

Testimony of Annabel Palma
Commissioner and Chair New York City Commission on Human Rights
Before the Committee on Civil and Human Rights & Committee on Finance
March 15, 2024

Good afternoon Chair Brannan, Chair Williams, and members of the Committees on Finance and Civil and Human Rights. Thank you for convening today’s hearing. I am Annabel Palma, Commissioner and Chair of the New York City Commission on Human Rights. Today, I am joined by Sapna Raj, Deputy Commissioner of the Law Enforcement Bureau, Kajori Chaudhuri, Deputy Commissioner of the Community Relations Bureau, and Mariela Salazar, Deputy Commissioner for Administrative Services. I am excited to speak about the work our agency has accomplished over the past year.

For over 80 years, the Commission has continued to work for a city where all New Yorkers can live, work, and thrive, free from discrimination. Our work arose from the need to address racial tension and disparities in the 1940s – work which remains central. Today, the New York City Human Rights Law is one of the broadest anti-discrimination laws in the country. The Law prohibits discrimination in housing, employment, and public accommodations and includes more than 25 protected categories.

The Commission has a dual mandate. First, the Commission’s Law Enforcement Bureau enforces the city’s Human Rights Law. This includes investigating complaints of discrimination from the public, initiating investigations on behalf of the city, and conducting tests to identify potential violations of the Law. Second, the Community Relations Bureau offers workshops and trainings on the rights and responsibilities of New Yorkers under the Law. The Community Relations Bureau seeks to prevent discrimination through education and works closely with community partners, businesses, housing providers, and sibling agencies to achieve this goal.

The Human Rights Law was amended twice in the past year. Most recently, the prohibition of discrimination in housing based on contact with the criminal legal system – known as Fair Chance Housing. This amendment will go into effect in January of next year. In November of 2023, the provision ensuring protection from discrimination based on height and weight went into effect.

The Human Rights Law aims to advance equity in employment, in housing, and in public accommodations. In the workplace, the Law includes protections for pregnant and lactating New Yorkers, prohibitions on discrimination based on an applicant or current employee’s arrest or conviction history, as well as protections for individuals with disabilities, and prohibitions on discrimination based on appearance. The Law forbids discrimination in housing based on gender, race, disability, age, sexual orientation, source of income, and other protected categories. The Human Rights Law also prohibits retaliation against individuals who confront discrimination, report discrimination, or participate in a related investigation.

The work we do, every day, seeks to prevent discrimination and build stronger connections between divided communities. When discrimination does occur, our agency aims to remedy the harms and ensure that prejudicial practices change.¹

Over the past year, the Commission's Law Enforcement Bureau strengthened efforts to address voucher discrimination and launched investigations to ensure employers are including good faith wage ranges in job postings. The Bureau continued to enter into transformative settlements that reduce barriers to employment, change hostile work environments, help voucher holders secure housing, and foster equitable treatment in public places. Consistent with historical trends, the most common inquiries and claims continue to be in the areas of disability and gender.

The Commission continues to use the tools at our disposal to ensure that covered employers, housing providers, and providers of public accommodations understand their Human Rights Law obligations. We reached more New Yorkers than ever before by leveraging our strong and partnerships, innovative outreach, and growing communication channels. Since the FY 24 budget hearing, the Commission has expanded trainings and outreach to reach law enforcement, school safety officers, real estate agents, and health care providers – the major stakeholders that ensure rights are respected, and New Yorkers are treated with dignity. Trainings on the Human Rights Law, Bystander Intervention, the Fair Chance Act and an array of other protected categories, are foundational to tackling differential treatment and addressing the disparities that continue to exist.

Trainings are one example of the wide-ranging outreach carried out by our community liaisons and lead advisors, who work specifically with historically underserved and underrepresented populations. This year, the Commission also developed several new signature events to bring New Yorkers together. We hosted an inaugural Human Rights Summit, in December, at the National Museum of the American Indian, which featured trainings and discussions about the Law and spotlighted the Commission's partnership with the Office for the Prevention of Hate Crimes that awards grants to organizations combatting bias in New York City. More recently, to close Black History Month, we co-hosted a spoken word poetry event, "Visions for the Future of the African Diaspora," to celebrate the rich tradition of oral history and storytelling engrained in Black history. The event is part of the anti-Black racism prevention work that our agency does year-round.

¹ All individuals that experience bias and discrimination in violation of the NYC Human Rights Law can come to the Commission. Individuals may also choose to go to court to vindicate their rights, or may choose to file claims at state or federal agencies, like the Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development. When matters are addressed in court or federal agencies, the proceedings are outside of the Commission's jurisdiction. The Commission currently has a workshare agreement with the EEOC.

