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COMMTTEE ON CIVIL AND HUMAN RIGHTS

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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October 23, 2020
Start: 10:04 a.m.
Recess: 12:03 p.m.

HELD AT: REMOTE HEARING

B E F O R E: Mathieu Eugene,
Chairperson

COUNCIL MEMBERS:
Inez D. Barron
Daniel Dromm
Brad S. Lander
Bill Perkins

2 A P P E A R A N C E S

3 Dana Sussman
4 Deputy Commissioner for Policy and
5 Intergovernmental Affairs at the New York City
6 Commission on Human Rights

6 Brittny Saunders
7 Deputy Commissioner for Strategic Initiatives at
8 the New York City Commission on Human Rights

8 Yafa Dias
9 Lead Organizer from Arab American Association of
10 New York

11 Alison Lynch
12 Staff Attorney in Disability Rights New York's
13 Protection and Advocacy for Individuals with
14 Mental Illness program

14 Ravi Reddi
15 Associate Director for Advocacy and Policy at the
16 Asian American Federation

16 Scott Richman
17 Regional Director for ADL's, New York and Jersey
18 regional office

18 Hallie Yee
19 Policy Coordinator at the Coalition for Asian
20 American Children and Families

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2 SERGEANT SADOWSKY: PC recording has started.

3 SERGEANT POLITE: Recording to the clouds all
4 set.

5 SERGEANT HOPE: Sergeant Dautaj, you may begin
6 with your opening statement.

7 SERGEANT DAUTAJ: Okay, good morning and welcome
8 to today's remote New York City Council hearing of
9 the Committee on Civil and Human Rights. At this
10 time, would all panelists please turn on their
11 videos. Once again, at this time, all panelists
12 please turn on their videos, thank you.

13 To minimize disruption, please place electronic
14 devices on vibrate or silence. If you wish to submit
15 testimony you may do so at testimony@council.nyc.gov,
16 Once again, testimony@council.nyc.gov. Thank you for
17 your cooperation, we are ready to begin Chair.

18 CHAIRPERSON EUGENE: Thank you very much. Good
19 morning. My name is Mathieu [GAVEL] sorry - Good
20 morning, my name is Mathieu Eugene, I am the Chair of
21 the Civil and Human Rights Committee. Thank you for
22 joining our virtual hearing today on the New York
23 City Commission on Human Right in Response to COVID-
24 19.

25

1
2 Before we begin, I would like to – I would like
3 to acknowledge my colleagues and I will do so as we
4 are going through the hearing.

5 In December 2020, a new coronavirus was
6 discovered in Wuhan China. On March 2020, New York
7 City Governor Cuomo, Andrew Cuomo confirmed the first
8 case of novel coronavirus, SARS-CoV-2, also known as
9 COVID-19 in New York City. The spread of the virus
10 has had and continues to have numerous ramifications
11 and affect the lives of New Yorkers from all walk of
12 life. To date there have been 259,064 positive cases
13 of coronavirus in New York City. 23,935 of these
14 cases have tragically ended in the loss of our fellow
15 New Yorkers.

16 The pandemic gave rise to a spate of
17 discrimination attack on Asians and other minority
18 groups based on stereotypes and false narrative
19 regarding the spread of COVID-19. Similarly,
20 discrimination against essential workers spiked,
21 making that difficult to some health care workers to
22 find housing for fear that they would bring the virus
23 home with them.

24 As early as February, weeks before New York City
25 went into lockdown, CCHR has already received 248

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2 complaints of COVID-related discrimination. In
3 April, the New York City Police Department reported a
4 360 person increase in the hate crimes in relation to
5 COVID-19 even though the major crime fell nearly 30
6 percent in comparison to last year. By the end of
7 June, CCHR would receive 478 COVID-related
8 complaints. Of these, 167 or 35 percent of the
9 incident included an element of anti-Asian
10 discrimination or harassment.

11 At the same time in 2019, the Commission will
12 receive 22 incidents of Anti-Asian discrimination.
13 In response to the peak and complaints, CCHR formed a
14 COVID response team, it also ramped up at which they
15 formed an update its resources and guidance on COVID
16 related discrimination.

17 This hearing will focus on examining the type of
18 pandemic related complaints received by CCHR and how
19 they have been entered. The guidance provided by
20 CCHR on COVID-related discrimination, where CCHR was
21 quickly able to address the COVID-related
22 discrimination during the pandemic and finally, what
23 the City Human Right law was flexible to respond to
24 the unique discrimination issues that we face during
25 this pandemic.

2 We also hope to hear from advocacy group,
3 organizations, union and the public on how the virus
4 has impacted New Yorkers and the aforementioned
5 target population.

6 I would like to thank Committee Staff Balquees
7 Mihirig Senior Counsel of the Committee, Wiam Diouri
8 Policy Analyst and Nevin Singh Finance Analyst and I
9 would like also to thank my staff Melissa Whitson.

10 Before I turn it over to the Administration, I
11 want to acknowledge Council Member Brad, I see
12 Council Member Brad, thank you so much Brad and
13 Council Member Perkins, thank you so very much. And
14 I will acknowledge my other colleagues when I am
15 informed of their attendance.

16 Now, I would like to call on the Administration
17 to testify, but before we do so, I would like to turn
18 it over to the Committee Counsel to go over some
19 procedural items and administer the oath.

20 COMMITTEE COUNSEL: Thank you Chair Eugene. I am
21 Balquees Mihirig, Counsel to the Civil and Human
22 Rights Committee of the New York City Council.

23 Before we begin, I want to remind everyone you
24 will be on mute until you are called on to testify,
25 when you will be unmuted by the host. I will be

1
2 calling on panelists to testify. Please listen for
3 your name to be called, I will periodically be
4 announcing who the next panelist will be. The first
5 panelist to give testimony will be representing the
6 Administration. I will call on you when it is your
7 turn to speak. During the hearing, if Council
8 Members would like to ask a question of the
9 Administration or a specific panelist, please use the
10 Zoom raise hand function and I will call on you in
11 order. We will be limiting Council Member questions
12 to five minutes, which includes the time it takes to
13 answer your question. Please note that for ease of
14 this virtual hearing, we will not be allowing a
15 second round of questions for each panelist outside
16 of the Committee Chair.

17 All hearing participants should submit written
18 testimony to testimony@council.nyc.gov. We will now
19 call representatives of the Administration to
20 testify. First, Dana Sussman Deputy Commissioner
21 Policy and Intergovernmental Affairs via Commission
22 on Human Rights followed by Brittny Saunders Deputy
23 Commissioner of Strategic Initiatives.

24 Before we begin, I will administer the oath. I
25 will call on each of you individually for a response.

1
2 Please raise your right hands. Do you affirm to tell
3 the truth, the whole truth and nothing but the truth
4 before this Committee and to response honestly to
5 Council Member questions? Deputy Commissioner
6 Sussman?

7 DANA SUSSMAN: Yes.

8 COMMITTEE COUNSEL: Thank you. Deputy
9 Commissioner Saunders?

10 BRITTNY SAUNDERS: Yes.

11 COMMITTEE COUNSEL: Thank you. Deputy
12 Commissioner Sussman, you may begin.

13 DANA SUSSMAN: Thank you. Good morning Chair
14 Eugene and members of the Committee on and Civil and
15 Human Rights. Thank you for convening today's
16 hearing on the Commission's COVID-19 response. I am
17 Dana Sussman, Deputy Commissioner for Policy and
18 Intergovernmental Affairs, at the New York City
19 Commission on Human Rights and I am joined today by
20 my colleague, Brittny Saunders, Deputy Commissioner
21 for Strategic Initiatives.

22 The past ten months have brought unspeakable
23 tragedy, trauma, and hardship and yet, in the face of
24 it all, New York City has shown resilience, strength,
25 and solidarity. The Commission's work and its

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2 commitment to protecting and upholding the human
3 rights of all New Yorkers continues unabated.

4 In March 2020, the Commission's entire staff
5 operations moved to remote work over the space of one
6 weekend. The agency's Information Technology and
7 Operations staff moved mountains to ensure that our
8 workflow went on nearly uninterrupted. And despite
9 all of the challenges faced this year, the Commission
10 achieved record breaking numbers.

11 In Fiscal Year 2020, the Commission assessed a
12 record \$7.5 million in damages and penalties for
13 violations of the City Human Rights Law. That figure
14 consists of over \$6.5 million in damages and nearly
15 \$970,000 in civil penalties. This represents a more
16 than six times increase since 2014, the year prior to
17 Commissioner Malalis's tenure, and the fifth straight
18 record-breaking year. One of Commissioner Malalis's
19 goals for the agency, as she has mentioned before
20 this body before, was to ensure that cases at the
21 Commission are valued the same as cases filed in
22 federal and state court and the agency has achieved
23 that goal.

24 Damages and penalties do not, however, paint the
25 full picture. Assessing high value damages and

1 penalties are not appropriate in all cases and the
2 Commission takes an individualized approach to case
3 resolutions, based on the needs of the complainant,
4 the resources and intent of the respondent and other
5 factors. Providing free and accessible trainings on
6 compliance with the City Human Right Law to
7 respondents' staff, requiring policy changes locally
8 and in some cases, nationally and requiring a posting
9 a notice of rights for both staff and customers to
10 see are some low-cost but high-impact terms of
11 resolutions the Commission often deploys to ensure
12 meaningful and long-term change and compliance.

14 With very limited exceptions, every case
15 resolution includes a restorative element; in some
16 cases, the entirety of the resolution is restorative.
17 Deputy Commissioner Brittny Saunders will speak to
18 our restorative justice work in greater detail in her
19 testimony.

20 While assessing a record level of damages and
21 penalties, the Commission also closed a new high of
22 1,066 cases and reduced the average age of open cases
23 by two months, despite all of the challenges faced
24 during the last four months of the fiscal year. The
25 Commission's Law Enforcement Bureau filed 525 new

1 cases in Fiscal Year 2020 and completed 403
2 successful emergency interventions. The Commission
3 settled 264 cases in Fiscal Year 2020, of which 43
4 were settled through mediation. The number of
5 mediated cases rose from the prior year. The agency
6 received a slightly increased number of reports of
7 discrimination in Fiscal Year 2020, from 9,804 in
8 Fiscal Year 2019 to 10,015 in FY 2020.

9
10 Consistent with past years, the protected
11 categories of disability, gender and race were the
12 top three most reported areas of discrimination.
13 Gender discrimination, including discrimination on
14 the basis of gender identity and sexual harassment
15 cases, accounted for the largest share of damages and
16 penalties, over \$3 million, a remarkable sum. We
17 just passed the third anniversary the MeToo movement
18 going viral and with it the Commission saw a dramatic
19 increase in sexual harassment workplace claims. This
20 over \$3 million figure is reflective of many of those
21 cases that came to the agency over the past several
22 years.

23 Relatedly, the Commission's online sexual
24 harassment prevention training has been completed
25 over 500,000 times in all eleven languages since it

1
2 was launched in April 2019. Beginning in February
3 2020, New Yorkers began reporting discrimination
4 related to the pandemic. Anti-Asian bias comprised
5 nearly 40 percent of all COVID-19-related reports.
6 In order to respond quickly to the influx, the
7 Commission created a COVID-19 Response Team made up
8 of multi-lingual staff across the agency. From
9 February 2020 through September 2020, the COVID-19
10 Response Team fielded 566 reports of discrimination,
11 184 of which included an element of anti-Asian
12 discrimination.

13 By comparison, the Commission received just 26
14 reports of anti-Asian discrimination during the same
15 time period the year prior. The Commission has
16 worked closely with organizations that work with
17 Asian communities across the city, including the
18 Chinese American Planning Council, the Asian American
19 Federation, the Chinese Consolidated Benevolent
20 Association, and Homecrest Community Services, among
21 others.

22 In response to the rise in anti-Asian
23 discrimination, the Commission organized six Bias and
24 Hate Crime Reporting Town Halls, bringing together
25 district attorneys' offices and multiple city

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2 agencies to do the important work of explaining the
3 differences between hate crimes and discrimination
4 issues and providing a non-carceral response to these
5 concerns. These town halls were provided in English,
6 Mandarin, Korean, Japanese and Tagalog, including one
7 recently in partnership with NYPD's newly formed
8 Asian Hate Crimes Task Force. The first of these
9 town halls was attended by over 1,200 people.

