons, and we instead focused on the cases--  
21 in the case of Berkeley College, where we had  
22 observable violations that we could bring to OATH.

23 CHAIRPERSON WILLIAMS: Okay. So, just so I  
24 understand. So, for all of the consumers who  
25 complained about these other three for-profit



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2 colleges, what is the relief for those consumers,  
3 those students who were-- Because, we had, you know,  
4 tremendous complaints at that time. So, if you don't  
5 have that information now, if you can, please get to  
6 my committee, that information for those other three  
7 for-profit colleges?

8 ASSISTANT COMMISSIONER ORTIZ: Yeah, I will be  
9 happy to you get that to you. And also, I'll check  
10 in on the mediation work that we performed during  
11 those cases as well to assist the consumers.

12 CHAIRPERSON MENIN: Okay. In terms of OFEs on 37  
13 Financial Empowerment Centers. Can you speak-- You  
14 said something in your testimony about it. Can you  
15 speak more about what is happening in terms of  
16 preventing deceptive or discriminatory practices  
17 against-- whether it's, you know, debt collectors,  
18 predatory lending? I'm very interested in what Chair  
19 Williams mentioned about the two agencies working  
20 more collaboratively together. I mean, does CCHR  
21 have materials at the OFE centers around the city?

22 ASSISTANT COMMISSIONER ORTIZ: So with respect to  
23 our Financial Empowerment Centers, we ensure that our  
24 counselors are trained, either through our consumer  
25 services team working with consumer protection team

2 to identify when issues come up, such as potential  
3 violations of their consumer rights.

4 We also hold quarterly trainings for our  
5 counselors where we invite sister agencies to come in  
6 and also describe particular issues that they should  
7 be looking out for it in order to serve their  
8 clients.

9 I think for us, it is, in particular, the  
10 Financial Empowerment Center location, and that  
11 interaction between the counselor and the client is a  
12 particular moment where we can really jump in to  
13 serve a New Yorker.

14 Moreover, we do have a legal services contract  
15 with NYLAG. That contract we're able to refer  
16 individual cases out to NYLAG. These could refer to  
17 potential issues around auto lending, for-profit  
18 colleges. I think we've received-- I'm sorry, over  
19 the past year, we were able to refer out 300 cases to  
20 NYLAG in that particular situation.

21 Again, I think for myself and CHR, coordination  
22 is essential. I-- We do deliver to our Financial  
23 Empowerment Centers, as well as our free tax prep  
24 locations (of which there are over 140) literature  
25

2 from our sister agencies as well as our own  
3 literature.

4 CHAIRPERSON MENIN: Okay, before I turn it over  
5 to the Public Advocate for questions, first I want to  
6 recognize we've been joined on Zoom by Councilmember  
7 Salamanca. So, one other-- Ah, we've been joined by  
8 Majority Leader Farias, and we've been joined by  
9 Councilmember Marte. Thank you.

10 One last question I have, and this is for CCHR.  
11 You mentioned in your testimony that the highest  
12 number of claims that come before the Law Enforcement  
13 Bureau relate to the protected categories of  
14 disability and gender. How many gender complaints  
15 are there were there last year?

16 DEPUTY COMMISSIONER KAMUF-WARD: So we can-- I  
17 don't have the number, but we will pull it during  
18 this hearing, and we will tell you--

19 CHAIRPERSON MENIN: I-- I just wanted-- Yeah, I'm  
20 just not trying to be difficult here. I'm just  
21 saying we're having this oversight hearing, and it  
22 just-- it is frustrating when agencies can't-- don't  
23 have-- like this is in your testimony. This is a  
24 basic question. You're saying it's one of your top  
25 complaints. It's sort of the same issue I'm having

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2 with DCWP, when you testify that something is a top  
3 complaint, you should have that information readily  
4 available for the committee. That is just like a  
5 basic rudimentary courtesy that we would ask agencies  
6 when they're coming before committees.

7 So, I'm happy to turn it over to Public Advocate.

8 PUBLIC ADVOCATE WILLIAMS: Thank you so much,  
9 Madam Chair. My question for CCHR: Just following  
10 up on one of the questions. Joann was asked about  
11 difficulties of implementation and enforcement. So,  
12 I heard kind of two things that might be difficult:  
13 Where it fits in and also, what I'm calling, kind of,  
14 the ease of doing it, to actually follow up on any  
15 complaints. And I would add another possible, which  
16 is the funding to actually get it done. So, I just  
17 want to know about those three, which seem to be the  
18 most concerning?

