



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON
CIVIL AND HUMAN RIGHTS AND COMMITTEE ON
STATE AND FEDERAL LEGISLATION**

FEBRUARY 28, 2023

Good Morning.

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. Thank you very much Chair Williams and Chair Abreu and members of the Committee on Civil and Human Rights and the Committee on State and Federal Legislation for holding this hearing and allowing me the opportunity to provide a statement.

New York City has come a long way when it comes to fighting for improvements in the workplace. With a City as big as New York City, it is important that we ensure everyone is protected in all aspects of bigotry, discrimination, and harassment when it comes to entering the workforce. Employment discrimination can manifest in different ways whether it is happening to someone directly or indirectly. It is long overdue and about time that we amend the administrative code to include ending discrimination on the basis of appearance.

It is absolutely appalling to know that discrimination on the basis of a person's weight or height still happens today. No one should experience appearance based harassment or discrimination in opportunities of employment, housing, and access to public accommodation. [Int 0209-2022](#) will provide this protection and exempt any employer and provider of public accommodation to require height and weight in their decision or qualification unless they have explicitly stated that there are bona fide requirements for employment and consideration for services. As for having a tattoo, this is how someone is able to express their individuality or creativity, and in many cultures has deep roots steeped in history and identity. It is apparent that tattoo stigma still exists here and it ends now. We need to codify it into law. [Int 0702-2022](#) will make this happen.

Employers should focus on whether or not the candidate has the skills and/or experiences to do the job. They should not be worried about someone's physical appearance as it continues a vicious cycle of bigotry. It is highly unprofessional and harmful. Too often, employers are missing out on brilliant individuals due to their bias. We need to do better. I hope my colleagues show their support today.

Thank you.

**Testimony of
Michelle Kraus, LMSW, Senior Social Worker, Disability Justice Program
on behalf of
New York Lawyers for the Public Interest
before the
Council of the City of New York
Committee on Civil and Human Rights
regarding
Oversight - Dignity for All: National and Local Efforts to End
Appearance-Based Discrimination
March 3, 2023**

As an individual with short stature who works for New York Lawyers for the Public Interest in its Disability Justice Program, I am writing in support of INT 209-2022, a local law to amend the administrative code of the city of New York in relation to prohibiting discrimination based on a person's height or weight in opportunities of employment, housing, and access to public accommodations. Thank you for the opportunity to provide testimony today regarding discriminatory practices against people with height and weight differences.

My name is Michelle Kraus and I am a senior social worker at New York Lawyers for the Public Interest. I advocate for adults and children with physical and mental disabilities in all different realms of their lives. I am very knowledgeable about people of short stature and their daily discrimination because I am a person with dwarfism.

Thank you, Councilman Abreu and your colleagues, for supporting the passage of this local law and for your time and attention to this matter. Your thoughtful comments and questions at the Tuesday, February 28 hearing helped broaden the discussion and demonstrated your commitment to civil rights for all.

People with dwarfism have historically been considered a popular form of entertainment, not for any talents they might have, but due to their distinctive appearance, particularly their small stature. They have been the main attraction at the old-time freak shows and have been cast as gnomes, elves, and hobbits. As a person

with short stature, I have experienced discrimination based on unalterable physical characteristics. People have immediately judged my abilities, competence, and intelligence based on my appearance. Over time, people have been influenced to think people with visible differences are physically and mentally impaired, especially when portrayed in mainstream media as fantastical caricatures or inspirations that deserve the public's compassion and sympathy. It is easy to ignore individual qualities when impressions are solely based on appearance.

Because of protections afforded to people with dwarfism because we are disabled, there is legal recourse for people with dwarfism if they are denied employment and housing solely because of their short stature. Times have changed, and attitudes evolved because of the growing awareness of the legal rights of people with disabilities. The range of employment opportunities based on skills and competence has broadened; we are no longer only typecast as entertainers because of how we look. I am lucky to be employed as a social worker, a profession I am passionate about because I have not been shut out of educational and professional opportunities based on appearance and disability.

People of short stature who are not disabled based on appearance are consistently discriminated against by the lack of size ranges of clothing, furniture, vehicles, equipment, stairs, and public conveniences with little to no legal recourse. Employment discrimination can be overt, and formal height requirements exist for several jobs. People with short stature are denied or forced out of employment opportunities based on prejudices based on representations in fairy tales and science fiction television. They are often seen as not having abilities, talent, and value. I urge you to pass local law INT 209-2022 so New Yorkers with height and weight differences can have equal and fair access to employment opportunities, housing, and public accommodations. Your support of the passage of this law will be instrumental in providing a more effortless living for people who are regularly marginalized.