10 Additionally, the Commission has held eighteen
11 bystander intervention trainings with community
12 partners, including organizations like Hollaback and
13 the Center for Anti-Violence Education. The
14 Commissions Bias Response Team, housed within our
15 Community Relations Bureau, responded to 467 bias
16 incidents in this past fiscal year, nearly double
17 that of the prior fiscal year. In addition, the
18 Commission is closely monitoring rising anti-Semitism
19 as it relates to the pandemic and beyond. In
20 February 2020, the Commission launched a public
21 awareness campaign to combat religious-based
22 harassment and discrimination in housing, the
23 workplace and in all public places and to underscore
24 the City's support for Jewish communities. The
25 campaign responded to a rise in anti-Semitism in New

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2 York City, in surrounding communities and around the
3 country and affirms the rights of all Jewish New
4 Yorkers to be treated with dignity and respect.

5 It included investments in Jewish community
6 press, both in papers and online and the campaign
7 also provided information on how to report harassment
8 and discrimination to the Commission. Building off
9 of this work, the Commission, led by the agency's
10 Jewish Communities Liaison, has fostered
11 relationships with Orthodox Jewish leaders in Crown
12 Heights and Williamsburg and has become a direct
13 connection to our agency to provide resources and
14 support. In recent weeks, as anti-Semitism has again
15 risen to the forefront as a result of COVID-19 fears,
16 we have been in constant contact with community
17 leaders. We have been responding on our platforms
18 and we have been republishing our campaign materials.

19 The Commission's policy team first issued legal
20 enforcement guidance on the intersection of COVID-19
21 and the City Human Rights Law starting in March 2020.
22 Unlike our federal counterparts at the EEOC or the
23 Equal Employment Opportunity Commission, the
24 Commission has taken the position, based on the broad
25 protective language of the City Human Rights Law that

1
2 actual or perceived COVID-19 and/or a history of
3 having COVID-19, is a disability and protected from
4 discrimination.

5 The Commission's guidance covers protections in
6 housing, employment, and public accommodations, is
7 updated frequently to address the rapidly changing
8 needs and concerns of both employers, housing
9 providers and small businesses and worker and tenant
10 advocates to protect the safety and health of their
11 workforce, tenants and customers. While also
12 ensuring people do not face discrimination or
13 harassment in these settings and are able to obtain
14 the accommodations they need.

15 The Commission's Community Relations Bureau or
16 CRB, grew its community outreach numbers in Fiscal
17 Year 2020, despite most outreach work going virtual
18 in March. The CRB increased the number of New
19 Yorkers served by 20 percent compared to the prior
20 year, directly connecting with nearly 100,000 people
21 for the first time in a decade. In addition, CRB
22 staff have greatly expanded the Commission's youth
23 engagement. Having conducted over 300 youth
24 conferences and launching our Youth for Equity and
25 Solidarity Council in Fiscal Year 2020 with 23 youth

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2 members, who will be working with the Commission over
3 the next year to inform our work and ensure we are
4 effectively reaching young people with the content
5 most critical to them.

6 The Commission has been working to create
7 resources and actions for young people who do not
8 have their usual outlets for community-building and
9 support and yet are coping with so much right now.
10 For example, just this week, the Commission launched
11 our Amplifying Youth Voices online art exhibit.
12 Featuring human rights themed visual art, poetry,
13 dance, and song from young people across the City.

14 Earlier this year, we published Stories For All,
15 a human rights focused reading list divided by theme
16 and age group, featuring diverse stories, characters,
17 writers, and experiences and have created a video
18 library of read alongs for parents and educators.

19 In May, the Commission launched a public
20 awareness campaign to combat COVID-19 related
21 discrimination and harassment. The campaign affirms
22 protections for communities facing heightened levels
23 of discrimination and harassment related to the
24 pandemic. In addition, responding to renewed
25 attention to disparities in access, treatment and

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2 outcomes in medical settings, the campaign also
3 addressed New Yorkers' right to be free from
4 discrimination in healthcare settings regardless of
5 their race, national origin, immigration status,
6 disability and age. The campaign emphasized that
7 reports to the Commission can be made on behalf of
8 others, can be made anonymously, and can be made
9 without fear of being asked about immigration status.

10 The campaign included multilingual advertisements
11 in community and ethnic media, including print and
12 radio, social media platforms and targeted placements
13 in pharmacies and convenience stores throughout the
14 city. For the first time, the Commission leveraged
15 advertising on popular Chinese and Korean social
16 media platforms, such as WeChat. Advertising in
17 convenience stores and pharmacies was placed in all
18 five boroughs and concentrated in communities with
19 high proportions of immigrants, communities with
20 limited English proficiency and communities facing
21 high rates of poverty.

22 These multilingual placements in Chinese,
23 English, Korean and Spanish, focused on the right to
24 be free from discrimination in healthcare settings.
25 Promoted social media posts appeared in over 10

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2 languages which expanded upon a set of anti-stigma
3 videos created by the Commission, featuring our
4 multi-lingual staff which were already available in
5 12 languages.

6 And next week, the Commission will be announcing
7 an art series with one of the Commission's two public
8 artists in residence, Amanda Phingbodhipakkiya,
9 entitled I Still Believe in Our City. The visually
10 stunning series is a testament to the vibrant
11 resilience of New Yorkers and specifically, honors
12 Asian and Black New Yorkers in the face of racial
13 injustice, xenophobia, and COVID-19 related
14 discrimination, harassment and bias. It will include
15 a takeover of Atlantic Terminal in Brooklyn and will
16 also be found on LinkNYC kiosks, bus shelters, a DOT
17 public art site and a community mural.

18 The Commission serves on multiple formal and
19 informal interagency taskforces, as our work involves
20 tenant protection, health, food security, immigrant's
21 rights, racial equity and beyond, and the agency's
22 information is included in many of these relevant
23 materials housed at other agencies. The Commission
24 is also part of many informal and formal national
25 coalitions of human rights agencies and it is not

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2 unusual for other agencies to look to us as a model
3 on how to respond to the crises facing our
4 localities. It is with great pride that our staff
5 and our work is recognized as national leaders in the
6 fight for human rights and civil rights.

7 And with that, I will now turn it over to my
8 colleague, Deputy Commissioner Brittny Saunders, to
9 highlight the Commission's operational changes in
10 light of the COVID-19 pandemic and our focus on
11 confronting anti-Black racism during this critical
12 time. Thank you.

13 COMMITTEE COUNSEL: Thank you.

14 BRITTNY SAUNDERS: Good morning Chair Eugene and
15 members of the Committee on Civil and Human Rights.
16 Thank you for welcoming me here today to testify
17 alongside my colleague Deputy Commissioner for Policy
18 and Intergovernmental Affairs Dana Sussman, at
19 today's hearing on the Commission's COVID-19
20 response. My name is Brittny Saunders, and I serve
21 as Deputy Commissioner for Strategic Initiatives at
22 the New York City Commission on Human Rights.

23 Deputy Commissioner Sussman's testimony covered
24 how the Commission was able to shift to remote work
25 in response to the COVID-19 pandemic and how, despite

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2 the disruptions experienced over the past months,
3 the agency has been able to meet the challenges of
4 the moment. The Commission has done so by assessing
5 record setting damages and penalties, launching
6 culturally competent outreach efforts, promulgating
7 guidance on how the City Human Rights Law protects
8 New Yorkers who have or who are perceived to have
9 COVID and putting forward new public education
10 campaigns.

11 My testimony will focus on other aspects of the
12 Commission's work during this period, with particular
13 attention to the impact on our operations, our work
14 on racial justice issues and our integration of
15 restorative justice practices across departments. As
16 Deputy Commissioner Sussman noted, like so many other
17 agencies, the Commission was required to move to
18 remote work on short notice due to the emergence of
19 the COVID-19 pandemic. However, despite our central
20 office and five borough-based Community Service
21 Centers being closed to visitors, we were nonetheless
22 able to resume our work using alternative platforms.
23 We are grateful to the Office of Emergency Management
24 for its support with respect to continuity of
25 operations planning and to the Department of

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2 Information Technology and Telecommunications for
3 their generous assistance with our hardware and
4 software needs.

5 Thanks to this and other support, within days of
6 our transition, we had adjusted our internal
7 practices to accommodate remote work and were using
8 new web conference tools to put forward public-facing
9 programs.

10 Of course, as the City agency charged with
11 enforcing and educating New Yorkers about local human
12 rights protections and obligations, our focus during
13 the pandemic has been squarely on the connections
14 between COVID-19 and discrimination. Many of these
15 connections, as Deputy Commissioner Sussman noted,
16 relate to the ways in which particular groups of New
17 Yorkers have been targeted for harassment and
18 intimidation because of their perceived exposure to
19 the virus. However, other connections are rooted in
20 long-standing historical disparities. As so many
21 have noted, the COVID-19 pandemic has made the
22 devastating impacts of structural racism undeniable.

23 Discrimination and other barriers in the housing
24 and job markets have made Black and Latinx New
25 Yorkers particularly vulnerable to the virus'

1 effects. Over the past five years, the Commission
2 has steadily intensified its work on racial justice
3 issues. This is evident in the accomplishments of
4 its Law Enforcement Bureau, which investigates and
5 resolves cases, including cases of discrimination
6 based on race and color. In Fiscal Year 2020, the
7 Commission fielded some 562 inquiries relating to
8 race-based discrimination. This represents
9 considerable growth over Fiscal Year 2014, in which
10 there were just 172 inquiries made.
11

12 Of the complaints that were filed by members of
13 the public last fiscal year, 11% related to race,
14 making it the third highest trending category of
15 protection among filed claims. The Commission also
16 secured newsworthy settlements in race cases, such as
17 a conciliation requiring payment of \$70,000 in civil
18 penalties and establishment of a pipeline for
19 stylists of color at a high-end salon and another
20 requiring luxury brand Prada, to create a new
21 scholarship program and establish a high-level
22 diversity and inclusion officer role. These continue
23 to receive attention from news media and other civil
24 rights bodies because of their innovativeness and
25 comprehensiveness.

1
2 More recently, the Commission has acted
3 forcefully in response to attempts to deploy law
4 enforcement against Black people in the city. An all
5 too common and all too normalized form of
6 discrimination and harassment. Becoming the first
7 law enforcement agency to announce an investigation
8 into the Amy Cooper incident in Central Park. These
9 items are worth mentioning alongside those emerging
10 from the agency's COVID-19 response unit because they
11 demonstrate the agency's commitment to addressing the
12 consistent and pervasive forms of racism that Black
13 New Yorkers and other people of color in the city
14 encounter in the workplace and housing and in places
15 open to the public.

16 The Commission has also used research as a means
17 of achieving an in-depth understanding of how Black
18 New Yorkers experience anti-Black racism. The
19 agency's commitment to centering these issues stems
20 from our treasured partnerships with organizations
21 serving the city's Black communities, our dedication
22 to rooting our work in what our partners tell us is
23 most needed from us and the Commission's own
24 historical roots as the successor to a body that was
25

1
2 established in the wake of protests by Black New
3 Yorkers in the 1930s and 1940s.

4 Our commitment to listening to and using our
5 voice as a government to elevate the concerns of
6 Black New Yorkers led us to develop over a two year
7 period, "Black New Yorkers on Their Experiences with
8 AntiBlack Racism," a report that surfaced concerns
9 about widespread and systemic racism similar to the
10 concerns voiced by protestors earlier this year.

11 In early 2018, years before this spring's
12 protests but inspired by consultation with our
13 partners, the Commission launched a qualitative
14 research project on the particular forms of racism
15 encountered by African-American, Afro Caribbean,
16 African and Afro-Latinx New Yorkers along with others
17 who identified as having African ancestry. The
18 agency partnered with a Black woman researcher to
19 conduct more than a dozen interviews with advocates
20 and community leaders and 19 focus groups with almost
21 200 Black New Yorkers from across the five boroughs.
22 We engaged a pool of Black New Yorkers tht reflected
23 the rich diversity of the city's communities with
24 respect to gender, ethnicity, immigration status,
25 sexual orientation, housing security and other

1
2 characteristics. And emerged with a devastating,
3 though not surprising set of findings.

