

**Testimony of Dana Sussman**  
**Deputy Commissioner for Policy and Intergovernmental Affairs**  
**New York City Commission on Human Rights**  
**Before the Committee on Civil and Human Rights**  
**February 6, 2019**

Good afternoon Chair Eugene, and the members of the Civil Rights and Human Rights Committee. I am Dana Sussman, Deputy Commissioner for Intergovernmental Affairs and Policy at the Commission on Human Rights. I am pleased to be here to testify on the Commission's testing and investigatory work in the context of Commission-initiated investigations and enforcement actions.

The Commission has the power to initiate its own investigations and resulting enforcement actions when entities are suspected of maintaining or engaging in discriminatory policies or practices. In addition to filing complaints and testing, both of which are further described below, the Commission sends cease-and-desist letters and also uses a range of investigative methods, such as requests for information on policies and practices, demands for documents, and interviews of key witnesses. Cease-and-desist letters are a relatively new tool the Commission has been deploying with great success. The letters notify the wrong-doer that the actions taken may be a violation of the New York City Human Rights Law, demand the discriminatory actions cease, and demand that specific actions be taken, including, for example, restoring a victim of discrimination to the status they were in before the discriminatory action.

As you might recall, the Council passed several bills in 2015 on testing. Local Law 32 of 2015 mandated that the Commission undertake five tests in housing between October 2015 and March 2017 and submit a report to the Speaker of the City Council by March 1, 2017; Local Law 33 of 2015 similarly mandated that the Commission undertake five tests in employment between October 2015 and March 2017 and submit a report to the Speaker of the City Council by March 1, 2017; and Local Law 29 of 2015 changed the Commission's reporting requirements to mandate that the Commission include the following information in its annual reports: inquiries received by the Commission from the public, investigations initiated by the Commission, complaints filed with the Commission, and education and outreach efforts made by the Commission. As you'll see from my testimony, while the laws mandating 10 total tests per year expired in 2016, the Commission is far exceeding this minimum requirement.

In the four years since Commissioner Malalis began her tenure, the Commission has greatly expanded both its testing and Commission-initiated work, strengthening its investigatory toolkit in an effort to target systemic discrimination. Commissioner Malalis created an Assistant Commissioner position, who reports to the Deputy Commissioner for Law Enforcement, to oversee and coordinate the agency's testing work and its Commission-initiated investigations. For the past three-plus years, that position has been held by Assistant Commissioner Sapna V. Raj, a former Assistant U.S. Attorney and former Head of the Memphis Fair Housing Center. The Bureau uses its ability to initiate its own investigations in several different contexts. The Bureau may become aware of alleged unlawful discriminatory practices, through an anonymous tip, information shared by a community-based organization, an elected official, through social

media, or media reports, for example. A complainant may also come forward to file a complaint about discrimination and the Bureau may join and file a Commission-initiated case to broaden the scope of the investigation and, in some cases, continue the case to ensure wide-ranging policy changes, monitoring, and other affirmative relief, even if a complainant settles their individual matter separately.

In Fiscal Year 2018, Commission-initiated investigations covered 25 different protected categories. To highlight a few key areas, the Commission:

- Launched investigations into the policies and practices of employers where repeat instances of sexual harassment came to the Commission’s attention.
- Opened investigations to address pregnancy discrimination in employment and ensure lactation space for employees.
- Continued expansive testing of employment agencies to identify discrimination against job applicants based on criminal history.
- Investigated the accessibility of several mammography centers.
- Regularly intervened on an expedited basis to stop landlords from intimidating tenants because of actual or perceived immigration status.

The agency launched 583 Commission-initiated investigations in Fiscal Year 2018, including testing, a significant increase over 450 such investigations in calendar year 2017, and 426 in calendar year 2016.

The chart below provides a breakdown of the Commission-initiated investigations (which includes testing-based investigations) according to the area of jurisdiction and protected class of the alleged violations. Most investigations involve more than one protected class, and several involve claims under more than one jurisdiction.

