



Commission on  
Human Rights

FISCAL YEAR

2018

ANNUAL

REPORT:

Fighting the Rising  
Tide of Hate

BILL DE BLASIO, Mayor | CARMELYN P. MALALIS, Commissioner/Chair



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## MESSAGE FROM THE MAYOR

Our shared history is clear. New York City became great – a beacon to the entire world – because this has always been a place for everyone. My administration took office determined to preserve that greatness today, tomorrow, and for generations. We set audacious goals and we exceeded them. Now our mission is to ensure that New York will be the fairest big city in America. That will mean continuing to tackle inequality head on.

The talented team at the Commission on Human Rights has been a vital partner in this work. CCHR champions the needs of New Yorkers and takes concrete steps to make their lives better. From litigating cases on behalf of those who believe their rights have been violated, to educating people about New York City's Human Rights Law, to studying how discrimination affects New Yorkers, CCHR is constantly working to safeguard all who live, work, or visit the five boroughs.

New Yorkers should be proud that at a time when people are questioning whether government is committed to understanding their concerns and addressing their problems, CCHR continues to do both. Please consider this not just a report, but a resource that can point you to all the ways CCHR can be of service to you and your community. New Yorkers can show the world there is a better way. We can confront discrimination wherever we find it. To do anything less would be an affront to our identity.

A handwritten signature in cursive script that reads "Bill de Blasio". The ink is dark and the signature is fluid and legible.

Bill de Blasio  
Mayor



## MESSAGE FROM THE COMMISSIONER

For so many New Yorkers – even those with years of experience working with and advocating for marginalized communities – recent years have proven challenging. Many of us have seen families, friends, and neighbors threatened and harmed by policies enacted at the federal level. In this environment, it can be hard to find anything positive from which to draw inspiration.

At the NYC Commission on Human Rights, however, we are inspired by the millions of New Yorkers whom we are honored to serve and by the unique opportunities we have as our nation's largest city to demonstrate that local government can support vulnerable communities. Each time we hear about a new federal policy threatening the stability of these communities, we are challenged to think about how the Commission can make the protections available under the New York City Human Rights Law (“City Human Rights Law”) even more effective and help residents and visitors better understand the rights they enjoy within New York City. This period of time challenges us to strengthen our relationships with communities throughout the City and to consider how we can be a resource not just in times of crisis, but also on an ongoing basis. And with every reversal of hard won gains in the area of human rights, we are challenged to determine how, within these five boroughs, we can affirm the dignity and humanity of groups targeted for disenfranchisement.

We are proud of the Commission's commitment to meet the challenges of the current moment. Over the course of the last year, the agency implemented newly established protections, changed discriminatory policies and practices Citywide, ramped up community engagement, and sought justice on behalf of thousands of New Yorkers in the face of an ever-increasing number of inquiries. We launched outreach campaigns and initiatives that have helped to shape the public conversation on some of the most prominent issues of the day and expanded and deepened relationships with communities across the City. We continued our efforts to support and build trust with immigrant communities by adding to our language and cultural competency and focusing our outreach in those places and in media where our neighbors read, work, live, and congregate.

The work of the Commission's recent past informs our focus for the future. Last year, gender-based discrimination was a major focus for the agency, as we convened a Citywide public hearing to address sexual harassment in the workplace, the Commission's first on the subject since 1970, and followed it up with a report, public awareness campaign, and the implementation of a legislative package expanding protections. In the coming months we will build upon this work through the establishment of a new unit focused on gender-based harassment in the workplace within the Commission's Law Enforcement Bureau.

The Commission last year also revived one of its most historically effective tools – data collection and reporting – to survey prejudice, intolerance, bigotry, and discrimination in the City. Our survey of incidents of hate and bias experienced by Arab, Jewish, Muslim, Sikh, and South Asian communities in New York City formed the basis of a ground-breaking report detailing its results. In the coming fiscal year, we will challenge anti-Black racism through research, outreach, and policy work. A new artistic partnership with the Commission’s first ever artist-in-residence, Tatyana Fazlalizadeh, will bridge these endeavors, and will focus on the intersection of sexism and anti-Black racism. Combating racial discrimination has its roots in the Commission’s earliest mandates and remains one of the City’s – and the Commission’s – greatest challenges.

We are grateful for the partnership of Mayor Bill de Blasio, the City Council, City agencies, and the many community, faith, and civic leaders and organizations that have helped us to understand how we can be most effective in the current environment. Whether these individuals and institutions have long-standing relationships with the agency or have simply been generous enough to share their time and insights with us, we are grateful for these partnerships and will ensure that our work is guided by their input.

More than anything else, we hope that the Commission can reaffirm the humanity of all New Yorkers. Whether they are confronting new challenges or waging decades-long fights for dignity, our hope is that the body of work set out in this report will help the City to emerge as a leader capable not only on pushing back against the most offensive federal encroachments, but also advancing justice in a way that affirms that government can and should be a positive force in the lives of those who are all too often targeted for simply being themselves.

A handwritten signature in black ink, appearing to read 'C. P. Malalis', with a stylized flourish at the end.

Carmelyn P. Malalis  
Chair and Commissioner





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Photo credit: Adrienne Nicole Productions

# COMBATING SEXUAL AND GENDER-BASED HARASSMENT IN THE WORKPLACE

As the revived #MeToo movement entered a viral moment in 2017 and gained prominence, much of the media's focus was on the deeply embedded, systematic harassment of women in the entertainment industry. The Commission is well-aware, however, that sexual harassment is an unfortunate reality of all workplaces and industries, and cuts across socio-economic status, race, gender identity and gender expression, immigration status, and religion. With that understanding, the Commission focused on gender-based harassment from multiple angles, drawing on partnerships with community organizations and informed by an understanding that women, men, and non-binary people's multi-faceted identities lead to different experiences in the workplace. The Commission's efforts sought to move beyond the headlines, documenting and sharing the unique experiences of those who identify as women in different industries with intersecting vulnerabilities, to learn how the Commission could improve its

enforcement and outreach efforts and bolster protections against sexual harassment.

In December 2017, the Commission convened a citywide public hearing to address sexual harassment in the workplace, the first hearing since 1970 when then-Commissioner and now-Congresswoman Eleanor Holmes Norton held the country's first-ever hearings on gender discrimination where the term "sexual harassment" was first coined. Over 40 brave individuals representing some of New York City's most vulnerable workers, including women in male-dominated industries, people of color, immigrant workers, and LGBTQ workers shared their stories of power disparities in workplaces that enable and exacerbate sexual harassment across wide range of industries. Public Advocate Letitia James, Commissioner Julie Menin of the Mayor's Office of Media and Entertainment, and the Office of Assembly Member Carmen De La Rosa, also provided oral testimony. Public testimony was heard by Chair and Commissioner Carmelyn P. Malalis, Department of Consumer Affairs Commissioner Lorelei Salas, Gender Equity Commissioner Beverly Tillery, and Human Rights Commissioners Cathy Albisa and Carrie Davis.



Photo credit: Adrienne Nicole Productions

The Commission released a report in April 2018, “Combating Sexual Harassment in the Workplace: Trends and Recommendations Based on 2017 Public Hearing,” that identifies distinctive characteristics of the City Human Rights Law, examines the common themes that emerged from the oral and written testimony, highlights policy recommendations to combat sexual harassment, and provides some best practices for employers to address sexual harassment. The report was released at a Gracie Mansion event by the Commission entitled “No More Silence: What’s Next in the #MeToo and #TimesUp Movements,” keynoted by NYC First Lady Chirlane McCray followed by a panel discussion with model, celebrity and transgender activist Geena Rocero; senior staff member and leader of The Coalition of Immokalee Workers Lupe Gonzalo; co-founder of Know Your IX Alexandra Brodsky, and Sulzbacher Professor of Law, Gender and Sexuality Studies at Columbia University Katherine Franke.

Several policy recommendations mentioned during the hearing were evident in a comprehensive package of legislation – the Stop Sexual Harassment in NYC Act – aimed at addressing and preventing sexual harassment in the workplace, including extending the Commission’s jurisdiction in gender-based discrimination claims going from one year back to three years, expanding protection to all employees regardless of the size of the employer, a notice of rights posting requirement, and a mandated annual sexual harassment prevention training for all employers in the City with 15 or more employees that the Commission will develop and make available on our website. The bills were signed into law by Mayor Bill de Blasio in May 2018.

Additionally, legislatures from New York to California sought out the Commission’s expertise on workplace sexual harassment in Fiscal Year 2018. The Commission testified jointly before the City Council’s Committee on Women and Committee on Civil and Human Rights on sexual harassment in the workplace, and before the California Senate Judiciary Committee and Select Committee on Women, Families, and the Workplace on ways that the City Human Rights Law provides strong protections for victims of sexual harassment and could serve as a model for increasing protections.

In partnership with New York City’s Department of Consumer Affairs and the National Domestic Workers Alliance, the Commission hosted the Manhattan Domestic Workers Convening where domestic workers, care workers, workers’ rights organizations, and City government agencies came together to discuss challenges faced by nannies, house cleaners, and home care workers and provide information on protections and government resources.

The work of the Commission’s Law Enforcement Bureau reflects the growing awareness and increased reporting of incidents of workplace sexual harassment. During the past fiscal year, Law Enforcement Bureau launched multiple investigations into the policies and practices of employers where repeat instances of sexual harassment came to the Commission’s attention. Meanwhile, members of the public have brought an increased number of reports of gender-based workplace harassment to the Commission – the number of such complaints increased by 36% from 2015 to December 2017.

Building off the momentum from the Commission’s historic public hearing and the ongoing attention the issue is garnering nationally, the Commission unveiled a citywide, multi-lingual media campaign entitled “It’s Sexual Harassment. Report it. End it.” that sought to educate New Yorkers on their rights under the City Human Rights Law. Bilingual English/Spanish advertisements ran across social media, the LinkNYC network, subway cars, bus shelters, posters in communities, and online across various websites – all linking to a newly-published landing page with helpful resources and tips on how to report sexual harassment in the workplace

if it occurs. The ads ran in ethnic and community newspapers in the five boroughs in Spanish, Chinese, Korean, Arabic, Bengali, Russian, and Haitian Creole.

The Commission also released a series of videos produced for the Commission by Adrienne Becker, CEO of KillerMedia. The videos were inspired by a letter received by the Commission from a New Yorker impacted by sexual harassment whose family got justice thanks to the Commission’s law enforcement work. The videos ran on YouTube, Facebook, Instagram and the Commission’s website, and streamed across Hulu for four weeks.

**CAMPAIGN STATS /**

**Ads placed in 22**  
ethnic and community newspapers.

**944,000**  
impressions or views generated from posters in barber shops, nail salons, and bodegas.

**54 million**  
impressions or views generated across digital, outdoor, and print media.

**960,000**  
video views across Facebook, Twitter, YouTube, Instagram, and Hulu.



**PRESS RELEASE /**

***New York City Commission on Human Rights  
Launches Citywide Ad Campaign to Encourage  
New Yorkers to Report Sexual Harassment in  
the Workplace***

(April 2018)

“The ads, which ran for six weeks, informed New Yorkers of their rights against sexual harassment and encouraged people to report incidents to the Commission, a venue for justice that will investigate their claims. The multilingual ad campaign followed a more than 40 percent increase in sexual harassment claims at the Commission over the last two years and was part of the City’s broader effort to ensure that New Yorkers understand their rights and report sexual and gender-based harassment to the Commission.”

**MEDIA COVERAGE /**

**WNYC:** Commissioner Malalis Discusses Protections Against Sexual Harassment in NYC – Staff (October 18, 2017)

**am NY:** Sexual harassment hearing in Queens opens conversation to more women – Nicole Brown (Dec. 7, 2017)

**New York Times:** Sexual Harassment in New York – Carmelyn P. Malalis (Dec. 13, 2017)

**New York Magazine:** New York City Is Teaming Up with an Activist Artist in the Fight Against Street Harassment – Carolyn Twersky (March 26, 2018)

**am NY:** Fighting sexual harassment in the workplace will require new policies for all NYC employers, report recommends – Nicole Brown (April 25, 2018)

**am NY:** Sexual harassment unit added to city’s human rights commission – Nicole Brown (May 15, 2018)





Photo credit: Adrienne Nicole Productions

## FIGHTING FOR EQUAL PAY IN THE WORKPLACE

In October 2017, the City banned employers from inquiring into job applicants' salary history, the first such law to take effect in the country. The City's salary history ban allows applicants to negotiate a salary based on their qualifications and earning potential rather than be encumbered by their previous salary, which may be unfairly suppressed due to unintentional discrimination or unconscious bias. The ban seeks to end the perpetuation of pay inequity frequently faced by women and people of color when previous salaries are used to determine future wages. To date, the Commission has initiated 50 enforcement actions for salary history discrimination targeting a broad range of employers.