4 The Black New Yorkers who participated in our
5 research described racism as something that was
6 emotionally-taxing and inescapable. As one
7 participant relayed, one has to be "a tactician to
8 survive." They described experiencing racism in
9 their day-to-day interactions and observing its
10 impacts within and across institutions. They
11 recognized racism in disparate treatment by local law
12 enforcement, store owners, employers and health care
13 providers. And they observed, astutely, that
14 consistent racial disparities in outcomes across the
15 criminal legal, health and education systems were
16 rooted in racism as well.

17 When we asked participants to tell us where they
18 observed racism having the greatest impact,
19 interactions with law enforcement emerged as the top
20 concern. The report features painful accounts of the
21 impact of racism in law enforcement, from the fear of
22 injury or death that Black New Yorkers feel when
23 stopped by the police, to the trauma of repeatedly
24 witnessing police violence. These learnings, which
25 mirror the demands raised by those who marched in the

1
2 city's streets this spring, will inform the
3 Commission's work.

4 At the conclusion of the report, the Commission
5 for its part, committed to a series of action steps
6 based on the lessons gleaned from this research,
7 which mirror the demands of those who marched for
8 racial justice reforms this spring. These action
9 steps include developing policy interventions
10 designed to address anti-Black racism, holding
11 hearings on race discrimination and expanding
12 education and outreach efforts related to anti-Black
13 racism. And in the coming months, we will have more
14 to share about our work in this area. We also hope
15 that the report will be a resource for public and
16 private institutions that have been grappling with
17 how to respond to the calls for racial justice that
18 echoed through our streets this spring.

19 Finally, I'd like to share a bit about the
20 Commission's efforts to integrate restorative justice
21 practices across our areas of work. As an agency, we
22 define restorative justice as an approach to acts of
23 bias and discrimination that centers the experience
24 of the harmed person and involves all stakeholders to
25 decide what should be done to repair harm, create

1
2 accountability, and reduce the likelihood of future
3 harm. We have consulted with experts on restorative
4 justice in order to determine our approach. With
5 their support, we have put restorative practices to
6 work in our policy efforts, for instance,
7 experimenting with hearing structures in order to
8 create spaces that promote healing. We have attempted
9 the same in our community outreach and education
10 work, helping to match community groups with support
11 for facilitation and we have integrated these
12 practices into the way we resolve cases.

13 The Commission's Source of Income Unit for
14 example, negotiated multiple set-aside agreements, or
15 requirements rather, in conciliation agreements,
16 wherein housing providers reserved a percent of the
17 landlord's units for tenants using housing vouchers.
18 This novel strategy is a unique form of restorative
19 justice in source of income discrimination cases,
20 allowing the Commission to repair the harm an
21 individual faced while also seeking to address the
22 broader crisis of access to housing for voucher
23 holders.

24 The greatest lesson of the Commission's work
25 during this immensely challenging period for our

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2 city, however, has been that a tremendous amount of
3 work remains to be done. Encouragingly, there seems
4 to be a deeper commitment than ever across city
5 agencies to take on long-standing disparities in
6 employment, housing, health and other areas that have
7 made COVID-19 such a destructive force in the city's
8 communities of color. And we are eager to honor the
9 agency's legacy in partnering with our colleagues
10 across the administration, in Council and in
11 communities across the city to address these issues.

12 Thank you.

13 COMMITTEE COUNSEL: Thank you Deputy Commissioner
14 Saunders. I would like to acknowledge that we have
15 been joined by Council Member Rosenthal. I will now
16 turn it over to questions from Chair Eugene. Deputy
17 Commissioner's, please do not mute your microphones
18 if possible during questions. As a reminder, if
19 Council Members other than the Chair would like to
20 ask some questions of the Administration, please use
21 the Zoom raise hand function and I will call on you
22 in order. Again, we will be limiting Council Member
23 questions to five minutes, which includes the time it
24 takes to answer your questions. Chair Eugene, you
25 may begin.

1
2 CHAIRPERSON EUGENE: Thank you very much. I want
3 to recognize that we have been joined by Council
4 Member [INAUDIBLE 31:09] and let me to begin thanking
5 Deputy Commissioner Sussman and Saunders. Thank you
6 very much and I want to thank all the leaders and the
7 groups and unions, members and association advocacy
8 group for part of this very important hearing.

9 Commissioner, any one of you can answer, Deputy
10 Commissioner Sussman or Saunders. Can you provide a
11 breakdown of all type of COVID related complaints
12 CCHR received this year? And how many complaints or
13 type were presented to you?

14 DANA SUSSMAN: Sure, I am happy to do that. I
15 have and I can share this document later on but while
16 we noted that we had over 500 COVID related inquiries
17 from February until the end of September, it actually
18 represents 901 related claims. So, many times people
19 will call and they will say you know, that it relates
20 to disability and national origin or disability and
21 something else, age for example. So, we would count
22 each of those individually.

23 So, that means that the total actually surpasses
24 the 500 plus number that I mentioned in my testimony.
25 I am not sure if you would want me to go through

1
2 every single category because we have many in the
3 City Human Rights Law. But I can go through the top
4 ones which include disability 118, race 126,
5 caregiver status 14, citizenship status 10, age 11,
6 lawful occupation 10, gender 13, national origin 17,
7 pregnancy 12.

8 So, that's just a sampling of the different types
9 of complaints that we have received or inquiries I
10 should say, that we have received related to COVID-
11 19.

12 CHAIRPERSON EUGENE: Thank you so much. When we
13 are talking about COVID related complaints, how do
14 you identify you know, this complaint or that
15 complaint is related to COVID? What is you know, the
16 definition of a COVID related complaint? How do you
17 determine that you know, which complaints are COVID
18 related or not?

19 DANA SUSSMAN: So, it is my understanding and we
20 can follow up with our Law Enforcement Bureau to get
21 more clarity if you would like it but it is my
22 understanding that you know, the vast majority of
23 these inquiries explicitly mean COVID-19 as the
24 cause, whether it is I had it, I have it currently,
25 someone on my family has it, I have preexisting

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2 conditions that make me vulnerable to it or
3 vulnerable to a more severe experience with COVID-19.
4 I am taking care of my children and trying to work
5 because of you know, schools going remote or schools
6 being closed specific to COVID-19.

7 So, typically the caller will identify that this
8 is explicitly COVID-19 related. When we are talking
9 about race and origin, it typically is articulated
10 that someone feels as though they are being targeted
11 because of their race at it relates to COVID-19
12 motivated discrimination or harassment.

13 So, we don't have a strict definition but it is
14 really reflective of the experience and the narrative
15 that the caller provides.

16 CHAIRPERSON EUGENE: Could you elaborate a little
17 bit more about the difference that you can make
18 between a regular complaint of discrimination that
19 could happen anytime during COVID or during the
20 normal time. How do you make you know, the
21 difference between COVID related complaint of
22 discrimination or normal complaint of discrimination
23 that could happen anytime?

24 DANA SUSSMAN: Sure, so as I mentioned, the
25 caller will typically self-identify and describe

1
2 their own experience and so, the COVID-19 related
3 inquiries are quite unique to the current moment.
4 They explicitly speak to their experience related to
5 either the quarantine or lockdown or changes to how
6 to access services due to COVID-19. Changes to their
7 work place due to COVID-19. Specific accommodations
8 they may need related to COVID-19 or other underlying
9 conditions.

10 An example of a kind of matter the may come to us
11 that is not COVID-19 related in this moment, might be
12 you know, someone who works at a store who is being
13 sexually harassed. That still happens, that's not
14 specific to COVID-19, they are still working. People
15 can be you know, harassed and discriminated against
16 in the work place whether it is remote or whether it
17 is in person and that again, would be something that
18 we continue to see but is not explicitly COVID
19 related, so would not be captured in the inquiries
20 that I just identified.

21 CHAIRPERSON EUGENE: Thank you very much. You
22 mentioned that you know CCHR has created a COVID-19
23 response team. Can you talk about the team? How
24 many people staff the team and was the number of
25 people who staffed the team sufficient?

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2 DANA SUSSMAN: Sure, I don't have the number of
3 people who are currently on the team right now but
4 what we did do is we pulled staff, multilingual staff
5 from all parts of our office. We have staff from our
6 intake department, our Info-line staff. We have Law
7 Enforcement staff and we have community outreach
8 staff. And we pulled you know, from the resources
9 that we have to response and focus our response and
10 ensure that there is a dedicated team regularly
11 communicating about what they were seeing and how
12 they were responding. And I believe I testified a
13 little bit more specifically to this in a prior
14 hearing around the staff members but I can very
15 easily get that information back to you.

16 CHAIRPERSON EUGENE: Describe all the challenges
17 faced this year. The Commission achieved, the number
18 in Fiscal Year 2020, the Commission assessed a record
19 of 7.5 million in damages for violation of the City
20 Human Rights Law but what have you been doing. What
21 has the Commission been doing to prevent the increase
22 of violation of the city right, human rights. What
23 has the Commission been doing, prevention, education,
24 training for the general public. I am not talking
25 about the staff. The people are going through COVID

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2 because COVID-19, this crisis you know, effects
3 everybody. People have stressed that we have PTSD.
4 This is a very critical situation for any human
5 being.

6 So, what has the Commission been doing to try to
7 help the people, help with this very difficult
8 situation to prevent the violation of human right?
9 To prevent them, you know, hey guys you know this is
10 a difficult situation for all of us but you still
11 should remember people have rights and you should
12 respect the right of the people.

13 DANA SUSSMAN: So, there is a couple ways that we
14 work to prevent violations of the City Human Rights
15 Law. One, is that as you mentioned, there were
16 record, damages and penalties assessed in the past
17 Fiscal Year. As I mentioned in my testimony, as part
18 of nearly every resolution, we work to ensure wide
19 ranging change and Deputy Commissioner Saunders also
20 spoke to this with respect to some of our resolutions
21 with restorative justice. Every resolution we
22 require training, that often we provide. We provide
23 free training that is now virtual available to
24 respondents at no cost. We have mandated policy
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2 changes both locally and nationally in some
3 circumstances.

4 So, we are having national impact in some of our
5 cases. We have required monitoring, so that
6 employers or housing providers have to report back to
7 us on a regular basis for a period of several years
8 regarding internal complaints, policy changes,
9 compliance, hiring practices. That ensures
10 institutional change beyond that period of time that
11 we are investigating.

12 Further, when we are talking about outreach and
13 education, part of what we do is educate community
14 members about their rights. We also educate covered
15 entities who have obligations under the City Human
16 Rights Law to understand what they need to do, their
17 responsibilities. In addition to that, we work to
18 foster positive intergroup relationships and we know
19 that in a city as diverse as ours, there are
20 community tensions and they flare up at different
21 moments, particularly moments of crisis and we have
22 worked to build relationships across different
23 communities. We have very successfully hosted over
24 two dozen bystander intervention trainings with
25 experts. Some focused on combating anti-Black

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2 racism. Some focused on combated anti-Asian
3 discrimination and harassment. Some focused on
4 combating anti-Semitism. Others just focused broadly
5 on intervening when you see something happen and
6 doing it safely, and especially safely right now when
7 we are all taking extra precautions about sort of
8 being close and need to one another.

9 So, we have lots of different tools in our
10 toolbox, so to speak regarding creating longer term
11 and lasting change. And I also think while I
12 mentioned that damages and penalties are not the only
13 metric by which we should measure our impact, it
14 sends a message. The Commission is a credible venue
15 for people to bring claims of violations of their
16 human rights and respondents for potential
17 respondents understand that and know that filing at
18 the Commission means that we are going to do a
19 thorough investigation. We are going to assess you
20 know, damages and penalties. We are going to demand
21 real change and that puts respondents or would be
22 respondents on notice in a preventative posture.

23 CHAIRPERSON EUGENE: Thank you very much. You
24 know, you know, enforcements of law is very important
25 but I think education and outreach is very, very

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2 important also. Because many people may be violating
3 the right of people, they might not even be aware of
4 that. They may not know if they are violating you
5 know the right of other people. I think that we have
6 to make sure we make the effort to educate, to train,
7 to educate the people, the general public on top of
8 human rights because we got to remember that New York
9 City is home to so many people, coming from
10 everywhere with different culture, with different
11 tradition.