<b>COMMISSION-INITIATED INVESTIGATIONS BY JURISDICTION</b>				
Discriminatory Harassment	Employment	Housing	Public Accommodations	Violation of a Conciliation Agreement
<b>4</b>	<b>325</b>	<b>178</b>	<b>84</b>	<b>1</b>

**Testing**

The Commission uses testing as an investigative tool to confirm whether there is discrimination in housing, employment, or public accommodations. As part of an investigation, the agency may send testers to potential employers, landlords/real estate brokers, restaurants, hospitals, stores, or other public accommodations to see if our testers are treated differently or are given different information because they belong to a protected class. This is an historically effective tool used in civil rights litigation. In Fiscal Year 2018, Commission testers tested 691 entities, an increase over calendar year 2017 in which the testers performed tests on 577 entities, and over 2016, when the Commission performed 426 tests. The 2017 and 2018 numbers reveal a significant jump over 2016 and before that, 2015, because the 2017 and 2018 numbers reflect entities tested, which may involve multiple tests, rather than each test.

<b>TESTS IN EMPLOYMENT - 315</b>	
<b>Protected Class</b>	<b>Number of Entities Tested</b>
Conviction and/or Arrest Record	<b>288</b> (150 also tested for Salary History) <sup>1</sup>
Pregnancy	<b>10</b>
Race	<b>15</b>
Gender	<b>2</b>

<b>TESTS IN HOUSING - 290</b>	
<b>Protected Class</b>	<b>Number of Entities Tested</b>
Lawful Source of Income	<b>222</b>
Race	<b>36</b>
Disability (Emotional Support Animal)	<b>10</b>
Immigration Status	<b>19</b>
Presence of Children	<b>3</b>

<b>TESTS IN PUBLIC ACCOMMODATIONS - 86</b>	
<b>Protected Class</b>	<b>Number of Entities Tested</b>
Disability Access	<b>85</b>
Creed	<b>1</b>

**Commission-Initiated Complaints**

Some Commission-initiated investigations lead to the filing of a Commission-initiated complaint alleging a pattern or practice violation. In Fiscal Year 2018, we filed 44 Commission-initiated complaints, an increase over 37 in calendar year 2017.

The chart below lists the number of Commission-initiated complaints according to the jurisdiction and protected class of the alleged violation.

<sup>1</sup> Since October 31, 2017, the effective date of the City Human Rights Law’s prohibition on salary history inquiries in employment, the Law Enforcement Bureau has tested for questions related to salary history, conviction, and arrest record in the same test because all three areas involve reviewing job applications for illegal inquiries.

Most complaints allege more than one protected class. For example, the Commission filed 30 Commission-initiated complaints to address illegal employment practices that discriminate on the basis of arrest and conviction record and which also have a disparate impact on Black and Latinx employees; these complaints allege violations under four protected classes: arrest record, conviction record, race, and national origin.

<b>JURISDICTION</b>	
Employment	33
Housing	8
Public Accommodations	2
Violation of a Conciliation Agreement	1
<b>Grand Total</b>	<b>44</b>

<b>PROTECTED CLASS</b>					
<b>Employment</b>		<b>Housing</b>		<b>Public Accommodations</b>	
Arrest Record	32	Alienage Status	2	Disability	1
Conviction Record	32	Citizenship Status	2	Gender	1
Credit History	1	Disability	1		
Disability	2	Lawful Source of Income	4		
Gender	1	National Origin	3		
National Origin	30	Race	2		
Race	30	Retaliation	1		
Salary History	2				

### **Outcomes**

The Commission is often able to resolve Commission-initiated cases even before a complaint is filed, through its use of pre-complaint investigatory strategies and cease-and-desist letters. Since 2017, the Commission has resolved approximately 65 Commission-initiated cases without having to file a complaint. These cases involve some combination of policy changes, training for staff and management, civil penalties, posting requirements, or other forms of affirmative relief.

