

Testimony of Annabel Palma
Commissioner and Chair New York City Commission on Human Rights
Before the Committee on Civil and Human Rights & Committee on Finance
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Good afternoon, Chair Williams, Chair Brannan, and members of the Committees on Finance and Civil and Human Rights. Thank you for convening today's hearing. I am Annabel Palma, Commissioner and Chair of the New York City Commission on Human Rights ("Commission" or "CCHR"). Today I am joined by Sapna Raj, Deputy Commissioner of the Law Enforcement Bureau, Kajori Chaudhuri, Deputy Commissioner of the Community Relations Bureau, and Mariela Salazar, Deputy Commissioner for Administrative Services. I have had the honor to lead this agency since October of 2021. I am proud of what our team has accomplished, and I will speak about some highlights of our work today. I will focus on enforcement, education, outreach, and legislative changes.

The Commission is the agency charged with implementing the New York City Human Rights Law. The New York City Human Rights Law is one of the broadest and most protective anti-discrimination and anti-harassment laws in the country, with 27 protected categories. The Law prohibits discrimination in housing, employment, and public accommodations. By statute, the Commission has a dual mandate. First, the Commission's Law Enforcement Bureau enforces the city's Human Rights Law. This includes investigating complaints of discrimination from the public, initiating Commission investigations on behalf of the city, and conducting tests to identify potential violations of the Law. Second, the Community Relations Bureau offers workshops and trainings on New Yorkers' rights and responsibilities under the Law. We engage with businesses, employers, and housing providers across the five boroughs. The Community Relations Bureau seeks to prevent discrimination through education and works closely with community partners and sibling agencies to mitigate bias and discrimination.

The Human Rights Law has been amended twice over the past year. The most recent change amended the definition of domestic violence to include economic abuse. This amendment will go into effect in July. In November of 2022, new pay transparency provisions that require employers to "Display the Pay" in job advertisements went into effect. These two changes build upon the dozen amendments to the Human Rights Law that the Council enacted from 2012-2021.

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

The work we do every day aims to prevent discrimination and bias. We know that it still occurs, and when discrimination does occur, our agency aims to remedy the harms.

In FY 22, the Commission resolved 667 cases and assessed \$6.9 million in damages and penalties for violations of the city's Human Rights Law. In addition to resolving cases for monetary relief, the Commission has shaped remedies that repair the harm experienced by individuals and communities impacted by discrimination. For example, in instances of employment discrimination, the Commission has negotiated resolutions that require respondents to change policies and practices that broaden employment opportunities, including for individuals who face discrimination because they are sexually harassed, live with a disability, or have been justice-involved. In housing cases, settlements have included set-asides of apartments for voucher holders, as well as construction of ramps, and modifications to apartments so residents with disabilities can access housing.

Overall, the Commission seeks to foster compliance with the Human Rights Law. The Commission continues to use our enforcement tools to educate covered employers, housing providers, and providers of public accommodations about their legal obligations. We work with covered entities to develop policies and practices that prevent discrimination. We expanded our trainings, increased outreach to sibling agencies, and have grown our multi-lingual trainings. These efforts are supplemented by our extensive offerings on protections in the Human Rights Law, and the trainings and workshops focused on specific groups of New Yorkers. Trainings are one example of the wide-ranging outreach carried out by our community liaisons and lead advisors, who work specifically with LGBTQI individuals, New Yorkers of the African Diaspora, Asian New Yorkers, transgender individuals, among other New Yorkers historically underserved and underrepresented.

The Law Enforcement Bureau

The attorneys in the Law Enforcement Bureau ("LEB") evaluate and investigate allegations of discrimination brought to the Commission by members of the public. LEB also utilizes the agency's investigatory and prosecutorial powers to root out discrimination through Commission-initiated investigations. Where it is appropriate, LEB offers the option of resolving claims in lieu of filing a complaint, leading to a quicker resolution in certain matters. At the same time, LEB continues to prioritize timely case resolutions.

In FY 22, the Commission fielded 11,942 inquiries from members of the public in the form of phone calls, emails, letters, visits to Commission offices, or at Commission events. More than 780 of these inquiries were in languages other than English. Spanish, Mandarin, and Russian are the most common in this category. In the first half of FY 23, the Law Enforcement Bureau received 5,486 inquiries.

These numbers reflect, at least in part, the Commission's focus on enhancing agency visibility and amplifying knowledge of the broad protections afforded by the New York City Human

Rights Law. We continue to use all our tools to inform New Yorkers that they have a right to live free from discrimination and harassment.

