CITY OF NEW YORK

COMMISSION ON HUMAN RIGHTS

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In the Matter of

COMMISSION ON HUMAN RIGHTS
ex rel. ROSA COLON,

Complaint No.: M-H-GN-17-07137

Petitioner,

-against-

OATH Index No.: 330/19

CORALETA LEWIS & WILLIAM LEWIS,

Respondents.

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DECISION AND ORDER

On November 16, 2015, the Law Enforcement Bureau of the New York City Commission on Human Rights ("Bureau") filed a verified complaint ("Complaint") on behalf of Complainant Rosa Colon ("Complainant" or "Colon") alleging that Coraleta Lewis ("Respondent Lewis")[1] and William Lewis (collectively, "Respondents") violated the New York City Human Rights Law ("NYCHRL," "Human Rights Law," or "the Code"), N.Y.C. Admin. Code § 8-101 *et seq*. The Bureau alleges that Respondents violated Section 8-107(5)(a) of the NYCHRL by subjecting Colon to disparate treatment, evicting her based on her national origin, and creating a hostile living environment. (Pet. Ex. 1(A); ALJ Ex. 1).

Before the Office of the Chair of the New York City Commission on Human Rights ("Commission") are the findings and recommendations of New York City Office of Administrative Trials & Hearings ("OATH") Administrative Law Judge Pogoda (Judge Pogoda or "ALJ"), *Comm'n on Human Rights ex rel. Rosa Colon v. Coraleta Lewis and William Lewis*, Report and Recommendation, OATH Index No. 330/19 (Oct. 30, 2023) ("Report and Recommendation" or "R & R") for Decision and Order. Upon review of the record, the Commission adopts the R & R's findings and recommendations on liability, affirmative relief,

[1] This Decision and Order uses "Respondent Lewis" to refer to Respondent Coraleta Lewis, as she was the primary actor in the underlying facts. The term "Respondents" is used where the Commission intends to refer to both Coraleta Lewis and William Lewis.

and the civil penalty amount for the reasons set forth herein. The Commission also adopts the R & R's conclusion that an emotional distress damages award and reimbursement of out-of-pocket expenses is appropriate. The Commission further adopts in part the findings on Respondents' affirmative defenses. Specifically, the Commission finds Respondents liable for willfully engaging in a persistent and malicious campaign of discrimination against Complainant due to her national origin – in words and deeds – in violation of Section 8-107(5) of the NYCHRL, and orders Respondents to pay Complainant a total of $66,649.67 (comprised of $50,000 in emotional distress damages, $8,927.50 for out-of-pocket expenses, and predetermination interest on expenses in the amount of $7,722.17). Respondents are additionally ordered to (1) pay a $100,000 civil penalty; (2) cease and desist their unlawful discriminatory conduct; (3) create a written anti-discrimination policy, undergo anti-discrimination training, and submit to a Commission audit of their compliance with the NYCHRL and of their adoption of an anti-discrimination policy;[2] and (4) display the Commission's Fair Housing Poster for no less than three years, in a conspicuous location, in all of the New York City buildings where Respondents rent apartments to members of the public.

I. BACKGROUND

After receiving reports of discrimination from Colon, the Bureau filed the Complaint on her behalf against Respondents, who were Complainant's housing providers. From approximately October 2010 through the rest of Colon's tenancy, the Complaint alleges that Respondents discriminated against Colon based on her national origin as a Latina and created a hostile living environment in violation of Section 8-107(5) of the Code.[3] (Pet. Ex. 1(A)). The Complaint was served on the Complainant and Respondents ("Parties") by mail on December 1, 2015. (*Id.*) Respondents filed a verified answer ("Answer") with the Bureau on February 22, 2016, in which they admitted to owning the building located at 2166 Quimby Avenue, Bronx, New York 10473 ("Building"),[4] denied all allegations of discriminatory conduct, and further asserted that the Complaint was barred by the principles of *res judicata* and collateral estoppel. (Pet. Ex. 1(B)).

On October 31, 2017, the Bureau sent Respondents a request for information ("RFI") seeking Building details, the names and demographic information of tenants at the address, the total number of housing units Respondents operated in New York City, methods of advertising the units, as well as information related to rent collection, administration of Complainant's

[2] The Commission determines that the phrase "a Commission audit of their compliance with the NYCHRL and of their adoption of an anti-discrimination policy," as recommended by the ALJ (R & R at 28), means that Respondents must, after creating a written anti-discrimination policy, submit the written policy to the Commission for a review of its compliance with the NYCHRL.

[3] The Complaint also included an allegation of discrimination based on lawful source of income related to Complainant's use of a Section 8 housing voucher, but the Bureau withdrew this charge at the start of the OATH trial. (Pet. Ex. 1(A); Tr. 22, 26-27).

[4] The record demonstrates that Respondents lived in another unit in the Building during the entire time that Complainant resided there. (Tr. 154-55).

Section 8 voucher, a 2015 housing court holdover eviction action[5] that Respondents initiated against Complainant, and communications between Respondents and Complainant. (Pet. Ex. 1(C)). Responses were due to the Bureau on or before November 30, 2017. (*Id.*) The RFI also requested an individual interview with each of the Respondents to be scheduled on or before December 15, 2017. (*Id.*) Respondents failed to acknowledge or answer the Bureau's requests. On December 28, 2017, the Bureau investigator and Respondent Lewis spoke on the telephone, and the Bureau subsequently sent each Respondent a letter annexing the RFI, again directing Respondents to provide responses and to contact the Bureau investigator to set up interviews by January 31, 2018. (Pet. Ex. 1(D)). Respondents and the Bureau had no further communication until July 24, 2018, when the Bureau served the Parties with a Notice of Probable Cause Determination and Intent to Proceed to Public Hearing by mail. (Pet. Ex. 1(E)).

The Bureau referred this matter to OATH on August 13, 2018. (Pet. Ex. 1(F)). On August 14, 2018, the Bureau served the Parties with a Notice of Conference, requiring appearance at OATH on October 2, 2018, for a settlement conference. (Pet. Ex. (G)). Respondents failed to appear at the settlement conference, prompting the conference judge to speak to Respondent Lewis on the telephone with Bureau counsel present to schedule another settlement conference for November 13, 2018. The Bureau served the Parties with a new Notice of Conference and attempted to contact Respondents by phone prior to the conference, with no success. (Pet. Ex. 1(H)). Respondents failed to appear at the second conference date, and a trial date was set for January 29, 2019. The Bureau served the Notice of Trial date on the Parties by regular and certified mail. (Pet. Ex. 1(I)). In a January 11, 2019 email that the Bureau sent to OATH's Calendar Unit, the Bureau stated, *inter alia*, that Respondent Lewis had represented in a phone call with the conference judge that Respondents would not appear at the trial, and Respondents had made the same representation to the Bureau. (Pet. Exs. 1(I), (J)). On January 24, 2019, the Bureau was granted an adjournment, and a new trial date was set for March 25, 2019. (Pet. Ex. 1(K)). The Bureau served on the Parties a second Notice of Trial via regular and certified mail, informing them of the new trial date. (Pet. Ex. 1(O)).