12 So, there may not be a way of you know, this very
13 important noble right of other people to be
14 respected, of their right to be respected. We have
15 to make the effort to make sure that they understand
16 that they may be violating the right of other people.
17 I don't say that we don't do it, this is not what I
18 am saying. But I say this is a very important fact
19 of all of the effort that you are doing to protect
20 the right of the people.

21 And my last question before I turn it to my
22 colleagues, according to CCHR report, the COVID-19
23 response team took nearly 200 actions including
24 discrimination and harassment including providing
25 rapid response support in 38 matters, 158 referral to

1 other enforcement agencies and community partners.

2 Conducting 18 successful emergency interventions

3 found in six cases. Can you please elaborate on what

4 rapid response, report and type entail? What can you

5 tell us about rapid response support?

6 DANA SUSSMAN: Sure, thank you for that question.

7 Apologies, I had muted myself earlier. So, I want to

8 make sure that I am speaking accurately about how we

9 classify our different responses on the COVID-19

10 response unit. Early interventions are more often

11 times, or emergency interventions, require some level

12 of advocacy on our part, whether that means informing

13 the housing provider or the employer or the provider

14 public accommodation, what their obligations are.

15 Providing them with the guidance that we have issued,

16 giving them information, so that they can comply with

17 the law. Changing a policy at a building, changing a

18 policy at a store for example.

19 The rapid response maybe a referral to another

20 agency or even if it may be that another agency is

21 more typically suited or better suited to address the

22 situation, we do have a lot of our – our info-line

23 staff have a ton of information at their disposal to

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1
2 ensure that – to give people, so that they aren't
3 kind of navigating different city agencies.

4 So, they may, even if it is not a violation of
5 the City Human Rights Law, they may be able to
6 provide information about an issue whether it is a
7 housing court issue or a concern around an eviction,
8 immigration status concern, they may be able to
9 provide that information immediately. So, that would
10 not count as an early intervention or an emergency
11 intervention because it is not you know, within our
12 jurisdiction necessarily but we are still providing
13 that response.

14 We also can direct an entity in a sort of early
15 intervention to immediately seize the discriminatory
16 act and if they don't, we can go ahead and file a
17 case against that entity if they don't comply. Which
18 is always a tool at our disposal and that's why some
19 of those pieces move from potentially early
20 intervention into a complaint following posture.

21 But again, I can get a little bit more detail
22 around you know, how we classify rapid response
23 referral and emergency intervention.

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2 CHAIRPERSON EUGENE: Thank you very much. You
3 know, from the 200 action, why were only 6 cases
4 filed? Only 6 cases?

5 DANA SUSSMAN: Sure. Again, the reason why we
6 established the COVID-19 response unit was because
7 most of these cases required rapid response. And as
8 I have noted at past hearings, the Commission has
9 moved – has created this early intervention or pre-
10 complaint intervention process because we recognize
11 that in a lot of situations. Especially for specific
12 situations including requiring disability
13 accommodations, requiring pregnancy accommodations or
14 issues around you know, source of income
15 discrimination and housing, that to file a complaint,
16 to wait for an answer, to undertake in an
17 investigation would not adequately respond to the
18 individuals immediate needs. And so, we have shifted
19 a lot of our resources broadly to pre-complaint
20 interventions, which can be resolved within a matter
21 of a few weeks or even faster.

22 The COVID-19 response unit was created with that
23 model in mind. That when we are talking about
24 people's health, we are talking about people's
25 ability to stay in housing. When we are talking

1
2 about people's ability to access the grocery store or
3 deliveries to their apartment related to COVID-19,
4 that we need to respond quickly.

5 So, a small proportion of those cases, we are not
6 able to resolve and they may move to a complaint. In
7 addition, a lot of individuals may not want a
8 complaint. They may not want to go through with a
9 full litigation and so, we are looking at again,
10 trying to meet their needs and respond as quickly as
11 we can in this sort of moment of crisis. And most of
12 those cases don't require a complaint to be filed or
13 it is not what the individual is looking for.

14 CHAIRPERSON EUGENE: Thank you very much. I want
15 to acknowledge that we have been joined by Council
16 Member Dromm. Thank you Council Member. Now, I
17 would like to turn over the Administration in case my
18 colleagues have questions.

19 COMMITTEE COUNSEL: Thank you Chair Eugene. I
20 will now call on Council Members in the order that
21 they used the Zoom raise hand function. If you would
22 like to ask a question, please use the Zoom raise
23 hand function. We will be limiting Council Member
24 questions to five minutes. Once I call on your name,
25 the Sergeant will announce that you can begin and you

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2 may begin asking your question. We have questions
3 from Council Member Lander.

4 SERGEANT AT ARMS: Time starts now.

5 COUNCIL MEMBER LANDER: Thank you very much Chair
6 Eugene, Deputy Commissioner's Saunders and Sussman.
7 It is good to see you hear as always, even if not as
8 nice as seeing you in person. And I feel like I am
9 going to ask the question I always ask which is like
10 first to acknowledge and appreciate all the work the
11 agency is doing, the way it is trying hard with
12 limited resources to grow and expand. I feel like
13 both of your testimonies today were very helpful and
14 your questions and response to the Chair and then ask
15 about budget and resources.

16 You know, back in 2015, the Administration and
17 the Council worked together to substantially add
18 resources to the Commission which had been you know,
19 disastrously depleted over recent years and watching
20 the Mayor who depleted those resources in his current
21 affairs, reminds us of how important it is to fight
22 for this Commission and how good the work was that
23 you and Commission Malalis did to rebuild it. But I
24 also know that you know that you know, while you
25 rightly spoke about the fact that last year the wait

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2 times, the processing times came down a little, you
3 know, they are still higher than we want them to be.
4 You know, they were at 300 and I wrote this down
5 somewhere, 340 days back in FY16 and they are up to
6 515 days.

7 Some of that is because there is so many more
8 cases coming in, so that's totally understandable but
9 you know, we don't want people waiting you know, the
10 better part of two years for their cases to be
11 processed. The agency as I recall in the budget,
12 took a 2 percent cut, which was less than some other
13 agencies. So, less cuts but certainly more than
14 others and I know that was largely an elimination of
15 lines that had been vacant but that we had hoped to
16 fill.

17 So, I just wonder if you could talk a little
18 about giving all the work that you are doing, all the
19 clarity of how urgent this work is. The value of all
20 the increased work. What we need to do to make sure
21 that we are processing those cases in a successful
22 period and time and it is valuable to hear from you
23 about the things you have done, amidst limited
24 resources to reduce case processing times because
25 there is no choice but to do that in a time like

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2 this. But I think it is also helpful for us to
3 understand what the lack of resources means and just
4 be clear that you know, if we can provide more
5 resources then we can bring case processing times
6 down. And if we can't provide more resources, you
7 know, you are going to do what you can but we are
8 going to leave people waiting for justice longer than
9 we want to and you know, if we believe justice
10 delays, justice denied, then we have to look at that
11 squarely and thoughtfully and honestly as we are
12 approaching the budget.

13 And you know, part of the reason why I wanted to
14 see resources moved out of the NYPD and to other
15 agencies is exactly for this purpose. Like, this is
16 you know, the things that the Commission is
17 investigating are the kinds of bringing of justice
18 that all of us want more of and not less of. So, can
19 you just give us a sense of where things stand on
20 your budget. What you are doing internally to
21 address it but also some honest conversation about
22 what you know the lack of resources means.

23 BRITTNY SAUNDERS: Sure, I can start. It is in
24 fact the case that we in the last cycle lost some of
25 our vacancies and you know, as you have said, we are

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2 very much accustomed to doing as much as we can with
3 the resources that we have. And so, I think, as much
4 as I think, it would have been nice to be able to
5 kind of continuing building and fill those vacancies
6 we have I think, have done a pretty good job of
7 making the best of what we have and even in some
8 cases, really trying to find you know, outside
9 resources. Resources like fellowships or other
10 things to help us supports some of the work that we
11 are doing. And Dana, I don't know if there is
12 anything that you would like to add to that.

13 DANA SUSSMAN: Sure, I will also mention that I
14 think you know, just to be transparent, it has been
15 incredibly challenging. I mean, we are facing a need
16 that continues to grow. We are I think, to the
17 credit of our communications team and our leadership,
18 you know, more people know about the Commission. Our
19 law continues to expand. Our laws look to as you as
20 a model to other jurisdictions. And so, we continue
21 to see increases in inquiries. We continue to want
22 to do groundbreaking work, both on the complaints
23 coming in from the public and also Commission
24 initiated investigations in testing. But you know,
25 no one wants to see sort of the gains of the past

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2 five, five or almost six years you know, sort of go
3 backwards or slide backwards.

4 SERGEANT AT ARMS: Time expired.

5 DANA SUSSMAN: If I may just finish. Oh, thank
6 you. To you, Council Member Lander's point around
7 the case processing time, you know, it is higher than
8 it was a few years ago. It did trend down for the
9 first time in a little bit and that is a true
10 testament to our Law Enforcement Bureau which is led
11 by Deputy Commissioner [INAUDIBLE 55:13]. They
12 worked tirelessly this past fiscal year to close out
13 or move to resolution much of the older cases, so
14 cases that were filed in 2017. And so, our hope is
15 that you will see those numbers continue to improve
16 as we continue to report it out and tireless, I
17 think, is a word that is used a lot but it really
18 does accurately reflect the work. Up until the June
19 30th, sort of Fiscal Year deadline to move those
20 cases and she personally was overseeing all of those
21 case files and making sure that they were addressed
22 to kind of close up that or improve that processing
23 time.

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2 So, despite the challenges, it was a real feat
3 and we hope that you will see that those numbers will
4 continue to improve.

5 COUNCIL MEMBER LANDER: Thank you.

6 COMMITTEE COUNSEL: Thank you. We have no
7 further questions.

8 CHAIRPERSON EUGENE: Thank you very much Council
9 Member Lander, thank you. Commissioner, you
10 mentioned that in February 2020, the Commission
11 launched a public awareness campaign to combat
12 harassment and discrimination in housing. The work
13 place and in all public places and to underscore the
14 city's support for Jewish communities. The campaign
15 is on a rise in anti-Semitism in New York City and in
16 surrounding communities and around the country and
17 affirm the right of all Jewish New Yorkers to be
18 treated with dignity and respect.

19 Before, did you involve or contact the leaders of
20 the Jewish community to be part of this campaign and
21 to communicate with you, to guide you in order to
22 give the better response to this situation.

23 DANA SUSSMAN: We did. It is our Commissioners
24 guiding principle that we don't sort of engage in any
25 initiative without consulting with a diverse set of

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2 stakeholder and for that particular campaign we
3 worked with, we have a Jewish communities liaison. A
4 position that our Commissioner essentially created
5 for this very work to work with Jewish communities
6 across the city reflecting different denominations,
7 different boroughs, you know, across the religious
8 spectrum. And the campaign itself, some of the
9 images reflect that diversity. It features orthodox
10 Jewish woman, a Hasidic man, a Jewish person of color
11 and I am actually featured in the ad myself. And so,
12 you know, that was incredibly important and vital
13 piece of the campaign. That we wanted to – it served
14 two purposes, one was to lift up and celebrate and
15 honor the diversity of Jewish communities in New York
16 City and also, and to provide sort of a clear
17 beautiful visual of Jewish New Yorkers who are proud,
18 who are resilient, who are part of the fabric of New
19 York City and also, to ensure that Jewish New Yorkers
20 and others know that we are a resource. We are a
21 place where you can report discrimination harassment.
22 Of course, we are not the NYPD. We are not able to
23 investigate you know, onsite, if someone is you know
24 physically harmed or in harms way or in danger. You
25 know, that is not our role but we want people to know

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2 that if they experience anti-Semitic hate,
3 discrimination. That they know that they can contact
4 us and that we are there for them and that we fully
5 support and stand behind the Jewish community in New
6 York City and in surrounding communities.

7 So, we did consult with a diversity of Jewish
8 community leaders and different community members.
9 We also consulted with experts within our own
10 Administration including the Office to Prevent Hate
11 Crimes, the Community Affairs unit and others to
12 ensure that the campaign struck the right tone and
13 that would be well received within the community.