I appreciate your consideration. I can be reached at (212) 244-4664, ext. 9251 or MKraus@nylpi.org, and I look forward to the opportunity to discuss how best to provide full opportunities for New Yorkers with height and weight differences.

About New York Lawyers for the Public Interest

For nearly 50 years, New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Our community lawyering model bridges the gap between traditional civil legal services and civil rights, building strength and capacity for individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, and comprehensive organizing and

policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, create equal access to health care, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.

NYLPI's Disability Justice Program works to advance the civil rights of New Yorkers with disabilities. In the past five years alone, NYLPI disability advocates have represented thousands of individuals and won campaigns improving the lives of hundreds of thousands of New Yorkers.

**Testimony to NYC City Council Committee on Civil and Human Rights, Bill
INT-0209, Feb 28, 2023**

from Substantia Jones, NYC

Fat Liberation Activist

Creator of The Adipositivity Project

Thank you for accepting my testimony, and many thanks to Shaun Abreu and the others who worked on crafting and presenting a worthy bill. It's well past time New York City joined the too few others (two states and a mere six municipalities in the US) in protecting marginalized populations from the discrimination within their purview.

(Note: I am fat. I use the term 'fat,' and I encourage you to, as well. It's a morally neutral descriptor. The word 'overweight,' however, is a term of judgment, suggesting there's an agreed-upon size beyond which one mustn't exist. And 'obese' pathologizes a naturally occurring point on the spectrum of benign human size variation. I realize many well-meaning folks use the O-words. But nomenclature matters, and these words are not without consequence.)

I'm a 62-year-old woman, fat since my 20s, and I've lived in NYC since 1997. I hope to ride it through to the end. It's my beloved chosen home, though it's often an ugly challenge to navigate, due to discriminatory barriers to safe and serviceable seating for fat people. Mine is a demographic which endures many indignities and biases, but I'm testifying today about the denial of access to public accommodations for fat people living and visiting New York City.

When I enjoy the city with my friends, many of whom are assorted sizes and shapes of fat, I cannot merely make dinner reservations or purchase tickets to entertainment venues and theaters, as those with culturally normative bodies do. If I want everyone in my group to be accommodated safely and reasonably, I must scour the internet for photos of each location's seating, ideally labeled with recent dates. I hunt down sturdy-looking, armless chairs. Or booths with tables not attached to the floor. Maybe banquette seating of reasonable width and depth. Ample space to navigate safely, and not disturb other patrons. Despite all this research, during which many restaurants, concerts, and such are stricken from consideration, I must at some point get a box office agent or restaurant

reservationist on the phone to insure the seating is still what I found online, and ask about weight limits and space. Although I've never encountered a rude agent, and each has earnestly wanted to be helpful, they're across-the-board inadequately trained, and reluctant to even speak with me about it, operating under the assumption that 'fat' is inherently a pejorative, and any discussion of our needs is a hot potato. Consequently, they don't even possess the language to discuss it. The most common responses I get are "Oh, don't call yourself fat!" and "I'm sure it'll be fine." It sometimes isn't fine, even after I've put in all this time I could be spending on more worthy tasks.

Reservationists' inability to grasp the issue, give accurate information about weight limits and whether armless chairs are available, is a problem. As a result, some fat would-be patrons will give up and stay home, while others will go, hoping for the best, forcing them to endure sometimes humiliating issues with insufficient seating and ill-trained staff.

I'm too often forced to train folks who are supposed to already be trained, and even *then* those in my party aren't always appropriately accommodated.

When I lecture for universities, conferences, businesses, and government agencies, I always ask them to send me photos of the venue and the current seating, so I can avoid speaking in a location which doesn't accommodate the very people I've been working to protect for more than 15 years. We sometimes must regroup, in order to make the space work for bodies of assorted sizes and shapes. One example is a lecture I booked at a New York university's brand new "state of the art" auditorium. They were understandably very proud of it, and when I noted the uniform theater seating, I was shown a section with no seats, for those using wheelchairs. But no wider seating, nor armless chairs. Believe me when I tell you, everyone involved in booking and planning my lecture was familiar with fat culture and accommodating those with all manner of non-conforming bodies. By any measure, they'd be considered fat friendly. However. The needs of those at higher weights or wider bodies hadn't occurred to them. It certainly didn't occur to the designer of this otherwise brilliantly appointed new auditorium. On the evening of my lecture, there was a scramble to bring in (heavy!) club chairs and lounge seating from the lobbies and offices throughout the building. Everyone was completely lovely about the heavy lifting, and assured me that, going forward, they'd request permanent changes be made. I wish them luck.