Following the passage of the law, the Commission received dozens of inquiries from human resources professionals and attorneys for employers, large and small, regarding the ban. As a result, the Commission implemented a multi-faceted plan to provide guidance and greater transparency on the agency's implementation of the law. The Commission's efforts in this area included Commissioner Malalis, policy staff, and law enforcement attorneys presenting on the salary history ban to hundreds of employment attorneys

at conferences and legal education events before and after the law's effective date; launching a digital campaign across social media and targeted websites to reach job seekers, hiring managers, and human resources professionals; publishing extensive FAQs on the law based on actual questions received from employers, employees, and their counsel; and building a dedicated webpage on the Commission's website linking to fact sheets, FAQs, postings, and multilingual brochures regarding the law.

**CAMPAIGN STATS /**

**10 million**  
impressions or views generated across digital media.

**162,000**  
views on the Commission’s salary history webpage.

**3,000**  
new likes on the Commission’s Facebook page.

**3,598**  
shares of campaign advertisements on Facebook.

**IN NYC, YOUR SALARY HISTORY WON'T HOLD BACK YOUR NEXT SALARY**

Call (718) 722-3131 to report discrimination.  
#SalaryHistoryNYC | NYC.gov/SalaryHistoryNYC

**NYC** Commission on Human Rights | Office of the Mayor

**PRESS RELEASE /**

***New York City Becomes First in Nation to Enforce Salary History Ban***  
(October 2017)

“New York City became the first municipality in the nation to enforce a law prohibiting all employers in New York City from inquiring about job seekers’ salary history during the hiring process, including on job applications and in interviews. By removing questions about an applicant’s previous earnings, the law allows applicants who have been systemically underpaid, particularly women and people of color, to negotiate a salary based on their qualifications and earning potential rather than being measured by their previous salary.”

**MEDIA COVERAGE /**

**Time:** Here’s How to Answer the “How Much Do You Make?” Question in an Interview – Megan Leonhardt (August 21, 2017)

**Daily News:** City launches ad campaign warning employers can no longer ask job seekers for salary history – Erin Durkin (Oct. 25, 2017)

**Bustle:** New York City is Banning Employers from Asking for Your Past Salary & It Could Crush the Gender Pay Gap - Mehreen Kasana (October 31, 2017)

**Forbes:** New York City Job Applicants Have One Less Thing to Worry About, Starting Today - Georgene Huang (October 31, 2017)

**Reuters:** In a first, New York bans salary questions to fight gender pay gap – Sebastien Malo (October 31, 2017)



Photo credit: Adrienne Nicole Productions

# SUPPORTING AND EMPOWERING IMMIGRANT AND RELIGIOUS COMMUNITIES

## BIAS SURVEY REPORT



Photo credit: Adrienne Nicole Productions

Immigrants and religious minorities, especially in the current political climate, are often targets for attacks and bias. The Commission continued to focus efforts in Fiscal Year 2018 to reach out to and empower these communities, reassuring them that the City of New York has their backs.

In 2018, among other initiatives, the Commission released a report that documented and quantified the heightened discrimination and acts of hate that Muslim, Arab, South Asian, Jewish, and Sikh New Yorkers experienced in the aftermath of the 2016 election. The Commission created a survey in Arabic, Bengali, English, French, Hindi, Punjabi, Russian, Urdu, and Yiddish, and distributed it widely in partnership with over 150 community leaders, faith-based organizations, and advocacy organizations. More than 3,100 New Yorkers completed the survey and the results were released in June 2018 in a report entitled, “Xenophobia, Islamophobia, and Anti-Semitism in NYC Leading Up to and Following the 2016 Presidential Election: A Report on Discrimination, Bias, and Acts of Hate Experienced by Muslim, Arab, South Asian, Jewish, And Sikh New Yorkers.”

The report confirmed that bias and acts of hate against these groups are disturbingly high. For example, nearly two in five (38.7%) survey respondents had experienced “verbal harassment, threats or taunting referring to race, ethnicity or religion,” and one in four (26.6%) reporting they had experienced such harassment more than once. Additionally, the report offers recommendations to help policymakers and advocates address discrimination and violence in these communities. The report’s release was announced in a media event at the Arab American Family Support Center in Brooklyn attended by the Mayor’s Office of Immigrant Affairs and Community Affairs Unit and dozens of community-based organizations and community and ethnic media. The Commission ran a digital marketing and ethnic media campaign to

drive awareness to some of the key findings from the report. Statistics unique to groups surveyed were positioned in ads placed in outlets serving affected communities in an effort to encourage reporting to the Commission.

**CAMPAIGN STATS /**

**3 million**  
impressions or views generated across platforms.

**14,000**  
visits to survey project landing page on the website.

**800+**  
new followers on Facebook.

**500**  
reports/fact sheets downloaded and distributed.



71% OF MUSLIM, SIKH, JEWISH, SOUTH ASIAN, OR ARAB NEW YORKERS DON'T REPORT DISCRIMINATION WHEN IT HAPPENS.

**WE CAN HELP.**

If you experience discrimination or harassment, report it to the NYC Commission on Human Rights at **718-722-3131** or **NYC.gov/HumanRights**

\*Based on an NYC Commission on Human Rights survey report from June 2018



@NYCCHR NYC.gov/HumanRights

**NYC** Commission on Human Rights  
Carmelyn P. Malalis,  
Commissioner/Chair

Consistent with the experiences reflected in the report, the Commission's law enforcement arm fielded nearly 1,000 inquiries alleging discrimination based on immigration status, national origin, race, and religion in Fiscal Year 2018 and nearly 400 files complaints of discrimination under the same protected.

**PRESS RELEASES /**

***NYC Charges Queens Landlord with Retaliating Against Immigrant Tenants Who Filed Discrimination Complaints***

(July 2017)

"New York City announced charges against a landlord in Ridgewood, Queens for retaliating against immigrant tenants after they reported him to the NYC Commission on Human Rights for discrimination based on immigration status. 'The Commission will not hesitate to take action against bad actors when they retaliate against New Yorkers who have reported discrimination,' said Assistant Commissioner of the Law Enforcement Bureau at the NYC Commission on Human Rights, Sapna V. Raj."

***NYC Commission on Human Rights Issues New Report Documenting Muslim, Arab, South Asian, Jewish, and Sikh New Yorkers' Experiences of Bias Harassment, Discrimination, and Acts of Hate Leading Up to and Following 2016 Presidential Election***

(June 2018)

"The report, which summarizes survey responses from over 3,100 MASAJIS individuals across all five boroughs, found high rates of bias, discrimination, and acts of hate against these communities, the overwhelming majority of whom did not report the incidents."

**City Holds Day of Action to Bring Information and Resources to NYC’s 30,000 Dreamers**

(September 2017)

“The City hosted a Day of Action on the DACA program, providing information and resources for New York City’s 30,000 Dreamers. The Mayor’s Office of Immigrant Affairs, the Mayor’s Community Affairs Unit, the NYC Commission on Human Rights, the Department of Consumer Affairs, and the Mayor’s Public Engagement Unit worked alongside over 200 volunteers in 31 neighborhoods with high-density immigrant populations. Volunteers were joined by Bitta Mostofi, Acting Commissioner of MOIA, Carmelyn P. Malalis, Commissioner and Chair of CCHR, and Council Member Carlos Menchaca to assist in flyer-ing in all five boroughs.”

**MEDIA COVERAGE /**

**World Journal:** Chinese woman, conversant of laws denied housing: Landlord may face fines up to \$250,000 – staff (July 9, 2017)

**am NY:** Queens landlord gave tenant information to ICE after discrimination complaint, commission says – Lauren Cook (July 19, 2017)

**Columbia Spectator:** City to investigate complaints of anti-Muslim discrimination at Columbia chaplain’s office – Aaron Holmes (August 10, 2017)

**Caribbean Life:** Caribbean immigrant experiences in New York – Alexandra Simon (September 26, 2017)

**Buzzfeed:** 1 In 5 New Yorkers Who Wear Religious Clothing Have Been Pushed on Subway Platforms – Cora Lewis (June 18, 2018)

**DAYS OF ACTION AND COMMUNITY FORUMS /**



Photo credit: Kelly Williams

In keeping with the Commission’s priorities of meeting New Yorkers where they are and responding to local community needs and concerns, the agency’s Community Relations Bureau mobilized several Citywide days of action during Fiscal Year 2018. One Day of Action took place during Immigrant Heritage Week, during which the Commission joined with the Mayor’s Office of Immigrant Affairs and the Mayor’s Community Affairs Unit to distribute information and resources on protections from discrimination at major transit hubs and other outlets throughout the five boroughs. Later, when the U.S. Supreme Court upheld the third iteration of the federal policy banning individuals from certain Muslim majority countries from entering the United States, the Commission again teamed up with the Mayor’s Office and community-based organizations to appear at mosques throughout the City to show support for the City’s Muslim and immigrant communities and share information about the City’s protections against discrimination.

Fiscal Year 2018 saw dynamic programming and participation in events speaking to diverse communities across New York City. During Hispanic Heritage Month, the Commission held a panel and resource fair in Washington Heights to provide Hispanic communities with resources focused on economic empowerment and highlight protections under the NYC Human Rights Law against discrimination based on immigration status and national origin. The forum was co-sponsored

by major Spanish-language media outlets and several elected officials. The Commission also held an African Communities Forum in the Bronx to share information on job opportunities, resources for small business owners, and how to access government agencies. This forum also provided a platform for over 130 community members to share information about community needs and objectives with City government representatives committed to serving them.

The Commission is keenly aware that religious faith is a central part of New Yorkers' identities and their community membership or activism. In 2018, the Commission hosted several events to bring people together for interfaith celebrations that create spaces for community connection and commonality across religious divides. Those events included:

/// The City's third consecutive Iftar in the City, the largest outdoor Iftar in New York City, to celebrate and support NYC's diverse Muslim communities. This year's Iftar, which was held in the heart of Jackson Heights, Queens and co-sponsored by the Mayor's Office for Immigrant Affairs and the Mayor's Community Affairs Unit, was attended by more than 600 people and centered on celebrating the resiliency of immigrant communities.

/// An Interfaith Seder for Immigrant and Refugee Rights, which brought together attendees from diverse faiths and ethnicities. Together, attendees shared in the re-telling of the liberation narrative and discussed what people throughout the City can do to support and protect immigrant and refugee communities in New York. Leaders from the Jewish, Christian, Muslim, and Hindu faiths participated in this event that welcomed 130 attendees.

/// An Interfaith Diwali Celebration with the Bronx's diverse South Asian and Indo-Caribbean communities, which was attended by over 300 people and co-hosted by the Vishnu Mandir, a local Hindu temple. Faith and community leaders from Hindu, Sikh, Jain and Buddhist communities came together to deliver a message of peace and unity.

/// The City's first-ever Vaisakhi celebration sponsored by City Mayoral agencies/offices to celebrate and bring awareness to the City's Sikh communities.

## MEDIA COVERAGE /

**Allewaa Alarabi:** Commission Holds 3rd Annual Iftar in the City – Angie Damlakhi (June 4, 2018)

**am NY:** Hundreds of Muslims gathered for annual outdoor Iftar – staff (June 1, 2018)

**Weekly Bangalee:** NYC Hosts 3rd Annual Iftar in the City – Kowshik Ahmed (attached)

**Bangladeshi Pratidin:** NYC Commission on Human Rights Holds 3rd Annual Iftar in the City – Ansar Lovlu

**Broadly:** 'I Found Home': Celebrating Ramadan at an Iftar for Queer Muslims – Leila Ettachfini (June 11, 2018)



Photo credit: Commission staff

# PROTECTING NYC VETERANS FROM DISCRIMINATION

Effective November 19, 2017, the City Human Rights Law was amended to protect current and former members of the military against discrimination in employment, housing, and public accommodations. In partnership with the City’s Department for Veterans’ Services (DVS), the Commission published educational materials to inform the public about the new protections and provide guidance about preexisting protections that frequently impact veterans, including protections based on disability and lawful source of income.

To ensure that as many of New York City’s veterans were aware of this as possible, the Commission offered workshops and other outreach activities on the City Human Rights Law for veterans in collaboration with organizations such as the Harlem Vet Center, the Bronx Veterans Support and Services Network, the VA New York Harbor Healthcare System, Fordham University Veterans Association, the U.S. Department of Veterans Affairs Manhattan Vet Center, and the New York State Division of Veterans’ Affairs. Additionally, the Commission partnered with DVS to develop a new factsheet on protections for veterans who receive G.I Bill Housing Allowances.

