

Testimony of JoAnn Kamuf Ward
Deputy Commissioner of Policy and External Affairs
New York City Commission on Human Rights
Before the Committee on Civil and Human Rights & Committee on Consumer and Worker
Protections
February 29, 2024

Introduction

Good morning Chairs Williams and Menin, Public Advocate Williams, and committee members. I am JoAnn Kamuf Ward, Deputy Commissioner of Policy and External Affairs at the New York City Commission on Human Rights. Joining me today for questions is Hillary Scrivani, Senior Policy Counsel. Thank you for convening today's hearing. We are excited to speak about the New York City Human Rights Law, and highlight some of the agency's work that addresses discrimination and advances equity.

The Human Rights Law prohibits discrimination on the basis of more than 25 protected categories in housing, employment, and public accommodations. Protected categories include age, disability, gender, race, national origin, religion, criminal history. The most recent amendment adds height and weight discrimination protections. In the past several years, the Human Rights Law was expanded in several ways to address critical barriers to equity for New Yorkers.

I will give an overview of the Commission's dual mandate and the Human Rights Law's antidiscrimination provisions that operate to address historical and ongoing disparities, with a focus on employment and housing.

First, the Commission engages in outreach and education to raise awareness of the Human Rights Law's protections and to strengthen relationships with and between communities. This is done primarily through our Community Relations Bureau. In FY23, the Commission Relations Bureau reached 132,507 people through 2,172 workshops, trainings, and events. The Bureau's prevention work is done through a wide array of partnerships with community groups, sibling agencies, and individual stakeholders.

Engaging with and hearing from New Yorkers is a critical component of preventing discrimination and translating legal protections into change in the lives of our community members. To this end, we have engaged in participatory research projects to inform our work and the work of sibling agencies over the past decade. For example, in this past year, the Commission partnered with the Center for Family Life in Brooklyn to bring together members of worker owned cooperatives for interviews and focus groups. Participants, who were predominantly immigrant women, dedicated their time to share information about the employment landscape of cooperatives, identify avenues to ensure awareness of human rights law protections, and to highlight areas for greater collaboration and trust building. The outcomes from that project are captured in a FY23 publication which is informing the Commission's strategic planning.

Second, individuals who believe they have experienced discrimination or harassment in violation of the Human Rights Law can report discrimination directly to the Commission, or they can file a complaint in court.¹ The Law Enforcement Bureau launches investigations, initiates complaints, enters settlements, and takes cases to trial to address discrimination. In instances when there are antidiscrimination protections in state and federal law, individuals can choose additional forums to seek redress. In FY23, the Law Enforcement Bureau fielded 12,548 inquiries from members of the public. The highest number of claims that come before the Law Enforcement Bureau relate to the protected categories of disability and gender.

In light of the topic of today's hearing, I want to spotlight portions of the Human Rights Law, and the Commission's work that specifically seek to eliminate barriers to equity.

Equity in the Workplace

The Human Rights Law has a number of provisions that enhance equitable hiring and employment for New Yorkers. The Human Rights Law was amended in 2022 to require employers post a good faith wage range in job ads. This provision complements the prohibition on employer inquiries into applicant's salary history during the hiring process. Together, these provisions level the playing field for job seekers by enhancing transparency into pay practices. Pay transparency allows job applicants to assess whether salaries reflect the value of their work, and the salary history ban curbs hiring practices that have long contributed to wage disparities and hindered access to opportunities and economic mobility for women and people of color. There are two further employment provisions of the Law that are critical to economic mobility and are vital for New Yorkers to thrive. Since 2015, the Human Rights Law has prohibited employers from asking about a job applicant's credit history – recognizing that credit history typically has no relevance to the skills and qualifications of job applicants. The Commission is also proud to enforce New York City's Fair Chance Act, which prohibits employers from asking questions regarding an applicant's involvement with the criminal legal system until after an employer makes a conditional job offer. This is a matter of racial equity given the disproportionate impacts of the criminal legal system in communities of color – nationally and in our city. These are just a portion of the Law's employment protections. Accommodations in employment are also a foundation of workplace equity.