19 DEPUTY COMMISSIONER KAMUF-WARD: So, I think, for  
20 this particular area, I will say resources are a  
21 challenge. That means expertise, and-- and financial  
22 expertise, which is not something that is currently  
23 like a hiring requirement when-- when we're thinking  
24 about discrimination complaint. So, I think we would

25

2 have to look into how do we have the-- the person  
3 resources to be able to do this work accurately?

4 I think that the testing piece is also  
5 significant, because I think it's-- it's real legal  
6 hurdles. Some of the other things are-- are more  
7 more practical. I think being able to do the testing  
8 in this way would be very challenging.

9 PUBLIC ADVOCATE WILLIAMS: Okay, because I always  
10 find that having a local right of action makes things  
11 a little easier for people who may have an issue,  
12 which is why we try to get some local laws, even if  
13 they are proceeding ones in the federal and state.

14 DEPUTY COMMISSIONER KAMUF-WARD: Yeah. And I  
15 think I'll just say-- say to that, I think part of  
16 the reason people-- and I think I flagged this in my  
17 prior answers-- But part of the reason I think people  
18 go to court is because they can-- they can use all  
19 the laws, right? Like when you come to The  
20 Commission, we can look at a city Human Rights Law  
21 violation. If you go to state or federal court, you  
22 can use the Fair Housing Act. And so, I think  
23 there's--

24 PUBLIC ADVOCATE WILLIAMS: Yes, you-- but also  
25 have to have money for attorneys to be able to do all

2 of those things. A lot of folks have trouble  
3 navigating those parts of it if they don't have the  
4 resources to do it.

5 DEPUTY COMMISSIONER KAMUF-WARD: Yeah, and I  
6 think that's part of the reason. Again, I'm not an  
7 expert in HUD or in federal agencies. You know, HUD  
8 has funded nonprofits-- I think there's 30 to 50  
9 across New York City-- to do some of to do some of  
10 this work exactly for the reason that you're talking  
11 about. But-- But yes, I hear you.

12 PUBLIC ADVOCATE WILLIAMS: And-- I mean, this is  
13 probably for another hearing. I do think the agency  
14 needs some-- definitely some more funding. And I'm  
15 concerned about the type of testing that's not  
16 happening even on housing. That's a whole other  
17 conversation. I think there's a lot on the table, a  
18 lot of discrimination happening right now, but the  
19 agency is not able to catch it for various reasons.

20 But with the ease of doing-- I just want to know  
21 that part of the law will make us other people have  
22 to give them reason that they are being denied. And  
23 so that part of the law that has to give the  
24 criteria, would that make it a little easier to try  
25 to get what we need accomplished accomplished, even

2 with the testing, having some of that additional  
3 information.

4 DEPUTY COMMISSIONER KAMUF-WARD: I think my  
5 preliminary response is that transparency and how  
6 these decisions are made are going to aid in  
7 addressing the discrimination, but I'd have to look  
8 more closely at what is already required, and where  
9 things are not being conveyed to individuals who are  
10 looking for credit, or are more--

11 PUBLIC ADVOCATE WILLIAMS: I'm sorry. Say that  
12 last part again.

13 DEPUTY COMMISSIONER KAMUF-WARD: So I just-- I  
14 think I would personally and CCHR would look, and the  
15 law department would need to look more into what is  
16 already required to be provided under state law and  
17 how this might differentiate? Because I think as  
18 we've said, there are laws in place. I think the  
19 laws get so far, and culture shift and changing how  
20 business is done is a much different kind of animal.

21 PUBLIC ADVOCATE WILLIAMS: Okay, thank you very  
22 much. And to DCWP, just-- I guess this is more of a  
23 comment, but because I'm happy that Chair Menin is  
24 focused on used cars law. I was focused on it a lot  
25 when I was a Councilmember. I just wanted to say I

2 think I still see a lot of stuff happening there  
3 that's not being captured. And I don't know if  
4 people have the ability to always-- when they're  
5 searching for a car-- these folks that are always  
6 don't have the time. So, I don't know how much  
7 you're going out, just on your own, to do some  
8 testing.

9 I had a big issue myself with Major World. I  
10 don't know if there's still an issue. I hear a lot  
11 of their ads are still on, but they were doing a lot  
12 of bait and switch back-- and this is way back. And  
13 so, I don't know how much you're going out. You  
14 know, or how much is just waiting. I guess that is  
15 the question: How much is it waiting for people to  
16 come with complaints, and how much is it you  
17 proactively going out there?