## PRESS RELEASE /

***New York City Announces Veterans and Active Military Service Members Are Now Protected from Discrimination Under City Human Rights Law***

(November 2017)

“New York City has begun enforcement of a new law that protects current and prior military service members from discrimination, bias, and harassment. It is now illegal in New York City for employers, landlords, and providers of public accommodations to discriminate against veterans and active military service members due to their military status.”

## MEDIA COVERAGE /

**New York Post:** Time for New York City to stand against anti-veteran bias – Kristen L. Rouse (April 2017)

**National Law Review:** NYC Human Rights Law Amended to Prohibit Discrimination Against Uniformed Servicemembers and Veterans – Evandro Gigante (August 23, 2017)



Photo credit: Adrienne Nicole Productions

## ENSURING NEW YORKERS HAVE A FAIR CHANCE AT EMPLOYMENT

The Commission continued its far-reaching work educating incarcerated and formerly incarcerated individuals about the Fair Chance Act, which provides protections in employment for individuals with criminal histories. The Commission offered nearly 250 workshops on these protections to almost 10,000 people in 2018, while continuing its regular visits to correctional facilities, probation sites, parole orientations, and organizations that work with incarcerated or formerly incarcerated clients to educate them on this law.

The Commission actively pursued cases against employers violating the Fair Chance Act, conducting nearly 300 tests to determine whether employers were unlawfully asking job applicants about their criminal histories. At an event at the Fortune Society that coincided with the second anniversary of the Act's enactment, the Commission announced that it was bringing charges against 12 national and local businesses – which collectively employ more than 140,000 people – for discriminating against job

applicants with criminal histories. The Commission fined one such employer \$30,000<sup>1</sup> in civil penalties and levied damages for discriminating against an individual job applicant with a criminal history. This action caught the attention of the New York City media as noted below.

Fiscal Year 2018 also saw the Commission's inaugural Career Fair aimed at bringing together various marginalized communities, not only the formerly incarcerated, and employers ready to hire. This Career Fair, held in Queens and supported by local government officials, hosted 30 employees and over 300 job seekers.

<sup>1</sup> All civil penalties imposed by the Commission are payable to the City of New York's general fund.



## PRESS RELEASE /

### ***NYC Commission on Human Rights Charges 12 National and Local Businesses For Discriminating Against Job Applicants With Criminal Histories***

(November 2017)

“The NYC Commission on Human Rights announced charges against 12 local and national businesses for violating the Fair Chance Act, including Estée Lauder, Family Dollar, Kroll Associates, Tavern on the Green, Serafina Restaurants, Resorts World Casino, Barilla Restaurants, Best Market, Goldfarb Properties, inVentiv Health, Safeguard Self Storage, and Aaron’s Rent-to-Own, which together employ more than 140,000 people nationwide according to a combination of online sources. The complaints are the result of evidence collected by Commission testers following tips and complaints. The businesses have been notified of the charges and the Commission awaits their response.”

## MEDIA COVERAGE /

**Daily News:** City slaps businesses for asking job applicants about their criminal backgrounds – Erin Durkin (November 16, 2017)

**El Diario:** Hardening against employers who deny work to people with a criminal record – Edwin Martinez (November 16, 2017)

**NY1:** Complaints Filed Against 12 NYC Businesses (November 16, 2017)

**Queens Latino:** Complaint against companies that ask about the criminal past of potential employees – Javier Castano (November 16, 2017)

**World Journal:** Inquire into job seekers criminal record: 12 companies being penalized – staff (November 16, 2017)



Photo credit: Adrienne Nicole Productions

## SUPPORTING AND ADVOCATING FOR LGBTQ COMMUNITIES

The Commission continued to build on its strong partnerships with lesbian, gay, bisexual, transgender, and queer (LGBTQ) community-based organizations and networks to develop programming, outreach, and campaigns to reflect the needs of the diversity of LGBTQ New Yorkers. The Commission also deepened its work with other City agencies to strengthen the City's responsiveness to the needs of LGBTQ New Yorkers. As an agency partner in First Lady Chirlane McCray's Unity Project – the first-ever focused Citywide commitment to supporting and empowering LGBTQ young people in New York City – it forged partnerships and developed programming with the NYC Department of Education, the Mayor's Center for Faith and Community Partnerships, and the NYC Department of Health and Mental Hygiene (DOHMH), and created new resources for LGBTQ youth and families. The Commission also launched a resource page on its website where New Yorkers can find a host of materials and resources about their rights, services, and programming to support LGBTQ individuals and families.

As part of the Unity Project, the Commission worked with DOHMH and the Mayor's Center for Faith and Community Partnership to launch the Unity Project Faith Network – a group of LGBTQ-affirming faith leaders, houses of worship, and community-based organizations that are committed to providing resources for leaders and houses of worship that seek to be more supportive of LGBTQ youth and their families. The Network was launched at an event at Gracie Mansion. Over the next several months, the Network held three roundtables that brought together faith leaders, LGBTQ youth-affirming organizations, and LGBTQ youth. The Commission also hosted an LGBTQ Youth and Family Resource Fair at the LGBT Center during Pride Month to provide necessary resources and support to parents and families. Over 33 organizations participated in the event.

Also in 2018, the Commission partnered with the NYC Department of Education to create a new program for young LGBTQ individuals by working with schools' Gender and Sexuality Alliances. Through the program, Commission staff facilitate roundtable discussions with Gender and Sexuality Alliance group members regarding discrimination, harassment and bullying experienced by LGBTQ youth and provide youth with resources to support safer and more welcoming school environments. The workshop was piloted in six NYC Department of Education schools before the end of the 2017-2018 school year. The students reported that they wanted to continue the conversations with their broader school community regarding gender identity, creating safe learning environments, and

learning about their rights. The Commission further established its presence as a resource in the City’s schools by presenting at the Department of Education’s first LGBTQ Youth Summit.

The Commission also worked extensively with the NYC Department of Correction (DOC) to ensure that members of the LGBTQ community interacting with DOC are treated with dignity and in compliance with the City Human Rights Law. In April 2018, the Commission and the DOC jointly announced that, unless otherwise required pursuant to an individualized analysis required by the Prison Rape Elimination Act and Board of Correction rules, the DOC will house inmates safely and consistent with their gender identity. The DOC has committed to fully effectuating this policy by October 13, 2018, and the Commission remains actively engaged in moving the DOC through this process. The DOC has also committed to keep its current facility for transgender individuals, its Transgender Housing Unit (THU) open and to continue to provide resources to the THU.

Outside of the Commission work with agencies, Fiscal Year 2018 also brought more in-depth engagement with LGBTQ communities broadly. CRB conducted 139 workshops and outreach activities for nearly 3,000 attendees with LGBTQ communities, including our Second Annual LGBTQ Community Iftar celebration and co-sponsoring an LGBTQ Eid Al Adha celebration. Meanwhile, the Commission made efforts to ensure that LGBTQ New Yorkers were treated with respect and dignity in the workplace by providing over 50 presentations of the Commission’s Working with Transgender Communities workshop to thousands of City employees.

The Commission maintained and grew its strong presence at LGBTQ Pride celebrations throughout the spring. Between April and June, Commission staff attended over 50 Pride events, building relationships with organizations and community members while informing LGBTQ New Yorkers about protections against discrimination under the City Human Rights Law.

The Commission also launched an LGBTQ Rights Digital Media Campaign to Celebrate Pride 2018, a campaign created by the Communications and Marketing team around LGBTQ rights, which ran

in June on social media and online LGBTQ media outlets and included branded posters and flyers for Pride parades and events. Online advertisements on Facebook, Out.com, Advocate.com, and Pride.com link to a dedicated landing page on the Commission’s website with information on how to report discrimination, helpful resources and scenarios on how to identify discrimination, the downloadable new advertisements, and a calendar of events where New Yorkers could find our staff and access our resources throughout Pride month and beyond.

**CAMPAIGN STATS /**

**More than 1.2 million** impressions generated.

**Approximately 3,000** actions taken on Commission content across FB and specialized media.

**1,500** visits to the Commission’s landing page/ calendar.



**PRESS RELEASES /**

***NYC Commission on Human Rights Charges Four Substance Abuse Centers with Discriminatory Intake Policies for Transgender Patients***

(July 2017)

“The Commission’s complaints, filed by its Law Enforcement Bureau, charge the centers with gender identity discrimination for refusing to accept transgender patients and for discriminatory housing policies, including assigning rooms based on a patient’s gender assigned at birth rather than their gender identity, subjecting patients to physical examinations, and forcing transgender patients into separate rooms. The substance abuse centers involved in these investigations have been notified of the alleged violations and the Commission continues the investigations.”

***Mayor de Blasio Announces Department of Correction Will House Incarcerated Individuals According to Gender Identity, Working with City Human Rights Commission to Maintain Transgender Housing Unit***

(April 2018)

“This announcement follows recent efforts by CCHR to ensure that DOC’s housing policies are consistent with Executive Order No. 16, issued by Mayor Bill de Blasio in March 2016, which requires that City agencies permit people to use single sex facilities consistent with their gender identity, as well as applicable state and federal law. CCHR is giving DOC six months to implement this policy in a recent modified exemption to DOC. New York City becomes one of the first major cities in the nation to commit to housing inmates according to their gender identity.”

**MEDIA COVERAGE /**

**AfterEllen:** Interview with Commissioner of the NYC Commission on Human Rights, Carmelyn P. Malalis – Memoree Joelle (July 6, 2017)

**Politico:** 4 NYC substance abuse centers accused of transgender discrimination – Dan Goldberg (July 13, 2017)

**The Advocate:** 4 Questions Answered on the LGBT Health Care Bill of Rights – Desiree Guerrero (September 14, 2017)

**Associated Press:** New NYC policy seeks to accommodate transgender inmates – Karen Matthews (April 16, 2018)

**Daily News:** VIDEO: Homophobic Uber driver boots lesbian couple for kissing in the backseat – Emily Ruscoe (June 11, 2018)



Photo credit: Commission staff

## ADVANCING RACIAL JUSTICE

When it comes to combating race discrimination, both discrete and systemic, the Commission has sought to engage deeply with communities of color through dialogue and learning. To that end, the Commission hosted conversations with New York’s Black communities in Fiscal Year 2018 about the specific ways they experience discrimination. As a direct follow up to this work, the Commission announced the launch of a new research project documenting the experiences of Black New Yorkers in findings to be released in Fiscal Year 2019.

The Commission’s events geared towards advancing racial justice are envisioned as two-way dialogues – the Commission takes the opportunity to inform Black communities about protections under the law and resources provided by the Commission, while also learning more about the daily experiences of Black New Yorkers to better serve their communities. The Commission worked with Community Voices Heard and other organizations to host an event at Riverside Church entitled Human Rights in Harlem: A Panel Discussion on Race, Displacement, and Economic Justice, crafted to educate community members, organizations, and leaders about fair housing laws and protections under the City Human Rights Law. The Commission participated in the MLK Day Racial Justice Shabbat, a program which focused

on conversation about Dr. Martin Luther King, Jr., racial justice, and diversity in Jewish communities. The event was a successful partnership with Repair the World, JCC Harlem, Be’chol Lashon, Harlem Havruta, Kehillat Harlem, Harlem Minyan, and Based in Harlem, in which panelists shared their histories working on these issues, and the Commission highlighted its ongoing work to combat racism and discrimination across the City.

In an event that highlighted the intersection of racial, ethnic, and national identities, the Commission hosted a racial justice forum entitled “Human Rights in NYC’s African Communities: A Conversation” at the Columbia Law School Center for the Study of Law and Culture and Social Justice Initiatives to explore the role government can and does play in addressing the particular racial discrimination faced by the City’s African communities.

### MEDIA COVERAGE /

**Afrikan Spot:** NYC Commission on Human Rights hosts First Annual African Community Forum – Staff (July 3, 2017)

**Kings County Politics:** Bed-Stuy Cafe Leaves Young African-American Trick Or Treaters Holding the Bag – staff (November 4, 2017)

**Center Africa TV:** Commission holds 2nd Annual African Immigrant Resource Fair – Abdul Rasheed A. Abubakar (May 10, 2018)

**Bronx Times:** Human Rights Holds African Community Forum – Alex Mitchell (June 3, 2018)

**African Journal:** African communities forum: believe in ourselves was the message – Bazona Barnabe Bado (June 2, 2018)



Photo credit: Adrienne Nicole Productions

# RESPONDING TO BIAS INCIDENTS WITH EDUCATION AND OUTREACH

Due to the ubiquity of technology, social media, and viral news, the sights and sounds of discriminatory and harassing acts from across the City are in the palms of New Yorkers’ hands. To address these incidents, the Commission resurrected initiatives from its work in the 1990s by relaunching its multilingual Bias Response Team. In Fiscal Year 2018, it significantly expanded its work by hiring two dedicated Human Rights Specialists to serve as Bias Response Investigators. The Commission now quickly mobilizes in the immediate aftermath of incidents of bias or hate with a range of different responses, including: ensuring Commission staff are visible and present at the site of the incident with material about people’s rights as well as services the Commission provides; connecting with community leaders and affected parties; providing programming and on-site legal intake; and engaging with the community about an appropriate agency response.