In FY 22, the largest number of inquiries we received were in employment, accounting for 2,378 inquiries. Housing is second with 778 inquiries. Across all jurisdictions—housing, employment, and public accommodations—disability-related inquiries were the most reported, followed by inquiries related to gender, and then race and color. We received 648 inquiries related to disabilities and 557 inquiries related to gender. Race and color were raised in 386 inquiries.

The Commission continues to prioritize the use of pre-complaint interventions, which can provide more timely relief from harm where appropriate. In FY 22, the Law Enforcement Bureau resolved 196 matters without filing a complaint. The most common pre-complaint interventions involved disability accommodations in housing (65 interventions), and source of income discrimination, where a tenant or prospective tenant was denied an apartment or the renewal of a lease based on the use of a voucher (41 interventions).

The Commission's authority to initiate its own investigations without a member of the public filing a complaint, remains a significant tool in Human Rights Law enforcement. When the Commission identifies the potential that widespread violations or discriminatory practices are taking place, the Commission can initiate an investigation. In FY 22, CCHR launched 38 Commission-initiated actions and filed 11 Commission-initiated complaints.

The Commission also uses testing to determine whether there is discrimination in housing, employment, or public accommodations. Agency staff may conduct testing in person, on the telephone, or online, as part of an investigation to see if they are treated differently or are given different information because they belong to a protected class. In FY 22, the Commission tested 734 entities. Each entity can be tested multiple times for violations in the same jurisdiction and protected class. An entity may also be tested for violations in multiple jurisdictions and/or multiple protected classes.

The Law Enforcement Bureau filed 318 public-initiated complaints of discrimination in FY 22. Seventy-two percent (72%) of those cases were in employment, twenty percent (20%) were in housing, and six percent (6%) were in public accommodations. Similar to inquiries, disability-related claims are the most prevalent, followed by gender and race.

When violations of the Law are identified, and a complaint is filed, the Law Enforcement Bureau works to fashion remedies and relief that address the harms caused to New Yorkers. In FY 22, the Commission recovered \$6,979,414 in damages and civil penalties. Of that, \$6,166,414 were awarded in compensatory damages to complainants and \$813,000 in civil penalties to the general fund of the City of New York.

The Law Enforcement Bureau also seeks resolutions that deter future harm and effectively change the dynamics that allowed harm to occur. Settlements are a key avenue to innovative resolutions that lead to change. In FY 22, 31% of cases were resolved through settlements.

Ongoing work to end source of income discrimination against New Yorkers illustrates novel remedies in housing, such as the use of set asides and broker incentive programs. One notable source of income conciliation from FY 22 resulted in an agreement in which the housing provider set aside 20 units for voucher holders from across their properties. Since 2020, when the agency first began securing set asides, the Law Enforcement Bureau has secured approximately 150 units for voucher holders. Recent settlements also include broker incentive programs where brokerages offer monetary bonuses for placing voucher holders. This policy benefits brokers who work with and place the highest number of tenants who receive financial assistance to pay their rent.

The Office of Mediation and Conflict Resolution

The Commission's Office of Mediation and Conflict Resolution offers parties a voluntary mediation program at no cost. It is confidential and available at any stage of a case. Staffed by a Mediation Director, this independent unit mediated 45 cases to resolution in FY 22. Mediated cases accounted for damages totaling \$2,000,000, as well as non-economic relief.

The Community Relations Bureau

The Commission's Community Relations Bureau ("CRB") cultivates understanding and respect among the city's diverse communities, builds partnerships, and informs New Yorkers about the protections under the Human Rights Law. In FY 22, we reached a record number of New Yorkers. We engaged with 107,136 New Yorkers through 1,794 conferences, workshops, and trainings.

The Community Relations Bureau forges relationships that are essential to the work we do to ensure recognition, dignity, and respect for all New Yorkers. CRB works diligently to foster inclusion and understanding. The agency's five community service centers, our lead advisors, and community liaisons, are at the center of these efforts.

In FY22, the Commission launched "Understanding Jewish Experiences and Antisemitism," which brings a human rights lens to addressing antisemitism and its harmful impacts on our society. In FY 22, education and outreach efforts also emphasized new amendments to the city's Human Rights Law. Sustained outreach focused on the expansion of workplace anti-discrimination protections to domestic workers, regardless of employer size. The agency worked to raise awareness about the Law among employers and employees through in-person outreach, such as days of visibility in each of the five boroughs, and business corridor outreach CCHR also engaged with small business owners in all boroughs. Staff provided tools and guidance on how to comply with new pay transparency protections, as well as the longstanding employment protections in the Human Rights Law. Our materials are available in almost a dozen languages. The Commission also continues to deepen and expand youth programming, including through our youth advisory council.