14 CHAIRPERSON EUGENE: Thank you very much. We all
15 know that in New York City, many of the communities
16 are Asian community, Black community, Spanish
17 community, people from civil ethnicities or group.
18 They have been effected also by discrimination
19 because of COVID. Did you also reach out to the
20 leaders of different communities, to make sure they
21 are part of what the Commission is doing to better
22 able to respond to this critical, critical situation.
23 Because you know that I mentioned before, New York
24 City is home to so many people coming from everywhere
25 with tradition, the belief.

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2 So, I think the Commission should have created a
3 task force. Bring the leaders from different
4 communities together and try to figure out together
5 with the Commission and also the elected officials,
6 the Council Members and see how we can end and
7 overcome this very, very critical situation
8 discrimination and harassment in time of COVID-19.

9 BRITTNY SAUNDERS: Yeah, I mean I can say a
10 little bit to get us started there. You know as Dana
11 mentioned, it is really our Commissioners commitment
12 and our entire agencies commitment to always be
13 consulting with the communities that are impacted by
14 the problems that we are working on. It is so
15 integrated actually into our regular practice that is
16 not the sort of thing I think we would necessarily
17 have to create a formal taskforce or working group on
18 because it is just a part of ethos.

19 So, for example, you know, Dana talked about how
20 we consulted with various leaders, members in the
21 city's Jewish communities in order to pull together
22 the campaign on anti-Semitism. We took a very
23 similar approach in terms of developing our work
24 around anti-Asian discrimination related to COVID.
25 We worked with groups like the Chinese American

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2 Planning Council, the Chinese Consolidated Benevolent
3 Association, Asian American Federation, Homecrest
4 Community Services and others in order to inform our
5 approach. And then of course, we have also partnered
6 with our partners in government to pull together some
7 of the town halls that Dana mentioned in her
8 testimony.

9 So, we did six interagency town halls. We were
10 very intentional about making sure that we provided
11 that information in languages that would be welcoming
12 and informative for the various communities in
13 question. So, we provided programming in Mandarin,
14 in Korean, Japanese, Tagalog.

15 We also did 18 bystander intervention workshops
16 with our partners and as Dana mentioned, some of
17 those were focused on anti-Asian harassment but we
18 also did a number that we are focused on anti-Black
19 violence and anti-Black harassment and discrimination
20 as well and in that area of work, we also are you
21 know, very thoughtful about maintaining our
22 connections with consulting with our you know,
23 partners who work in the city's Black communities,
24 whether they are NAACP chapters, whether they are
25 groups that focus specifically on police reform or

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2 gender issues or other issues. It is very much part
3 of our ethos and part of our practice that we are
4 constantly bringing together community leaders,
5 consulting with the formally and informally in order
6 to make sure that our approach is a wise one.

7 DANA SUSSMAN: And if I can just add a little bit
8 to Deputy Commissioner Saunders comments. We also
9 host weekly calls with faith and community leaders to
10 share updates and inform them of their work. We have
11 had many of our sister agencies join those calls as
12 guest speakers for updates. We host video meetings
13 weekly or reoccurring I should say, it might not be
14 weekly in the current moment but it was with API
15 community leaders serving as a feedback loop to the
16 city. Again, featuring many times our sister
17 agencies as guest speakers and we have been part of
18 the larger Emergency Response Task Force, coordinated
19 by OEM so that we are based on all of the work that
20 we are doing and the sort of on the ground
21 relationships that we have, we are communicating that
22 up to the leadership of other city agencies as part
23 of the COVID-19 response.

24 So, we have the sort of more formal weekly check-
25 ins with different leaders. We also, as Deputy

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2 Commissioner Saunders mentioned, it is sort of part
3 of our workflow, we are always in communication with
4 community leaders hearing what they need, field and
5 criticism, you know, responding in kind, so.

6 CHAIRPERSON EUGENE: Thank you very much. We all
7 know that when there are different groups of people
8 meeting together having a dialogue, discussing about
9 any topic, there is vibrancy and with each other.
10 Especially when they come from different ethnicity.
11 This is a wonderful thing, a positive, constructive
12 environment. From the experience that you have had
13 meeting with the leaders from different communities,
14 different ethnicity, could you share with us the
15 lesson learned, what you have learned? What was the
16 experience? You know, that should be shared and
17 address the issues of discrimination, harassment for
18 different groups. Is there anything that you have
19 been doing you would do differently because of the
20 enrichment, because of the lesson learned from the
21 you know interaction from the different groups?

22 BRITTN Y SAUNDERS: I mean, I can start. I will
23 say that you know from you know, a lot of the
24 consultation that I have been involved in or heard
25 about. You know, I get the sense and again, some of

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2 this is through you know, meetings or round tables
3 that we will put together but it is also worth
4 mentioning that our Community Relations Bureau also
5 has lead advisors and liaisons who work with specific
6 communities across the city. Whether those are
7 religious or ethnic communities or whether we are
8 talking about the LGBTQ community. It is really kind
9 of another institutionalized way for us to keep those
10 lines of communication open.

11 What I will say thinking about you know, all the
12 various types of feedback that we get, from my
13 perspective, I think a lot of people are deeply
14 appreciative of the work that the Commission does.
15 They are really you know acknowledge the fact that we
16 are more visible than we have been in recent decades
17 and that we are you know, committed to the
18 relationships that we have with them. I think that
19 there is always, particularly under the most recent
20 circumstances, like a desire to see us be able to do
21 you know, more.

22 So, more outreach and education, more you know,
23 policy work. So, I think it is a mix of both. It is
24 an appreciation for the work that we do but also a
25 desire to see the agency be able to take on even

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2 more. But Dana, I don't know if there is more that
3 you would want to add.

4 DANA SUSSMAN: The only thing I would add is that
5 our staff, we have built over the past five and a
6 half years, a staff that reflects the diversity of
7 New York City. I know we have mentioned this before
8 and for our you know, across all aspects of the
9 agency but I think to have staff that speak 30 plus
10 languages that come from the different communities
11 that are impacted by different issues that have
12 experienced those same - have experienced
13 discrimination harassment themselves. And have you
14 know, it is I think so incredibly meaningful to have
15 representation in government that looks like, sounds
16 like and has experiences like, so many different New
17 Yorkers and that, I think, is something that we want
18 to remind everyone of and just the incredible
19 dedication of our staff who despite all of the
20 challenges that many of them have personally faced
21 over the past seven or eight months in their
22 families, in their communities, that they are still
23 showing up everyday because they care about the city.
24 They care about the communities that they serve and
25

1
2 they want to be present and they want to hear what
3 the communities need.

4 CHAIRPERSON EUGENE: Thank you very much. We
5 have been joined by Council Member Barron and earlier
6 we have been joined by Council Member Dromm. I don't
7 know if any of my colleagues have questions Counsel?

8 I will turn to the Committee Counsel now to find
9 out if my colleagues have questions.

10 COMMITTEE COUNSEL: Thank you. I don't see any
11 raised hand functions. So, with that I think we can
12 turn to public testimony. If any Council Members
13 have questions, please use the Zoom raise hand
14 function.

15 CHAIRPERSON EUGENE: Can I ask a few more
16 questions to the Administration?

17 COMMITTEE COUNSEL: Yes.

18 CHAIRPERSON EUGENE: We got time for that?

19 COMMITTEE COUNSEL: Yes, of course.

20 CHAIRPERSON EUGENE: Thank you much.

21 Commissioner's, CCHR recently testified in its
22 guidance the COVID-19 is to be treated as a
23 disability. Are there any recent development legal
24 or otherwise regarding the interpretation as COVID-19
25 as a disability?

1
2 DANA SUSSMAN: No, we have – again, we are
3 following the medical information as best as we can
4 and we know that there are so many things yet unknown
5 about the coronavirus, about COVID-19 and how it
6 impacts bodily functions both in the short-term and
7 in the long-term. But given the broad definition of
8 disability under the City Human Rights Law, we felt
9 that it was very clearly a disability under the City
10 Human Rights Law and we wanted to be as clear and
11 transparent about that position as possible.

12 We have had a series of conversations with
13 lawyers who represent employers. Lawyers who
14 represent workers and we have heard sort of universal
15 feedback that that position makes sense. And also,
16 you know, it is obviously well within the definition
17 of disability under the City Human Rights Law.

18 And so, that position has not changed. There
19 have been no further developments on that specific
20 position but we do – it adds very clear – it provides
21 the kind of clarity that what we have seen from the
22 EEOC sort of lacks. The EEOC has not, as far as I am
23 aware, as of today, has not taken clear position on
24 this. And so, you know, again, the Federal Law is a
25 floor and the City Human Rights Law is instructed to

1
2 be more protective than state and federal protections
3 and so, we have consistently held to that position.

4 Other aspects of the guidance on COVID-19 and
5 human rights have evolved. We have expanded upon
6 them as the situations change with respect to
7 reopening. Other concerns being raised by employers
8 around how to navigate different issues but that
9 position remains unchanged.

10 CHAIRPERSON EUGENE: According to the Mayor of
11 Management Report, the number of complaints received
12 by CCHR has increased in Fiscal Year 2020 but the
13 number of complaints filed has dropped significantly
14 by 34 percent. Can you explain to us why the drop?

15 DANA SUSSMAN: Sure, so it is my understanding
16 that there is two issues at play here. One, is as I
17 mentioned before, we have moved significantly to pre-
18 complaint intervention where it is appropriate.

19 So, that means that we are still fielding those
20 calls. We are doing investigations. We are doing
21 advocacy and we are getting cases resolved without
22 ever having to file a complaint and if we get
23 immediate compliance, there is no need in many
24 circumstances to file a complaint. And we think that
25 that is a really effective use of our resources.

1
2 So, you will see that over 400 of our matters
3 were resolved through pre-complaint intervention
4 which is just slightly lower than the year prior but
5 represents you know, nearly half of the kinds of
6 inquiries that we receive can be resolved through
7 pre-complaint intervention.

8 The other issue though that I will acknowledge is
9 that we saw a real dip in cases filed in March, April
10 and May. So, the last few months of the Fiscal Year
11 and that, I think a few factors. One is, everyone
12 was sort of scrambling to figure out what life was
13 going to look like and people's priorities likely
14 shifted away from an administrative process with us
15 for the moment and moved to taking care of their
16 families. Figuring out what their employment
17 situation was going to look like. You know, caring
18 for their own health and their own safety.

19 So, we did see a significant drop in complaints
20 filed in the early months of the pandemic. I can
21 report though that over the past few months, I think
22 starting in June, those numbers have again ticked up.
23 So, June, July, August and September numbers are
24 looking like for cases filed in those months,

1
2 complaints filed in those months, are looking similar
3 to the numbers of cases filed pre-pandemic.

4 So, we are ticking back up and kind of equalizing
5 after that extreme dip in March, April and May. We
6 also have an extension of the Statute of Limitations
7 for filing based on the governors executive order.

8 So, if people were unable to commit to the process
9 earlier on because of emergency situations, they can
10 still, you know, the time on their claims has not
11 expired and they can still file with us and we will
12 continue to follow up with those individuals if they
13 you know, started the process and then didn't
14 complete it.

15 So, again, on the one hand, we have strategically
16 moved to a place of filing you know a proportion of
17 our cases - addressing a proportion of our cases
18 through pre-complaint intervention and we also saw
19 the impacts of the pandemic on our city and on
20 people's capacity to engage in the process with us.
21 In our own capacity in those very early days to get
22 all of our technology up and running and ready to go
23 to continue to file complaints.

1
2 CHAIRPERSON EUGENE: Another thing is there has
3 been a decrease in pre-complaint resolution. How do
4 you explain that?

5 DANA SUSSMAN: So, there is a slight decrease in
6 pre-complaint resolutions. Again, one of the – one
7 large proportion of our pre-complaint interventions
8 includes disability accommodations in housing. And
9 some of that requires on site inspection of housing
10 accommodations and that was not something that we
11 were able to do on site in people's homes during
12 those early months of the pandemic.