Since 2017, LEB has resolved approximately 55 Commission-initiated cases where LEB filed a complaint. These cases involve some combination of policy changes, training for staff and management, civil penalties, posting requirements, or other forms of affirmative relief.

### **Case summaries**

The Commission has been able to use its affirmative investigatory powers to garner significant and wide-ranging relief in many cases. I have included a few summaries below.

In a landmark case, the Commission announced late last year that it resolved a Commission-initiated investigation against PRC Management, LLC, a housing management company controlling 100 buildings with 5,000 units citywide, charged with discriminating against prospective tenants based on their race, color, and national origin for denying housing to applicants with criminal histories without performing individualized analysis of those records. The Commission required PRC Management, LLC to pay \$55,000 in emotional distress damages to a victim impacted in this case, \$25,000 in civil penalties, change and distribute new screening and application policies, train staff on the new policy and law, and invite applicants with criminal histories who were previously denied housing to reapply. PRC Management, LLC fully cooperated with the Commission's investigation. This is the first case of its kind that we are aware of, in which a civil rights agency successfully brought a case based on a policy of screening out prospective tenants based on their criminal history having a disparate impact on people of color.

Last year, the Commission announced a settlement with Lenox Hill Radiology following an investigation into allegations of discrimination for failure to accommodate patients with disabilities. As part of the settlement agreement, the Commission is requiring Lenox Hill Radiology to modify the front and interior of a building to make it accessible to people with disabilities; provide equipment in line with the U.S. Access Board's accessibility standards to ensure that mammography machines are accessible; change internal scheduling, communications, and equipment purchasing policies citywide; and train staff at all its New York City locations to better accommodate patients with disabilities. The Commission initiated an investigation into Lenox Hill Radiology after it received a letter from New York Lawyers for the Public Interest identifying accessibility issues. The Commission then tested and visited the facility and verified the claims. Lenox Hill Radiology, which fully cooperated with the Commission's investigation and settlement process, is currently making the agreed upon changes and the Commission is working to ensure that other Lenox Hill Radiology facilities in New York City are accessible to people with disabilities.

Also in 2018, the Commission announced a settlement with the Condominium Board of Managers at 47-55 39th Place in Sunnyside, Queens following an investigation into reports of tenant harassment, discrimination, and a hostile environment, including displays of Nazi and Confederate imagery, swastikas, and hate symbols in the lobby. The Commission launched the investigation on behalf of the City in August 2017 immediately after it learned of possible violations of the City Human Rights Law in the building from Council Member Jimmy Van Bramer, tenants, and condo owners. The settlement requires the resignation of three board members, removal of all offensive posters, symbols, and materials from the lobby, and changes to the Condominium's "House Rules" to comply with the City Human Rights Law, including the removal of a provision requiring tenants to prove their immigration status and amending its "no pets" policy to include language about accommodating tenants with disabilities. The settlement also requires the new Board of Managers to create and distribute new written policies detailing

its housing obligations under the City Human Rights Law to all unit owners and tenants, post notices of rights prominently in the lobby, and train newly elected board members on the Law. The settlement also allows the Commission to be present at Board of Manager's annual meetings and elections to ensure compliance with the settlement and the City Human Rights Law and requires the new board to notify the Commission of annual meetings for the next two years.

In December 2018, following reports of displays featuring racist iconography in Prada stores, as well as an employee facing retaliation for lodging a complaint regarding the display, the Commission launched an investigation and sent a cease-and-desist letter to Prada USA Corp. The letter demanded that the company immediately stop displaying and selling the "Pradamalia" goods, retaliating against any employees for opposing the offensive and illegal material, and commit to providing City Human Rights Law training for all Prada employees, executives, and independent contractors. Prada has pulled the product line and displays from stores, but the Commission will continue its investigation and negotiation process to ensure broad remedial action.