In Fiscal Year 2018, the Bias Response Team responded to 146 bias incidents – a greater than 200% increase compared to the previous fiscal

year. The Commission both strategically responds to and tracks these bias incidents, and this tracking effort will enhance its responses in the future. A few of the Commission’s bias response actions include:

/// In September 2017, a home in Riverdale was vandalized with a swastika on its doorway. It was quickly discovered that the perpetrator was a local teenager. The Commission alerted Bronx Community Board 8, and the Commission made a presentation to the Board’s Youth Committee about the City Human Rights Law and protections under the Law.

/// In January 2018, a group of girls in downtown Brooklyn attacked a Muslim woman, calling her a terrorist and spitting on her. Members of the Commission met with victim to inform her of her options to file a complaint with the Commission. The Commission also organized a Day of Visibility near the site of the incident occurred, sharing materials on protections for Muslims and those perceived to be Muslim.

/// In March 2018, racist, anti-Black pictures were distributed on social media at a college campus. The Commission conducted outreach to the victims, elected officials, community leaders and Campus officers, and distributed literature in the community.

/// In May 2018, a New York City attorney was captured on video berating and threatening Spanish-speaking employees of Fresh Kitchen

restaurant for speaking Spanish. The next day, Commission staffers visited the restaurant to speak with employees impacted by the incident and hand out “Know Your Rights” fliers and other material about the protections offered by the City Human Rights Law.

■ In August 2017, a condominium in Sunnyside Queens was vandalized with Nazi signs and other hateful symbols in its lobby. The Commission mobilized a Day of Action and press conference with Council Member Jimmy Van Bramer and other City agencies.

This last incident led the Commission to launch an investigation into the condominium’s board of directors. The Commission resolved the case by a settlement requiring the resignation of three board members, changes to the condominium’s “House Rules” to comply with the NYC Human Rights Law, and continued Commission monitoring of the board for the next two years.

## PRESS RELEASE /

### ***New York City Held Day of Action in Queens to Remind Immigrant New Yorkers of Legal Protections Against Housing Discrimination and Harassment***

(June 2017)

“The de Blasio Administration announced a Day of Action in Queens to inform immigrant New Yorkers of legal protections against discrimination in housing based on immigration status and national origin under the New York City Human Rights Law. City agencies, including the NYC Commission on Human Rights, Housing Preservation and Development, Human Resources Administration, Mayor’s Office of Immigrant Affairs, Mayor’s Public Engagement Unit, and the Mayor’s Community Affairs Unit, distributed flyers on housing rights and answered questions on tenant harassment in Jackson Heights and Corona to help immigrant New Yorkers learn about legal protections and services against housing discrimination.”

### ***New York City Announces Investigation into Tenant Harassment in Queens Condo Building Displaying Nazi Imagery and Confederate Posters***

(August 2017)

“New York City announced an investigation into allegations of tenant harassment at 47-55 39th Place in Sunnyside, Queens, which has displays of Nazi and Confederate imagery, swastikas and other hate symbols in the lobby. The NYC Commission on Human Rights launched the investigation on behalf of the City following public reports from Majority Leader Jimmy Van Bramer, tenants and condo owners of a hostile environment due to alleged tenant harassment by the property manager or managers connected to the offensive displays in the common area.”

## MEDIA COVERAGE /

**Gothamist:** Racist Rant on Q Train: ‘Get The F\*\*k Out Of My Country’ – Emma Whitford (August 11, 2017)

**Sunnyside Post:** Human Rights Commission opens investigation into tenant harassment, discrimination in Sunnyside condo building – Nathaly Pesantez (August 29, 2017)

**El Diario:** They fear escalation of hate crimes in the Subway in the Trump Era – Edwin Martinez (September 1, 2017)

**The Root:** Coffee Shop in NYC’s Gentrified Bed-Stuy Neighborhood Refused to Give Candy to Black Children on Halloween: Report – Monique Judge (November 2, 2017)

**Gothamist:** ‘Racist Lawyer’ Lays Low As NYC Human Rights Commission Visits Fresh Kitchen – Jake Offenhartz (May 18, 2018)





Photo credit: Commission staff

## BREAKING DOWN BARRIERS TO HOUSING

The Commission devotes significant educational, supportive, and enforcement resources toward combating housing discrimination so that all New Yorkers – regardless of race, color, immigration status, national origin, disability, source of income, or any other protected status – have an equal opportunity to make a home in our city. The Commission’s Fair Housing Program has increased its visibility and outreach to respond to the threats and actions against the City’s immigrant communities following reports of xenophobia locally and nationwide. The Program conducted 168 workshops on the City Human Rights Law and Discrimination in Housing for community members and housing providers, reaching over 3,000 people. The Commission has also responded to a trend of predatory landlords trying to take advantage of federal immigration policy to discriminate against and harass tenants based on their immigration status. In Fiscal Year 2018, the Law Enforcement Bureau launched almost three times as many Commission-initiated investigations into this illegal practice as compared to calendar year 2017.

The Commission also addresses housing discrimination by maintaining a regular presence at Housing Court Answers, a resource provided

at housing courts in all five boroughs. This has allowed the Commission to reach and educate hundreds of New Yorkers about their rights under the Fair Housing Act and the City Human Rights Law. The Commission was also part of Chhaya CDC’s 9th Annual Home Buyer Fair, which allowed us to reach over 800 potential homeowners. The Commission has also partnered with faith-based organizations such as the Abyssinian Development Corporation to educate their congregants or followers about the Commission’s fair housing resources and protections.

In addition to targeting our education and outreach efforts towards landlords, home buyers, and renters, the Commission is a sought-after source of information by the City’s elected leaders. During Fair Housing Awareness Month in April, the Commission conducted a training on lawful source of income laws and discrimination for the staff of elected officials in the Bronx. The Commission also testified twice before City Council committees on housing discrimination issues: once before the Committee on Housing and Buildings about discrimination in co-ops; and then jointly before the Committee on Immigration and the Committee on Housing and Buildings about discrimination in housing based on immigration status and/or national origin.

## FOCUS ON SOURCE OF INCOME DISCRIMINATION /



Photo credit: Adrienne Nicole Productions

The Commission continued to prioritize combating the pervasive problem of landlords refusing to rent to tenants with housing vouchers or other government subsidies, which violates the NYC Human Rights Law source of income protections. In Fiscal Year 2018 the Commission launched its Source of Income Unit, an enforcement unit focused exclusively on combatting source of income discrimination. The unit intervenes quickly on behalf of victims of source of income discrimination, contacting a landlord or broker immediately while the apartment in question is likely still on the market to explain the law and ensure the victim is able to rent the apartment. In keeping with the Commission’s mission and effort to avert discriminatory conduct in the first instance, the unit has developed guidance on this issue for brokers and landlords.

The Source of Income Unit also identifies landlords and brokers in control of a significant number of affordable units who engage in a widespread pattern or practice of discrimination. The Commission dispatches testers to verify reports of such pervasive discrimination. If these tests are consistent with the initial allegations, the unit investigates and, if warranted, prosecutes these cases, seeking injunctive relief in the form of permanent policy changes as well as monetary damages for those impacted.

The Commission’s investigations of discrimination based on source of income have increased and

represent 34% of the agency’s total housing discrimination complaints filed in Fiscal Year 2018. In Commission on Human Rights ex rel. Agosto v. American Construction Associates, the respondent building owner turned away a prospective renter who attempted to cover her rental security with a government-issued security voucher. The Commission held that respondents discriminated against the complainant based on her lawful source of income, causing her to be street homeless for two months. The Commission awarded the complainant \$13,000 in emotional distress damages and imposed a civil penalty of \$20,000. Respondents were also ordered to undergo training and to post a notice of rights at their building. The Commission also resolved a claim involving allegations that a management company denied a prospective tenant the opportunity to see or apply for a vacant apartment because he had a voucher. After investigation, the realty company entered into a conciliation agreement requiring it to pay the complainant \$7,5000 in damages, a \$7,500 civil penalty, and attend training on the City Human Rights Law.

## PRESS RELEASE /

### ***NYC Commission on Human Rights Announces Settlement with Sunnyside Queens Condo Board Following Investigation into Tenant Harassment and Discrimination***

(February 2018)

“The NYC Commission on Human Rights announces a settlement with the Condominium Board of Managers at 47-55 39th Place in Sunnyside, Queens following an investigation into reports of tenant harassment, discrimination, and a hostile environment, including displays of Nazi and Confederate imagery, swastikas, and hate symbols in the lobby. The Commission launched the investigation on behalf of the City in August 2017 immediately after it learned of possible violations of the NYC Human Rights Law in the building from Council Member Jimmy Van Bramer, tenants, and condo owners.”

## **MEDIA COVERAGE /**

**New York Times:** The Heartbreak of a Co-op Rejection – Ronda Kaysen (July 21, 2017)

**Univision:** The Human Rights Commission Fights for a Law to Protect Disabled Persons in Apartments – Lisa Garner (August 1, 2017)

**El Diario:** Homeowners reject tenants who pay with housing vouchers in NYC – Edwin Martinez (August 18, 2017)

**Curbed:** What are landlords required to provide in New York apartments? – Evan Bindelglass (August 30, 2017)

**am NY:** Queens broker denied apartment to mom with toddler, CCHR says – Nicole Brown (October 3, 2017)

**Gov Tech:** Data Analytics Is Protecting Affordable Housing in New York – Christ Bousquet (Feb. 28, 2018)

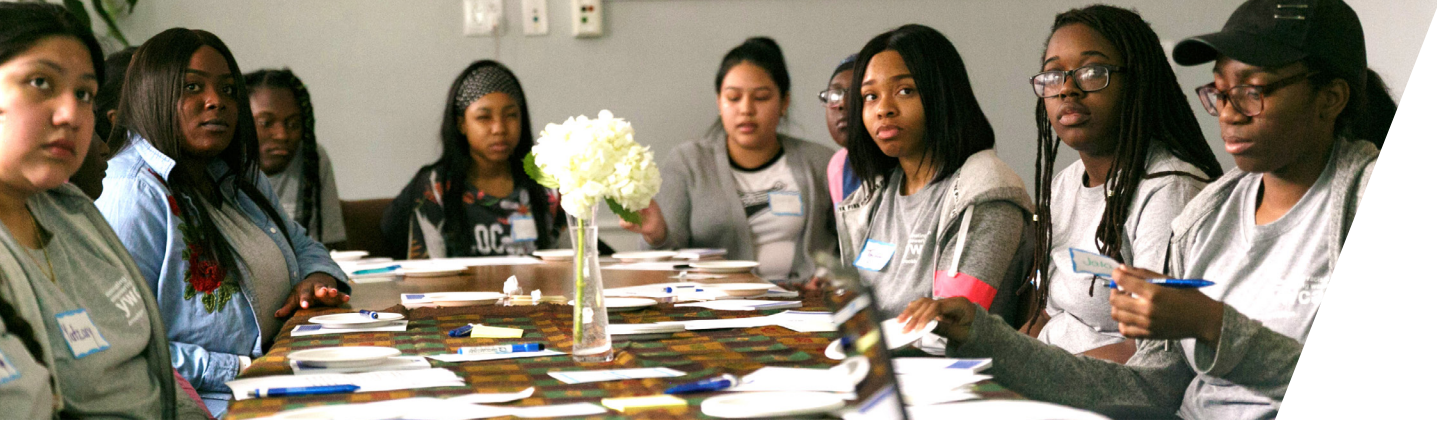


Photo credit: Adrienne Nicole Productions

## SUPPORTING STUDENTS THROUGH HUMAN RIGHTS PROGRAMMING IN SCHOOLS

It is a well-accepted axiom that hatred, intolerance, and bigotry are learned behaviors, and not inherited at birth. For that reason, the Commission devotes a great deal of resources to providing New York City's young people with the framework, vocabulary, and tools to advocate for themselves and others under and consistent with the City Human Rights Law. The Commission seeks to foster empowering and educational environments for young people so that they know how to counteract hate when they see it and can provide support to their peers and communities.