13 So, some of those resolutions were delayed or
14 continue to be ongoing but if you look at our pre-
15 complaint interventions, I think last year was a
16 record high, a significant you know, hundreds more
17 than any prior year if I remember correctly and the
18 dip in 2020 I think reflects again some of the
19 challenges we faced in being able to be out and
20 onsite for some of those accommodations related pre-
21 complaint interventions and some of the delays in
22 people engaging with us in the process early on in
23 the pandemic. But I think the numbers will reflect
24 now that we have stabilized and I will note to, that
25 our Law Enforcement Bureau, our staff, our offices

1
2 did not close for a single day. As we moved to
3 remote work, we did it over a weekend. Our staff
4 worked heroically to move our you know, 130 plus
5 person staff from 5 different offices to remote work
6 over a weekend and we were up and running on that
7 Monday morning in March, continuing to process things
8 virtually.

9 Of course there were bumps and hurdles and people
10 needed technology delivered to them. People needed
11 physical files delivered to them but it was a huge
12 undertaking and we continued to operate you know,
13 more or less, fully remotely while also as I
14 mentioned, filing nearly the same number of
15 complaints per month that we were filing in January
16 and February.

17 CHAIRPERSON EUGENE: Thank you very much. CCHR
18 noted its ability to close more cases this year.
19 However, it has appeared that the many of these cases
20 were closed despite COVID causes. 23 percent of
21 cases with a probable cause determination were closed
22 in Fiscal Year 2020 whereas only five and 7 percent
23 of cases were closed in Fiscal Year 2018 and 2019.
24 51 percent of cases were closed for administrative
25 codes. Can you explain why there was a sort of

1
2 significant jump in cases with filing of closed this
3 year compared to the prior year?

4 DANA SUSSMAN: As I mentioned during Council
5 Member Lander's questioning, it was a very
6 intentional effort on the part of our Law Enforcement
7 Bureau to review and move cases filed prior in 2017
8 and years prior. So, any cases that had been at the
9 agency for more than a couple years, we did a full
10 accounting in an effort to again, you know, reduce
11 case processing times, address cases in a timely
12 manner. And so, as a result of that effort, many of
13 the cases had a few more steps that needed to be
14 taken before moving it to probable cause and so,
15 maybe that was one or two more final interviews
16 reviewing additional documents, drafting materials
17 internally for review. Or attempting to resolve the
18 case you know, before a probable cause was issued.
19 One more attempt to conciliate the matter.

20 So, that was a concerted effort on the part of
21 our Law Enforcement Bureau and the numbers of
22 probable cause determinations reflect that effort to
23 resolve as many cases that were filed in 2017 and
24 earlier as possible.

1
2 CHAIRPERSON EUGENE: You know, COVID-19 and the
3 entity have crisis and have so many difficulties and
4 as change also a way of life. And so, in terms of
5 medical services, did you receive cases on complaint
6 for guiding the services, the health services people
7 have been facing difficulties that may classify as
8 discrimination in terms of receiving medical services
9 because of COVID or during the time of COVID? Can
10 you talk about that?

11 DANA SUSSMAN: I don't have that information at
12 my fingertips but that's something that we can
13 certainly get back to you on as far as numbers of
14 inquiries and/or complaints regarding discrimination
15 in the provision of healthcare. We do know however,
16 that structural and interpersonal racism exists in
17 healthcare. We do know that there were very serious
18 concerns earlier on in the pandemic around when -
19 there were concerns around adequate equipment and
20 personnel to treat all of the ill New Yorkers who
21 were in hospitals. That there might be a divvying
22 up of resources and who would be treated with more
23 urgency than others and we were part of many of those
24 conversations with partner agencies about addressing
25 those concerns.

1
2 So, it is an area that we are very much looking
3 at. We are in touch with lots of agency partners
4 around this issue and are committed to. And so, and
5 that was part of our outreach campaign, included a
6 component of if you have experienced racism or
7 discrimination of any kind in a healthcare setting,
8 we want to know about it. And so, I can get back to
9 you to see if we have had some inquiries around that.
10 I think those are particularly challenging cases for
11 people to bring to us. Mostly because they are also,
12 if they are experiencing that, they are also probably
13 experiencing a medical emergency or an urgent matter
14 with respect to their health or the health of their
15 loved ones.

16 So, navigating you know another bureaucracy like
17 ours, which we fully admit, we are you know, an
18 Administrative agency is often not a high priority.
19 And so, it is one of the reasons why we are looking
20 at this as a more systemic problem. Part of that
21 work involves what Deputy Commissioner Saunders spoke
22 to around our report on Black New Yorkers experience
23 with racism and part of it involves you know
24 soliciting more input from the public to determine
25 what our next policy positions and other enforcement

1 positions may be. And Brittny, if you would like to
2 add anything, please.

3
4 CHAIRPERSON EUGENE: Yes, thank you very much. I
5 am sorry.

6 BRITTNY SAUNDERS: Oh, no, I was just going to
7 say, I think that was great. I don't have anything
8 to add.

9 CHAIRPERSON EUGENE: Very good. So, we all know
10 that you know, patients of right, walkers of right or
11 so. It doesn't matter if they are medical or staff,
12 medical workers, first responders, they all also have
13 rights and this is a right to receive PPE and the
14 proper environment to continue to do what they love
15 doing. To provide the good services that have been
16 provided for many years but we know that you know,
17 there have been several difficulties, several issues
18 in terms of those first responders and medical staff.
19 And those who put their life in danger on line for us
20 to receive the appropriate equipment and proper
21 environment to save life.

22 But did the Commission make any effort to try to
23 understand the situation? To understand the
24 situation, what was exactly the essence and the
25 reality? Did the Commission try to reach out to

1
2 investigate and try to understand what's happened in
3 order to prevent or to be better able to address
4 eventual situations like COVID-19?

5 DANA SUSSMAN: I am not entirely sure if I
6 understand your question. Are you asking about our
7 efforts to address adequate PPE in hospitals or?

8 CHAIRPERSON EUGENE: Not only PPE, what I am
9 saying is that you know, providing for example,
10 medical staff that are putting their life in danger
11 for all of us, they have to be provided in the PPE
12 and appropriate environment you know. That was a
13 very stressful situation for all of the first
14 responders, all of the medical professionals. I am
15 not trying to blame no one but what I am saying, I am
16 saying that you know, that was a very difficult,
17 painful situation for our first responders. For
18 those who put their life in danger to save others to
19 protect us. So, did the Commission do any effort to
20 try to understand exactly what was going on?

21 DANA SUSSMAN: Sure, you know, as I mentioned, we
22 are part of many interagency task forces, including
23 ones that are organized by OEM that include
24 Department of Health and other experts.

1
2 So, we were aware of what was happening but
3 certainly and if the distribution of PPE or any other
4 sort of needs that the pandemic created were
5 distributed unequally, that based on ones protected
6 status, that is something that we would absolutely
7 want to know. We are incredibly grateful to the work
8 of our first responders. Our city – we owe them a
9 debt of gratitude that I am not sure we will ever be
10 able to repay for all of the incredible work that
11 they have done and their commitment to the city and
12 the people of this city in the face of you know,
13 unspeakable tragedy and danger.

14 So, if there is concern that you know, PPE was
15 not allocated equitably based on again, the protected
16 statuses enumerated in the City Human Rights Law,
17 then we certainly want to know about it. But with
18 respect to the larger issue in the crisis that our
19 city faced in March and April around protecting our
20 first responders. We are part of some of the
21 coordinated emergency response teams that were you
22 know, continually updated by City Hall and the
23 Administration on the efforts that the city was
24 taking to address those concerns.

1
2 CHAIRPERSON EUGENE: Thank you very much. Thank
3 you to both of you for what you have been doing.
4 Thank you for the work that you have been providing
5 to the City of New York and protecting the rights of
6 people. I know that is not easy. It is very
7 difficult and I always say that we are all part of
8 the team. We have to work together because people
9 have to be protected.

10 You know, their rights should be protected. They
11 have to be treated in respect and fairness and again, I
12 thank you for everything that you have been doing and
13 we continue to work together to make sure that New
14 York City is a place where everyone can be respected
15 and live with dignity and respect.

16 So, now I want to turn it over to the Committee
17 Counsel and I am following your guidance to continue.

18 COMMITTEE COUNSEL: Yes, we have some members of
19 the public that want to testify. So, if you don't
20 have any other questions, we can move on to hear
21 their testimony.

22 CHAIRPERSON EUGENE: That's okay, yes, I will be
23 more than happy to hear them. And again, Deputy
24 Commissioner's Sussman and Saunders, thank you so
25 very much for your work.

1 DANA SUSSMAN: Thank you. Thank you so much.

2 BRITTN Y SAUNDERS: Thank you, appreciate it.

3 CHAIRPERSON EUGENE: Thank you.

4 COMMITTEE COUNSEL: Thank you. We will now turn
5 to public testimony. I would like to remind everyone
6 that unlike our typical Council hearings, we will be
7 calling individuals one by one to testify. Each
8 panelist will be given three minutes to speak.

9 Please begin once the Sergeant has started the timer.

10 I would now like to welcome Yafa Dias followed by
11 Alison Lynch and Ravi Reddi. Yafa, you may begin
12 your testimony when the Sergeant calls time. If
13 Council Members have questions for members of the
14 public, please use the Zoom raise hand function.

15 Yafa, you may begin after the Sergeant calls
16 time.

17 SERGEANT AT ARMS: Time starts now.

18 COMMITTEE COUNSEL: Yafa?

19 CHAIRPERSON EUGENE: Yafa?

20 COMMITTEE COUNSEL: I believe she is on mute.
21 So, we will move onto the next witness. Alison, you
22 may begin when the Sergeant - oh, sorry, it looks
23 like Yafa is back.

24 CHAIRPERSON EUGENE: Okay.
25

1
2 YAFA DIAS: Sorry about that, I was not ready.
3 How are you today?

4 CHAIRPERSON EUGENE: Good, how are you?

5 COMMITTEE COUNSEL: First time?

6 YAFA DIAS: Yes, hi, my name is Yafa, I am from
7 Arab American Association of New York; I am the Lead
8 Organizer there and many people before me at this
9 meeting which I am very glad Council Members who
10 touched up on what has been currently going on. What
11 has been challenging for us this year and for the
12 Asian American community is that we at AAANY have
13 been an incredible amount of sympathy for our East
14 Asian brothers and sisters and we stand in solidarity
15 with them. We know that anti-Asian hate crimes have
16 risen and so has anti-Arab hate crimes have risen
17 this past year.

18 I am here though to specifically address the rise
19 in racism in the Arab American community in which in
20 this past year we have experienced a lot of
21 harassment and attacks within the Bay Ridge community
22 itself. And you know, we don't expect, we cannot
23 expect the City of New York to eliminate racism in
24 the five boroughs but we can demand that when a
25 member of any community is targeted because of their

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2 faith or the color of their skin, that the city helps
3 them seek justice.

4 For too many Arab Americans, so for this year,
5 this has not been the case and too often cut and dry
6 hate crimes are treated as routine criminal cases by
7 the NYPD. Denying victims the justice they deserve.
8 Repeatedly, they have refused to open bias
9 investigations into cases where clear biases exist.
10 And so, today, we are here to bring attention to this
11 and we ask that we pay more close attention to these
12 hate crimes towards anti-Asian Americans and anti-
13 Arabs and we hope to further our work with our City
14 Council Members in the future. Thank you so much.

15 CHAIRPERSON EUGENE: You are welcome.

16 COMMITTEE COUNSEL: Chair, do you have any
17 questions or should we move on to the next witness.

18 CHAIRPERSON EUGENE: You know, thank you so very
19 much for you testimony. Thank you for sharing with
20 us your experience because you know, this type of
21 discrimination how does the situation effects your
22 daily life.

23 YAFA DIAS: Well, daily life-wise as the Lead
24 Organizer, I have to organize any type of like
25 reaction towards this. We have people who come into

1
2 our office to make complaints and so, we take those
3 complaints seriously and then we then give it to the
4 Hate Crimes office at the Mayor's Office.

5 A lot of it gets written down but what we want is
6 more trainings. We do like the escalation trainings.
7 One of the speakers had mentioned before and we would
8 like more resources for this. Specifically, so that
9 we can host these either virtual trainings, Know Your
10 Rights trainings and then also, provide language
11 assistance for our community. People who don't
12 understand how to actually react or go about seeking
13 justice when incidents like this happen to them. So,
14 thank you.