The trial ultimately proceeded on March 25, 2019. The Bureau appeared for trial, and Respondents neither appeared personally nor through a representative. (Tr. 6-8). At the trial, Bureau counsel explained that they attempted to call Respondents and notify them verbally of the trial date on March 13, 2019, but could not establish contact with them. (Tr. 8). Judge Pogoda thereafter declared Respondents to be in default, and the trial proceeded in the form of an inquest. (Tr. 19; Pet. Exs. 1(A), (L)-(O)). The Bureau's witnesses were the Complainant, Complainant's daughter, Christina Luna, and Anna Spitz, a Bureau community coordinator who participated in the case investigation, which included a site visit to the Building. The Bureau also

[5] The eviction action that Respondents commenced against Complainant was a holdover proceeding – it was not a proceeding based on failure to pay.

submitted documentary and demonstrative evidence at trial. After the Bureau submitted its post-trial memorandum,[6] the record was closed.

On October 30, 2023, Judge Pogoda issued the R & R, which recommends that Respondents be found liable for the housing discrimination alleged in the Complaint, namely that Respondents engaged in discrimination against Complainant based on her national origin, and that Respondents be ordered to compensate Colon and pay a civil penalty. (*See generally* R & R). The R & R modifies the requested amount of out-of-pocket expenses the Bureau sought and recommends an award of $50,000 for emotional distress damages as well as $8,927.50 in out-of-pocket expenses, and a civil penalty of $100,000 against the Respondents. (*Id.* at 3). The R & R also recommends affirmative relief, as authorized by N.Y.C. Admin. Code § 8-120, including that Respondents should be ordered to (1) create and implement a written anti-discrimination policy; (2) undergo anti-discrimination training and a Commission audit of their compliance with the NYCHRL and of their adoption of an anti-discrimination policy; and (3) display prominently the Commission's Fair Housing Poster, for no less than three years in all of their rental property locations in New York City. (*Id.* at 28).

Pursuant to 47 RCNY § 1-66, the Bureau submitted comments on the R & R. No other party submitted comments. The Bureau's comments call for the adoption of Judge Pogoda's findings of fact and conclusions of law regarding jurisdiction, liability, and damages. The Bureau also calls for the adoption of the ALJ's conclusion regarding Respondents' affirmative defenses, while modifying the rationale underpinning the R & R's conclusions regarding Respondents' affirmative defenses. *See* Comments on Report and Recommendation, *Comm'n on Human Rights ex rel. Rosa Colon v. Coraleta Lewis and Williams Lewis*, OATH Index No. 330/19 (Aug. 9, 2024) ("Bureau Comments").

II. STANDARD OF REVIEW

In reviewing a report and recommendation, the Commission may accept, reject, or modify, in whole or in part, the findings or recommendations made by the ALJ. Though the ALJ's findings inform the Commission's assessment of evidence, the Commission ultimately determines the credibility of witnesses, the weight of the evidence, and other findings of fact. *See, e.g.*, *Comm'n on Human Rights ex rel. Fernandez v. Gil's Collision Services Inc. d/b/a D & R Collision Corp.*, OATH Index No. 1245/19, Comm'n Dec. & Order, 2023 WL 3974499, at *3 (May 31, 2023); *Comm'n on Human Rights ex rel. Desir v. Empire State Realty Mgmt., LLC*, OATH Index No. 1253/19, Comm'n Dec. & Order, 2020 WL 1234455, at *3 (Mar. 2, 2020); *Comm'n on Human Rights ex rel. Cardenas v. Automatic Meter Reading Corp.*, OATH Index No. 1240/13, Comm'n Dec. & Order, 2015 WL 7260567, at *2 (Oct. 28, 2015*), aff'd*, *Automatic Meter Reading Corp. v. N.Y.C. Comm'n on Human Rights*, No. 162211/2015, 2019 WL 1475080 (N.Y. Sup. Ct. Feb. 28, 2019).

[6] The Commission's post-trial memorandum was entered into the trial record as ALJ Exhibit 1.

The Commission also interprets the NYCHRL and ensures the Code is applied to the facts correctly. *See, e.g.*, *Fernandez*, 2023 WL 3974499, at *4; *Desir*, 2020 WL 1234455, at *3; *Cardenas*, 2015 WL 7260567, at *2. The Commission reviews an administrative law judge's report and recommendation and the parties' comments and objections *de novo* as to findings of fact and conclusions of law. *See, e.g.*, *Fernandez*, 2023 WL 3974499, at *4; *Desir*, 2020 WL 1234455, at *3; *Comm'n on Human Rights ex rel. Ondaan v. Lysius*, OATH Index No. 2801/18, Comm'n Dec. & Order, 2020 WL 7212457, at *2 (Nov. 24, 2020).

III. THE EVIDENTIARY RECORD

Knowledge of the facts as described in Judge Pogoda's R & R is assumed for purposes of this Decision and Order. The trial record is composed of the uncontested testimony of the Bureau's witnesses—Complainant, Luna, and Spitz—as well as documentary and demonstrative evidence submitted by the Bureau. Respondents did not participate in the Bureau investigation after submitting their Answer and did not participate in the OATH proceedings. As such, there is no documentary evidence to counter the Bureau's claims and there was no cross-examination of the Bureau's witnesses. The documentary evidence entered into the record includes: (a) the verified pleadings, Bureau notices of probable cause and OATH appearances, and letters from the Bureau to Respondents regarding the OATH trial dates (Pet. Exs. 1(A)-(O)); (b) documents related to Respondents' ownership of the Building as well as an additional property on Leeland Avenue[7] (Pet. Exs. 2-3); (c) the 2010 lease between Complainant and Respondents (Pet. Ex. 11); (d) recordings of Respondent Lewis made by Complainant and Luna (Pet. Exs. 5(1)-5(3)); (e) photos of the Building entrance and the door to Complainant's apartment (Pet. Exs. 7-10, 23(A)-(B)); (f) a notice from Respondent Lewis to Complainant about a bad odor coming from Complainant's apartment (Pet. Ex. 24); (g) expenses Complainant incurred due to her eviction from the Building (Pet. Exs. 18(A)-22); (h) documents related to the holdover eviction action Respondents brought against Complainant in Bronx Housing Court ("Housing Court") and Complainant's eviction from the Building (Pet. Exs. 6(B), 12-17); (i) a New York City Department of Housing Preservation and Development ("HPD") website printout showing that in a harassment complaint filed with HPD, HPD found Respondents had harassed another tenant (Pet. Ex. 4); (j) documents related to a state court action brought by another Latina[8] tenant against Respondents to enforce that HPD finding (Pet. Exs. 4, 6(C)); and (k) an affirmation of Bureau counsel in support of admission of the housing court files introduced as Petitioner's Exhibits 6(B) and 6(C) (Pet. Ex. 6).

