

**Testimony of Carmelyn P. Malalis
Commissioner and Chair
New York City Commission on Human Rights
Before the Committee on Civil Rights and Committee on Veterans
April 26, 2017**

Good morning, Chair Ulrich and Chair Mealy, and members of the Committee on Veterans and the Committee on Civil Rights, and thank you for convening today's hearing on Int. No. 1259. I am Carmelyn P. Malalis, Commissioner and Chair at the New York City Commission on Human Rights. The Commission does not regularly appear before the Committee on Veterans, but we are happy to be here today with our partners at the Department of Veterans' Services, and my colleague Commissioner Loree Sutton, to discuss Int. No. 1259, an important bill that will create anti-discrimination protections on the basis of "uniformed service" status in the City Human Rights Law. We also thank Council Member Williams and Public Advocate Letitia James for their partnership in introducing this legislation.

The Commission on Human Rights enforces the City Human Rights Law, one of the broadest and most protective anti-discrimination laws in the country, with protections against discrimination in housing, employment, and public spaces, in addition to protections against discriminatory harassment and bias-based profiling by law enforcement. In the past two years, since Mayor de Blasio appointed me to lead this agency, we have worked tirelessly to revitalize the Commission as a credible venue for justice for all New Yorkers aggrieved under the City Human Rights Law. Thanks to the support of the Council and this Administration, the Commission is filing more complaints on behalf of New Yorkers, reaching more communities, issuing groundbreaking policy guidance, and proactively investigating pattern and practice and systemic discrimination through the use of our testers and authority to initiate investigations without a complainant. In 2016, we saw an increase of over 60% in inquiries to the Commission and we filed nearly 900 complaints of discrimination, over two hundred more complaints than the Commission filed in 2014, before I was appointed to lead this agency.

While we pride ourselves on the protections the City Human Rights Law affords New Yorkers, the Law does not currently prohibit discrimination on the basis of one's service in the military or status as a veteran. Other jurisdictions have moved ahead of us in this area, including New York State, Massachusetts, and Chicago, and federal statutes, which all have some anti-discrimination protections for current and former service members. It is important that New York City speak on this issue as well, and ensure that New Yorkers who face discrimination based on their uniformed service can access justice by giving them a venue at the Commission or giving them the ability to bring claims in state court, under the City Human Rights Law, which according to its terms must be interpreted broadly.

This bill represents an important first step in guaranteeing that current and former service members can access employment, housing, and public accommodations on equal footing as all other New Yorkers. The legislation before us closes a significant gap in the law and gives

current and former service members an accessible venue to bring claims of discrimination. We look forward to continuing to work with DVS, Council and advocates to address additional issues facing our veterans and service members.

The bill proposes to add “uniformed service” to the existing core categories of protection under the City Human Rights Law, which covers housing, employment, and public accommodations, and also includes protections against discrimination in licensing and lending. The proposed legislation broadly defines “uniformed service,” to include:

Current or prior service in (1) The United States army, navy, air force, marine corps, coast guard, the commissioned corps of the national oceanic and atmospheric administration, the commissioned corps of the United States public health services, army national guard or the air national guard; (2) The organized militia of the state of New York, as described in section 2 of the military law, or the organized militia of any other state, territory or possession of the United States; 3) Any other service designated as part of the ‘uniformed services’ pursuant to subsection (16) of section 4303 of title 38 of the United States code; b. Membership in any reserve component of the United States army, navy, air force, marine corps, or coast guard; or c. Being listed on the state reserve list or the state retired list as described in section 2 of the military law or comparable status for any other state, territory or possession of the United States.

This bill would make it unlawful to discriminate in housing, employment, public spaces, licensing, and lending on the basis of “uniformed service” status. Including “uniformed service” as a protected category would provide service members and veterans with valuable protection to ensure that they can access employment, housing, and public accommodations without discrimination and harassment based on their service; and would give the Commission the ability to enforce the law to explicitly protect veterans and service members at the local level. The Commission regularly receives inquiries from veterans and service members about discrimination and my staff has to refer those cases to the State Division on Human Rights unless we can identify another area of protection over which we have jurisdiction. We think it is critical that the Commission be able to investigate and prosecute these claims rather than simply refer them to the State Division.

Should this bill become law, the Commission intends to work closely with our partners at DVS to make sure people are aware of their rights and how to access the Commission and other services. We are already coordinating closely to ensure that the New York City student veteran community understands their rights with respect to housing discrimination on the basis of lawful source of income, which includes the use of the GI Bill to cover rent. The Commission welcomes the opportunity to partner with members of the Committee on Veterans and Committee on Civil Rights to explore further collaborations to get the word out about these important new protections.

We thank Council Member Williams and Public Advocate James for introducing this important piece of legislation and Chair Ulrich and Chair Mealy for holding this hearing. We look forward

to working with the Council and our partners in the Administration to further our shared goal of dignity and respect for all.