18 ASSISTANT COMMISSIONER ORTIZ: Well, let me just  
19 jump in quickly in the Major World situation. I know  
20 that was that was a-- it was a big case for us that  
21 we've just finalized this past year actually, and  
22 secured \$3.5 million in penalties from Major World  
23 for the deceptive practice they were engaging, as  
24 well as previous years where we're able to also  
25 secure restitution for consumers that were impacted.



2 So, I-- I thank you for elevating that. And  
3 certainly if there's more violations being committed  
4 by that business or other business entities, we would  
5 certainly want to know about it.

6 So, Major World has been fined for what they've  
7 been doing?

8 ASSISTANT COMMISSIONER ORTIZ: That's correct.  
9 We-- We initially began that investigation process  
10 years ago. Through the course of appeals that they  
11 were they are engaged in. Ultimately, the city was  
12 able to win out on that case, and we got \$3.5 million  
13 in civil penalties from them on it.

14 PUBLIC ADVOCATE WILLIAMS: I'm hoping we can  
15 check to make sure that they've changed practices.

16 ASSISTANT COMMISSIONER ORTIZ: Yes, certainly. I  
17 think when-- You know, our practices are when-- when  
18 we find businesses that have violated the law, we do  
19 work to ensure that we're following up on them to  
20 make sure they're staying in compliance. I think to  
21 your question earlier, we do proactively inspect  
22 locations across the city-- used car dealerships, I  
23 should say, as well as respond to complaints.

24 And then I think the third prong of that as well,  
25 is proactive investigation work from our attorneys at

2 the agency that also looks into the record keeping  
3 requirements of these used car dealerships to ensure  
4 that they are complying with all aspects of the  
5 licensing and-- and the Consumer Protection Law.

6 PUBLIC ADVOCATE WILLIAMS: Thank you. Thank you,  
7 Madam Chair and Madam Chair.

8 CHAIRPERSON MENIN: Thank you so much. And now  
9 Councilmember Restler has some questions.

10 COUNCILMEMBER RESTLER: Thank you so much, Chair  
11 Menin and Chair Williams. I just wanted to follow up  
12 on Intro 69. I appreciate The Administration support  
13 of our public policy aim here. So, thank you for  
14 that. I did just want to go a little bit back and  
15 forth on the concern relating to retroactivity, if it  
16 appears that's your primary concern with the  
17 legislation. Is that right?

18 DEPUTY COMMISSIONER KAMUF-WARD: Yes, that's  
19 correct.

20 COUNCILMEMBER RESTLER: I love simple answers.  
21 Yes-and-no answers may bring me joy. We so rarely  
22 get it at our hearings. But I digress.

23 So, I feel very strongly that this bill should  
24 absolutely apply retroactively. The legislations--  
25 The current policies of certain large employers are

2 against the public policy of the city of New York.  
3 Are you familiar with the ending of forced  
4 arbitration of sexual assault and sexual harassment  
5 act of 2021, the federal legislation, which-- which  
6 determined that pre-existing agreements to such  
7 claims were unenforceable?

8 DEPUTY COMMISSIONER KAMUF-WARD: Thank you for  
9 your question Councilmember. As far as federal  
10 legislation, and I'm aware of it. But we don't-- You  
11 know, we don't work with federal law. So, beyond  
12 that, you know... But I am aware of it.

13 COUNCILMEMBER RESTLER: I would also ask, have  
14 you've followed the New Jersey Supreme Court's--  
15 State Supreme Court's ruling that contracts against  
16 public policy are able to be that-- contracts that  
17 are against public policy can be-- that we can pass  
18 legislation to enforce them retroactive-- we can pass  
19 legislation to enforce retroactively the contracts  
20 that have been signed that are against public policy  
21 that undermine those contracts?

22 DEPUTY COMMISSIONER KAMUF-WARD: Thank you for  
23 your for your question. The-- In speaking about two  
24 things, you mentioned, a court case and legislation.  
25 I'm not aware of any legislation-- or The

2 Administration-- I'm not aware of any legislation out  
3 in New Jersey. In thinking about a court case, you  
4 know, those tend to be based on specifics-- a  
5 specific set of facts or specific contracts. I think  
6 with this bill, and the reason that The  
7 Administration is, you know, analyzing how it works  
8 out with-- with contract law is that it's very broad  
9 in scope. It's applying to all sorts of contracts  
10 that have these provisions, even ones where they had  
11 been negotiated by the parties.