The Commission finds the R & R's discussion of the evidence presented at trial to be comprehensive and adopts the R & R's evidentiary findings, with the most pertinent facts summarized here. Specifically, the Commission finds that the testimony and evidence in the

[7] The evidence put forth by the Bureau during the trial demonstrates that as of trial, Respondents were listed as the owners on the deeds to the Building, and a second multi-unit dwelling located at 1421 Leeland Avenue, Bronx, New York 10460.

[8] The tenant self-identified as Latina in the court proceeding. (*See* Pet. Ex. 6(C)).

record demonstrates that based on Complainant's national origin, Respondents harassed her for approximately five years of her tenancy in the Building, which included near daily harassment and discrimination during her final year of tenancy and culminated with Respondents evicting her in 2016. (R & R at 5-16). Respondent Lewis was aware of Complainant's national origin because she asked Complainant where she was from when Complainant moved into the Building in 2010, and Complainant told Respondent Lewis that she is from Puerto Rico. (Tr. 63-64). Respondents owned and lived in the Building while Respondent Lewis engaged in an ongoing series of hostile actions against Complainant. (*See* Pet. Exs. 2-3). Respondent Lewis' campaign of abusive behavior was based on negative stereotypes associated with people from Latin America. (R & R at 19). The abusive behavior included leaving notices outside of Complainant's apartment complaining about odors, making verbally abusive references to Complainant and the family members that lived with her – comprising three children and two grandchildren who were born during the family's tenancy – indicating they were dirty, junkies, drug dealers, pigs, and prostitutes, and it also included threatening to attack Complainant, attempting to physically attack Complainant on one occasion, engaging in hostile behavior that led to Complainant or Luna calling the police on two separate occasions, hitting Complainant's apartment door with a metal object hard enough to dent it, and explicitly telling Complainant that the reason Respondents were evicting her was because the apartment was for Black people, not Spanish people. (*Id.* at 5-7, 63-64, 68-71, 73-74, 113, 140, 147-48, 136, 171, 174, 184-85; Pet. Exs. 1(A), 23(A), 23(B), 24). The Bureau also presented evidence at trial showing that Respondents engaged in a similar course of conduct against another family of Latino tenants after evicting Colon. (*See* R & R at 15-16; Pet. Exs. 4, 6, 6(C)).

IV. DISCUSSION

A. Legal Standard

The NYCHRL "shall be construed liberally for the accomplishment of the uniquely broad and remedial purposes thereof, regardless of whether federal or New York state civil and human rights laws, including those laws with provisions worded comparably to provisions of [the NYCHRL] have been so construed." N.Y.C. Admin. Code § 8-130(a). Pursuant to the Local Civil Rights Restoration Act of 2005, "[i]nterpretations of New York state or federal statutes with similar wording may be used to aid in interpretation of the [NYCHRL], viewing similarly worded provisions of federal and state civil rights laws as a floor below which the [NYCHRL] cannot fall, rather than a ceiling above which the local law cannot rise." Local Law No. 85 § 1 (2005). *See also* Local Law No. 35 § 1 (2016).

Moreover, "case law interpreting analogous anti-discrimination statutes under state and federal law, though perhaps persuasive, is not precedential in the interpretation of the NYCHRL." *Ondaan*, 2020 WL 7212457, at *6 (citing *Albunio v. City of New York*, 23 N.Y.3d 65, 73 n.5 (Apr. 3, 2014) ("The New York City Council's 2005 amendment to the NYCHRL was, in

part, an effort to emphasize the broader remedial scope of the NYCHRL in comparison with its state and federal counterparts and, therefore, to curtail courts' reliance on case law interpreting textually analogous state and federal statutes.")).

B. Respondents Discriminated Against Colon Based on National Origin in Violation of NYCHRL § 8-107(5)(a)(1) and Created a Hostile Living Environment

NYCHRL § 8-107(5)(a)(1) makes it unlawful for the owner or lessor of a housing accommodation to "refuse to sell, rent . . . or otherwise withhold from any such person or group of persons such a housing accommodation . . ." because of the "actual or perceived . . . national origin . . . of [such person or persons]," and "to discriminate against any such person . . . in the terms, conditions, or privileges of the . . . rental or lease of any such housing accommodation."[9] N.Y.C. Admin. Code § 8-107(5)(a)(1). (*See also* R & R at 19 (citing *Douglas Manor Assn., Inc. v. Burke*, 2010 WL 1397619 (N.Y. Sup. Ct. Mar. 22, 2010) (finding that for claims regarding housing discrimination based on Hispanic national origin, a complainant must establish their membership in a protected class and that the discriminatory act(s) occurred because of their membership in the protected class))). The Human Rights Law prohibits discrimination motivated in whole or in part by a person's actual or perceived national origin. N.Y.C. Admin. Code § 8-107(5)(a)(1). As defined in the law, the term "national origin" includes "ancestry." *Id.* § 8-102. The protected categories of ancestry, national origin, and race often overlap when considering and discussing discrimination.[10] The Bureau bears the burden of establishing a *prima facie* case of discrimination by a preponderance of the evidence. *Comm'n on Human Rights v. Shahid*, OATH Index No. 1381/13, Report and Recommendation, at 3 (May 13, 2013), *adopted*, Comm'n Dec. & Order (July 26, 2013); *see also Comm'n on Human Rights ex rel. Manning v. HealthFirst, LLC*, OATH Index No. 462/05, Report and Recommendation, at 8-11 (Mar. 15, 2006), *adopted*, Comm'n Dec. & Order (May 10, 2006) (citing *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-03 (1973)). To do so, the petitioner must show that:

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[9] The Commission notes that the Bureau charged Respondents with violating N.Y.C. Admin. Code § 8-107(5)(a) in the Complaint, issued its Notice of Probable Cause with reference to N.Y.C. Admin. Code § 8-107(5), and referenced N.Y.C. Admin. Code § 8-107(5) in its Notice of Referral to OATH. (*See* Pet. Exs. 1(A)-(B), 1(E)-(F)). The R & R only cites N.Y.C. Admin. Code § 8-107(5)(a)(1)(a), which covers, *inter alia*, discriminatory refusal to rent, but does not touch on discrimination in provision of terms, conditions, or privileges of the rental or lease of a housing accommodation, including harassment, which is covered by § 8-107(5)(a)(1)(b). (*See* R & R at 4). As the Bureau Comments note, the text of the R & R also extensively discusses Respondents' actions sounding in § 8-107(5)(a)(1)(b), regarding provision of terms, conditions, or privileges of the rental or lease of a housing accommodation, including harassment. The Bureau is correct and Respondents' liability under N.Y.C. Admin. Code § 8-107(5)(a)(1) herein encompasses N.Y.C. Admin. Code § 8-107(5)(a)(1)(a) and § 8-107(5)(a)(1)(b).

