

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL RIGHTS

----- X

March 21, 2016
Start: 3:09 p.m.
Recess: 3:26 p.m.

HELD AT: 250 Broadway - Committee Room,
14th Fl.

B E F O R E:
DARLENE MEALY
Chairperson

COUNCIL MEMBERS:
Mathieu Eugene
Daniel Dromm
Andy King
Rafael Salamanca, Jr.
Brad S. Lander

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

1
2 CHAIRPERSON MEALY: Good afternoon. I am
3 Darlene Mealy; I am the Chair of the New York City
4 Council's Committee on Civil Rights.

5 I'd like to introduce the other members
6 of the Council who have joined us this afternoon --
7 Mathieu Eugene from Brooklyn, Danny Dromm from Queens
8 and from the Bronx, our new elected Council Member,
9 Salaman... [background comments] Salamanca; I like
10 that, Salamanca.

11 Thank you for all being here and we wanna
12 just give -- our colleague, Andy King is out sick
13 today, so he will not be here. But today's Committee
14 on Civil Rights will vote on Int. 0815, sponsored by
15 Council Member Lander, which would amend the Human
16 Rights Law to protect the right to truthful
17 information and create a cause of action for
18 employers whose rights are violated by discriminatory
19 conduct their employees experience.

20 Discrimination comes in many forms,
21 including making false statements to someone based on
22 that person's status as a member of the protected
23 class; this bill will make this form of
24 discrimination unlawful in a number of areas, such as
25 employment and public accommodations.

1
2 It is my hope that this bill will be yet
3 another step towards a more just and equal New York
4 City and that it will have a positive impact on all
5 New Yorkers. We have passed a lot of bills through
6 this committee to strengthen our Human Rights Law and
7 I am proud to serve as the chair as we continue to do
8 so.

9 Thank Council Member Lander for all the
10 work he has done on his bill and all my colleagues'
11 other bills; you have played a huge role in a lot of
12 this legislation we have passed this session and we
13 are happy to have you.

14 I'd like to also thank Alicia Brown, our
15 counsel to this committee, thank you so much, as well
16 as Kaitlin Caruso and Alicia Wright from Finance,
17 thank you so much, and I would like our clerk,
18 Mr. Martin, thank you for always showing up, and
19 thank you all for your hard work in doing this
20 legislation.

21 I hope that my colleagues and fellow
22 committee members will support this bill today so we
23 can vote on them tomorrow at the Stated Meeting.

24 Thank you again for taking the time out
25 to vote on such important legislation; we will now

1
2 hear a statement -- we're trying to see if Mr. Lander
3 will come, but we will do a roll call and we will
4 leave the vote open for his statement if he does have
5 time.

6 I will turn this over to our clerk now,
7 Mr. Martin.

8 COMMITTEE CLERK: Thank you, Madame
9 Chair. William Martin, Committee Clerk, roll call
10 vote Committee on Civil Rights, Int. 0815-B. Chair
11 Mealy.

12 CHAIRPERSON MEALY: I vote aye on this
13 legislation and I wanna thank my colleague Lander for
14 proposing this legislation to make sure
15 discrimination of all classes be rooted out in this
16 city and I vote aye.

17 COMMITTEE CLERK: Eugene.

18 COUNCIL MEMBER EUGENE: I vote aye.

19 COMMITTEE CLERK: Dromm.

20 COUNCIL MEMBER DROMM: Thank you very
21 much and congratulations Madame Chair, you were right
22 to say that we have passed a lot of legislation in
23 his committee; much of it to fix previous legislation
24 and to update existing legislation, so with that I
25 say thank you and I vote aye on this legislation.

1
2 COMMITTEE CLERK: Salamanca.

3 COUNCIL MEMBER SALAMANCA: I vote aye and
4 Madame Chair, I just wanna thank you for the warm
5 welcome to your committee and all the other council
6 members and my colleagues, thank you for the warm
7 welcome.

8 COMMITTEE CLERK: By a vote of 4 in the
9 affirmative, 0 in the negative and no abstentions,
10 item has been adopted.

11 CHAIRPERSON MEALY: And we thank... and
12 we're gonna leave it open for a little while. Thank
13 you colleagues for voting on this great legislation.
14 Thank you.

15 [pause]

16 [background comments]

17 CHAIRPERSON MEALY: I just wanna now let
18 everyone know that the committee voted in favor for
19 this great legislation, Int. 0815, and the sponsor
20 now is gonna have a few words on this strong
21 legislation, thank you, and that'll be Brad Lander.

22 COUNCIL MEMBER LANDER: Thank you, Madame
23 Chair and thanks for holding it hope for me after
24 your vote; I was across the street in the Public
25 Safety and right as I was about to come over they

1
2 called on me to ask my questions of Commissioner
3 Bratton, so then I had to...