Equity in Housing

In the arena of fighting discrimination in housing, the Commission has longstanding expertise. The Law has some of the most expansive protections for persons with disabilities, and ensuring accessibility in housing – at no cost to persons with disabilities – is one of the most active areas of Law Enforcement at the Commission. The Human Rights Law's prohibition on source of income discrimination in housing also constitutes a central piece of the Human Rights Law, and is a priority for this Administration because it is a cornerstone of access to permanent housing for New Yorkers. Over the past two years, raising awareness of housing provider obligations, and voucher holders' right to housing have been a significant focus of outreach, marketing and campaigns, and enforcement. The Commission is also preparing to ensure that all New Yorkers – housing providers, and residents – know that NYC will prohibit discrimination based on

¹ NYC Admin. Code §§ 8-109 and 8-502.

criminal records in housing beginning in 2025, as the result of Fair Chance Housing Legislation adopted in December of last year. The Human Rights Law also prohibits discrimination in all aspects of the sale and rental of housing.

Equal Enjoyment of Public Spaces

Finally, the Human Rights Law prohibits public accommodations from discriminating against individuals on the basis of a protected category. The most prevalent types of discrimination that come to the Commission are in relation to persons with disabilities seeking accessible services and reasonable accommodations.

Proposed Legislation

Intro 401 seeks to address discriminatory lending by amending the City Human Rights Law to prohibit differential rates for loans and credit issued in New York City on the basis of several of protected categories. Intro 401 also requires the Commission to undertake a number of tests and investigations regarding discriminatory lending practices. The Administration supports the goal of ensuring equitable access to credit, and the objective of cultivating intergenerational wealth for all New Yorkers regardless of identity. The Administration is currently reviewing the legislation and the impacts of city efforts to legislate in the complex area of credit, which is largely regulated by a patchwork of federal and state laws and where an array of government entities have oversight authority to identify and address discrimination, and other aspects of credit. This hearing is a welcome opportunity to hear from stakeholders today on this important topic.

Intros 242 and 279. The Administration's positions on these bills establishing a truth and reconciliation process and a reparations taskforce remain as expressed in testimony by the Mayor's Office of Equity and Racial Justice at the Juneteenth bill package hearing this past September. In summary, the Administration supports a truth, healing, and reconciliation process, as well as a taskforce to study reparations but would like to see greater alignment between these efforts, extend their timeline, and ensure adequate resources and expertise are imbedded into any commission or taskforce that is developed to effectuate these goals. (Testimony attached).

Intro 69 would render unenforceable and void any and all agreements that shorten the statute of limitations for filing a case with the Commission or filing a complaint in court, including agreements that are currently in place. The Administration supports the public policy aim of preventing coercive contract terms that contravene the rights of New Yorkers to pursue claims of discrimination within the time frames allowed by the New York City Human Rights Law. The Law Department continues to review how the current draft comports with Constitutional contract law principles and New York caselaw. In doing so, the Administration is analyzing legal considerations regarding the bill's retroactive application to contracts that are already in place. The Administration looks forward to working with Council to ensure New Yorkers maintain the ability to vindicate their rights.

Conclusion

In closing, the Commission is committed to preventing and combating discrimination in New York City, and ensuring that individuals who experience discrimination and harassment in

housing, employment, and public spaces in violation of the human rights law have avenues for redress. We appreciate the Council's attention and commitment to addressing these issues, and we welcome your questions.

**Testimony of NYC Mayor's Office of Equity Commissioner Sideya Sherman
Before the Committees on Civil and Human Rights and Cultural Affairs, Libraries, and
International Intergroup Relations**

Regarding the Juneteenth Legislative Package

September 19, 2023 – 10:00am

Chair Williams, Chair Ossé, members of the Committees on Civil and Human Rights, Cultural Affairs, Libraries, and International Intergroup Relations, distinguished members of City Council and the public: good morning. I am Sideya Sherman, Commissioner of the New York City Mayor's Office of Equity. I am joined today by Sreoshy Banerjea, Executive Director at the New York City Public Design Commission; JoAnn Kamuf Ward, Deputy Commissioner for Policy and External Affairs at the New York City Commission on Human Rights; Silvia Montalban, Chief Citywide Equity and Inclusion Officer at the New York City Department of Citywide Administrative Services; and other representatives from the administration.

