

**Testimony of Dana Sussman**  
**Deputy Commissioner for Policy and Intergovernmental Affairs**  
**NYC Commission on Human Rights**  
**Before the City Council Committee on Housing and Buildings**  
**November 8, 2017**

Good morning, Chair Williams and members of the Committee on Housing and Buildings. I am Dana Sussman, Deputy Commissioner for Intergovernmental Affairs and Policy at the New York City Commission on Human Rights. I am here to testify today on two bills, Intro. 1458 and Intro. 1467.

**Intro. 1458**

Intro. 1458 would create both a private right of action and give jurisdiction to the Commission to investigate and prosecute claims by coop applicants who are not provided with a statement from the coop as to why it is denying a coop application within five days of making the determination. The bill outlines what exactly must be included in the statement, including reasons why the application is deficient, if any, and a report of the number of applications received by the coop and the number of applications rejected. Intro. 1458 articulates damages between \$1,000 and \$25,000 to the complaining party for violations of its mandates.

**Intro. 1467**

Intro. 1467 requires that coops have a standardized application and list of requirements for all prospective purchasers and sellers; requires that coops provide an acknowledge of application materials received within 10 days of receiving it; issue a determination on the application within 45 days; creates a private right of action and gives jurisdiction to the Commission to investigate and prosecute claims by coop applicants if the process I just described is not adhered to. The bill also lays out a damages framework for each type of violation.

It is critical to note that if anyone believes they were denied a coop or their application was rejected based on, even in part, a discriminatory reason, they should bring their complaint to the Commission, where we can investigate the claim, require the coop to provide us with documentation regarding that application and other applications, provide information about any other individuals approved or denied by the coop, and any other relevant documents. The Commission can also call in witnesses for interviews and look at the building's financials in order to determine whether there is probable cause that discrimination occurred.

The Commission opposes these two bills because neither bill confronts or prohibits discriminatory conduct. The Commission's jurisdiction is exclusively tied to discrimination based on articulated protected categories in the areas of employment, housing, public accommodations, discriminatory harassment, and bias-based profiling by law enforcement. To give the Commission jurisdiction over disclosure, reporting, and timing requirements, without any connection to discrimination, would be unprecedented, would divert resources away from the critical work of the agency, and would require a dramatic shift in the workflow, training, skill set, and dockets of the Law Enforcement Bureau. We are more than willing to work with the bill sponsors to address and root out discrimination in coops and to think creatively about how the process can be more transparent, but we do not believe giving the Commission jurisdiction over such disclosure and reporting requirements is the way to do it.