15 CHAIRPERSON EUGENE: Thank you very much. You
16 mentioned a very important key word, training and I
17 would add also education.

18 YAFA DIAS: Yes.

19 CHAIRPERSON EUGENE: I think that as a city, as
20 a society, we have to continue to educate each other
21 and to make everybody understand that we are all
22 members of the same society, the same city, there is
23 one city. And it is always important to treat
24 everyone is treated with fairness, respect and
25 dignity. When we can achieve that, the city is going

1
2 to be a better place for all. Thank you so much for
3 what you have been doing.

4 YAFA DIAS: Thank you so much. Take care.

5 CHAIRPERSON EUGENE: Thank you, you are welcome.

6 COMMITTEE COUNSEL: Thank you. The next panelist
7 will be Alison Lynch followed by Ravi Reddi followed
8 by Scott Richman. Alison, you may begin after the
9 Sergeant calls time.

10 SERGEANT AT ARMS: Time starts now.

11 ALISON LYNCH: Thank you. Good morning, my name
12 is Alison Lynch and I am a Staff Attorney in
13 Disability Rights New York's Protection and Advocacy
14 for Individuals with Mental Illness program. DRNY is
15 the federally designated independent agency serving
16 as New York States protection and advocacy system for
17 people with disabilities. We have worked alongside
18 the Commission on a variety of issues and appreciate
19 their recognition of how disability related
20 discrimination can effect the lives of so many. We
21 encourage the Commission to work proactively on
22 behalf of individuals with disabilities who are now
23 more than ever at a greater risk of discrimination
24 and harassment due to their disability status.

1
2 As is the case with many other aspects of
3 emergency preparedness, when it comes to this
4 pandemic, people with disabilities are often the last
5 to be asked and the first to be impacted. This can
6 also lead to unchecked discrimination against our
7 most vulnerable residents and DRNY has worked to
8 ensure that we can adequately provide support during
9 this time to those who may otherwise have been
10 overlooked. Either through direct support or by
11 providing referral department agencies like the
12 Commission.

13 The Commission has recognized that the category
14 of disability discrimination is one of its most
15 frequently cited in complaints and this has only
16 increased with the pandemic. This was particularly
17 true for individuals experiencing homelessness and
18 individuals with mental illness.

19 It is well documented that individuals with
20 disabilities have been disproportionately effected by
21 COVID-19. That doesn't just mean that they are at
22 higher risk of having complications. It means in
23 reality, that they are at higher risk of contracting
24 it, not being able to properly quarantine and not
25 receiving the same standard of care once they do

1
2 contract it. Often, this is due to their living
3 situation.

4 These types of situations can compound
5 discrimination and necessitate a greater all hands
6 response to combat disability related discrimination.
7 The Commission has been an ally but there are several
8 issues that led to discrimination that have not been
9 as widely discussed and we believe it is important to
10 bring them to light.

11 The first involved individuals who live in
12 congregate settings. These can include nursing
13 homes, adult homes, group homes and particularly
14 homeless shelters. Homeless New Yorker's are
15 statistically far more likely to have a disabling
16 condition and when the pandemic hit, these New
17 Yorkers were forced to quarantine in shelters without
18 PPE, the residents or staff. Without room to social
19 distance and without access to testing and
20 additionally, many reported a lack of information
21 about what was happening at a time when this
22 education was so important to our rapidly evolving
23 understanding of this disease.

24 The move to house individuals in hotels came
25 weeks after many individuals in shelters were already

1
2 sick or exposed and while the program had good
3 intentions, there remained issues with appropriate
4 discharge and timely care. The confusion and ongoing
5 conflict surrounding these hotel placements and
6 shelters in general, lead to an increase in calls to
7 DRNY about discrimination and many callers felt they
8 were -

9 SERGEANT AT ARMS: Time expired.

10 COMMITTEE COUNSEL: You can -

11 ALISON LYNCH: Can I outline just some
12 recommendations that I have for the Commission and
13 finish up my remarks?

14 CHAIRPERSON EUGENE: Yes.

15 ALISON LYNCH: Thank you. I appreciate it. DRNY
16 recommends, as many others have today, that
17 preparation for multiple waves of the pandemic is
18 paramount. It is our position in making these
19 preparations and reviewing what happened in the early
20 stages that individuals with disabilities who are
21 most at risk should be prioritized in any planning,
22 guidance and recommendations that could impact their
23 care, both in congregate settings and in the
24 community.

1
2 Preparation should include outreach, education
3 and proactive engagement with members of
4 disenfranchised groups, as well as those in close
5 contact. Either to ensure that they understand
6 potential rights violations and also to ensure that
7 friends, family and advocates have a clear
8 understanding of how to engage with the Commission on
9 behalf of or alongside of individuals with
10 disabilities who may be unaware of the protections
11 that they have the rights to.

12 We believe that it is incredibly important for
13 everyone to be not just aware but for there to be an
14 increased outreach effort to these more marginalized
15 populations as was shown with these increased calls
16 that we received to our intake lines during the
17 initial response to COVID. Thank you for your time
18 today.

19 CHAIRPERSON EUGENE: Thank you very much Ms.
20 Lynch for your testimony. I want to commend you and
21 thank you for raising your voice. For standing for a
22 very important group of our community of our society,
23 the people with disability. When there is any type
24 of issues, they are effected. They are suffering for
25 any issues, any problem of our society.

1
2 I think it is more as a society to make sure that
3 they can be treated fairly and they can benefit all
4 the resources that our society can offer. This is
5 very important and I think that we have to always,
6 always make the effort as we address the issues of
7 our communities, all type of people in our society.
8 We have to make sure that we bring the issues on the
9 table as priorities arise. It is our moral
10 obligation and if we can do that our society is going
11 to be a better place. Thank you so very much.

12 In addition to what you have said, is there any
13 recommendation that you can give to our City Council
14 Members in terms of you know, getting together. In
15 terms of making the effort to better address the
16 issues effecting the people with disability.

17 ALISON LYNCH: Sure, I would be happy to talk a
18 little bit about that. One recommendation -

19 CHAIRPERSON EUGENE: And excuse me, if you have
20 all the information, you can gather them please and
21 send the information to us and us Council Members,
22 especially on the Committee of Civil and Human
23 Rights. We can go over it and get back to you and
24 see what else we can do in addition to what we are
25 doing now.

1
2 ALISON LYNCH: I would greatly appreciate the
3 opportunity to submit not just written testimony but
4 be able to sit down and address some of these issues
5 one on one with anyone who is interested. So, please
6 feel free to contact me offline and we can go through
7 all of this. Very briefly, I will say that the
8 recommendations that we do have in addition to a
9 robust and proactive outreach strategy, is looking at
10 many of the systems that are interconnected that
11 impact people with disabilities.

12 So, for example, many individuals with mental
13 illness who were prematurely discharged from
14 hospitals when they needed to reallocate or repurpose
15 bed space, were then kind of left in the lurch in
16 terms of community psychiatric care because those
17 facilities were closed due to the pandemic. So, a
18 lot of those individuals then ended up feeding into
19 the shelter system that was already overrun with
20 individuals who were having difficulty quarantining
21 and receiving routine medical care to begin with.

22 So, this kind of domino effect that we saw from
23 system to system was made more difficult by the fact
24 that there were not, in our minds, enough people kind
25 of on the ground directing traffic, if you will.

1
2 There was not the attention paid to each system
3 individually and how it can impact the next system
4 that that individual will be shuffled off to.

5 So, you know, the crisis that we are seeing in
6 the shelter system right now for individuals with
7 disabilities and mental illness, facing so much
8 discrimination about their current location, the plan
9 in place right now is only going to shift them to
10 another neighborhood and another facility where these
11 same issues may come up. And so, what we urge and
12 really encourage individuals here today to think
13 about and to look at is a way to bring in many
14 different members of the community who will be
15 impacted by these individuals moving through the
16 system and look at a more cohesive strategy of
17 ensuring that they have the support from you know,
18 point A to point B, even despite continued closures
19 and continued challenges in light of the COVID
20 pandemic.

21 CHAIRPERSON EUGENE: Thank you very much Ms.
22 Lynch. Thank you so very much and stay safe. Thank
23 you.

24 ALISON LYNCH: Thank you for your time today, you
25 as well.

1
2 CHAIRPERSON EUGENE: Thank you.

3 COMMITTEE COUNSEL: Thank you. Next, we would
4 like to call on Ravi Reddi followed by Scott Richman
5 followed by Hallie Yee. We will begin with Ravi and
6 you may begin your testimony after the Sergeant calls
7 time.

8 SERGEANT AT ARMS: Time starts now.

9 RAVI REDDI: So, I want to thank the Committee
10 Chair for holding this hearing and giving me the
11 opportunity to speak. I am Ravi Reddi, I am the
12 Associate Director for Advocacy and Policy at the
13 Asian American Federation. AAF represents the
14 collective voice of more than 70 member nonprofits
15 serving 1.3 million Asian New Yorkers.

16 But here is what our committee is dealing with, a
17 35 percent increase in deaths compared to the 5 year
18 average. Our small businesses are dealing with being
19 hit earlier and harder because of the early waves of
20 pre-pandemic anti-Asian xenophobia. And our elders
21 continue to avoid going out despite needing food or
22 getting medication for fear of getting attacked.

23 Cases like that of an 89-year-old Asian elder who
24 was literally set on fire in Brooklyn in late July
25 are embolden racist and stoking fear across our

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2 community. And the Trump Administrations continued
3 use of anti-Asian rhetoric in discussing COVID-19,
4 alongside a continued public charge assault have
5 exacerbated our communities awareness of engaging
6 fully with our rights and with the services we are
7 entitled to.

8 So, this much should be clear, for many of our
9 1.3 million Asian New Yorkers, 2 and 3 of whom are
10 foreign borne, human rights are not something we take
11 for granted. We are deeply grateful that the City
12 Commission on Human Rights and this Committee have
13 taken a proactive role in acknowledging the
14 challenges facing our community. As Deputy
15 Commissioner Sussman cited, our advocacy efforts have
16 contributed to the city response in multiple ways,
17 such as the city coordinating resources to respond to
18 hate crimes, creating reporting towards Asian
19 languages and creating safety resources to keep our
20 community members safe. But we are here because we
21 need to work harder together.

22 In the first half of the year, CCHR collected
23 more than 100 bias incident reports against Asian
24 Americans just between February and May. We received
25 371 such complaints through our own reporting portal

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2 in the first half of this year. An underreporting of
3 the serious issue, as 70 percent of Asian New Yorkers
4 are immigrants and systemic factors like high
5 poverty, high LEP rates and lack of immigration
6 status deter reporting.

7 Clearly, reporting systems require much
8 improvement. Systems that are meant to serve our
9 most vulnerable, should keep them top of mind. Like
10 the very real possibility, let's say, a senior LEP
11 Asian immigrant already isolated due to pandemic
12 restrictions and without a smart phone or access to
13 stable internet might be attacked and need immediate
14 access to successful reporting facilities and safety
15 resources.

16 So, this work requires a proactive outreach and
17 education approach within our community about the
18 resources at our disposal. Such as how the
19 Commission on Human Rights can support those who are
20 victims of bias incidents.

21 So, here is some of our recommendations. One,
22 the trusted leadership organization in the community
23 funding for our efforts will help us continue
24 coordination of response measures, such as
25 encouraging reporting and developing community safety

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2 and security resources outside of law enforcement and
3 spearheading awareness campaigns in solidarity with
4 Black and Latino communities. But we and our
5 partners are currently doing the work with minimal
6 funding far less than is necessary to bring our work
7 to scale, concerning the size of our community. That
8 needs to change.

9 Second, we need to make sure every New Yorker has
10 access to reporting systems and resources regardless
11 of the language they speak.

12 SERGEANT AT ARM: Time expired.

13 RAVI REDDI: Might I just wrap up?

14 COMMITTEE COUNSEL: Yes, you may.

15 RAVI REDDI: So, regardless of the language they
16 speak and this includes increased funding for the
17 hiring of language speakers who reflect our most
18 vulnerable communities and increasing translation
19 capacity for our community resources.