Thank you for this opportunity to discuss the Council's Juneteenth legislative package, which seeks to advance racial equity and justice through truth and repair. This administration is committed to upholding these values, as we work to foster a fairer and more equitable city.

Foundational Values

Last November, New Yorkers voted overwhelmingly to embed racial justice in the heart of city government, passing all three ballot measures proposed by the Racial Justice Commission. Included in the ballot measures is a new preamble for our New York City Charter, which, for the first time, introduces a set of foundational values to guide how we govern and serve the public. In the preamble, New Yorkers acknowledge "the grave injustices and atrocities that form part of our country's history" and the government's responsibility to "act intentionally to remedy these past and continuing harms and to reconstruct, revise and reimagine our foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers."

The Office of Equity is steadfast and focused on uplifting these profound values throughout government as we lead implementation of these recently passed measures. This includes developing the city's first citywide racial equity plan, consisting of measurable goals and strategies for structural reform across all city agencies. The charter calls on all public servants to

reorient our roles to bring in practices of repair. With this shared commitment, we express our support for the spirit and intent of these bills and look forward to discussing them further with the Council this morning.

There are eight bills in this package. I appreciate your patience as we discuss and share overarching comments.

Int 1082, CM Louis: *creates a task force to consider the impact of slavery and past injustices for African Americans in New York City and reparations.*

The legacy of slavery in our city and country requires that we thoughtfully document past harms and integrate approaches for repair. To achieve the most meaningful impact, we believe this bill could benefit from further refinement to align and address potential overlap with Intro 1073 – which calls for a Truth & Reconciliation Commission -- and the recently passed reparations taskforce bill that awaits Governor Hochul's signature at the state level. We also recommend extending the implementation timeline and that the start date is timed to fall more than one year after the city issues its first citywide racial equity plan.

Executing this work with the rigor it deserves requires significant staffing power, legal resources, research, and academic expertise. For example, California's reparations task force undertook two years of work with considerable staff resources and support from the California DOJ. More than one year would be required to lead this vital work in our nation's largest city, with one of its longest histories.

Int 1073, CM Hudson: *would create a truth, healing, and reconciliation process.*

Our charter's preamble recognizes "the profound physical, emotional, social, and psychological harm and trauma to individuals, families, and communities" and charges us to "reconstruct, revise and reimagine our foundations, structures, institutions, and laws to promote justice and equity for all New Yorkers." Truth and reconciliation commissions can be a powerful vehicle for promoting racial equity and justice.

As stated earlier in my testimony, we recommend the Council consider refining this bill to address potential areas of overlap with Int 1082. We also share the same concerns regarding

allowing an adequate timeline to ensure appropriate staff resources and quality execution of this work.

From a statutory perspective, Bill 1073 tasks the Commission on Racial Equity (CORE) to lead this work, which may fall outside CORE's intended focus as presently defined in the charter. CORE is not written into law as a watchdog or as a fact-finding body. As reflected in the Racial Justice Commission's report, CORE was developed in response to New Yorkers who "desired to have City government more directly reflect community priorities and, to the extent possible, incorporate community power directly into decision-making." CORE's essential charter-mandated duties include identifying community equity priorities and responding to the citywide racial equity plan. CORE's current composition reflects this goal. This process will require additional resources, access to experts, and ample time. We recommend that the Council consider how to best work with CORE to leverage its resources and clarify within the bill which body would implement the reconciliation process after a plan is created.

We support the aim and intent of both bills and would happily continue working with the Council to identify or review paths forward.

Int 1101, CM Farias: *requires the Mayor's Office of Racial Equity to create anti-racism training for employees of human services contractors used by human services agencies.*

Our city's robust human service sector provides critical social services to New Yorkers in need. It is crucial that those who selflessly serve our city's diverse communities understand anti-racism and can incorporate best practices into their work. We support this bill with caveats.