[10] The Second Circuit and courts within the Second Circuit have held that when evaluating claims based on an individual's identity as Hispanic or Latino, the matter may be considered discrimination based on race, national origin, or both. *See, e.g.*, *Village of Freeport v. Barrella*, 814 F.3d 594, 607 (2d Cir. 2016) ("[A] claim of discrimination based on Hispanic ethnicity or lack thereof may also be recognized under the rubric of national origin discrimination, depending on the particular facts of each case."); *Tenecora v. Ba-Kal Rest. Corp.*, 2021 WL 424364, at *2 n.2 (E.D.N.Y. Feb. 8, 2021) ("The term 'race' is used as shorthand for 'race, ethnicity and/or national origin.").

> (1) complainant is a member of a protected class as defined by the Human Rights Law[] and has been denied privileges or advantages by respondent[s]; (2) respondents lease housing accommodations; and (3) respondents acted in such a manner and circumstances as to give rise to the inference that their actions constituted discrimination in violation of section 8-107.

Desir, 2020 WL 1234455, at 4-5.

As an initial matter, there is no dispute that Colon is a member of a protected class under the NYCHRL. As discussed above, Respondent Lewis and Colon discussed that Colon was from Puerto Rico when she moved into the apartment in October 2010. In addition, Respondents are covered housing providers under the NYCHRL. In their Answer, Respondents admit to owning and operating the Building and that the Building is a housing accommodation as defined by the NYCHRL, and witness testimony at trial also showed that there are at least three (3) units in the Building. Therefore, the owners are subject to the requirements of NYCHRL § 8-107(5)(a)(1). As landlords of a three-unit building in the Bronx, Respondents are housing providers covered by the NYCHRL.

Turning to the specific claims, Respondents carried out a persistent and malicious campaign of discrimination against Colon based on her national origin in violation of N.Y.C. Admin. Code § 8-107(5)(a)(1). In this matter, the Bureau proved that Respondent Lewis knew of Colon's national origin since the start of her tenancy. The Bureau also proved that the ongoing harassment began in 2010 and continued throughout the remainder of Complainant's tenancy. Respondents' hostile and confrontational behavior escalated during the last year of Complainant's tenancy, and included threats of physical attacks, verbal tirades against Colon and her family based on stereotypes, an attempted physical attack against Colon, and striking Colon's apartment door with a metal object so forcefully the door was damaged; Respondents' actions culminated with a threat to evict Colon, followed by her ultimate eviction. (Pet. Exs. 5(3), 6(B); Tr. 89-90, 104, 138, 157-58, 169). Tellingly, in May of 2015, Respondent Lewis expressly told Colon that she wanted her to vacate the apartment because the house was for Black people, "not Spanish." (Pet. Ex. 1(A) ¶ 12).

Based on the testimony and evidence presented at OATH, the Commission finds that Respondents created a hostile living environment while subjecting Colon to five years of differential treatment based on her national origin, including approximately one year of near daily tirades, threats of harm to her person and actual damage to her apartment door, telling Complainant they wanted no longer wanted to rent the apartment to her, taking Complainant to Housing Court in an attempt to evict her, and ultimately succeeding in forcing Colon to vacate the apartment. This evidence is undisputed as Respondents did not participate in the Bureau's investigation, failed to appear at trial, presented no evidence or testimony, and failed to rebut any part of Petitioner's case at any time. The Commission finds that Respondents violated § 8-

107(5)(a)(1)(a) and (b) of the NYCHRL, based on the evidence and testimony the Bureau put forth during the OATH proceedings that support the allegations in the Complaint.

C. Respondents' Verified Answer and Affirmative Defenses of Res Judicata and Collateral Estoppel

Although they did not appear at trial, Respondents filed an Answer in response to the Complaint, asserting that this action is barred by the doctrines of *res judicata* and collateral estoppel.[11] (Pet. Ex. 1(B)). These doctrines address issue preclusion and claim preclusion to avoid re-litigation of legal determinations.[12] In addition, as noted in the Bureau Comments, the NYCHRL contains a provision with similarities to these concepts, N.Y.C. Admin. Code § 8-109(f)(i), which contemplates specific instances where the Bureau "shall not have jurisdiction" over particular allegations of discrimination, including instances where the "complainant has previously initiated a civil action in a court of competent jurisdiction alleging an unlawful discriminatory practice as defined by this chapter . . . with respect to the same grievance," unless that civil action has been dismissed or withdrawn without prejudice. Here, Respondents assert that *res judicata* and collateral estoppel apply because Colon entered into a written stipulation to vacate the premises in the holdover proceeding Respondents commenced against her in Housing Court, and Colon "at no time advanced argument or protestation to the Court that her Human Rights were being violated" in a "forum ideal to raise the issues." (Pet. Ex. 1(B)).

The R & R found that these doctrines do not preclude the claims or issues raised in the instant matter because the Bureau was not a party to the Housing Court matter against Colon. (R & R at 17). The Commission agrees with Judge Pogoda's conclusion that Respondents' reliance on the doctrines of *res judicata* and collateral estoppel is misplaced, but bases this finding on different reasoning.[13] Preclusion is not applicable in this case because, at the time of the holdover

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[11] Respondents asserted *res judicata* and collateral estoppel defenses in their Answer because of a prior Housing Court holdover eviction action they commenced against Complainant in 2015, while she still resided in the Building. This holdover eviction action ultimately resulted in Colon's eviction from the Building, although as described above, Respondents brought the holdover eviction action that resulted in Colon's eviction due to her national origin. Importantly for the matter at hand, at the time of the holdover eviction action, the Housing Code did not include a prohibition on tenant harassment by landlords related to the protected categories enumerated in the NYCHRL. In 2016, after the conclusion of the Colon holdover proceeding, the Housing Code was amended to include tenant harassment under the NYCHRL as a cause of action. *See* N.Y.C. Admin. Code §§ 27-2004(f-5), 27-2005(d).

[12] *Res judicata* encompasses both claim and issue preclusion. *Res judicata* bars parties from re-litigating matters arising out of the same facts, between the same parties, and based on the same cause or causes of action or claims that could have been raised in the original action. *See Paramount Pictures Corp. v. Allianz Risk Transfer AG*, 31 N.Y.3d 64, 72-73 (2018). Collateral estoppel, also known as issue preclusion, prevents the re-litigation of specific issues that have already been determined by a prior case and were essential to the judgment of the prior case. Issue preclusion is distinct from claim preclusion, which "more broadly bars the parties . . . from relitigating issues that were or could have been raised in that action." *Id.* (emphasis in original) (internal citations omitted).