But without laws protecting fat people's access to public accommodations, there's no motivation to consider our needs. To mind our safety. To properly train employees not to use leprosy-based language when a fat person wants a ticket or reservation.

And NYC's own CitiBike program sets the sizeist example, using bikes with a weight limit of 260 pounds. There are people who exceed that weight limit utilizing CitiBikes, many of whom don't know this weight limit negates their insurance protections. This is wildly unsafe. There are bikes with much higher weight limits, and if the city and CitiBike would like to protect both users and themselves, they'd make certain a portion of the bikes at all stations--or at least certain designated stations--are those with higher weight limits. Their distribution should be easily maintained by creating memberships designated for riders over 260lbs, with corresponding unlocking systems, thus prohibiting their use by those who don't require them.

The basic tenet of equality is this: As much as is possible, everyone should be able to enjoy the same experience. Without undue risk or discomfort. Without humiliation, last minute scrambling, standing while all others are seated, waiting for a member of staff to unbolt a theater seat from the floor and replace it with a strait chair.

I see these corrections as entirely do-able. But more importantly, they're safe, respectful, civilized. They enforce the equality which visitors have long expected to find in NYC. And which many residents have come to expect from their city government.

Over the past two decades, I've participated in other attempts to pass such legislation in assorted locales. I never imagined 2023 would arrive in my own city before laws protecting fat people from discrimination with regards to employment, housing, and access to public accommodation.

I ask that Bill INT-0209 be passed, and New York City's reputation as a haven for social justice restored. A move that's far more evolutionary than revolutionary.

Substantia Jones

The Adipositivity Project

Fat people have suffered from size and weight discrimination for as much of my life as I can remember,

and I am 75 years old. I spent my entire youth dieting, finally deciding at age 27 that I no longer wanted to live on diets.

I was fortunate to have been given amphetamines by our family doctor when I was in high school--fortunate because having lost weight temporarily, I was admitted to Cornell University, the only college I ever wanted to attend. A study done at around that time indicated that Ivy League schools discriminated against students considered overweight. With identical grades and activities, but altered pictures of the same candidates, the fatter looking candidates were denied admission.

Due to these and many other weight-related struggles, I eventually dedicated my career to fighting weight discrimination, and to supporting people dealing with it. I had become a clinical social worker and eventually got a doctorate in counseling psychology. From no longer supporting diets, I eventually became one of the founders of the Health at Every Size movement, which I still support and which I have since brought to Cornell University. I want these intelligent and hard working students to use their abilities to make the world better, rather than being consumed by trying to fight their own genetic makeup.

A couple of case examples of New Yorkers facing size discrimination:

One of my NY clients was referred to me by his physician. "John" was a skilled blue collar worker. He was happily married and had grown children, with whom he was close. He was so good at his job that his boss gave him raises, praise, and a new Cadillac to reward him for how well he had worked over many years. He was also a fat man. His company was eventually taken over by a new owner, who told John that he had to lose either 100 pounds or his job. John tried everything he could to lose the weight, but couldn't lose 100 pounds. A middle-aged man, he eventually lost his job, and as time went on, he also lost the money he had carefully saved for his retirement. I learned that he developed a fatal disease connected with chemicals used in his work. I eventually lost touch with him.

One of my friends worked at a nonprofit, people-oriented office. She was also so good at her job that she was promoted and given awards for the quality of her work. Like John, her boss changed, and the new boss started hassling her about her weight. She likewise couldn't get her weight down, despite having had weight-loss surgery previously at a New York hospital. She had said that she was the only patient during that time who survived the surgery. When I knew her, she was a leader in our NY chapter of NAAFA, the civil- and human-rights group that advocates on behalf of fat people. She spoke out against weight-loss surgery, given her experience and that of those who had died. She thought she survived because the staples used in her surgery, broke. She swam regularly at her condo complex pool and also shot hoops. She was popular, sociable, and energetic about her job and her NAAFA work. She too eventually lost her job. She lost her savings and was told by her family members that she had to have weight-loss surgery again or they wouldn't lend her the money to keep her condo, and she would be out on the street. She eventually gave in to their demands and had the surgery again. Some months later, I was shocked to see her obituary in the local paper. I went to the funeral and learned from her sister that she had died in a car accident, not having the strength to survive her injuries.