Finally, the Law Enforcement Bureau, through a Commission-initiated investigation, found evidence that Promesa Residential Health Care Facility, The Puerto Rican Organization To Motivate, Enlighten, and Serve Addicts, Inc., Promesa Residential Health Care Facility, Inc., and Acacia Network, Inc. (Respondents) maintained policies and practices that resulted in blatant discrimination against transgender people and filed Commission-initiated complaint. Respondents' personnel told Commission testers that transgender women would be required to room with men. In one test, Respondents' staff told a tester that transgender women would be turned away entirely unless a private room was available and LEB later learned the facility in question had only one private room. The Commission and Respondents entered into a conciliation agreement for \$10,000 in civil penalties as well as affirmative relief. Respondents agreed to implement policies that clearly prohibit gender-based discrimination and harassment, including by permitting transgender people to participate in all aspects of their services in a manner consistent with their gender identity, including room assignments and other gender specific programs and facilities. Respondents also agreed to notify organizations that help LGBTQ people connect with substance abuse treatment of their updated policies and organizations that assist LGBTQ job seekers of Respondents external job postings. Lastly, Respondents agreed to conduct ongoing anti-discrimination training and to monitoring by the Commission.

Thank you for convening the hearing today on this important topic and the Commission's critical work in combatting discrimination and harassment through Commission-initiated investigations and testing. I look forward to your questions.

<b>FY 2018 COMMISSION-INITIATED INVESTIGATIONS BY PROTECTED CLASS<sup>2</sup></b>							
<b>Discriminatory Harassment</b>		<b>Employment</b>		<b>Housing</b>		<b>Public Accommodations</b>	
Color	1	Age	3	Age	2	Age	1
Creed	1	Arrest Record	272	Alienage Status	19	Alienage Status	3
Gender	1	Citizenship Status	4	Citizenship Status	6	Citizenship Status	1
Interference with Protected Rights	1	Conviction Record	275	Creed	1	Creed	1
National Origin	1	Credit History	37	Disability	32	Disability	60
Sexual Orientation	1	Creed	2	Gender	4	Domestic Partnership Status	1
		Disability	11	Lawful Occupation	1	Gender	19
		Gender	20	Lawful Source of Income	185	Marital Status	1
		National Origin	71	Marital Status	2	National Origin	7
		Pregnancy	12	National Origin	12	Race	7
		Race	75	Presence of Children	2	Sexual Orientation	6
		Retaliation	2	Race	25		
		Salary History	50	Retaliation	2		
		Sexual Orientation	2				
		Unemployment Status	1				
		Victims of Domestic Violence	2				

<sup>2</sup> In addition, the Commission initiated and filed one case pursuant to N.Y. Admin. Code §8-107(8) for violation of a Commission-ordered conciliation agreement.

Remarks on NYPD Discrimination in Hiring and Employment  
Before the New York City Council Committee on Civil and Human Rights  
Wednesday, February 6, 2019

THANK YOU, DR. EUGENE, AND MEMBERS OF THE COMMITTEE ON CIVIL AND HUMAN RIGHTS FOR THIS OPPORTUNITY TO BRIEFLY SPEAK ABOUT DISCRIMINATION AGAINST PEOPLE WITH HEARING LOSS. I'M JERRY BERGMAN AND I WAS BORN, RAISED AND HAVE LIVED MOST OF MY LIFE IN OUR GREAT CITY.

JOHNS HOPKINS RESEARCH SAYS 48 MILLION AMERICANS HAVE SOME DEGREE OF HEARING LOSS. THAT INCLUDES ONE IN EVERY FIVE PEOPLE AGE 12 AND OVER. HEARING LOSS IS ALSO THE #1 SERVICE-RELATED DISABILITY AMONG RETURNING COMBAT VETERANS.