12 I raised the New Jersey example just to cite that  
13 the New Jersey Supreme Court specifically found that  
14 contracts that undermined their state's Human Rights  
15 Law, that diminished and undermined the rights and  
16 protections of workers in their state, could-- were  
17 against public policy. And that, as they applied--  
18 the-- the existing contracts that were in place, were  
19 not enforceable. And we believe that any contract  
20 that has been signed by an employee that is against--  
21 that undermines the protections that are guaranteed  
22 in the city's Human Rights Law should be not only  
23 unenforceable and void, but-- and that we want to  
24 make sure that that is retroactively enforced.

2 And we recognize that as a broad scope and  
3 mandate, but the-- the Human Rights Law has a broad  
4 scope and mandate, as the Deputy Commissioner  
5 testified, and as we all know well.

6 And I think it would be a real harm to workers in  
7 the city of New York, if we did not do everything in  
8 our power to protect their rights to hold employers  
9 accountable, who have discriminated against them, who  
10 would harass them. And if we fail to impose  
11 retroactive applicability, then we have failed those  
12 employees.

13 DEPUTY COMMISSIONER KAMUF-WARD: Thank you,  
14 Councilmember for sharing that. The Commission is  
15 committed to making sure that employ-- employees who  
16 have experienced discrimination can seek redress for  
17 that. And we do support the public policy aims and  
18 we are eager to discuss-- to further dispel-- and  
19 work with you there.

20 COUNCILMEMBER RESTLER: Do you think there is a--  
21 if you're concerned about us taking such a broad  
22 approach on retroactivity, is there a narrower  
23 approach that you would recommend?

24 DEPUTY COMMISSIONER KAMUF-WARD: Yeah, I think I  
25 would just say that we would need to consult with the

2 law department and see proposed language to be able  
3 to opine on that. But I think we're very interested  
4 in moving some of these aims forward, and want to  
5 stay in dialogue with you about that and bring the  
6 law department into the conversation as well.

7 COUNCILMEMBER RESTLER: Okay. Okay. No further  
8 questions. Thank you so much.

9 CHAIRPERSON MENIN: Thank you, Councilmember  
10 Restler. So, a few more questions. For CCHR a  
11 question: In terms of The Commission's dual mandate,  
12 and I'm just going directly from your testimony, the  
13 Human Rights Laws anti-discrimination provisions that  
14 operate to address disparities with a focus on  
15 employment and housing, can you talk about how many  
16 cases you're receiving, how many complaints in that  
17 area, and how many cases you're able to close?

18 DEPUTY COMMISSIONER KAMUF-WARD: Yeah, so first  
19 on the case-- on the inquiry numbers that you asked  
20 about before, I want to bring those into the into the  
21 testimony. So, we had-- and this is from last year,  
22 yeah, fiscal year 23. The number of disability  
23 inquiries we had was about 600, with 200 of those in  
24 the employment space. A lot of the disability work  
25 is in housing, reasonable accommodations and

2 accessibility. There were about 200 in in the gender  
3 space with a vast majority of those also in  
4 employment, and that can range from pregnancy,  
5 lactation, accommodations to differential treatment,  
6 hostile work environment, sexual harassment.

7       So, for-- for housing claims, I am just going to  
8 need to pull up our annual report to be able to have  
9 the numbers in front of-- in front of me but we-- I  
10 can say in general, we get about 12,000 inquiries a  
11 year to our Law Enforcement Bureau, and we file in  
12 the arena of like, 300 to 500 complaints coming out  
13 of that.

14       Again, a lot of things that come to us are a  
15 sometimes non-jurisdictional. Sometimes people don't  
16 want to move forward with the claim. Sometimes it's  
17 best referred to someone else. But that's kind of  
18 the the universe of-- and those numbers have been  
19 growing over-- over time.

20       In terms of cases closed, I think there is no  
21 average-- there's no-- I mean, I could give you an  
22 average number. I don't think it's very helpful  
23 because the-- the scope of the cases is so  
24 different. So, someone might come to us and they are  
25 seeking a ramp in their housing. And someone might

2 come to us and they're seeking a pregnancy  
3 accommodation. One of those can be resolved probably  
4 in a day. One of those can take three years. So, so  
5 that-- there's a wide array of factors that go into  
6 each case. But the other piece, I would say is that  
7 in addition to filing complaints, something that our  
8 Law Enforcement Bureau does, in the case of  
9 disability often but also in source of income is we  
10 have a process called pre-complaint intervention.