During Fiscal Year 2018, the Commission launched its Empowering Young Women Curriculum at the YWCA-Brooklyn. The six-week program, tailored for high school students, covers the following topics: defining human rights, women in history, gender diversity, and empowering young women in education and employment. By working together

through these topics, the program seeks to help the participants build self-esteem, gain confidence asserting themselves, develop career expectations and goals, and understand issues of human rights and gender equity. The program ends with a session on how to use the media as an advocacy tool, so that the students can take what they have learned and think about ways to advocate for change in their communities.

The Commission also continued its long-standing successful Peer Mediation Program. The program seeks to help schools de-escalate tension between students, while also empowering students to assume leadership roles in their schools. During the after-school training, Commission staff train student mediators in the skills of active listening, information gathering, and problem solving. Student mediators develop improved communication skills and use them to work with teachers to resolve and mediate conflict among their classmates. Furthermore, students learn to express their concerns in a constructive and peaceful manner. During Fiscal Year 2018, the Commission conducted Peer Mediation trainings in six schools, with nearly 100 students successfully completing the program and going on to serve as peer mediators in their school communities.



Photo credit: Kelly Williams

# EXAMINING EMERGING TECHNOLOGIES THROUGH A HUMAN RIGHTS LENS

In May 2018, the Commission assumed responsibility of co-chair of the City's new Automated Decision System Task Force, which will develop a process for examining the use of "automated decision systems," commonly known as algorithms by City government. The Commission's leadership role on the Task Force is an outgrowth of its work over the past three years on data-driven discrimination – discrimination resulting from the convergence of big data and predictive analytic techniques. The agency's work in this area is recognized by experts in the field, who frequently invite the Commission to speak at events focused on questions of algorithmic fairness and accountability, including RightsCon 2018 and the Workshop on Mechanism Design for the Social Good at the 2018 ACM Conference on Economics and Computation. Over the course of the next year, the agency will help to guide the Task Force's efforts to generate proposals for how the

values of equity, transparency, and accountability can drive the use of these emerging technologies.

## PRESS RELEASE /

***Mayor de Blasio Announces First-In-Nation Task Force to Examine Automated Decision Systems Used by The City***

(May 2018)

"Mayor de Blasio announced the creation of the Automated Decision Systems Task Force which will explore how New York City uses algorithms. The task force, the first of its kind in the U.S., will work to develop a process for reviewing "automated decision systems," commonly known as algorithms, through the lens of equity, fairness and accountability. The task force will be co-chaired by Emily W. Newman, Acting Director of the Mayor's Office of Operations, and Brittny Saunders, Deputy Commissioner for Strategic Initiatives at the Commission on Human Rights."

## MEDIA COVERAGE /

**Pro Publica:** New York City Moves to Create Accountability for Algorithms – Laura Kirchner (Dec. 18, 2017)

**ACLU:** New York City Takes on Algorithmic Discrimination – Rashida Richardson (Dec. 12, 2017)

**Next City:** The Next Front in NYC's Fight Against Discrimination: Algorithms – Rachel Dovey (Dec. 15, 2017)

**WNYC:** Getting Algorithms Right – Brian Lehrer (January 3, 2018)

**Gizmodo:** NYC Launches Task Force to Study How Government Algorithms Impact Your Life – Sidney Fussell (May 16, 2018)



Photo credit: Adrienne Nicole Productions

# INVESTIGATION, ENFORCEMENT, MEDIATION AND ADJUDICATION OF THE CITY HUMAN RIGHTS LAW IN FISCAL YEAR 2018

The Commission’s enforcement capability is critical to further the goals of eradicating discrimination, remedying injustice, and serving as a deterrent against future acts of discrimination. The Commission’s Law Enforcement Bureau attorneys carefully evaluate every allegation of discrimination that comes through the Commission’s door as well as utilize the agency’s investigatory power to root out pattern or practice discrimination. While the Commission’s investigatory and prosecutorial powers remain the focus of the Law Enforcement Bureau, cases may also be resolved before a complaint is filed through the Commission’s newly established Early Intervention Unit or through an agreement facilitated by the Commission’s Office of Mediation and Conflict Resolution. At the end of Fiscal Year 2018, the Law Enforcement Bureau

had an active caseload of over 2,500 cases, comprising cases at the pre-complaint intervention, investigation, and litigation stages.

## INVESTIGATIONS /



Photo credit: Commission staff

## INQUIRIES /

The Commission’s enforcement process generally begins when a member of the public makes an inquiry with the agency. Frontline Human Rights Specialists fielded 9,513 inquiries from members of the public in Fiscal Year 2018, in the form of phone calls, emails, letters, visits to Commission offices, and queries to mobile intake units dispatched to community sites or Commission events. Infoline staff at the Commission speak eight languages

other than English to better serve those whose primary language is other than English. Infoline staff assess each person's situation and route them for pre-complaint intervention, further assessment by an attorney, complaint filing, and/or a referral to another City agency or community resource.

The chart below provides further information about these inquiries. Because many individuals alleged more than one jurisdiction and/or protected class, the total below (10,372) exceeds the number of inquiries serviced (9,513). Since 2015, the number of inquiries the agency receives has sharply increased (5,296 in calendar year 2015, 8,330 in 2016, 9,772 in 2017).<sup>2</sup> This increase is due in part to the Commission's expanded outreach efforts targeting hard-to-reach communities in the five boroughs and informing them about the Commission as a venue to combat discrimination and harassment.

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<sup>2</sup> The New York City Charter was amended in January 2018 to change the Commission's statutory reporting period from calendar year to fiscal year (i.e. July 1 – June 30). See Charter § 905(e)(8). Consequently, this report covers Fiscal Year 2018 (July 1, 2017 – June 30, 2018). References to data or statistics from previous years reflect information compiled over a 12-month calendar year.



## INQUIRIES IN FISCAL YEAR 2018

(July 1, 2017-June 30, 2018)

Protected Class	Bias-Based Profiling	Discriminatory Harassment	Employment	Housing	Lending Practices	Public Accommodation	Jurisdiction Not Stated	Total
Age	/	2	108	36	/	18	/	164
Aiding/Abetting	/	/	4	1	/	/	/	5
Alienage Status (Immigration Status)	1	6	10	20	/	2	/	39
Arrest Record (Employment only)	/	/	39	/	/	/	/	39
Caregiver Status (Employment only)	/	/	23	/	/	/	/	23
Citizenship Status	/	5	14	25	/	5	/	49
Color	3	2	71	53	/	62	/	191
Conviction Record (Employment only)	/	/	119	/	/	/	/	119
Credit History (Employment only)	/	/	17	/	/	/	/	17
Creed/Religion	/	6	47	22	/	24	/	99
Disability	1	2	218	456	/	210	/	887
Domestic Partnership Status	/	/	/	2	/	/	/	2
Gender*	1	8	272	38	/	63	/	382
Interference with Protected Rights	/	/	3	9	/	3	/	15
Lawful Occupation (Housing only)	/	/	/	4	/	/	/	4
Lawful Source of Income (Housing only)	/	/	/	328	/	/	/	328
Marital Status	/	/	7	17	/	1	/	25
National Origin	2	17	125	105	1	55	/	305
Pregnancy Accommodation (Employment only)	/	/	56	2	/	3	/	61
Presence of Children (Housing only)**	/	1	/	30	/	/	/	31
Race	6	11	279	144	/	144	/	584
Relationship/ Association	/	/	2	/	/	2	/	4
Retaliation	/	/	124	11	/	5	/	140
Salary History (Employment only)	/	/	23	/	/	/	/	23
Sexual Orientation	1	4	41	35	/	31	/	112
Unemployment Status (Employment only)	/	/	2	/	/	/	/	2
Uniformed Services Member	/	/	4	/	/	1	/	5
Victim of domestic violence (Employment & Housing only)	/	/	8	8	/	/	/	186
Protected Class Not Stated	/	/	/	/	/	/	6701	6701
<b>Total</b>	<b>15</b>	<b>64</b>	<b>1616</b>	<b>1346</b>	<b>1</b>	<b>629</b>	<b>6701</b>	

**Total Inquiries 10,372**

\* Includes Gender Identity and Gender Expression.

\*\* Includes children that are, may be, or would be residing there.

\*\*\* The names of protected categories are shown here as they appear in the text of the law.

## INQUIRIES BY MEMBERS OF THE PUBLIC WHOSE PREFERRED LANGUAGE IS OTHER THAN ENGLISH



Photo credit: Kelly Williams

The Commission takes pride in maintaining a staff that reflects the diversity of New York City and the individuals who seek help from it. The Commission’s Infoline staff answering calls are fluent in Spanish, Haitian Creole, Arabic, Hindi, Urdu, Mandarin, Cantonese and Nepali. Across the agency, Commission staff speak more than 35 languages. When there is a need for a language other than these, we reach out to an outside service provider to connect us with an interpreter via phone. The chart below shows which languages, other than English, were spoken by members of the public who made inquiries to the Commission. In Fiscal Year 2018, the staff fielded 896 such inquiries in 17 languages, consistent with a significant increase in calendar year 2017 (888 inquiries in 18 languages), as compared to 2016 (639 inquiries in 13 languages) and 2015 (473 inquiries in 11 languages).

American Sign Language	2
Arabic	6
Bengali	2
Chinese - Cantonese	10
Chinese - Mandarin	15
French	3
Haitian Creole	3
Hindi	5
Japanese	1
Khmer	1
Korean	1
Nepali	3
Polish	4
Portuguese	2
Russian	22
Spanish	815
Urdu	1
<b>Grand Total</b>	<b>896</b>



Photo credit: Adrienne Nicole Productions

## PRE-COMPLAINT INTERVENTIONS

The Commission intervenes in appropriate situations before filing a complaint in order to provide an immediate response and prevent future harm. To expand the Commission’s work in this area, in Fiscal Year 2018, Law Enforcement Bureau launched an Early Intervention (“EI”) Unit, which assists members of the public with issues that may be resolved quickly without filing a complaint. The newly created Source of Income Unit also fulfills this role.

The Early Intervention Unit intervenes in a range of situations, including:

- / Negotiating disability-related accommodations in housing and public accommodations such as installation of grab bars or roll-in showers, or allowing people to keep a service or emotional support animal on an expedited basis.

- / Identifying cases in which the parties may agree to an immediate non-monetary resolution, such as a patron who alleges she was denied service by a small business because she has a service animal. In such situations, the EI Unit works with the business owner to allow the patron to obtain services, understand the requirements of the City Human Rights Law, change policies, and train staff to comply with the law going forward.

- / Expediting intake in urgent situations, such as in the case of a worker experiencing ongoing sexual harassment or a tenant whose landlord has threatened to call Immigration and Customs Enforcement (ICE) or the Administration for Children’s Services (ACS) in retaliation for complaints about housing conditions.

In addition, another form of pre-complaint intervention takes place when a clear pattern or practice violation comes to the Commission’s attention. Enforcement attorneys may send a cease-and-desist letter or otherwise contact the discriminating entity to demand an immediate stop to the illegal practice. Often, it is not necessary to file a complaint and the Law Enforcement Bureau negotiates a full resolution when the entity responds.

In Fiscal Year 2018, the Law Enforcement Bureau resolved 141 cases without filing a complaint, a steep increase from calendar years 2017 (47 cases), 2016 (30 cases) and 2015 (13 cases), significantly reducing the time it takes to get to resolution than if the complaining party filed a complaint. Of these 141 cases, 43 were the result of Commission-initiated investigations, up from 27 such cases in calendar year 2017 and six such cases in calendar year 2016.

The chart on the next page lists the area of jurisdiction and the protected classes involved in the successful interventions. Some interventions involved claims under more than one jurisdiction and many involved more than one protected class.



**Commission on  
Human Rights**

	Discriminatory Harassment	Employment	Housing	Public Accommodations	Grand Total
Age		2	2	2	6
Alienage Status			2		2
Arrest Record		1			1
Citizenship Status			1		1
Color	1		2		3
Conviction Record		3			3
Creed	1	1	1	1	4
Disability		4	59	22	85
Gender		5	2	7	14
Lawful Source of Income			30		30
Marital Status			1		1
National Origin	1	1	4	3	9
Pregnancy		2			2
Race	1	3	4	4	12
Retaliation		2	1		3
Salary History		1			1
Sexual Orientation		1	1		2
Victims of Domestic Violence		1			1
<b>Grand Total</b>	<b>4</b>	<b>27</b>	<b>110</b>	<b>39</b>	<b>180</b>



Photo credit: Adrienne Nicole Productions

## COMMISSION-INITIATED ENFORCEMENT ACTIONS

The Commission has the power to initiate its own investigations and resulting enforcement actions when entities are suspected of maintaining or engaging in discriminatory policies or practices. In addition to filing complaints and testing, both of which are further described below, the Commission sends cease-and-desist letters and also uses a range of investigative methods, such as requests for information on policies and practices, demands for documents, and interviews of key witnesses. These are equivalent to the fact-gathering mechanisms available to attorneys litigating in state and federal courts.