I AM HERE TODAY TO DRAW YOUR ATTENTION TO CONTINUING DISCRIMINATION BY THE NYC POLICE DEPARTMENT AGAINST *BOTH* TENURED OFFICERS AND APPLICANTS WHO WEAR HEARING AIDS. IN RECENT YEARS, THE NYPD HAS SETTLED CIVIL CASES BROUGHT BY THREE PLAINTIFFS – TWO TENURED OFFICERS WHOSE JOBS WERE TERMINATED AND AN APPLICANT WHO WAS DENIED ADMISSION TO THE POLICE ACADEMY – SOLELY BECAUSE OF THEIR HEARING LOSS. THOSE CASES WERE SETTLED OUT OF COURT AND AT CONSIDERABLE EXPENSE TO THE CITY. THE TWO OFFICERS WERE GIVEN COMPENSATION AND OFFERED RE-EMPLOYMENT, WHILE THE APPLICANT WAS ADMITTED AND IS NOW SERVING ON THE FORCE.

DURING THE APPLICANT'S CASE, IT WAS REVEALED IN DISCOVERY THAT OVER 100 OTHER APPLICANTS TO THE POLICE ACADEMY WERE ALSO DENIED EMPLOYMENT OPPORTUNITIES BECAUSE THEY WORE HEARING AIDS – PROBABLY INCLUDING SOME VERY DESERVING COMBAT VETERANS.



A CASE CURRENTLY BEFORE THE COURT INVOLVES A YOUNG MOTHER OF FOUR WHOSE NYPD CAREER WAS ABRUPTLY TERMINATED NEARLY FOUR YEARS AGO, AFTER SHE STARTED WEARING A HEARING AID TO COMPENSATE FOR HEARING LOSS SUFFERED WHILE PARTICIPATING IN SEMI-ANNUAL FIREARMS TRAINING. BECAUSE SHE HAD LESS THAN 20 YEARS SERVICE, SHE WAS ONLY GIVEN A PARTIAL DISABILITY PENSION AND HER FAMILY HAS STRUGGLED FINANCIALLY.

OVER EIGHT MONTHS AGO, I PRESENTED THESE FACTS AT THE CCHR TO AN ASSISTANT COMMISSIONER OF THE LAW ENFORCEMENT BUREAU AND A SUPERVISING ATTORNEY. LAST APRIL, I APPEALED IN WRITING TO THE THEN NYC PUBLIC ADVOCATE. A BLUE WALL OF SILENCE SEEMS TO SURROUND THE NYPD, AS I HAVE HEARD NOTHING IN RESPONSE.

I LEAVE YOU WITH THESE QUESTIONS:

WHERE IS THE OVERSIGHT OF THE NYPD'S POLICIES AND PRACTICES? WHY IS THERE NO PUBLIC ACCOUNTABILITY FOR SUCH DISCRIMINATION ON THE BASIS OF HEARING LOSS THAT HEARING AIDS LARGELY CORRECT? WHY DOES THE NYPD CONDUCT ITS TREATMENT OF PEOPLE WITH HEARING LOSS IN SECRET AND ITS PROCESS OF DETERMINING OFFICERS' AND CANDIDATES' ABILITY TO FULFILL JOB REQUIREMENTS BEHIND CLOSED DOORS? AND WHY DOES THE NYPD CONTINUE TO AVOID SETTING OBJECTIVE STANDARDS THAT HEARING AID WEARERS MUST MEET?

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**Testimony of Fred Freiberg, Executive Director  
Fair Housing Justice Center (FHJC)**

**Hearing of the New York City Council Committee on Civil Rights**

**February 6, 2019 – 1:00 p.m.**

Good afternoon. My name is Fred Freiberg and I am a co-founder and the current Executive Director of the Fair Housing Justice Center, Inc. (FHJC). While I regret I am unable to attend the hearing in person, I appreciate the opportunity to provide this written testimony to the New York City Council’s Committee on Civil Rights regarding the discrimination testing and commission-initiated cases at the New York City Commission on Human Rights (“The Commission”).