11 So, if something comes to us, and it's a matter  
12 that if we can solve it in 30 days or two weeks, and  
13 it's going to make a tangible difference to someone,  
14 we route that through a fast-track process so that  
15 they don't have to wait for the to file a complaint,  
16 meet with an attorney. So, we have interventionists  
17 that sort of that take some of the cases-- this is  
18 especially true unreasonable accommodation and SOI,  
19 when we know someone has ghosted and an apartment is  
20 going to be lost soon. So, we-- we prioritize those  
21 cases. (And I say we it's our Law Enforcement  
22 Bureau; I'm not the one doing that work. But yeah.)

23 CHAIRPERSON MENIN: How many investigators do you  
24 have on staff right now?



2 DEPUTY COMMISSIONER KAMUF-WARD: So, that's a  
3 good question. Our Law Enforcement Bureau currently  
4 has-- has 54 staff. I-- There are-- Our attorneys  
5 serve through the life of a case. So, you are--  
6 Like, you do the intake, you do the investigation,  
7 and you stay with the person who has filed that  
8 complaint.

9 So, our attorneys are our investigators. So, we  
10 have I want to say in the realm of 10 to 15 attorneys  
11 -- I think that's correct, currently -- but we have  
12 interventionists that are also part of the law  
13 enforcement team and administrative staff who do some  
14 of the-- the intakes and the-- the earlier process of  
15 complaints.

16 CHAIRPERSON MENIN: I know that Chair Williams  
17 and I share the concern about staffing at your  
18 agency, and resources, and trying to make sure that  
19 you get the proper resources you need to really be  
20 able to aggressively enforce your mandate.

21 Is there some kind of outside-of-the box way to  
22 work with DCWP to the extent that there are some  
23 overlapping cases? What can be done to try to  
24 creatively address that?

2 DEPUTY COMMISSIONER KAMUF-WARD: I think the  
3 answer has to be yes. And I think we are-- we have  
4 in the space, say, of domestic workers where we both  
5 have jurisdiction, our law was amended to give  
6 domestic workers even if they're an employee in an  
7 employment space the size of one, the same  
8 discrimination protections as others do. DCWP also  
9 has domestic worker protections. So, we have  
10 internally created pathways to refer those cases and  
11 identify if we are dealing with someone in a domestic  
12 worker setting and it's discrimination, is there also  
13 a wage and hour violation? Is there also something  
14 that that is within DCWP's realm?

15 So that's on the enforcement side, which I think  
16 our enforcement folks could speak to more I think.  
17 On that on the outreach side, it is being in spaces  
18 together, and for sure, around domestic workers.  
19 That's another area where I personally would-- would  
20 be at events with the DCWP Deputy Commissioners to  
21 talk about changes in the law and what those mean to  
22 wide-- wide ranges of domestic workers and other  
23 advocates. So, I think that that's a very useful  
24 model. And, and I think we're open to any and all  
25 suggestions and to continuing this conversation.

2 CHAIRPERSON MENIN: Yeah. I think that Chair  
3 Williams agrees it would be great to do a convening  
4 with the two agencies and us and our committees and  
5 try to think outside of the box about ways, given the  
6 limited resources that you have, of the agencies to  
7 further collaborate both on outreach and on case  
8 disposition to see how to be-- You know, because I  
9 know that oftentimes are silos, and I'm not saying  
10 you two are siloed, but ways to kind of break down  
11 those silos and see how we can think outside of the  
12 box on that.

13 ASSISTANT COMMISSIONER ORTIZ: One thing I wanted  
14 to just piggyback on. You're mentioning on domestic  
15 workers. I think it's a great example. Recently, we  
16 announced this past year a domestic worker mediation  
17 program in collaboration with the Office  
18 Administrative Trials and Hearings. And that is  
19 really, I think, a creative approach to some of the  
20 issues that are affecting domestic workers in the  
21 sense that we can bring a worker and employer into a  
22 room and figure out how to mediate a range of issues  
23 that we perhaps don't even have-- that traditionally  
24 we might have authority over, for example, wage and  
25 hour, but we do have authority to overpaid safe and

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2 sick leave, for example. And the mediation gives an  
3 opportunity to address all issues in that situation.