The work of our Community Relations Bureau is exemplified by a few of our activities during 2022. We continued to raise awareness of the Human Rights Law's employment protections for individuals who have come in contact with the criminal legal system. To this end, in October,

the agency partnered with the Borough of Manhattan Community College and Kingsborough Community College to host a Fair Chance Symposium with attorneys, advocates, and returning New Yorkers, to address challenges facing our justice-impacted population.

We have also worked with the Department of Education to prioritize training for incoming school safety agents, utilizing our trainings: Working with Transgender and Gender Non-Conforming Communities; Understanding Muslim Experiences and Combating Anti-Muslim Bias; and Anti-Black Racism, and Other Forms of Discrimination Based on Race and Color. Building bridges between and within communities remains central to our mission. Our annual African Heritage Celebration in the Bronx is one example. We also recognized Hispanic Heritage Month with a signature event. In the fall, the Commission celebrated Sukkot with community partners, sharing meals, and also hosted a Diwali celebration.

Office of the Chair

The Office of the Chair serves as the hub of inter-agency partnerships. The Office negotiates legislation, issues rules, and drafts legal enforcement guidance and materials that provide clarity on provisions of the city's Human Rights Law. The Office has appeared before Council almost a dozen times during my tenure. This Office also serves an adjudicatory function, including ruling on appeals of decisions from the Law Enforcement Bureau and issuing final decisions and orders in Commission cases.

In FY 22, the agency's policy and regulatory priorities continued to reflect our commitment to diverse communities. The agency released new multi-lingual materials regarding employment protections for domestic workers and newly enacted pay transparency provisions. In the coming months, the agency will update resources and published materials to reflect the expanded domestic violence definition, which resulted from passage of Local Law 31 of 2023.

Building on our collaborations with domestic and low wage workers, the Commission launched a new initiative this year to explore how to better engage and support New Yorkers that are part of worker-owned cooperatives. Part of this initiative aims to ensure that worker members know their rights under the city's Human Rights Law.

Communications and Marketing

The Commission continues to leverage social media, digital platforms, and community press to expand our reach and to let New Yorkers know that if they experience discrimination, they should contact the Commission. In FY 22, campaigns included "Domestic Workers, We've Got You Covered" and "Did You Know?" Our multilingual campaigns span social media, radio, print outlets, and stores. In recent months, we have also developed a series of short videos. This series, known as the "Human Rights Minute," aims to make the Human Rights Law and the work of the Commission more accessible to New Yorkers. Just last month, we launched a citywide Campaign focused on source of income discrimination. We are excited that the "Vouchers Pay. Discrimination Doesn't." campaign is on social media, LinkNYC, and Taxi TV, as well as on bus shelters, and in convenience stores.

Media and press outreach are a means to elevate the Commission's outreach, trainings, events, and enforcement actions. As a result of our campaigns and focus on expanding social media, our reach has grown. CCHR had millions of social impressions in FY 22. Additionally, the Commission's website had over 4.2 million visits, and our agency was mentioned over 500 times in press.

The Commission invested in community and ethnic media through print advertising. We are also proud that we continue to prioritize M/WBE's and have continuously invested significant funds in work with M/WBEs.

The work I have described is the result of the work of our dedicated staff.

Staff and Personnel

As of today, the Commission has a headcount of 122 with 107 active staff. The staff across each unit and borough is committed to working in partnership with communities vulnerable to human rights abuses, and many represent these communities as well. We are a small but diverse staff that speaks over 20 languages across the agency.

Budget

The FY 23 Budget provided for a total of \$11,674,906. For FY 24, the Executive Budget provides for \$14,057,744, which consists of \$11,581,485 in Personal Services ("PS") and \$2,476,259 in Other Than Personal Services ("OTPS") funding. The FY 24 Executive Budget allocates 17 new staff lines to the agency.

In Conclusion

Thank you for the opportunity to discuss the work of the NYC Commission on Human Rights. I am proud to have this chance to speak to you on behalf of an agency that strives to ensure that no one who lives, works, or visits New York City experiences bias or discrimination because of their race, color, age, religion/creed, national origin, disability, gender identity and expression, sexual orientation, or any other protected class. We look forward to continuing to champion the human rights of New Yorkers with the leadership of the Adams Administration and the support of New York City Council.

Thank you and I welcome your questions.