[13] The R & R reasons that *res judicata* and collateral estoppel were meritless defenses in the instant matter because the Bureau was not a party to the housing court action. (R & R at 17). However, whether the Bureau was a party to the housing court proceeding is not the central question in relation to the issue or claim preclusion assertions in this matter. Issue or claim preclusion may arise in proceedings that come to OATH regardless of the Bureau's presence.

proceeding, "the Housing Code did not include harassment under the NYCHRL as a cause of action that could be raised in Housing Court." (Bureau Comments at 6; *see supra* note 11). Housing Court, therefore, was not a competent forum for Complainant to raise her NYCHRL harassment claims at the time. (Bureau Comments at 6; *see supra* note 11).

As discussed above, the doctrines of claim and issue preclusion are not applicable to the instant case. Further, this case does not fall within the scope of the NYCHRL's mandatory bar to jurisdiction, set forth in § 8-109(f)(i). The Commission therefore has jurisdiction to determine liability and order damages, civil penalties, and affirmative relief.

V. DAMAGES, CIVIL PENALTIES, AND AFFIRMATIVE RELIEF[14]

A. Authority

Where the Commission finds that respondents have engaged in an unlawful discriminatory practice, the NYCHRL authorizes the Commission to order both that respondents cease and desist from such practices, and that they take actions that effectuate the purposes of the NYCHRL, which include "the extension of full, equal and unsegregated accommodations, advantages, facilities, and privileges." N.Y.C. Admin. Code § 8-120(a)(5). The Commission may also award damages to complainants and impose civil penalties of up to $125,000 per discriminatory act or up to $250,000 per discriminatory act where the Commission determines that the unlawful conduct is willful, wanton, or malicious. *See id*. §§ 8-120(a)(8), 8-126(a). *See also Fernandez*, 2023 WL 3974499, at *17 (issuing a $250,000 civil penalty based on the "willful, egregious nature" of respondents' NYCHRL violations); *Automatic Meter Reading Corp.*, 2019 WL 1475080, at *12 (upholding $250,000 civil penalty issued by the Commission upon a finding that respondent engaged in willful and wanton sexual harassment over a three-year period).

B. Compensatory Damages

"Compensatory damages, including emotional distress damages, are intended to redress a specific loss that the complainant suffered by reason of the respondent's wrongful conduct." *In re Comm'n on Human Rights ex rel. Howe v. Best Apartments*, OATH Index No. 2602/14, Comm'n Dec. & Order, 2016 WL 1050864, at *6-7 (Mar. 14, 2016). To support an award of emotional distress damages, the record "must be sufficient to satisfy the Commissioner that the mental

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It is the content of the proceedings that undergird the preclusion analyses. Additionally, where the Bureau investigates complaints filed by members of the public, individuals may appear as parties during the Bureau's investigation, up until the time the Bureau refers the matter to OATH.

[14] The Commission notes that the Bureau requested that the Commission adjust the R & R's recommended emotional distress damages award, out-of-pocket expenses, and the civil penalty for inflation. (Bureau Comments at 7). The Commission does not apply the requested inflation adjustment to the amounts set forth in the R & R for emotional distress damages, out-of-pocket expenses, or the civil penalty without more specific grounds and legal support. Separately, the Commission finds that it is appropriate to adjust the out-of-pocket expenses by adding predetermination interest, as discussed *infra*.

anguish does in fact exist, and that it was caused by the act of discrimination." *Comm'n on Human Rights ex rel. Joo v. UBM Building Maintenance Inc.*, OATH Index No. 384/16, Comm'n Dec. & Order, 2018 WL 6978286, at *9 (Dec. 20, 2018). An award for compensatory damages may be premised on the complainant's credible testimony alone, or other evidence including testimony from other witnesses, circumstantial evidence, and objective indicators of harm, such as medical evidence. *See Comm'n on Human Rights ex rel. Agosto v. Am. Construction Assocs*., OATH Index No. 1964/15, Comm'n Dec. & Order, 2017 WL 1335244, at *7 (Apr. 5, 2017) (collecting cases). The NYCHRL places no limitation on the size of compensatory damages awards, *see* N.Y.C. Admin. Code § 8-120(a)(8), and courts have consistently recognized the Commission's "special experience in weighing the merit and value of mental anguish claims." *Automatic Meter Reading Corp.*, 2019 WL 1475080, at *10 (quoting *Matter of Cutri v. Comm'n on Human Rights*, 113 A.D.3d 608, 608 (2d Dep't 2014)). In assessing compensatory damages in a particular case, the Commission evaluates the nature of the violation, the amount of harm indicated by the evidentiary record, and awards that have been issued for similar harms. *In re Comm'n on Human Rights ex rel. Nieves v. Rojas*, OATH Index No. 2153/17, Comm'n Dec. & Order, 2019 WL 2252369, at *6 (May 16, 2019).

1. Emotional Distress

The Commission agrees with Judge Pogoda that Colon is entitled to emotional distress damages and orders Respondents to pay $50,000, which is the amount requested by the Bureau in its post-trial brief and recommended in the R & R. (*See* ALJ Ex. 1 at 2-3; R & R at 21-22). Respondents discriminated against Complainant by harassing her repeatedly over the course of multiple years and evicting her. (R & R at 5-19). As detailed below, this discrimination inflicted emotional distress on Colon, which caused damage to Colon and her familial relationships.

For the reasons set forth below, the Commission adopts the R & R's recommended emotional distress damages award of $50,000.

a. Nature of Violation

As noted by Judge Pogoda, Respondents discriminated against Colon based on her national origin for approximately five years in total, including almost daily discrimination and harassment based on her national origin for at least the last year of her tenancy, and evicted her because "the house was for blacks." (R & R at 5-19; Tr. 73). Respondent Lewis' tirades, insults, threats, and an attempted physical attack against Colon occurred in front of her children and young grandchildren. Respondent Lewis wielded a metal object to intimidate Colon and her family and used it to hit Colon's apartment door hard enough that it left a dent in it on at least one occasion. These tirades contained demeaning and offensive stereotypes. As a result, Colon and her family would intentionally avoid Respondent Lewis.