4 So, I think that's a great example that the  
5 Deputy Commissioner brought up.

6 Okay, terrific. Well, then we will definitely do  
7 that convening. Okay, those are the extent of my  
8 questions. I'll turn it over-- back to Chair  
9 Williams.

10 CHAIRPERSON WILLIAMS: Yeah, I just had to like  
11 followup based off of the questions that  
12 Councilmember Menin mentioned, which-- If you get  
13 about 12,000 inquiries a year 300 to 500 complaints  
14 actually get filed. And I know you said some of  
15 those cases might have jurisdictional issues. So, I  
16 guess the question is: Do you know what percentage  
17 of, like, the 12,000 you deem, like, ineligible to  
18 sort of have any have any enforcement power by way of  
19 CCHR? I'm just trying to see percentage wise. Like,  
20 because from 12,000 to 300 to 500, is very low. So,  
21 we would love to like, understand how many of those  
22 cases are technically not eligible?

23 DEPUTY COMMISSIONER KAMUF-WARD: Yeah, I think  
24 I'll have to get back to you with-- with that  
25 information and really dig in, because I think it's

2 also different for different protected categories.  
3 And as I was saying, like, for disability and gender,  
4 a lot of them might be routed to pre-complaint  
5 intervention. And that's why they never become filed  
6 cases. But in other areas, it's going to be a little  
7 bit different. So I'd like back to with more detail  
8 on that.

9 CHAIRPERSON WILLIAMS: Yeah. Mm-hmm. And then I  
10 guess, a followup to that followup is the pre-  
11 complaint intervention is essentially like when you  
12 settle or have some type of resolution without having  
13 to, like, take any further serious legal action,  
14 correct?

15 DEPUTY COMMISSIONER KAMUF-WARD: Yes. So it's  
16 where we don't go through-- Typically, if someone  
17 comes to us, and they have a viable claim, they work  
18 with a CCHR attorney to fashion legal complaint, just  
19 like you would see in court that's filed with our  
20 agency. And that's the basis for the investigation  
21 and further discussions, hopefully, settlement, but  
22 sometimes going to OATH. In the pre-complaint  
23 intervention space and someone comes to us is off the  
24 bat, we can tell it's a time sensitive issue that,  
25 you know, because maybe they're they have already a

2 relationship with the respondent, we might be able to  
3 track down the respondent and get something done.  
4 That-- So that means there's no there's no formal  
5 complaint is ever filed. So, it does away with a lot  
6 of the legal process and seeks to resolve a claim  
7 just with an agreement for the respondent to either  
8 change a policy, give a person accommodation, or  
9 something of that nature.

10 CHAIRPERSON WILLIAMS: And that gets filed as--  
11 Both of those cases get filed as pre-complaint  
12 intervention. And so it would be helpful to know,  
13 like, what percentage also of like the 12,000 is like  
14 ineligible, or pre-complaint intervention. So, I  
15 think that the narrative, as you know, is that you  
16 have all these cases and you struggle to close the  
17 cases, because of staffing issues. So, just wanted  
18 to like understand what that really looks like in  
19 detailed fashion. Like how many of these cases are  
20 you actually unable to close, or truly file because  
21 of a staffing issue versus what cases are simply  
22 handled without a formal complaint? What cases are  
23 technically ineligible, so you can't even take any  
24 real action on them?

2 DEPUTY COMMISSIONER KAMUF-WARD: Yeah, and this  
3 is all in like our MMR, I just want to be able to  
4 give, like, life to the-- to the narrative of the  
5 numbers. And I think the way to do that justice is  
6 to talk through specific protected categories.

7 CHAIRPERSON WILLIAMS: Thank you. Do any of my  
8 colleagues have any other questions? All right.  
9 Great. Thank you so much for being here today.

10 PANEL MEMBERS: Thank you.

11 CHAIRPERSON MENIN: Okay, now we'll turn it back  
12 over to Committee Counsel to see if there is any  
13 public testimony.

14 COMMITTEE COUNSEL: Thank you. Thank you to The  
15 Administration. Thank you Chairs. We will now turn  
16 to public testimony. I would like to remind  
17 everybody that we will be calling individuals one by  
18 one. I have not received any slips for anyone in the  
19 room. Is there anyone on Zoom? I'm not seeing-- All  
20 right. I believe that closes the public testimony  
21 portion.

22 CHAIRPERSON WILLIAMS: With that, thank you all  
23 for joining and I look forward to continuing this  
24 very important discussion.

25 [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 interest in the outcome of this matter.



Date March 15, 2024