In Fiscal Year 2018, Commission-initiated investigations covered 25 different protected categories. To highlight a few key areas, the Commission:

- Launched investigations into the policies and practices of employers where repeat instances of sexual harassment came to the Commission's attention.

- Opened investigations to address pregnancy discrimination in employment and ensure lactation space for employees.

- Continued expansive testing of employment agencies to identify discrimination against job applicants based on criminal history.

- Investigated the accessibility of several mammography centers.

- Regularly intervened on an expedited basis to stop landlords from intimidating tenants because of actual or perceived immigration status.

The agency launched 583 Commission-initiated investigations in Fiscal Year 2018, including testing, a significant increase over 450 such investigations in calendar year 2017, and 426 in calendar year 2016.

The chart on the next page provides a breakdown of the Commission-initiated investigations (which includes testing-based investigations) according to the area of jurisdiction and protected class of the alleged violations. Most investigations involve more than one protected class, and several involve claims under more than one jurisdiction.



**COMMISSION-INITIATED INVESTIGATIONS BY JURISDICTION**



**COMMISSION-INITIATED INVESTIGATIONS BY PROTECTED CLASS<sup>3</sup>**

Discriminatory Harassment	Employment	Housing	Public Accommodations
Color 1	Age 3	Age 2	Age 1
Creed 1	Arrest Record 272	Alienage Status 19	Alienage Status 3
Gender 1	Citizenship Status 4	Citizenship Status 6	Citizenship Status 1
Interference with Protected Rights 1	Conviction Record 275	Creed 1	Creed 1
National Origin 1	Credit History 37	Disability 32	Disability 60
Sexual Orientation 1	Creed 2	Gender 4	Domestic Partnership Status 1
	Disability 11	Lawful Occupation 1	Gender 19
	Gender 20	Lawful Source of Income 185	Marital Status 1
	National Origin 71	Marital Status 2	National Origin 7
	Pregnancy 12	National Origin 12	Race 7
	Race 75	Presence of Children 2	Sexual Orientation 6
	Retaliation 2	Race 25	
	Salary History 50	Retaliation 2	
	Sexual Orientation 2		
	Unemployment Status 1		
	Victims of Domestic Violence 2		

<sup>3</sup> In addition, the Commission initiated and filed one case pursuant to N.Y. Admin. Code §8-107(8) for violation of a Commission-ordered conciliation agreement.

## TESTING /



Photo credit: Kelly Williams

The Commission uses testing as an investigative tool to confirm whether there is discrimination in housing, employment, or public accommodations. As part of an investigation, the agency may send testers to potential employers, landlords/real estate brokers, restaurants, hospitals, stores, or other public accommodations to see if our testers are treated differently or are given different information because they belong to a protected class. This is a historically effective tool used in civil rights litigation. In Fiscal Year 2018, Commission testers tested 691 entities, an increase over calendar year 2017 in which the testers performed tests on 577 entities.

### TESTS IN EMPLOYMENT - 315

Protected Class	Number of Entities Tested
Conviction and/or Arrest Record	<b>288</b> (150 also tested for Salary History) <sup>4</sup>
Pregnancy	<b>10</b>
Race	<b>15</b>
Gender	<b>2</b>

### TESTS IN HOUSING - 290

Protected Class	Number of Entities Tested
Lawful Source of Income	<b>222</b>
Race	<b>36</b>
Disability (Emotional Support Animal)	<b>10</b>
Pregnancy	<b>19</b>
Pregnancy	<b>3</b>

### TESTS IN PUBLIC ACCOMMODATIONS - 86

Protected Class	Number of Entities Tested
Disability Access	<b>85</b>
Creed	<b>1</b>

<sup>4</sup> Since October 31, 2017, the effective date of the City Human Rights Law's prohibition on salary history inquiries in employment, the Law Enforcement Bureau has tested for questions related to salary history, conviction, and arrest record in the same test because all three areas involve reviewing job applications for illegal inquiries.

## ENFORCEMENT /



Photo credit: Commission staff

## COMMISSION-INITIATED COMPLAINTS /

Some Commission-initiated investigations lead to the filing of a Commission-initiated complaint alleging a pattern or practice violation. In Fiscal Year 2018, we filed 44 Commission-initiated complaints, an increase over 37 in calendar year 2017.

The chart below lists the number of Commission-initiated complaints according to the jurisdiction and protected class of the alleged violation.

Most complaints allege more than one protected class. For example, the Commission filed 30 Commission-initiated complaints to address illegal employment practices that discriminate on the basis of arrest and conviction record and which also have a disparate impact on Black and Latinx employees; these complaints allege violations under four protected classes: arrest record, conviction record, race, and national origin.

Employment	33
Housing	8
Public Accommodations	2
Violation of a Conciliation Agreement	1
<b>Grand Total</b>	<b>44</b>

**PROTECTED CLASS**

<b>Employment</b>	
Arrest Record	32
Conviction Record	32
Credit History	1
Disability	2
Gender	1
National Origin	30
Race	30
Salary History	2
<b>Housing</b>	
Alienage Status	2
Citizenship Status	2
Disability	1
Lawful Source of Income	4
National Origin	3
Race	2
Retaliation	1
<b>Public Accommodations</b>	
Disability	1
Gender	1



**TOTAL COMPLAINTS FILED IN FISCAL YEAR 2018 /**

The Commission filed 751 complaints in Fiscal Year 2018 arising from externally-brought allegations of discriminatory practices, an increase over 747 complaints filed in calendar year 2017. Fifty percent (50%) of those cases were in employment and thirty-six percent (36%) were in housing. Disability-related claims were the most common (18%). Race (15%), gender (11%), and national origin (10%) were the other highest trending claims.

The types of discrimination claims filed with and by the Commission during Fiscal Year 2018 are below – first, the number of claims filed in each jurisdiction, and second, the number of claims in each protected class. Most complaints allege more than one violation, sometimes under more than one jurisdiction and, more commonly, under more than one protected class. Complaints filed by members of the public and Commission-initiated complaints are included; therefore, the charts below overlap with the Commission-initiated complaints chart above. Note that the graphic shows only categories with one or more claims.

**CLAIMS FILED BY JURISDICTION**

Discriminatory Harassment	14
Employment	388
Housing	274
Lending Practices	1
Public Accommodations	93
Violation of a Conciliation Agreement	1

**CLAIMS BY PROTECTED CLASS**

Discriminatory Harassment	Employment	Housing	Lending Practices	Public Accommodations
Alienage Status <b>2</b>	Age <b>32</b>	Age <b>10</b>	National Origin <b>1</b>	Age <b>4</b>
Citizenship Status <b>2</b>	Aiding/Abetting <b>3</b>	Alienage Status <b>13</b>		Citizenship Status <b>3</b>
Creed <b>4</b>	Alienage Status <b>5</b>	Citizenship Status <b>11</b>		Color <b>6</b>
Gender <b>5</b>	Arrest Record <b>54</b>	Color <b>13</b>		Creed <b>3</b>
National Origin <b>4</b>	Caregiver Status <b>11</b>	Creed <b>14</b>		Disability <b>50</b>
Race <b>4</b>	Citizenship Status <b>4</b>	Disability <b>98</b>		Gender <b>15</b>
Sexual Orientation <b>2</b>	Color <b>15</b>	Domestic Partnership Status <b>1</b>		National Origin <b>12</b>
	Conviction Record <b>76</b>	Gender <b>15</b>		Race <b>21</b>
	Credit History <b>5</b>	Interference with Protected Rights <b>8</b>		Relationship/Association <b>1</b>
	Creed <b>16</b>	Lawful Source of Income <b>94</b>		Retaliation <b>3</b>
	Disability <b>95</b>	Marital Status <b>3</b>		Sexual Orientation <b>4</b>
	Gender <b>118</b>	National Origin <b>41</b>		
	Interference with Protected Rights <b>3</b>	Presence of Children <b>12</b>		
	Marital Status <b>2</b>	Race <b>52</b>		
	National Origin <b>82</b>	Retaliation <b>8</b>		
	Pregnancy <b>19</b>	Sexual Orientation <b>11</b>		
	Race <b>134</b>	Victims of Domestic Violence <b>3</b>		
	Relationship/Association <b>1</b>			
	Retaliation <b>95</b>			
	Salary History <b>7</b>			
	Sexual Orientation <b>21</b>			
	Uniformed Services Member <b>1</b>			
	Victims of Domestic Violence <b>9</b>			

## DETERMINATIONS AND RESOLUTIONS IN CASES WITH FILED COMPLAINTS /

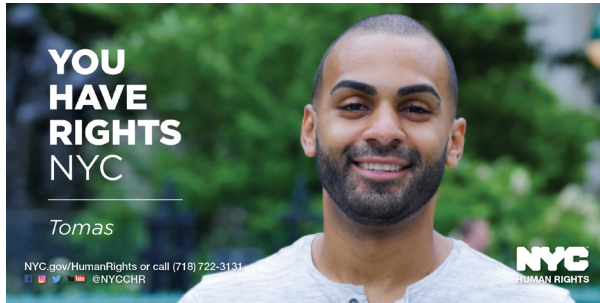


Photo credit: Jenny Groza Productions

In Fiscal Year 2018, the Law Enforcement Bureau resolved 730 cases with filed complaints, up from 609 in calendar year 2017 and continuing a significant trend over previous years (436 in calendar year 2016 and 354 in calendar year 2015). The possible case outcomes are a determination of either Probable Cause or No Probable Cause, settlement, administrative closure, or withdrawal. These are described below:

### PROBABLE CAUSE OR NO PROBABLE CAUSE /

After the Law Enforcement Bureau has undertaken a full investigation, a determination of either Probable Cause or No Probable Cause is issued. The following is the Commission's standard in making a determination: whether probable cause exists to credit the allegations of a complaint that an unlawful discriminatory practice has been or is being committed by a respondent where a reasonable person, looking at the evidence, could reach the conclusion that it is more likely than not that the unlawful discriminatory practice was committed.

**Probable Cause Determinations 36 (5%)**

**No Probable Cause Determinations 29 (4%)**

### SETTLEMENTS /

The Commission also commonly seeks to negotiate a settlement. In such cases, the parties and the Commission enter into a conciliation agreement, which is an enforceable Commission order. Some cases also resolve through a private settlement agreement and then a withdrawal of the case. The monetary recovery in those cases is included here. Finally, cases resolved through the Commission's Office of Mediation and Conflict Resolution are also included in these totals.<sup>5</sup>

**Settlements 164 (22%)**

<sup>5</sup> Several cases had both a determination of Probable Cause and then a successful settlement in the same reporting period of Fiscal Year 2018.

## ADMINISTRATIVE CLOSURES /

An administrative closure may be issued in several circumstances: at complainant’s request; when a complaint is deemed non-jurisdictional after investigation; when the Law Enforcement Bureau is unable to locate the complainant after diligent efforts; and when the bureau has determined a case is unlikely to lead to probable cause. Notably, an administrative closure preserves a complainant’s right to bring the same claim in another forum.

**Administrative Closures 483 (66%)**

## WITHDRAWAL /

Some complainants request to withdraw because they have decided not to pursue the matter.

**Withdrawal 10 (1%)**

The average time to resolve these cases was 622 days, an increase from 2017 when the average time to resolve a case was 581 days.<sup>6</sup> Over the past several years, the City Human Rights Law has been amended to include more protected categories, which broadened the Law Enforcement Bureau’s mandate. This change in the law combined with the Commission’s efforts to increase awareness through publicized enforcement guidance and media campaigns have contributed to both the increased number of cases handled by LEB across all protected classifications, and to an increasing number of inquiries from the public. At the same time, the Bureau continues to conduct in-depth investigations to identify pattern or practice violations, and to evaluate respondents’ full compliance with the City Human Rights Law. This combination of factors has lengthened investigation time, as illustrated by the increased time to resolve cases.

<sup>6</sup> This calculation counts only the days pending for cases that involve a filed complaint.



Photo credit: Kelly Williams

## OFFICE OF MEDIATION AND CONFLICT RESOLUTION

The Commission transformed its Office of Mediation and Conflict Resolution (“OMCR”) in early 2017, developing and implementing a new voluntary mediation program that provides a neutral and empowering process for all parties to facilitate a quick, efficient, and mutually acceptable resolution of claims. The new program allows OMCR to assist in facilitating resolutions at various stages of the process, including pre-investigation, mid-investigation, conciliation and/or after a finding of Probable Cause. OMCR provides these mediation services at no cost.