The persistent nature of the national origin-based discrimination to which Respondents subjected Complainant, as well as its verbal and physical manifestations, weigh in favor of a $50,000 emotional distress damages award.

b. Amount of Harm

Colon testified that because of Respondents and their acts of discrimination, she felt "like garbage." (Tr. 81). Colon further testified that Respondents' treatment made her feel depressed because of the toll on her children and grandchildren, desperate since she was the only support for the family at that time, and afraid because of Respondent Lewis' regular threats to hit her. (*Id.* at 81-82, 101, 115-16, 134, 146-47). Colon described feeling both frustrated and ashamed. Throughout the last year or so of her tenancy, Colon's emotional state deteriorated, along with her familial relationships. Respondents' frequent threats, stereotyping, and attacks caused Colon to experience distress, depression, frustration, shame, fear, and intimidation. (*Id.* at 81, 116, 134). Luna's testimony corroborated the detrimental effect that Respondent Lewis' conduct had on her mother, Colon, and the whole family. (*Id.* at 177-78). When asked how Respondent Lewis' constant accusations that the apartment smelled affected Colon and the family, Luna explained that "it felt like she was saying that we were dirty" and that they "didn't belong there." (*Id.* at 175). Additionally, Luna testified that she "was not at peace" and that it was a "stressful situation all the time." (*Id.* at 176).

Trying to avoid Respondent Lewis, Colon began to spend most of her time away from home. Luna recalls that her mother would "barely be home . . . . So, I barely would see her. Like the only time I would see my mom is in the morning or when she comes out of work, and then that's it. She would leave to – she would go to the gym and I wouldn't see her until like the nighttime." (*Id.*) Colon's relationship with her daughter and granddaughters frayed during this time, with Luna testifying that Colon "didn't focus on my kids like how she would nor-, how she is now with them." (*Id.* at 177). With this high-stress situation, the Colon family was left arguing with each other and feeling like they were walking on eggshells trying not to bother Respondent Lewis. (*Id.* at 177-78).

Since moving out of the Building, Colon and her family have been able to spend more time together and mend their relationship. Colon testified that she "live[s] calmer because the landlord doesn't live there." (*Id.* at 134). However, the new apartment is significantly smaller and the family is crowded, with Luna having to share a bedroom with her two children. (*Id.* at 180). Colon continues to be "frightened" that she may run into Respondents because her new home is in the same area as the Building. (*Id.* at 134). The mental anguish that Colon suffered continues to affect her.

The emotional harm resulting from Respondents' discrimination against Complainant, which impacted Complainant as well as her personal and familial relationships, supports a $50,000 emotional distress damages award.

c. Distinguishing Prior Awards

A review of prior cases with similar circumstances supports the determination that $50,000 is appropriate for the mental anguish and harm that Colon experienced. The impacts are well supported by Colon's testimony, which is corroborated by Luna's testimony.

Here, Colon suffered mental anguish as the result of Respondent Lewis' multiple discriminatory acts that spanned approximately five years, including a year of being subjected to near daily negative treatment, and which ended with Complainant leaving the apartment via eviction proceedings in Housing Court. The Commission agrees with the R & R that "discrimination that endures over a sustained period of time will lead to a higher award," (R & R 22.), and case law supports a $50,000 award on the facts of the case at hand. *See, e.g.*, *Comm'n on Human Rights ex rel. Baca v. 119-121 E. 97th St. Corp.,* Complaint No. AH-92-0280, Comm'n Dec. & Order, 1993 WL 856507 (May 28, 1993), *upheld by*, *119-121 E. 97th St. Corp. v. NYC Comm'n on Human Rights*, 220 A.D.2d 79, 85-87 (1st Dep't 1996) (sustaining $100,000 emotional distress damages award to tenant who suffered multiple discriminatory acts by landlord over the course of 18 months); *Comm'n on Human Rights ex rel. L.D. v. Riverbay Corp.*, OATH Index No. 1300/11, Comm'n Dec. & Order, 2012 WL 1657555, at *9-11 (Jan. 9, 2012) (awarding tenant $50,000 in emotional distress damages for failure to accommodate her disabilities and multi-year harassment).

Prior Commission Decisions and Orders also support an award in the $50,000 range. *See, e.g.*, *Ondaan*, 2020 WL 7212457, at *13-15 (awarding complainant $28,000 in emotional distress damages where their landlord, over the course of approximately eight (8) days, repeatedly sent harassing text messages and emails threatening to report the complainant to federal immigration authorities and have her deported based on the complainant's national origin and immigration status); *see also Desir*, 2020 WL 1234455, at *10 (awarding transgender complainant $50,000 in emotional distress damages where she was denied housing, sexually harassed, and otherwise discriminated against based on her gender identity). Here, Colon began experiencing discrimination based on her national origin upon moving into the apartment. Respondent Lewis asked Complainant about her national origin and, as described above, Respondents soon began insulting the family based on negative stereotypes about their national origin. During Colon's last year of her tenancy, the discrimination escalated in both frequency and flagrancy, including Respondent Lewis telling Colon that she wanted to evict Colon because the apartment was for Black people and not for "Spanish" people (Pet. Ex. 1(A) ¶ 12), until Respondents finally sought and secured Colon's eviction in Housing Court. The almost five-year span of the discrimination, which escalated over time, along with the discriminatory eviction, merits a $50,000 emotional distress damages award.

2. Out-of-Pocket Expenses

The R & R recommends a pecuniary damages award in the amount of $8,927.50 – an amount that the Bureau proved Colon incurred as a result of Respondents' unlawful

discrimination based on her national origin. The Commission adopts this recommendation. As described in the R & R, Colon and her family moved into a significantly smaller apartment when they left the Building, and most of their furniture had to be left on the curb as trash because it would not fit in the new space. (Tr. 133, 179). Therefore, Colon needed to purchase new furniture, including a sofa, a loveseat, a bar unit that Colon used as a place to dine, and two chairs. (Tr. 126-132; Pet. Exs. 21-22). To cover these and other expenses, Colon used a credit card for purchase and took a loan from her employer, both of which took many years to pay off. (Tr. 122, 124-25, 132-33). Judge Pogoda reached her recommendation of $8,927.50 in pecuniary damages by totaling these expenses. (*See* R & R at 24-25).