More than a century of weight-loss "treatments" have failed, but have resulted in vast numbers of people with eating disorders; lower incomes; fewer job, educational, and housing opportunities; denial of opportunities to adopt children, discrimination in travel, accommodations, and clothing, biased or denied medical care. Diet programs, drugs, and

surgeries have thrived, resulting in people who end up fatter, poorer, agoraphobic and depressed.

Size discrimination is based on the premise that weight is within our control. It is not.

Size discrimination is lethal.

Barbara Altman Bruno, Ph.D., DCSW

Author, *Worth Your Weight: What You CAN Do About a Weight Problem*

Author, *Health at Every Size: A History*

Former Education co-chair, ASDAH (Association for Size Diversity and Health)

Former Editorial Board, *Fat Studies Journal*

Advisory Board, NAAFA (National Association to Advance Fat Acceptance)

Member, Council on Size and Weight Discrimination

<https://alumni.cornell.edu/cornellians/bruno-size-acceptance/>



Housing discrimination on the basis of height or weight

There is plenty of information about size discrimination in the areas of employment (some employers don't hire plus-sized people), and access to public accommodations (for example, seats that are too narrow). But size discrimination in housing?

When my first wife Joyce and I were seeking an apartment, we had a difficult time, as several landlords did not want to rent to a couple in which the wife was very large. We were openly sneered at by several; and the apartment building in which we finally ended up, we had to listen to the superintendent, who was showing us the place, share his concerns that someone the size of my wife might easily damage the property (things like the built-in ironing board, for example. He feared that she might lean on it.) If this seems like a stretch, he EXPLICITLY told us that was his concern. Only after he stated that he could repair it if necessary did he agree to recommend that the owner accept our application. Other landlords seemed to doubt that a couple like us could afford to pay the rent, and we should seek an apartment in a poorer part of town.

Incidents like this took place in Hempstead, Long Island, New York; Queens Village; and Rochester, New York.

Joyce grew up in Brooklyn, and I was born there, but grew up in Rochester.

Discrimination against such a large segment of society because of their weight is inhumane.

City Council Committee on Civil and Human Rights
Stacie Evans Testimony
February 28, 2023

Good morning, Council Member Williams and members of the Committee. I am Stacie Evans, 35-year resident of New York City and 45-year resident in a fat body. I navigate this city and my life here with almost constant reminders that my body isn't "standard." I've dealt with workplace discrimination based on my size, discrimination in healthcare based on my size, and I thank the Council and this Committee for its focus on this issue.

The sizeism I've experienced on the job has taken many forms, ranging from an employer refusing to purchase an office chair that would fit and support my body to a supervisor who let me know she wouldn't support my application for a more public-facing role in the organization because seeing me as the face of the org would "give the wrong impression."

For the rest of my testimony, I'm going to focus on something simple that is made difficult for fat people, something that can affect us every single day depending on how much we are out and about: finding a place to sit comfortably.

A few months before Covid, I went to see an off-Broadway show, when I got into the theater, one glance told me the narrow, armed, metal chairs wouldn't fit my ample butt and that I'd be so horribly uncomfortable that I wouldn't be able to enjoy the show. I checked in with the usher, asked if there were any wider or armless chairs that could be swapped in for mine. She said she'd find out and let me know.

As she took off to investigate alternative seating options, I went back to stand by my seat and wait. A couple came up the aisle and, as they passed, the woman said she could see that the seats would be really tight. She sat — in the seat directly behind mine — and confirmed for her partner that the seat was, in fact, too small for her. She shrugged it off and settled in.

When the usher returned with a handyman to figure out my situation — my chair needed to be unbolted from the risers — I stood off to the side. The couple seated behind me watched what was going on. The man asked his partner, “Do you want to do that?” She, giving me a nanosecond’s eye flick of a glance, said, “NO. I’m not *that* big.”

The stagehand guy finished his work and walked off with the uncomfortable chair. The usher carried over a totally suitable chair, and I took my seat.