OMCR is staffed by a Director and a Mediation Coordinator. In Fiscal Year 2018, the OMCR director successfully mediated 26 cases to resolution – the highest in this category since 2009 – representing, in the aggregate, dollar values totaling \$1,415,775.12, excluding non-economic terms such as agreements to provide reference letters and conduct trainings. The average time from the acceptance of a case in mediation to its closure was 203 days.



Photo credit: Adrienne Nicole Productions

## ADJUDICATION

When there has been a finding of Probable Cause, a case is then referred to the City’s Office of Administrative Trials and Hearings (OATH), where an Administrative Law Judge conducts a trial and issues a Report & Recommendation as to whether there has been a violation of the City Human Rights Law. That Report & Recommendation is then sent to the Commission’s Office of the Chairperson to review *de novo*, solicit additional briefing from the parties, if warranted, and to either remand the case back for further factual development, or to issue a final Decision and Order. In Fiscal Year 2018, the Office of the Chairperson issued five Decisions and Orders, three of which are described below:

/// In *Commission on Human Rights ex rel. Blue v. Jovic*, the respondent landlord refused for three years to provide a bathtub necessary for a child with a disability. The landlord also engaged in a campaign of harassment against the child and her mother by making false complaints to the police and fire department and by filing an unwarranted eviction proceeding against them. The Commission awarded \$45,000 in emotional distress damages to the child and \$50,000 to the child’s mother, and imposed a \$60,000 penalty, which could be discounted to \$10,000 if the respondent made the ordered reasonable accommodation on time.

/// In *Commission on Human Rights ex rel. Longmire v. S&A Stores*, the Commission granted the respondents’ motion to open default and remanded the case to the Law Enforcement Bureau for further investigation.

/// The respondent housing providers in *Commission on Human Rights ex rel. Carol T. v. Mutual Apartments* were held liable for failing to accommodate a mother and daughter by refusing to permit them to reside with their emotional support dog. Among other things, the Commission awarded \$40,000 in emotional distress damages to the mother complainant and \$30,000 in emotional distress damages to the daughter, and ordered the respondents to modify their policies, undergo training on the City Human Rights Law, and post several notices of rights. The Commission imposed a civil penalty of \$55,000 due, in part, to the respondent’s willful violation of the City Human Rights Law, their refusals to engage in dialogue with the complainants, and the importance of vindicating the public interest.

Summaries of two additional Decisions and Orders, in the matters of *Commission on Human Rights ex rel. Martinez v. Musso* and *Commission on Human Rights ex rel. Agosto v. American Construction Associates* are available on the Commission’s website.

## DAMAGES AWARDS AND CIVIL PENALTIES /



Photo credit: Adrienne Nicole Productions

In Fiscal Year 2018, the Commission ordered the payment of \$4,272,562.00 in combined civil penalties and compensatory damages, up significantly from previous years (\$2,666,695 in calendar year 2017, \$1,452,136 in 2016 and \$1,351,984 in 2015). In Fiscal Year 2018, 125 cases involved an award of compensatory damages (\$3,785,312) and 35 cases concluded with orders directing the payment of a civil penalty (\$487,250.00) to the City of New York. Eleven cases involved both.

The average compensatory award was \$30,282.00, higher than any prior year, and the average civil penalty was \$13,921.43. The amounts ordered come from cases resolved through successful pre-complaint interventions, conciliation agreements, cases settled through mediation at the Office of Mediation and Conflict Resolution and other private agreements, and final Commission Decisions and Orders.



Photo credit: Adrienne Nicole Productions

# FISCAL YEAR 2018 BUDGET

The Commission’s funding comes primarily from City tax-levy monies. Additional funding has also been provided through a contract with the Equal Employment Opportunity Commission (“EEOC”) for cases the Commission resolves that also could have been filed under federal law at the EEOC.

<b>City Tax Levy</b>	<b>\$ 14,822,612</b>
<b>Additional Program Grant Funding</b>	
EEOC Contract (Workshare Agreement)	\$ 173,600
<b>TOTAL</b>	<b>\$ 14,996,212</b>





Photo credit: Adrienne Nicole Productions

## APPENDIX

### MEDIA OUTREACH AND ENGAGEMENT MILESTONES /



Photo credit: Kelly Williams

The Office of Communications and Marketing is the Commission’s office in charge of communicating the City Human Rights Law’s protected areas and categories as well as the Commission’s policies, positions, goals, outcomes, law enforcement actions, and community outreach efforts to New Yorkers in the five boroughs using a variety of platforms including press, publications, digital and social media, and citywide media campaigns. Information about various media campaigns throughout sections of this report.

### INCREASED EARNED MEDIA ATTENTION ACROSS DIVERSE TYPES OF MEDIA /



Photo credit: Kelly Williams

The Office of Communications and Marketing team significantly increased earned media attention on the Commission’s law enforcement efforts, community engagement, public campaigns, and expansion of the City Human Rights Law with more than 1,100 earned media hits in Fiscal Year 2018 across print, online, TV, and radio, a 50% increase from calendar year 2017 and nearly double the press coverage from calendar year 2016. The Office of Communications and Marketing sent 16 press releases, 10 media advisories, four statements, and had two Letters to the Editor published in The New York Times in Fiscal Year 2018.

Additionally, the Office of Communications and Marketing continued to prioritize reaching vulnerable New Yorkers with a 40% of all press hits

in Fiscal Year 2018 (440) in ethnic and community media in an effort to ensure that every community in New York City, regardless of language, religion, or national origin, understands their rights.

The below section details samples of media stories pitched and placed by the Office of Communications and Marketing to strategically highlight the Commission’s rich and diverse community, enforcement, and policy work.

**HIGHLIGHTING THE COMMISSION’S ENFORCEMENT POWER /**



Photo credit: Adrienne Nicole Productions

***New York Sanctioned Landlord Who Sent a Letter to ICE by Denouncing its Tenants***

(Univision, July 2017)

“Tenants of a building in Ridgewood, Queens, reported having been discriminated against by their landlord before the New York Human Rights Commission. ‘We defend our tenants, regardless of their origin, in Queens and across the five districts,’ Mayor Bill de Blasio said in a statement. ‘We will make landlords accountable for their discriminatory actions.’ The city’s Human Rights Commission said it is currently investigating 291 complaints of discrimination based on immigration status and national origin.”

***Columbia University Faces Fines up to \$250,000 After a Former Muslim Employee Claims Christian Chaplain 'Didn't Allow Them Enough Prayer Breaks'***

(Daily Mail, August 2017)

“Columbia University could be slapped with \$250,000 in fines after a former Muslim employee filed a complaint claiming they weren't allowed enough prayer breaks. A former staffer claims that university chaplain Jewelnel Davis discriminated against them for their religious beliefs, according to the complaint filed with the New York City Commission on Human Rights last month.”

***City Slaps Businesses for Asking Job Applicants About Their Criminal Backgrounds***

(Daily News, November 2017)

“The city is charging a dozen businesses – including big names like Tavern on the Green, Estee Lauder and Family Dollar – with breaking a new law banning companies from asking about job seekers' criminal histories. The Human Rights Commission is set to announce the new charges Thursday – and has already struck a deal with Yelp to pay \$30,000 for shutting out a job applicant with a criminal history . . . ‘Everyone deserves a fair shot at employment, including those with a criminal record,’ said deputy commissioner Hollis Pfitsch.”

***Fast Food has a Massive Sexual Harassment Problem***

(Buzzfeed, December 2017)

“Basilisa Enriquez didn't know what to think when a manager started giving her a shoulder massage in the kitchen of the Midtown Manhattan Chipotle where she worked in 2012 . . . Her daughter Daniela said in a letter to the NYC Commission on Human Rights, ‘My mother was being treated like an outcast; she was given more responsibilities, was not allowed a lunch break, and was being spoken to very rudely.’ Enriquez later filed complaint against Chipotle with the commission.”

***7-Eleven Settles \$30G Sexual Harassment Suit from Worker Fired After Complaining Boss Said Pants were too Baggy***

(Daily News, January 2018)

“A 7-Eleven manager told an employee ‘you look like you have a refrigerator in your pants’ – and then fired him after he made a sexual harassment complaint, according to a city anti-discrimination watchdog. The convenience store chain agreed to fork over \$30,000 in a settlement with the city Human Rights Commission over harassment allegations by the former employee at its Chelsea store.”

***A Woman and Her Girlfriend Say They Were Kicked Out of an Uber After They Kissed***

(Buzzfeed, June 2018)

“Alex Iovine and her girlfriend were sitting in the back seat of an Uber on Saturday, riding between two New York City restaurants, when they shared a quick kiss. The next thing they knew, they said, the driver kicked them out of the car . . . Iovine said she filed a complaint with Uber on Saturday and the New York City Commission on Human Rights on Monday.”

**PROMOTING THE COMMISSION’S WORK CHANGING POLICIES TO HELP NEW YORKERS /**



Photo credit: Commission staff

***Human Rights Commission to Probe Queens Condo Lobby Flaunting Nazi, Confederate Symbols***

(Daily News, August 2017)

“The city Human Rights Commission is launching

an investigation into a Queens condo building that decked out its lobby with a bizarre display featuring Nazi and Confederate symbols . . . ‘Discrimination and harassment will not be tolerated in New York City and the NYC Commission on Human Rights is cracking down on anyone who thinks they are above the Law,’ said Human Rights Commission deputy commissioner Hollis Pfitsch. ‘Despite hostile rhetoric on the national level, no one in New York City has permission to harass or threaten another person because of who they are, what they believe, or what they look like.’”

***Human Rights Commission Settles with Lenox Hill Radiology After Mammogram Probe***

(Politico, March 2018)

“We hope this settlement encourages health providers across the City to proactively make broad and far-reaching changes to their facilities and practices and sends the message to medical manufacturers everywhere to create medical equipment and devices that are accessible to everyone,’ Sapna Raj, assistant commissioner of the law enforcement bureau at the Commission on Human Rights, said in a statement.”

***NYC Commission Urges Harassment Reporting***

(Associated Press, April 2018)

“New York City’s Human Rights Commission is urging people to report workplace sexual harassment. The commission launched a public awareness campaign on Wednesday. Commissioner Carmelyn P. Malalis says victims may fear that they won’t be believed or could face retaliation. But she says her agency can help them get justice and hold violators accountable.”

***NYC Will Now House Inmates According to Gender Identity***

(Metro, April 2018)

“New York City’s Department of Correction will now house incarcerated individuals based on the gender they identify as, Mayor Bill de Blasio announced on

Monday. The DOC is also working with the NYC Commission on Human Rights in order to maintain the Transgender Housing Unit as an additional safe housing option for trans inmates, the mayor said . . . ‘No one should feel unsafe for being who they are,’ said Chair and Commissioner of the NYC Commission on Human Rights Carmelyn P. Malalis in a statement. ‘Housing incarcerated individuals consistent with their gender identity is not only about dignity and respect but an important recognition of the unique challenges and vulnerabilities transgender and gender non-conforming individuals face in corrections facilities nationwide.’”

**AMPLIFYING THE COMMISSION’S COMMUNITY OUTREACH /**



Photo credit: Adrienne Nicole Productions

**Disability Pride Parade Show Independence and Self-Reliance**

(World Journal, July 2017)

“Marissa Jackson, deputy director of the Municipal Human Rights Commission, which led many Chinese-speaking staff to participate in the parade, said that the city had zero tolerance for cases of discrimination against the physically challenged and called on those who suffered or witnessed discrimination to make a complaint (718) 722-313.”

**NYC Holds First Workplace Sexual Harassment Hearing in Over 40 Years**

(New York Observer, December 2017)

“New York City held its first hearing on sexual harassment in the workplace in more than 40 years amid a wave of sexual assault allegations against high-profile public figures . . . ‘It is my hope that tonight’s hearing allows even more voices to be heard, even more stories to be surfaced,’ Malalis said, noting the significance of the meeting. ‘This is a historic hearing.’”

**Human Rights Commission Visits the Restaurant Where People were Threatened for Speaking Spanish – Staff**

(NY1 Noticias, May 2018)

“While many people took a peculiar serenade with mariachis to lawyer Aaron Schlossberg, a team from the New York Human Rights Commission (NYCCHR) visited the restaurant where Schlossberg threatened employees for speaking in Spanish. The purpose of the visit was to inform restaurant workers, as well as clients and people who came to the establishment, about their rights and how to file a complaint with the Commission itself.”