The FHJC is a non-profit civil rights organization based in New York City. Our mission is to eliminate housing discrimination, promote policies that foster open, accessible, and inclusive communities, and strengthen enforcement of fair housing laws. The FHJC provides counseling on fair housing rights, investigative assistance including testing, and referrals to administrative agencies and cooperating attorneys. We are the only HUD-funded “Qualified Fair Housing Organization” (QFHO) that operates a full-service fair housing program in the City of New York.

The FHJC operates one of the most effective fair housing testing programs in the nation. Our program maintains a trained and diverse pool of nearly 165 professional actors who collectively speak 28 languages. Our testers are trained to participate in both complaint-responsive and pro-active systemic testing investigations. The FHJC uses state of the art technology in its testing program. We have an array of technology tools that we have developed for use by our test coordinators to aid with the design and implementation of testing investigations. We equip our testers with concealed digital audio recorders and, in some cases, concealed audio/video recorders on investigations. In addition to utilizing testing in our own program, the FHJC has also provided testing

services, under contract, to numerous government enforcement agencies including the New York City Commission on Human Rights, the Office of the New York State Attorney General, both U.S. Attorney Offices in New York City, the Consumer Financial Protection Bureau (CFPB), and other governmental agencies. Over the past ten years, FHJC testing investigations have resulted in successful legal challenges to housing discrimination; actions that have opened over 65,000 housing units to populations previously excluded; changed housing provider practices; and resulted in the recovery of more than \$32 million in damages and penalties.

When I appeared before this Committee in March 2015, I enthusiastically endorsed introduction of a local law that would require the City Commission on Human Rights to utilize testing to investigate housing discrimination in New York City. Since then, the Commission has undertaken the statutorily prescribed testing investigations and has continued to use testing to investigate housing discrimination and discrimination in employment and other areas. It is our belief that the Commission is slowly and gradually making incremental progress toward building its capacity and creating a structure that is more conducive to enforcing civil rights laws, in stark contrast to the agency of five years ago that had been dismantled, defunded, and demoralized by previous administrations.

Since the Commission received the legal mandate to conduct testing, our organization has completed work on a couple of small contracts with the Commission. One contract involved a combination of providing training to Commission staff on how to effectively conduct fair housing testing investigations in addition to conducting some source of income discrimination testing. A second contract allowed us to continue conducting source of income discrimination testing. The results of our testing were turned over to the Commission per our contract. We know that a high percentage of the source of income tests conducted (roughly 70%) yielded overt evidence of illegal source of income discrimination against households with rental subsidies. While we know what our tests disclosed, we are far less certain about what the Commission has done with this evidence in terms of seeking remedies and obtaining compliance with the law. In addition, we were informed nearly a half year ago that the Commission was going to extend or renew a contract with the FHJC to allow us to continue to conduct testing, but we still have no contract as of this date.

At the same time, the Human Resources Administration and Department of Social Services (DSS) executed a small contract with the FHJC to do source of income testing. Once again, the FHJC completed the testing, the testing yielded strong evidence of discrimination, and, to the best of our knowledge, only a few cases have been filed. And as with the Commission, we were informed nearly six months ago that the HRA/DSS was in the process of extending or renewing a larger contract with the FHJC for testing services and we have not received any contract as of this date. Currently, the FHJC has no contracts and receives no funding from the City of New York.

While it is disturbing that these City agencies appear unable to execute or sustain contracts with vendors who provide valuable investigative services to the City, it is more concerning that, in the face of mounting homelessness and a continuing crisis in housing affordability, the City appears unable or unwilling to commit the level of resources needed to eliminate source of income discrimination and other forms of housing discrimination.

Illegal housing discrimination in New York City is still pervasive. Unfortunately, the resources devoted by the City combat systemic housing discrimination are negligible. The City of Los Angeles and Los Angeles County provide over \$800,000 a year in funding to their local fair housing organization, the Housing Rights Center. In contrast, the FHJC has never received direct funding from the City and only within the last few years have we received a few small contracts for services to conduct source of income discrimination testing. While the City is in the middle of implementing a formal assessment of its efforts to affirmatively further fair housing, it still does not appear to us, based on actions taken to date and resources allocated, that removing illegal barriers to housing choice in the private market is a high policy priority.