The Law Enforcement Bureau

In FY 23, the Commission resolved 471 cases and assessed over \$5 million in damages and penalties for violations of the city's Human Rights Law. In addition to resolving cases for monetary relief, the Commission has shaped remedies that repair the harm experienced by individuals and communities impacted by discrimination.

The staff in the Law Enforcement Bureau ("LEB") evaluate and investigate allegations of discrimination brought to the Commission by members of the public. In FY 23, the Commission fielded 12,548 inquiries from members of the public by phone, email, letter, visits to Commission offices, or speaking with staff at Commission events. More than 920 of these inquiries were in languages other than English. Spanish, Mandarin, and Russian are the most common in this category.

In FY 23, the largest number of inquiries we received were in employment, accounting for 1,620 inquiries. Housing was second with 866 inquiries. This trend continued for filed claims in FY 23. Across all jurisdictions, disability-related inquiries were the most common, followed by inquiries related to gender, and then race and color. Similarly, disability-related claims were also the most prevalent, followed by gender and race. We received 555 inquiries related to disabilities and 212 inquiries related to gender. Race and color were raised in 238 inquiries. Sixty-three percent (63%) of claims were in employment, twenty-five percent (25%) were in housing, and seven percent (7%) were in public accommodations.

When appropriate, LEB may resolve claims instead of filing a complaint, leading to a quicker resolution in certain matters. Pre-complaint interventions continue to be a valuable strategy to obtain expedited relief from harm resulting from alleged discrimination.

In FY 23, the Law Enforcement Bureau resolved hundreds of matters without filing a complaint. The most common pre-complaint interventions involved source of income discrimination, where a voucher holder was denied an apartment, repairs, or the renewal of a lease. Disability accommodations in housing were the second highest number of interventions.

LEB also utilizes the agency's investigatory and prosecutorial powers to root out discrimination through Commission-initiated investigations. When the Commission identifies the potential of widespread violations or discriminatory practices, the Commission can initiate an investigation. In FY 23, the agency launched 23 Commission-initiated investigations and filed 17 Commission-initiated complaints.

The Commission also proactively uses testing to investigate whether entities have engaged in discrimination. Agency staff may conduct testing in person, on the telephone, or online to see if certain protected categories are treated differently or are given different information. In FY 23, the Commission tested 1,082 entities. Each entity can be tested multiple times for violations in the same jurisdiction and protected class. An entity may also be tested for violations in multiple jurisdictions and/or multiple protected classes.

As a right to file agency, reports of discrimination from the public are a top priority. The Law Enforcement Bureau filed 332 public-initiated complaints of discrimination in FY 23.

When violations of the Law are identified, and a complaint is filed, the Law Enforcement Bureau works to fashion remedies and relief that address the harms caused to New Yorkers. In FY 23, the Commission secured \$4,679,207 in compensatory damages for complainants and \$887,500 in civil penalties for City of New York.

The Law Enforcement Bureau fashions settlements with innovative resolutions that deter future harms and aim to effectively change the environment that allowed harm to occur. In FY 23, thirty three percent (33%) of cases were resolved through settlements.

For example, in settlements involving claims of discrimination based on the existence of a disability, individuals received damages and respondents were required to construct ramps in both housing and businesses. For source of income discrimination, set asides are a fruitful pathway to house New Yorkers with vouchers. SOI settlements also led to the creation of several broker incentive programs, where brokerages offer monetary bonuses for placing voucher holders in homes.

The Commission also continues to address gender-based harassment in the workplace. A notable case involved a multinational company with stores throughout New York City. LEB's investigation uncovered persistent sexual harassment, retaliation by a manager, and failure of the company to take any action when they were made aware of the allegations. The settlement included \$330,000 in damages and penalties, policy changes, and ongoing monitoring by the Commission.

The Office of Mediation and Conflict Resolution

The Commission's Office of Mediation and Conflict Resolution offers parties a voluntary mediation program at no cost. It is confidential and available at any stage of a case. Staffed by a Mediation Director, mediated cases accounted for damages totaling \$1.6 million, in addition to non-economic relief.

The Community Relations Bureau

The Commission's Community Relations Bureau ("CRB") cultivates understanding and respect among the city's diverse communities, builds partnerships, and informs New Yorkers about the rights and responsibilities that stem from the Human Rights Law. In FY 23, we reached a record number of New Yorkers. The Commission engaged with 132,507 New Yorkers through 2,172 conferences, workshops, and trainings.

In FY 23, the most requested training was Human Rights Law 101, which was offered more than 120 times. Outreach, conducted in collaboration with DCWP and SBS, focused on "know your rights" materials, and informed New Yorkers of how to report bias and discrimination. The agency was pleased to collaborate with a number of City Councilmembers in these efforts. Additionally, our Community Relations Bureau partnered with NYPD Office of Equity and

Inclusion, as well as DOE's Office of Safety and Youth Development to train new staff. The Commission presented workshops about the fundamentals of the Human Rights Law, as well as Anti-Black Racism, and Other Forms of Discrimination Based on Race and Color.