The Commission determines that it is appropriate to add predetermination interest to the out-of-pocket expenses amount recommended in the R & R. New York State Civil Procedure Law & Rules § 5001(a) ("CPLR") states that "interest shall be recovered on a sum awarded because of an act . . . depriving or otherwise interfering with . . . possession or enjoyment of, property . . . ." *See North Main Street Bagel Corp. v. Duncan*, 37 A.D.3d 785, 787-88 (2d Dep't 2007) (applying CPLR § 5001 to add predetermination interest from the date of a wrongful eviction is appropriate where the landlord committed an act depriving or otherwise interfering with a tenant's possession or enjoyment of property); *see also Schwartz v. Certified Mgt. Corp.*, 148 A.D.2d 387 (1st Dep't 1989); *Property Owners Assn. of Harbor Acres v. Ying*, 137 A.D.2d 509, 511 (2d Dep't 1988). Turning to the interest calculation in the case at hand, interest on an award for compensatory damages related to a wrongful eviction, in which the damages were incurred at different times, may be calculated "upon all damages from a single reasonable intermediate date." *See* CPLR § 5001(b). Here, Complainant's damages included moving to a new apartment, which occurred in or around April 2016, paying a broker fee related to the search for the new apartment on March 15, 2016, purchasing furniture to fit the new apartment on March 13, 2016, purchasing a new bed on June 16, 2016, and the security deposit Respondents failed to return to Complainant within fourteen days of her eviction on May 14, 2016. (R & R at 24). The Commission determines that a reasonable intermediate time from which to calculate the interest due is April 30, 2016, because this is the midpoint between the date of the first expense the Complainant incurred in relation to the wrongful eviction, and June 16, 2016, the date of the last expense incurred in relation to the wrongful eviction. Applying a simple annual interest rate of nine percent to a principal amount of $8,927.50 for the period through January 27, 2026 (a period of nine years, eight months, and twenty-nine days, or approximately 9.74 years), produces a total predetermination interest amount of $7,722.17. Accordingly, the Commission awards Colon $8,927.50 plus a predetermination interest amount of $7,722.17, totaling $16,649.67 for out-of-pocket expenses she incurred as a direct result of Respondents' discriminatory conduct, and Respondents are ordered to pay this amount.

C. Civil Penalties

When the Commission finds that respondents have engaged in an unlawful discriminatory practice, the NYCHRL authorizes the Commission to impose civil penalties up to

$125,000 per violation, and it authorizes the Commission to impose civil penalties of not more than $250,000 where the Commission determines that the unlawful conduct is willful, wanton, or malicious. N.Y.C. Admin. Code § 8-126(a); *see also Automatic Meter Reading Corp.*, 2019 WL 1475080, at *11 (upholding $250,000 civil penalty issued by the Commission under the NYCHRL upon a finding that respondent engaged in willful and wanton sexual harassment over a three-year period). Factors relevant to a civil penalty determination include the length of time a respondent committed the discrimination, the egregiousness of the discrimination, the respondent's financial situation, and a respondent's failure to cooperate with the Commission. *See, e.g.*, *Joo*, 2018 WL 6978286, at *10; *Comm'n on Human Rights v. A Nanny on the Net*, OATH Index Nos. 1364/14 & 1365/14, Comm'n Dec. & Order, 2017 WL 694027, at *8 (Feb. 10, 2017); *Comm'n on Human Rights v. CU 29 Copper Rest. & Bar*, OATH Index No. 647/15, Comm'n Dec. & Order, 2015 WL 7260570, at *4 (Oct. 28, 2015); *Cardenas*, 2015 WL 7260567, at *2; *Comm'n on Human Rights v. Tanillo*, OATH Index Nos. 105/11, 106/11 & 107/11, 2011 WL 7809914, at *7-8 (Feb. 24, 2011), *modified on penalty*, Comm'n Dec. & Order, 2011 WL 7809912 (May 23, 2011).

The Bureau requested in its post-trial brief, and Judge Pogoda recommended in the R & R, a civil penalty of $100,000. For the reasons set forth below, the Commission finds that Respondents are liable for a civil penalty in the amount of $100,000.

1. Length of Time

Respondents' multiple violations of the NYCHRL took place over a period of approximately five years, and during at least the last year of Colon's residency, Respondent Lewis engaged in discriminatory conduct towards Colon almost daily. The discrimination ceased when Colon and her family moved out of the apartment after Respondents went to Housing Court and secured their eviction. The length of time that Respondents subjected Complainant to harassing and discriminatory behavior in this case supports a $100,000 civil penalty.

Thus, the length of time that Respondents subjected Complainant to discrimination supports a $100,000 civil penalty.

2. Egregiousness of Discrimination

The Commission agrees with the Bureau and Judge Pogoda that Respondents' violations were willful (ALJ Ex. 1), wanton, and malicious.[15] (*Id. See also* R & R at 26). Due to

[15] The NYCHRL provision that governs civil penalties, N.Y.C. Admin. Code § 8-126, uses the "willful, wanton, or malicious" language to allow the Commission to impose civil penalties of more than $125,000 per act, but not more than $250,000 per act, where the Commission finds that the discrimination complained of in a case meets this standard. This language can also be used to show why a civil penalty imposed in a specific case is higher than it would have been without the "willful, wanton, or malicious" finding, even if that amount is less than $125,000. *See, e.g.*, *Comm'n on Human Rights ex. rel. Cazares v. INS Handbags, Inc.*, OATH Index No. 1075/20, Comm'n Dec. & Order, 2025 WL 897951, at *16 (Mar. 18, 2025); *Desir*, 2020 WL 1234455, at *12; *Ondaan*, 2020 WL 7212457, at

Complainant's national origin, Respondent Lewis engaged in a five-year campaign of discrimination against Complainant. This included a period of more intense, almost daily discrimination at the end of Complainant's tenancy during which Respondent Lewis repeatedly engaged in lengthy, screaming tirades against Complainant and her family, insulting them with demeaning stereotypes related to their national origin, threatened them with violence, attempted to physically attack Complainant, repeatedly banged on the door to Complainant's apartment, damaged the door to Complainant's apartment by hitting it with a metal object, posted notices outside Complainant's apartment about Complainant's apartment being dirty and smelly, told Complainant on multiple occasions that she wanted Complainant to vacate the apartment because it was "for Black people," and ultimately evicting Complainant from the apartment.

In support of the recommended civil penalty, Judge Pogoda and the Bureau compare Respondents' conduct to that of the respondent in *Cardenas*, who received a maximum civil penalty of $250,000,[16] stating that both engaged in "nasty, belittling, daily, sustained, and dehumanizing discrimination against their victims" for at least a year. (R & R at 26). The respondent in *Cardenas* was an employer who repeatedly ignored and laughed at his female employee's request to stop sexually harassing her over the course of three years; after experiencing multiple incidents of gender-based harassment and forcible, nonconsensual touching, Cardenas was forced to resign from her job. As in *Cardenas*, Colon experienced significant harassment over an extended period of time. Here, Respondents subjected Complainant to national origin-based discrimination for approximately five years, with over a year of that period marked by almost daily, verbal tirades and ongoing threats of physical harm, including an attempted physical attack on Complainant, and damage to Colon's apartment door, twice causing a member of the Colon family to call the police.

In addition, Respondents' discriminatory conduct against Complainant is not an isolated incident, as they have been found by another forum to have discriminated against another Latina tenant based on her national origin. (R & R at 26). In a proceeding before the New York City Department of Housing Preservation & Development, and in the subsequent state court action to enforce the judgment in New York state court, this tenant described how Respondent Lewis would wait outside the apartment door every morning for the tenant to walk her daughter to school and would yell, curse, and put her down. Respondent Lewis would also bring up race, color, and the tenant's national origin as well as threatening to fight her. (R & R at 15). Respondents' multiple, lengthy, threatening campaigns of national origin-based housing discrimination and harassment against their tenants reinforces the willfulness, wantonness, and maliciousness of Respondents' conduct toward Complainant.