**African Communities Forum: Believe in Ourselves was the Message**

(Africa Journal, June 2018)

“‘African community forum and resource fair: mobilizing community through government engagement’ was the theme of that second forum, which was organized in May 10, by New York City, Commission on Human Rights and held at Monroe College. ‘There is a huge increasing among Africans in New York City, and African community is fastest growing immigrants’ population in New York City. It is great to touch out to them and let them know the services that are offered to them,’ Christelle N. Onwu, lead advisor for African communities, NYC Commission on Human Rights said.”

**Bangladeshis Celebrate Iftar with New York City**

(News24, June 2018)

“The NYC Commission on Human Rights, Mayor’s Office of Immigrant Affairs, and Mayor’s

Community Affairs Unit held its 3rd Annual Iftar in the City in Queens. New York City’s annual outdoor Iftar, which spans the length of an entire city block, reflects the City’s unwavering support for Muslim and immigrant New Yorkers, who stand united with all New Yorkers against Islamophobia and anti-immigrant rhetoric and policies coming out of the federal government.”

**EDUCATING NEW YORKERS ABOUT THEIR RIGHTS AGAINST DISCRIMINATION /**



Photo credit: Jenny Groza Productions

**NYC to Clarify Regulations to Ensure Privacy in Job Interviews**

(El Diario, July 2017)

“If you are going to a job interview in New York in the next few days, know that there are several things you do not have to talk about or provide documentation for.”

**Rights and Responsibilities of Tenants and Landlords, Seminar Held at Elmhurst Library**

(China Press, August 2017)

“According to Feng Yuwen, representative of the NYC Commission on Human Rights, it is illegal to discriminate against tenants, rent-seekers and mortgage applicants, including based on age, race, color, religion and belief, national origin, gender and pregnancy. Among them, the more important ones are discrimination based on nationality, legal income sources, and legal work.”

**Everything Else You Need to Know About New York City’s FCA – New Rules Effective August 5, 2017**

(National Law Review, August 2017)

“New York City has issued new rules interpreting the city’s Fair Chance Act (FCA). These rules, which went into effect on August 5, 2017, provide clarification and guidance on how employers can comply with the requirements of the FCA, the city’s restrictive “ban the box” law which prohibits (with few exceptions) employers from inquiring about or considering an individual’s criminal history until after a conditional offer of employment is extended.”

**Day of Action to Promote Tenants Rights Following Racist Posters and Flags in Queens Condo**

(ABC, August 2017)

“The de Blasio Administration is holding a day of action in Queens Tuesday to promote tenants’ rights. It comes on the heels of a new investigation by the Commission on Human Rights into a Queens apartment building decorated with images of hate. Commission leaders plan to speak with tenants about services available to those allegedly being harassed. Swastikas and pictures of Hitler and Stalin adorn the walls inside a building at 47-55 39th Place in Sunnyside.”

**NYC Employers Can't Ask You THIS Question Anymore**

(Refinery29, November 2017)

“For workers and job seekers in New York City who hate the dreaded question during salary negotiations (you know which one), the beginning of November will hopefully mark a new era: The city’s new salary history ban went into effect on October 31st.”

**City Commissioner Discusses National Awareness About Sexual Misconduct**

(NY1 In Focus, December 2017)

“Carmelyn Malalis, the chair of the New York City

Commission of Human Rights, sits down with In Focus Host Cheryl Willis to discuss the growing awareness in the United States about sexual misconduct with more people telling their stories.”

**A Discussion with NYC Commissioner of Human Rights on Human Rights Protection and State of Minorities in Big Apple**

(Punjabi TV, April 2018)

“A discussion with NYC Commissioner of Human Rights on human rights protection and state of minorities in big apple.”

**COMMITMENT TO SUPPORTING ETHNIC AND COMMUNITY OUTLETS THROUGH PAID MEDIA /**

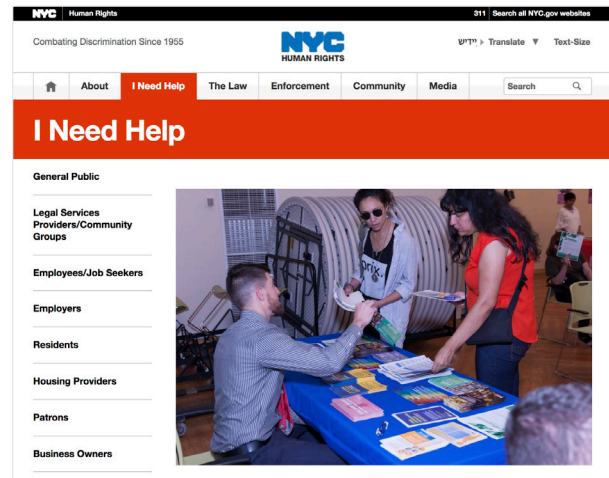


The Commission’s commitment to protecting and celebrating the City’s diverse communities was further evidenced by its continued efforts to investing in the ethnic and community media outlets that provide vital information about City services to some of our City’s most vulnerable communities. In Fiscal Year 2018, the Commission dedicated 100% of its print advertising to community and ethnic media in several languages, including Arabic, Spanish, Chinese, Korean, and Urdu. This fiscal year, advertisements in community and ethnic print media represented more than 15% of the Office of Communications and Marketing budget, slightly larger than the investment in subway/outdoor advertising budget.

**ENHANCED STRATEGIC DIGITAL ENGAGEMENT /**



**AGENCY WEBSITE AND SOCIAL MEDIA IMPROVED ACCESS FOR THE CITY’S MOST VULNERABLE COMMUNITIES /**



The Commission continues to improve its website to create a more user-friendly experience, especially for New Yorkers who speak a language other than English and New Yorkers with disabilities.

In Fiscal Year 2018, the Commission’s website color and layout continued to be updated to meet new standards of accessibility for people with disabilities. Some changes made for accessibility

included: updating the homepage to ensure easier access to important Commission resources; making career listings more accessible by providing a direct link to the job posting rather than linking users to the “employee self-service” site; making page title formatting user-friendly for people with screen readers; and updating the workshops/events page to be broken down by borough for ease-of-use and quicker accessibility to information.

Additionally, the Commission continued to expand offerings on its website for New Yorkers who speak a language other than English. When directing users to publications in a given language, the text of the link itself is in said language, e.g. a link to a Spanish publication reads, “Español (Spanish).” The Commission updated the Language Access Plan on its website to increase availability of services to limited English proficient (“LEP”) New Yorkers.

To increase public awareness of the Commission’s work, graphics were released to bring attention to important areas of the website. Examples include colorful GIFs leading users to our “Report Discrimination” page; slideshows of campaign images; and short engaging videos on protections under the City Human Rights Law.

**COMMISSION’S MONTHLY NEWSLETTER NEARLY DOUBLES IN REACH /**

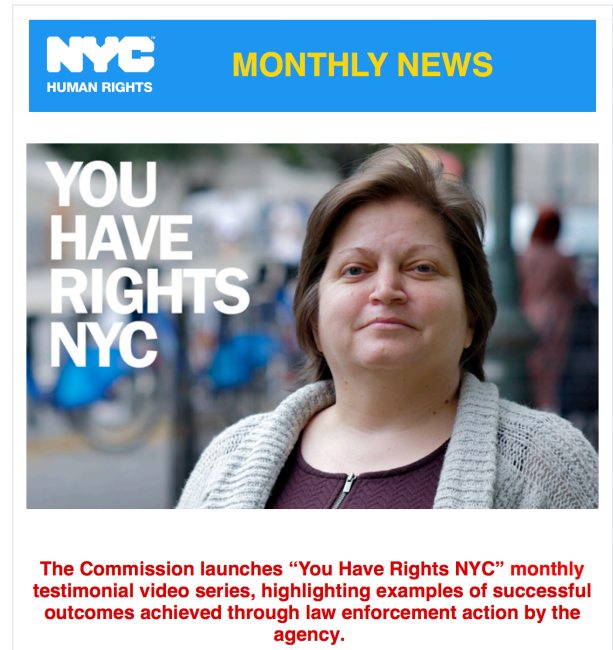


Photo credit: JennyGroza Productions

The Commission launched its first-ever monthly newsletter in September 2017 with the goal of providing updates on the agency’s initiatives and programs. The newsletter has gained an average of 100 new subscribers each month since it launched, with 2034 total subscribers as of June 2018.

**WEBSITE AND SOCIAL MEDIA AS ONE-STOP SHOPS FOR COMMISSION'S KEY MESSAGING /**



**Website**

The Commission's website received 840,000 page views and 377,000 unique visits. Of those who visited the website throughout the fiscal year, 158,000 were new visitors, and spent an average of seven minutes viewing content.



**Twitter**

Due to aggressive outreach and strategic marketing campaigns, the Commission's Twitter account this year totaled 9,708,000 impressions, was visited 117,000 times and received over 2,500 new followers.



**Facebook**

The Commission's Facebook page received 8,100 new likes, reached an average of 155,000 users per month and averaged 9,200 monthly engagements on various topics in Fiscal Year 2018.



**Instagram**

The Commission's Instagram page gained 460 new followers in Fiscal Year 2018 breaking the 2,000-follower mark total. Commission Instagram images earned 6,600 likes and 206 comments.

**WEBSITE AND SOCIAL MEDIA METRICS FISCAL YEARS 2017 AND 2018 COMPARISON /**



Website	FY 2017	FY 2018
Website Page Views	731,000	840,000
Website Visits	334,000	377,000
New Website Visitors	146,000	158,000
Average Visits Per Week	6,400	7,200



Twitter	FY 2017	FY 2018
Tweet Impressions	6,910,000	9,708,000
Twitter Profile Visits	108,000	117,000
New Twitter Followers	3,000	2,500



Facebook	FY 2017	FY 2018
Average Reach	82,000	155,000
Average Engagement	7,500	9,200
New Facebook Likes	7,200	8,100



Instagram	FY 2017	FY 2018
New Followers	350	460
Engagement (Likes and Comments)	5,100	6,800



## BRANDED PUBLIC-FACING MATERIALS TO PROMOTE MORE NYC HUMAN RIGHTS LAW PROTECTIONS /



Photo credit: Kelly Williams

## DATA AND MARKET RESEARCH INFLUENCE NEW BRANDING AND VISUAL STRATEGY /



Photo credit: Adrienne Nicole Productions

In Fiscal Year 2018, the Office of Communications and Marketing continued to create identifying brands for each main Commission initiative to make special events and campaigns as impactful as possible. These new brands are based on findings from focus groups and research. The new brands have been applied to all Commission's campaigns, publications, promotional items, event staging items, and signage.

## REDESIGNING EXISTING MATERIALS TO IMPROVE READER'S UNDERSTANDING OF THE CITY HUMAN RIGHTS LAW /



Photo credit: Adrienne Nicole Productions

Since 2015, the Commission embarked upon a publications plan that has produced or improved over 20 multilingual brochures and factsheets. The Commission's Office of Communications and Marketing continued to work with the agency's Community Relations Bureau, Law Enforcement Bureau, General Counsel's Office, Office of Mediation and Conflict Resolution, and the Office of the Chairperson to revise existing publications and to create new ones.

New publications issued and released in Fiscal Year 2018 include:

- Disability Protections Under the NYC Human Rights Law brochure and factsheet.
- Businesses and Discrimination Protections Under the NYC Human Rights Law brochure.

Updated publications in Fiscal Year 2018 include:

- Pregnancy Accommodations at Work notice of rights and factsheet.
- Protections Against Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression brochure and factsheet.



Photo credit: Commission staff

## OFFICE LOCATIONS & CONTACT INFORMATION

To file a complaint or learn more about the Commission, dial 311 and ask for Human Rights.

### MAIN OFFICE

22 Reade Street  
New York, NY 10007  
Dial 311 or (212) 306-7450  
Fax: (212) 306-7658

### NY RELAY SERVICES

Dial 711 or  
(800) 421-1220 (English)  
(877) 662-4886 (Spanish)

### WEBSITE

[www.nyc.gov/humanrights](http://www.nyc.gov/humanrights)

## COMMUNITY SERVICE CENTERS

### MANHATTAN

22 Reade Street  
New York, NY 10007  
(212) 306-7450

### BRONX

1932 Arthur Avenue, Room 203A  
Bronx, NY 10457  
(718) 579-6900

### BROOKLYN

25 Chapel Street, Suite 1001  
Brooklyn, NY 11201  
(718) 722-3130

### QUEENS

153-01 Jamaica Avenue, 2nd Floor  
Jamaica, NY 11432  
(718) 657-2465

### STATEN ISLAND

60 Bay Street, 7th Floor  
Staten Island, NY 10301  
(718) 390-8506