Consistent with our mandate to foster intergroup understanding and in response to global events, the Commission elevated calls for dignity and respect for all people that call New York City home. January marked a citywide day of visibility against hate – a Commission activity that will continue to take place annually. We have been active in Jewish, Muslim, Sikh, and Arab community spaces, talking about New Yorkers' protections against bias and hate, with federal agencies, as well as local partners. These collaborations include a longstanding partnership with the Wagner College Holocaust Center on Staten Island, participation in the Interfaith Hate Crime Summit, and bias response outreach with SBS to Muslim and Jewish business owners who faced threats and vandalism. The Commission's signature Bystander Intervention workshop is built on the idea that we all play a role in creating safe public spaces when we see our neighbors and community members facing bias, discrimination, or harassment.

I will also highlight the education and prevention element of our source of income work. Over the last year, the Commission launched a turnkey collaboration between city government and real estate professionals to prevent housing discrimination. Commission attorneys now offer a course for real estate professionals through Fordham's Real Estate Institute (REI). When realtors take the class, they learn about the protections in city's Human Rights Law and receive 1.5 credits towards the renewal of their license, which is required every two years.

Effective outreach and prevention must include New York's youth – the leaders of tomorrow. To this end, the Commission has deepened and expanded youth programming through our youth advisory ("YES") council, now in its third year. This year, as part of the 75th Universal Declaration of Human Rights celebration, the Commission partnered with the United Nations Human Rights Office to bring 550 City youth together to discuss the Human Rights and Youth in New York City. The event featured racial justice advocates, diplomats, and presentations by YES Council members.

Office of the Chair

The Office of the Chair serves as the hub of inter-agency partnerships. The Office works on amendments to the Human Rights Law, issues rules, leads special projects and drafts legal enforcement guidance and materials that provide clarity on provisions of the city's Human Rights Law. The Office also leads interagency partnerships and appears before Council. This Office also serves an adjudicatory function, including ruling on parties' appeals of decisions from the Law Enforcement Bureau and issuing final decisions and orders in Commission cases.

In FY 23, the agency's policy and regulatory priorities continued to reflect our commitment to serving diverse communities. The agency released multi-lingual and multi-media materials regarding newly enacted height and weight protections. We also recently worked with DCWP and MOIA to finalize a workers' bill of rights that has launched citywide and worked with

DOHMH on the reproductive justice bill of rights for New Yorkers. In the coming months, the agency will update resources and materials to reflect the amendment to the Law that prohibits discrimination in housing on the basis of criminal legal history.

Communications and Marketing

The Commission continues to leverage social media, digital platforms, and community press to expand our reach. In FY 23, campaigns included “Vouchers Pay. Discrimination Doesn’t” raising awareness of source of income discrimination; and “Display the Pay,” which alerted New Yorkers to the expansive suite of protections for job seekers and informed New Yorkers of their rights and responsibilities under the salary transparency provision that went into effect in November of 2022. Our multilingual campaigns span social media, radio, print outlets, and convenience stores. We also developed a series of short videos known as the “Human Rights Minute.” These videos aim to make the Human Rights Law and the work of the Commission more accessible to New Yorkers, and are widely shared via our media channels.

Media and press outreach are a means to elevate the Commission’s outreach, trainings, events, and enforcement actions. As a result of our campaigns and focus on expanding social media, our reach has grown. The Commission had millions of social impressions in FY 23. Additionally, the Commission’s website had over two million visits, and our agency was mentioned over 1,000 times in the press.

The Commission further invested in community and ethnic media through print advertising. The agency also continued to prioritize M/WBE’s and has continuously invested significant funds in work with M/WBEs.

All of this work is made possible by the passionate and committed staff that show up every day to prevent and address discrimination in New York City.

Staff and Personnel

As of today, the Commission has a headcount of 136 with 113 active staff. The staff across each unit and borough is committed to working in partnership with communities vulnerable to civil rights violations. We are a small but diverse staff that speaks over 20 languages across the agency.

Budget

The FY 24 Budget provided for a total of \$12,926,032. For FY 25, the Preliminary Budget provides for \$13,652,383.

Conclusion

I appreciate the opportunity to speak about the NYC Commission on Human Rights. I am privileged and honored to speak to you on behalf of an agency that works daily to make New York City a place where everyone can live, work, or visit, free from bias or discrimination. We look forward to continuing to champion the human rights of New Yorkers with the leadership of the Adams Administration and the support of New York City Council.

Thank you and I welcome your questions.