4 Anyway, thank you; thanks for working
5 with us to land Int. 0815-B, which had been part of
6 the package that we passed at the last Stated, but
7 took a little extra work and I just wanna thank you
8 again for your leadership across this whole package
9 and the staff as well who have done a really job of
10 adding an additional piece to the New York City Human
11 Rights Law.

12 Int. 0815-B, as you've talked about, does
13 really two significant things; extends the right to
14 truthful information to make sure that members of
15 protected classes are free from misrepresentations,
16 lies, withholding of information; not only the
17 substantive rights of the housing or employment or
18 public accommodation, but to be free of
19 misrepresentations about them and therefore reaffirms
20 the principle that the only injury needed to have
21 standing under the City Human Rights Law is having
22 your rights violated, which is significant, and that
23 principle is currently under attack at the federal
24 level, where there's an effort to make you prove
25 that, you know some kind of material or economic harm

1
2 or go further than the fact that your rights were
3 violated and one thing this piece of legislation will
4 do is make very clear that it's always wrong to
5 engage in a discriminatory act and that simply
6 violating someone's right has consequences and is
7 against the City Human Rights Law and that's critical
8 especially in the context of testing organizations
9 who are going out to test against discrimination and
10 make sure we're preventing it; one critical way of
11 preventing discrimination is by funding; as you know,
12 we are doing and supporting a robust testing program,
13 but of course since the testers aren't actually
14 looking for housing or employment or public
15 accommodations, the misrepresentations that they face
16 it's important to have defined as violation of the
17 Human Rights Law, so that is one valuable and
18 critical thing we're doing here.

19 Another important thing is defining,
20 clarifying, helping courts understand what's meant by
21 persons under the Human Rights Law; the law currently
22 provides that persons is broader than just individual
23 human beings, but that businesses or corporations or
24 other actors can have their rights violated and there
25 are some examples of this in the Committee Report and

1
2 I would point people to them without meaning to imply
3 that they're exclusive, but you know if you have a
4 minority- and women-owned business and they are
5 denied access to information, that of course has to
6 happen through the employees that work for the
7 business, so if an employee goes down and tries to
8 get a bidding document and the employee is denied
9 bidding documents, based on their race or other
10 protected class status, that's a violation of the
11 rights of that individual, but of course they're also
12 violating the rights of that MWBE company itself and
13 that's already clear that that company has standing
14 as a person under the Human Rights Law but we're
15 helping clarify that the protected class status of
16 the individual employee in this case is essentially
17 imputed to the business; that that business suffered
18 the wrong as well and there's a lot of different ways
19 that that can happen; if an employee is denied access
20 to a store to buy something that the company or the
21 employer needs or think about a situation where
22 there's a couple and one person goes out to look for
23 housing and is discriminated against; the other
24 person should have a claim as well, they face
25 discrimination. And so another thing that

1
2 Int. 0815-B does is clarifies how those kinds of
3 persons who are harmed indirectly can bring a claim
4 under the Human Rights Law and that has a lot of
5 value because it increases the teeth, it makes harder
6 to discriminate against people and more likely that
7 you would not only face a claim from the individual
8 person who had been discriminated against, but
9 possibly from their employer, who may have more
10 resources, who may, you know, you don't wanna be
11 perceived as bullying them and so we are doing more
12 first to provide more people with the opportunity to
13 defend their rights, but also to make it more clear
14 that for covered entities who do discriminate under
15 any of the provisions of the law, there's more
16 persons, more businesses, more companies who have a
17 cause as an aggrieved person under the Human Rights
18 Law, thanks to 0815-B and they'll have to reckon with
19 the fact that improper acts could result in legal
20 action not only by the visible victim, but by this
21 additional class of victims as well.

22 And finally, I do just wanna make clear
23 for the record, since we are establishing and
24 articulating one set of circumstances that a person
25 who's aggrieved through this indirect discrimination;

1
2 that doesn't mean that we're limiting any other of
3 the kinds of standing that exists in the law or
4 organizational standing, representative standing or
5 other kinds of third-party standing that exist in the
6 law as well, so no reason to have worried about that,
7 but we'll just make it double clear on the record so
8 that someone doesn't try to say, well you see they
9 created this particular right, so they meant to
10 exclude others. As we talked about at the last
11 committee meeting, at the last Stated, in general
12 what's so important about this whole package of laws
13 that we're passing is even when federal and state
14 laws are under attack and they may find judges who
15 would weaken them, we're doing a set of things in a
16 whole number of different areas that are lifting up
17 and strengthening and protecting the New York City
18 Human Rights Law.

19 So thank you very much for your support
20 throughout this process and for your support with
21 Int. 0815-B.

22 CHAIRPERSON MEALY: We wanna thank him
23 for putting forth this great legislation and all the
24 other legislation for human rights and I'm glad to
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON CIVIL RIGHTS

12

be... honored to be chair of this committee. And
without further ado, this meeting is now adjourned.

[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 April 9, 2016