Fueled by the pandemic, the human services sector has experienced considerable strain over the past few years. The Administration has worked diligently to improve how we do business with nonprofits, creating a new Office of Nonprofits, clearing over \$6 billion in backlogged payments, and embarking on the reform recommendations outlined in the Joint Task Force to Get Nonprofits Paid on Time. To ensure this requirement is a true value add for employees and New Yorkers by extension, the city would need to invest significant resources and allow ample time for implementation. We also suggest resolving the ambiguity of "covered employee" by applying the requirement to all employees involved in providing services, including managers. We don't think anti-racism or anti-discrimination should only be for front-line workers.

Int 1118, Williams: *Requires the Department of Citywide Administrative Services (DCAS) to annually create anti-racism and anti-racial discrimination training for all city workers. Agencies can satisfy this requirement with alternative training if approved by the Mayor's Office of Racial Equity and CCHR.*

The preamble directs our government: "Vigilance is required to prevent the recurrence of past or worsening of continuing harms." DCAS implements an "Everybody Matters" training biannually that helps employees recognize different types of discrimination and racial inequity, introduces anti-racism concepts, and is mandated EEO training. To expand city employee understanding of racism and how it can show up in our work, we recommend that the Office of Equity and CCHR partner with DCAS to help build upon their existing "Everybody Matters" training to introduce a new and expanded anti-racism module. This module would also help city employees understand the recent racial justice charter amendments and the citywide racial equity planning required by law.

We support recognition of the painful history of slavery that endures through our city and country today, as well as highlighting and uncovering the often-underappreciated history of resilience, courage, and community-building by the city's Black communities across generations. In this spirit, the city, led by the Department of Cultural Affairs, looks forward to working with the Council to advance **Int 1150 (Marte, 13)** - *in relation to establishing a New York City freedom trail*. Furthermore, DOT and NYC Parks look forward to further discussions with the Public Advocate to identify an appropriate location for the sign, in response to Intro 934 (**Public Advocate Williams**) - *which requires the Department of Transportation to place a sign at Wall Street and Pearl Street marking the establishment of New York's first slave market in 1711*.

With respect to **Int 716 (CM De La Rosa)**, *which would create a school diversity monitor within CCHR, the City's Human Rights Commission, and Int 1085 (CM Nurse)*, *which would task the Public Design Commission (PDC) within six months to conduct a public works review and create a removal plan*, we have concerns regarding appropriateness of the agencies identified and alignment with existing efforts and requirements.

The administration shares the Council's commitment to increasing diversity across our school system and ensuring equitable educational opportunities and outcomes. However, Int 716, which places an oversight monitor at CCHR, is inconsistent with CCHR's core functions of civil law

enforcement outreach on the Human Rights Law's protections. Further, the critical work outlined in 716, which includes identifying the complex root causes of inequities is potentially duplicative of current and ongoing administration efforts to advance educational equity, including work of agencies like New York City Public Schools, and the newly mandated citywide racial equity planning process, requiring agencies to disaggregate data by race, establish goals, and build strategies to achieve racial equity through structural reforms.

We support the intent of **Int 1085** to reevaluate, recontextualize, and foster greater diversity in the city's art collection. We should note that the Public Design Commission considers applications related to permanent public art in the city's collection following the process outlined in the City Charter, which requires a public meeting and vote by the PDC, among other steps. The city owns approximately 2,500 pieces of art. The PDC would need a significant commitment of resources to conduct extensive research, likely in phases, and begin the collaborative process of creating and issuing new guidance on items in the city collection, requiring significantly more than six months to develop.

As part of the city's broader efforts to create a public art collection that better reflects our city's diversity, PDC is committed to promoting equity and diverse narratives through art, including by partnering with Black Gotham Experience to expand the City Hall tour program, focusing on the untold histories and impact of the African diaspora. The Commission recently approved the addition of a monument honoring Shirley Chisholm in Prospect Park, which is the first artwork in a larger project to honor more women in our public realm. Earlier in 2018 and 2021, following the 2018 Mayoral Monument Commission report, the PDC also approved the removal of the Teddy Roosevelt Statue at the American Museum of National History and the J. Marion Sims Sculpture at Central Park. The PDC advanced these actions through its existing application, public hearing, and vote cycle.

We look forward to discussing these bills and the full Juneteenth bill package further in today's hearing. Thank you again for the opportunity to comment and for these bold proposals to create a more just city. We welcome your questions.