Source of income discrimination is far from the only category of housing discrimination in New York City that should be of concern. Over the past fourteen years, the FHJC has handled allegations of illegal housing discrimination based on every protected category. Currently our legal docket includes cases which allege discrimination based on race, national origin, sex, gender identity, sexual orientation, family status, and disability discrimination. In addition, we continue to find significant non-compliance with accessibility requirements in newly constructed multifamily buildings in the City which make housing unavailable to people with physical disabilities. Our systemic testing

investigations into race and national origin discrimination tell us that many buildings and neighborhoods in the City of New York are still not open to African American people and other people of color. Here are a few examples of cases we have brought based on testing evidence:

- FHJC testing recently yielded evidence that four assisted living facilities were refusing residents with disabilities who used wheelchairs. The same investigation found that the New York Department of Health (DOH) were enforcing regulations that directed and encouraged licensed assisted living facilities to refuse wheelchair users. A federal lawsuit is pending.
- An FHJC testing investigation into the practices of a landlord that controlled over 350 units of rental housing in the Bronx and Manhattan led to the filing of a federal lawsuit alleging race and source of income discrimination. The lawsuit was settled in 2017 for extensive injunctive relief and a monetary recovery of \$620,000.
- Since 2006, the FHJC has documented the systemic failure of developers and architects to design and construct new multifamily housing in compliance with the accessibility requirements of both federal and local law. FHJC testing evidence has been used in litigation brought by the Office of the U.S. Attorney (SDNY), the Office of the New York State Attorney General, and in cases initiated by the FHJC. These cases resulted in extensive injunctive relief, retrofits to make thousands of units accessible, and the recovery of over \$10 million in damages and penalties.
- The FHJC filed the only two federal lawsuits against banks alleging race and/or national origin discrimination in the fifty-year history of the Fair Housing Act based primarily on testing evidence.
- A FHJC testing investigation disclosed evidence that dozens of nursing home and assisted living facilities in the region were refusing to provide American Sign Language (ASL) interpreters to the Deaf. The FHJC brought litigation against eleven operators of nearly 100 facilities. These cases were settled with extensive injunctive relief that ensure this housing will be

accessible for deaf and hard of hearing populations along with a total monetary recovery of over \$1.2 million.

Testing proved essential in all of these cases. Without testing, much of this discrimination would have gone undetected and unchallenged. Unfortunately, because much of the housing discrimination today is subtle and violators more sophisticated, many housing consumers do not know when they are being discriminated against which means that complaints will not be filed. Other vulnerable and marginalized populations may be reluctant to file formal complaints. Pro-active systemic testing investigations are the most effective way to combat patterns of illegal housing discrimination.

While I applaud this Committee and the Commission for utilizing testing, there is much more to be done to reduce discrimination in the nation's largest, most complex, and segregated housing market. From what we can tell, the prior contracts that FHJC has received have had little impact on our mutual goal of enforcing the source of income protections. We urge the City to take responsible and bold action to affirmatively further fair housing by allocating more resources to combatting persistent patterns of discrimination in the local housing market. The FHJC has the expertise, track record, and capacity to implement large scale testing investigations into systemic housing discrimination. We stand ready, willing, and able to partner with the City, the Commission and other City agencies to combat illegal housing discrimination to ensure that all New Yorkers enjoy fair and equal access to housing opportunities in all neighborhoods.

Thank you very much.

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Dana Sussman, Deputy Commissioner

Address: NYC Commission on Human Rights

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: 3-6-19

**(PLEASE PRINT)**

Name: Jerry Bergman

Address: 70 Riverside Drive, 3E

I represent: Hearing Loss Association of America

Address: NYC Chapter

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