I understand that woman, mostly. She was correct, for what it’s worth. She *wasn’t* as big as me. But that really wasn’t the point. She’d already called out the discomfort of her seat. Presented with a pretty easy way to fix the problem, however, she rejected it out of hand, chose to be uncomfortable all evening. Of course. Because God forbid anyone should equate her less-fat size with my much fatter one. God forbid anyone should see us as being anything alike. Better she should remain squeezed and in pain for a couple of hours than have anyone realize that she was fat.

I understand that woman because I spent many years *being* that woman, squeezing myself into seats that were never meant for asses of size. Or, even worse, turning down invitations because I knew I wouldn’t fit into the space that would be provided.

But I quit that nonsense. It was certainly not as simple as snapping my fingers and having it be so. It started after I damaged my knee in a car accident and began to realize that venues could and would accommodate me as a disabled person. So why shouldn’t I ask for the accommodations I needed as a fat person?

I am a high-maintenance woman. I know that about myself and make no effort to change it. Why should I? This is who I am. I’m fussy and frou-frou. I like comfort and luxury. I accept this about myself. Others struggle with my embrace of this truth, with how fully I lean into it. I ask for my needs to be met and expect it to happen. As much as I was an entirely go-along-to-get-along child, I have grown into a very let’s-talk-about-me-and-my-needs woman.

I'm Meg Ryan ordering food in *When Harry Met Sally* — because I know what I want and I can't really imagine why I shouldn't have it. I've visited theaters before buying tickets so I could try out the seats and ask about better options. I've called ahead to restaurants to find out how close together tables are placed so I'll know if I can move easily to and from my seat. I let the staff at the writing residency I attended last year know that I'd need an armless, high-weight-capacity desk chair and a sturdy bed. I know what will make me comfortable, and if it's possible to have that, why wouldn't I? And if it's not possible to have that ... well, why not?

I can imagine how much pain that woman's hips were in by the time we left the Hannah Gadsby performance. I can imagine that, during that last crazy part of the show in which Gadsby had us laughing so hard it was almost physically painful, that that woman laughed a little less because her laughter would have pushed her hips more forcefully into the boundaries of her chair. I can imagine that she discovered bruises when she was in the shower the next morning. And I can imagine her not once being annoyed with herself for turning away the option of comfort. And I can hear the ways she would have talked about me for having a demand and asking to have it met. I remember those moments too well.

People often mock me for my picky, I-want-what-I-want behavior. I've had folks chide me for being demanding and selfish. I suppose I *am* demanding and selfish. And? I'm not rude about it. I'm not taking anything from anyone else. So what's the problem? Why should I spend my life contorting myself to fit an arbitrary idea of the size and shape bodies should be? Why should I accept discomfort or exclusion because my body is large?

I get it, of course. I'm *supposed* to go along, supposed to take what I'm offered and be happy with it. Or ... let's be more exact: because I'm not beautiful, young, and thin I am supposed to be grateful to be allowed to show myself in public at all, allowed to take up even the least amount of space. Because if I looked like Tay Tay, people might find me petulant and spoiled, but they would be far less likely to be annoyed by me. For me as a fat person to call out displeasure or desire for something different *is* demanding, *is* presumptuous. How dare I

imagine that I, in my fat, middle-aged, Black, femaleness, draw attention to myself, have the nerve to give voice to my needs?

I'm not a jerk about getting my needs met. There's no cause for that. And no reason to make scenes ... as long as no one tries to deny me out of pettiness, fatphobia, or misogynoir. If something I want can't be done, it can't. Okay. But if someone just refuses to accommodate me, that's a whole other story.

The woman in the theater who chose discomfort over acknowledging her needs is the norm. Because we, as fat people, have been made to feel, wrong, out of place, inconvenient. If we call attention to ourselves, we are making trouble. If we have the nerve to think we deserve equitable treatment, fair treatment, we are making trouble ... and are, quite possibly, delusional. We aren't worthy.

I call BS. I deserve to have doctors provide actual healthcare rather than blaming my every ailment on the size of my body. I deserve to have subway seats that aren't shaped to fit some fantasy version of an "average" person. I deserve to move through this city with ease, without bruised hips and thighs. I know how I deserve to be treated. And I'm comfortable making sure *you* know, too.

Thank you.

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Name: Josh Kellermann

Address: 370 7th Ave, NYC

I represent: RWDSU

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Name: Eno Awotafe

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I represent: Retail Action Project

Address: 370 Seventh Ave #501, NY 10001

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Name: Lydia Green

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Name: Stephanie Alexis

Address: Broadway Body Positivity Project

I represent: _____

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