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*16; *Comm'n on Human Rights ex. rel. Politis v. Marine Terrace Holdings, LLC d/b/a Marine Terrace Associates, LLC and Wen Management Corp.*, OATH Index No. 11-1673/74, Comm'n Dec & Order, 2012 WL 1657556, at *14-17 (Apr. 24, 2012).

[16] *See infra* "Respondents' Size & Financial Situation" for discussion of how Respondents' size impacts the penalty amount in the case at hand.

The willful, wanton, malicious nature of Respondents' discrimination against Complainant, particularly in the last year or so of Complainant's tenancy in the Building, merit a $100,000 civil penalty.

3. Respondents' Size & Financial Situation

Respondents who are found to have violated the NYCHRL and are subject to a civil penalty may "plead and prove any relevant mitigating factor" with respect to the amount of the civil penalty only. N.Y.C. Admin. Code § 8-126(b). As Respondents failed to cooperate with the Bureau's investigation and defaulted at trial, Respondents did not present any evidence related to their financial situation, and so Respondents' financial situation is not considered as a mitigating factor.

However, as discussed in the R & R, the trial record indicates that Respondents operate as relatively modest housing providers in New York City, with two buildings comprising seven housing units. The Commission finds that Respondents' size weighs against issuance of the maximum possible penalty. Considered in connection with the other factors discussed in this section, a $100,000 civil penalty is appropriate.

4. Respondents' Cooperation

Although Respondents initially filed their Answer with the Bureau, they thereafter chose not to participate in the investigation by failing to submit to the Bureau's requests for information, failing to participate in interviews with Bureau investigators, and declining to join OATH settlement conferences or the subsequent trial. Respondents' near total lack of cooperation with the investigation and refusal to participate in the OATH trial support the $100,000 civil penalty.

The Commission acknowledges that Respondents operate as a modestly sized covered entity, but the record demonstrates that Respondents engaged in egregious discrimination against Complainant, refused to cooperate with the Bureau's investigation, failed to participate in the OATH proceedings, did not prove any mitigating factors, and were previously held liable for a similar form of discrimination. As such, a $100,000 civil penalty is warranted.

D. Affirmative Relief

The NYCHRL authorizes the Commission to require affirmative measures, including trainings, to prevent further discrimination. N.Y.C. Admin. Code § 8- 120(a)(4). *See, e.g.*, *Desir*, 2020 WL 1234455, at *13-14; *Ondaan*, 2020 WL 7212457, at *18, *Martinez*, 2017 WL 4510797, at *5; *Cardenas*, 2015 WL 7260567, at *15-16. The Commission agrees with the R & R's recommendations regarding affirmative relief.

Accordingly, the Commission adopts Judge Pogoda's recommendation and orders Respondents to:

1. Create a written anti-discrimination policy that outlines the rights of Respondents' tenants in New York City and contains information for referring reports of discrimination to CCHR, and submit the written policy to the Commission to be reviewed for compliance with the NYCHRL;[17]
2. Undergo anti-discrimination training and submit proof of attendance to the Commission;
3. Display prominently the Commission's Fair Housing Poster for no less than three years, in all New York City locations where Respondents rent out property.

VI. CONCLUSION

FOR THE REASONS DISCUSSED HEREIN, IT IS HEREBY ORDERED that no later than thirty (30) calendar days after service of this Order, Respondents pay Complainant Colon a total of $66,649.67 (comprised of $8,927.50 in out-of-pocket expenses plus interest on the expenses in the amount of $7,722.17 and $50,000.00 in emotional distress damages) by sending to the New York City Commission on Human Rights, 22 Reade Street, New York, New York 10007, Attn: General Counsel, a bank certified or business check made payable to Rosa Colon, including a written reference to OATH Index No. 330/19.

IT IS FURTHER ORDERED that no later than sixty (60) calendar days after service of this Order, Respondents pay a fine of $100,000.00 to the New York City Department of Finance, by sending to the New York City Commission on Human Rights, 22 Reade Street, New York, New York 10007, Attn: General Counsel, a bank certified or business check made payable to the City of New York, including a written reference to OATH Index No. 330/19.

IT IS FURTHER ORDERED that no later than sixty (60) calendar days after service of this Order, Respondents create a written anti-discriminatory policy that outlines the rights of Respondents' tenants in New York City and their ability to make reports of discrimination to the Commission. The policy must also be provided as an electronic copy to General Counsel Anne Meredith at cchrgeneralcounsel@cchr.nyc.gov no later than sixty (60) calendar days after service of this Order, whereupon the Commission will review the policy to ensure it complies with the New York City Human Rights Law. The email shall include written reference to "Colon v. Coraleta Lewis and William Lewis, OATH Index No. 330/19."

IT IS FURTHER ORDERED that no later than thirty (30) calendar days after service of this Order, Respondents arrange to undergo a Commission-led anti-discrimination training. A schedule of available trainings is available at https://www.nyc.gov/site/cchr/community/events-workshops.page, and other trainings can be scheduled by emailing crb@cchr.nyc.gov.

IT IS FURTHER ORDERED that no later than thirty (30) calendar days after service of this Order, Respondents post the Commission's Fair Housing Poster, available at

[17] *See supra* n.2.

https://www.nyc.gov/site/cchr/media/posters.page and enclosed, in all locations where they rent out property, on Legal Size (8.5 x 14 inch) paper in a conspicuous location where it will be visible to all tenants for a period of three (3) years after the date of this order.

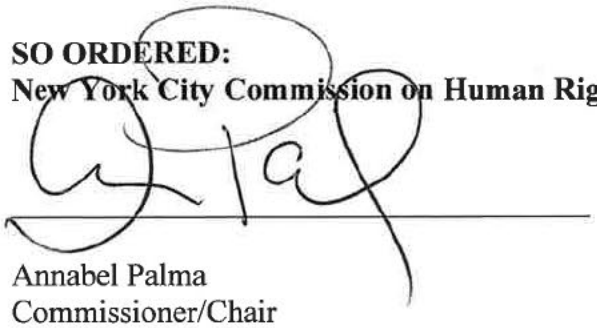
Failure to comply with any of the foregoing provisions in a timely manner shall constitute non-compliance with a Commission order. In addition to any civil penalties that may be assessed against them, Respondents shall pay a civil penalty of $100.00 per day for every day the violation continues. N.Y.C. Admin. Code § 8-124. Furthermore, failure to abide by this order may result in criminal penalties. *Id.* § 8-129.

Civil Penalties are paid to the general fund of the City of New York.

Dated: New York, New York

January 27, 2026

SO ORDERED:
New York City Commission on Human Rights



Annabel Palma
Commissioner/Chair