20 And finally, to that end, we absolutely need more
21 data on the nature of biases being reported and how
22 they are being resolved. Especially given the lack
23 of clarity regarding resolution of verbal assault
24 cases.

1
2 So, on behalf of AAF, I want to thank you for
3 letting us speak with you about the state of human
4 right in our community. This is an important and
5 personal topic of discussion for our community
6 members and we look forward to working – for
7 continuing our work with CCHR, this Committee and
8 Council Members to make sure we can provide the
9 robust defense for New Yorkers human rights that they
10 deserve. Thank you.

11 CHAIRPERSON EUGENE: Thank you very much Ravi,
12 thank you and I am going to talk to the Committee
13 Counsel to contact you because we would like to have
14 your recommendations and coordinate a conversation
15 with you with your organization. Because as I say
16 all the time, we are all part of the team and it will
17 take the effort of all of us from different
18 ethnicities for this situation to work together to
19 make New York City better. Thank you so very much.
20 Have a nice day.

21 RAVI REDDI: Thank you.

22 CHAIRPERSON EUGENE: Thank you.

23 COMMITTEE COUNSEL: Thank you and just as a
24 reminder, written testimony can be submitted to the
25 Council's email at testimony@council.nyc.gov. Next,

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2 I would like to welcome Scott Richman to speak. You
3 may begin your testimony after the Sergeant has
4 called time.

5 SERGEANT AT ARMS: Time starts now.

6 SCOTT RICHMAN: Good morning Chairman Eugene and
7 members of the Committee on Civil and Human Rights.
8 My name is Scott Richman, I am honored to be the
9 Regional Director for ADL's, New York and Jersey
10 regional office. Thank you for the opportunity to
11 testify here today regarding the Commission on Human
12 Rights Response to the COVID-19 Pandemic.

13 While my remarks will focus on the rising tide of
14 identity based hate and harassment stemming from the
15 COVID-19 pandemic. I hope that the Commission will
16 also give priority attention to the disproportionate
17 impact that COVID-19 has had on communities of color
18 in New York City. Due in large part to the systemic
19 inequities and structural racism in housing,
20 employment, education, policing and health care.

21 Just by way of introduction, since 1913, the
22 mission of ADL has been to stop the defamation of the
23 Jewish people and secure justice and fair treatment
24 for all. Over the past three decades, ADL has been
25 recognized as the leading resource on effective

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2 responses to violent bigotry conducting an annual
3 audit of anti-Semitic incidents and drafting model
4 hate crimes statutes for state legislatures.

5 In our experience, hate crimes and bias incidents
6 demand priority attention because of their special
7 impact. These acts are intended to intimate not only
8 the victim but also members of the victims entire
9 community, leaving them feeling fearful, isolated and
10 vulnerable. By making members of targeted
11 communities fearful, angry and suspicious of other
12 groups and of the power structure that is supposed to
13 protect them, these incidents can damage the fabric
14 of our society in fragment communities.

15 The ongoing threat of the COVID-19 pandemic,
16 there are surging reports xenophobic and racist
17 incidents targeting members of the Asian American and
18 Pacific Islander and Jewish communities. Asian
19 American's have been told to go back to China having
20 been blamed for bringing the virus to the United
21 States and have been referred to with racial slurs,
22 spit on and physically assaulted.

23 At the same time, members of the orthodox Jewish
24 community have also been blamed for the spread of the
25 virus. Here in New York and New Jersey's post on

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2 social media, have suggested that orthodox and Haredi
3 Jews should be denied medical treatment if they get
4 sick. Called on Law Enforcement to use water hoses
5 and tear gas to stop orthodox communities from
6 gathering and even indicated that the orthodox Jewish
7 community should be wiped off the planet once and for
8 all.

9 Extremists have also continued to spread anti-
10 Semitic and xenophobic conspiracies about COVID-19,
11 blaming Jews and China for creating, spreading and
12 profiting off the virus. Indeed, according to a new
13 study by ADL's Center for Technology and Society,
14 during the hours immediately following the Presidents
15 initial Tweet about his and the First Lady's COVID-19
16 diagnosis, there was an 85 percent increase in anti-
17 Asian sentiment and conspiracy theories on Twitter
18 and a 41 percent increase in the rate of discussions
19 about conspiracy theories generally -

20 SERGEANT AT ARMS: Time expired.

21 SCOTT RICHMAN: With taking on anti-Semitic
22 overtones. I just have a little bit more, can I
23 conclude?

24 COMMITTEE COUNSEL: Yes.
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2 SCOTT RICHMAN: Thank you. The truth is, that
3 framing the pandemic is a foreign problem violates
4 international guidelines because it can lead people
5 to unfairly stigmatized groups based solely on their
6 protective characteristics. And despite narratives
7 to the contrary, the vast majority of Haredi and
8 orthodox communities are adhering to public health
9 directives and distancing regulations. While there
10 certainly have been some instances of noncompliance
11 and these incidents are extremely disturbing, these
12 aberrations are not unique to the Haredi or orthodox
13 communities. Nevertheless, as too often as the case,
14 the bad acts of the few have been widely attributed
15 to an entire community leading many to conclude that
16 the orthodox community as a whole is collectively
17 failing to adhere to public health directives and is
18 there for responsible for recklessly or even
19 intentionally attempting to spread COVID-19, an
20 untrue and alarming allegation reminiscent of age old
21 anti-Semitic tropes blaming Jews for spreading filth
22 and plague.

23 ADL is deeply concerned that as this public
24 health crisis continues, de-escalation and hateful
25 rhetoric against the Asian American Pacific Islander

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2 and Haredi and orthodox individuals will continue
3 leaning to increase tensions across New York City.
4 And this comes on the heels of several years of
5 surging anti-Semitic violence, where extreme anti-
6 Semitism online has had deadly consequences.

7 We strongly urge the New York City Council and
8 the Commission on Human and Civil Rights in
9 particular to use its pulpit to speak out against
10 stereotyping, scapegoating and all forms of hate
11 connected to the COVID-19 pandemic.

12 Thank you for your time and consideration and we
13 look forward to continuing to serve as a resource to
14 the Commission as it works to ensure that New York
15 City is a safe, welcome and inclusive city for all.

16 CHAIRPERSON EUGENE: Thank you very much Mr.
17 Richman. Thank you for your testimony and let me ask
18 you one thing. As I said several times before, our
19 city or society can be a better place if we all
20 invest in that we should respect each other. We have
21 to do everything possible to make sure that everyone
22 is respected, is treated fairly but is there any
23 recommendation for the City Council in addition the
24 stop of discrimination that have created division you
25 know, among the people who are living in New York

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2 City? Is there any recommendation that you can
3 provide?

4 SCOTT RICHMAN: I think it is a matter of being
5 sensitive and not singling out or stereotyping one
6 particular community. We see this again and again
7 and again in many forms. In the media, with
8 government officials, with rank and file and this is
9 what leads to anti-Semitism, this is what leads to
10 finger pointing, scapegoating and being sensitive to
11 that and making sure that we call out individuals who
12 are not complying with the rules. That we enforce
13 the rules but that we don't make this a matter of
14 whole communities. That perhaps are not complying
15 with the rules, based on the actions of just a few.

16 CHAIRPERSON EUGENE: Thank you so very much.
17 Thank you, have a nice day and stay safe.

18 SCOTT RICHMAN: Thank you very much.

19 CHAIRPERSON EUGENE: Thank you.

20 COMMITTEE COUNSEL: Thank you. Next we have
21 Hallie Yee. Hallie, you may begin your testimony
22 after the Sergeant has called time.

23 SERGEANT AT ARMS: Time starts now.

24 HALLIE YEE: Thank you. My name is Hallie Yee
25 and I am Policy Coordinator at the Coalition for

1 Asian American Children and Families or CACF. The
2 nations only Pan Asian children and families advocacy
3 organization.
4

5 On behalf of our 40 plus organizational members
6 and partners serving the diverse APA communities
7 across New York City, we ask Council today to hold
8 our Administration accountable to our communities
9 needs.

10 We demand that the City address mental health
11 needs of all New Yorkers, especially those who are
12 East Asian presenting who have been targeted during
13 this pandemic.

14 The system must be prepared to help our community
15 members who have faced loss, isolation,
16 discrimination, xenophobia and more. The pandemic
17 has fostered an environment of fear and uncertainty
18 that are resulting in targeted acts of racism towards
19 APA's.

20 In New York specifically, East Asian presenting
21 individuals have been subject to violent racist
22 attacks and xenophobic representations of the virus
23 and media. The city needs to ensure support of
24 targeted communities of color during this crisis and
25 moving forward. We demand an investment in community

1 led efforts towards data collection on incidents into
2 community healing and positive mental health.

3
4 As far as the task force that was created in
5 response to the uptick in hate crimes, CACF does not
6 necessarily encourage additional NYPD action, as
7 cracking down against communities often results in
8 more harm to those of color as can be seen in the
9 early responses to enforcing social distancing and
10 mask rules.

11 We are glad that the Commission has begun
12 bystander training to minimize police intervention
13 but our concern lies with the wrap around services
14 provided after the fact.

15 Second, we demand that the city can ensure that
16 critical information gets to New Yorkers in the
17 language that they need as is there civil right. It
18 is only recently that Health & Hospitals was able to
19 translate health outreach documents and that the
20 city's top 11 languages required by Local Law. That
21 was way too late and still not enough. Each agency
22 must be prepared to reach and support families who
23 are limited English proficient.

24 COVID-19 has highlighted the barriers. The most
25 marginalized APA's face to language access. The mere

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2 availability of language is not enough without
3 effective outreach and implementation of language
4 access policies.

5 Preventing vital communication about city
6 decisions and the pandemic from reaching the
7 community, lack of a culturally responsive system is
8 harming APA's and other communities of color. The
9 delay of the disseminating and general lack of
10 language information about the pandemic, including
11 social distancing guidelines, has led to a higher
12 risk of exposure to the virus for the most
13 vulnerable.

14 This egregious gap in language access has led to
15 our communities to rely once again upon the community
16 based organizations who serve them in the absence of
17 proper resources by the city, as CBO's act as
18 interpreters and crowd source translated materials
19 regarding even the most basic of information on the
20 pandemic.

21 Outreach to the most marginalized pockets of the
22 community must be prioritized, as without it their
23 health and very lives are endangered if they are
24 unable to communicate with their schools, their
25 health providers and social service providers.

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2 Ensuring best practices around COVID-19 testing
3 language access and response to upticks in xenophobia
4 and hate crimes is critical in making it safe for our
5 communities revitalization efforts. Thank you.

6 SERGEANT AT ARMS: Time expired.

7 CHAIRPERSON EUGENE: Thank you very much Ms. Yee,
8 thank you. Have a very nice day and stay safe.
9 Thank you for testifying.

10 HALLIE YEE: Thank you, you as well.

11 CHAIRPERSON EUGENE: Thank you.

12 COMMITTEE COUNSEL: Thank you. At this time, if
13 your name has not been called and you wish to
14 testify, please raise your hand using the Zoom raise
15 hand function.

16 As there are no raised hands, I will now turn it
17 over to the Chair for closing remarks and to gavel
18 out and end the hearing.

19 CHAIRPERSON EUGENE: Thank you very much. Thank
20 you so very much. I would like to thank all the
21 participants and all of you, the wonderful people
22 from the City Council starting from the Committee
23 Counsel and also the Sergeant at Arms and all the
24 wonderful people who make it possible for us Council
25 Members to do what we are to do and to address the

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2 issues of the people. And this has been a wonderful,
3 wonderful public hearing and because discrimination
4 and also human right, they are very important issues
5 and very important priorities for us in government,
6 for us in the City Council and I thank all of you for
7 making it possible today and I would like also to
8 thank all the participants, all the members of the
9 panel.

10 And as I said that we should continue to work
11 together as a team to make sure that New York City is
12 a better place for all. Thank you so very much and
13 may God bless you. May God protect all of you and
14 your family, especially at this very difficult
15 challenging time. Because now, New York City and the
16 world is a different place and everyone, regardless
17 of who you are, everyone is facing some type of
18 challenges, the same challenges created by COVID-19.

19 May God bless you and protect you and again,
20 thank you very much. With that, the meeting is
21 adjourned. [GAVEL] Thank you very much.

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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 November 15, 2020