



**Commission on
Human Rights**

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**NYC COMMISSION ON HUMAN RIGHTS REPORTS 60 PERCENT INCREASE IN
DISCRIMINATION INQUIRIES IN 2016, INCREASES TOTAL DAMAGES FOR
AGGRIEVED NEW YORKERS**

Commission saw significant increase in reports of alleged discrimination in 2016, receiving 8,330 reports in 2016 compared to 5,296 in 2015, a 60 percent increase

Commission increased total damages and civil penalties to \$1,452,136 in 2016 from \$1,351,984 in 2015, closed 436 cases in 2016 compared to 354 in 2015 (25 percent increase), and filed 883 cases in 2016 compared to 824 in 2015

Commission conducted more than 500 tests across several protected categories in 2016

NEW YORK – The NYC Commission on Human Rights reported a significant increase in discrimination inquiries in 2016, receiving 8,330 reports in 2016 compared to 5,296 reports in 2015, a nearly 60 percent increase meaning that more New Yorkers are recognizing the Commission as a credible venue for justice. Discrimination inquiries include calls to the Commission’s Infoline, emails, website submissions, letters, in-person reports, and referrals from other agencies, elected officials, and advocates. The Commission also increased total damages and civil penalties again in 2016, awarding \$1,244,136 in damages to victims of discrimination and ordering \$208,000 in civil penalties payable to the City of New York for a total of \$1,452,136 in damages and penalties in 2016. In 2015, the Commission ordered the collection of \$1,351,984 in total damages and civil penalties, doubling the average amount collected per case (\$21,806 per case) from the previous year. The Commission maintained that average in 2016.

The Commission also increased the number of cases it closed in 2016, closing 436 cases compared to 354 cases in 2015, a nearly 25 percent increase. Additionally, the Commission increased the number of investigations it opened in 2016, filing 883 new cases in 2016 compared to 824 new cases in 2015, building on a 30 percent increase in cases filed from 2015 to 2014.

“In our current climate of fear and xenophobia, New York City is committed to protecting our most vulnerable communities from discrimination in every form,” said **Mayor Bill de Blasio**. “No matter where you come from, how you worship, or who you love, New York City will protect your rights. As a city we are stronger because of our diversity, and that is something we will always fight to protect.”

“I’m incredibly proud of the Commission’s work this year fighting discrimination and getting justice for aggrieved New Yorkers — but our work is far from over,” said **Commissioner and Chair of the NYC Commission on Human Rights, Carmelyn P. Malalis**. “Now more than

ever, it is imperative that every person in this great city stands up for the values that make us New Yorkers – that no matter where you come from, what you believe, who you love, or where and how you worship, you deserve to be treated with respect and dignity. No one should be discriminated against for being who they are and the Commission is using every tool at its disposable to make sure everyone in this city is protected.”

Once again, disability discrimination claims made up the largest percentage of filings in 2016, composing roughly 20 percent of all claims. Racial discrimination claims made up 14 percent of all filings, followed by gender discrimination claims at roughly 12 percent. Criminal history and national origin discrimination claims each made up roughly 9 percent of all claims.

The Commission also revitalized its testing program in 2016, conducting nearly 550 tests across several areas of protection to root out discrimination. The Commission’s testing program involves sending testers to potential employers, landlords, restaurants, hospitals, stores, and other locations to see if they treat applicants or patrons differently depending on their perceived or actual protected class. If an employer, housing provider, or business treats testers differently because of their actual or perceived gender, source of income (rental assistance discrimination in housing), or other protected categories, the Commission may take enforcement action, including sending cease and desist letters and filing Commission-initiated complaints.

Overall, the Commission increased the size, scope, and impact of its enforcement efforts on behalf of New Yorkers in 2016, furthering Commissioner Malalis’s goal of making the NYC Commission on Human Rights a credible venue for justice for all New Yorkers.

Increased Discrimination Claims and Caseloads

- **Received 8,330 reports of discrimination in 2016, a nearly 60 percent increase** compared to 5,296 reports in 2015, meaning more New Yorkers are recognizing the Commission as a credible venue for justice.
- **Saw a 30 percent increase in reports of national origin, race, religion, and alienage/citizenship status discrimination in 2016**, with nearly 1,500 reports of alleged discrimination in these areas in 2016 compared to approximately 1,100 reports in 2015.
- **Increased its caseload in 2016, filing 883 new cases in 2016 up from 824 new cases in 2015**, building on a 30 percent increase in cases filed from 2015 to 2014.

Increased Case Closures and Pre-Complaint Interventions

- **Increased the number of cases it closed in 2016 by 25 percent**, closing 436 cases in 2016 compared to 354 cases in 2015.
- **Nearly doubled pre-complaint interventions in 2016, intervening in nearly 300 cases compared to 167 cases in 2015**, which means the Commission negotiated solutions in these cases before filing formal complaints. Many of these interventions involved modifications for New Yorkers with disabilities, including the installation of ramps,

chairlifts, handrails, wider doors, in addition to permitting service dogs and other accommodations.

Increased Fines, Awards, and Settlements

- **Ordered the collection of \$1,452,136 in total civil penalties and awards in 2016**, an increase from 2015 when the Commission ordered \$1,351,984 in penalties and awards.
- **Opened the highest number of new investigations into source of income discrimination in Commission history in a single year** (landlords refusing to take housing vouchers and other forms of rental assistance), filing 129 complaints in 2016 compared to 90 complaints in 2015, a more than 40 percent increase.
- **Issued its highest civil penalty in a source of income discrimination case in Commission history in 2016**, fining a management company \$100,000 for refusing to show a prospective tenant an apartment after he revealed he had a Section 8 voucher.
- **Increased the number of cases settled by 20 percent in 2016** (cases that settled without going to trial), settling 121 cases in 2016 compared to 101 cases in 2015, including:
 - Ordering \$50,000 in damages for an employee who was denied a position in the financial industry because of his conviction record, a violation of the NYC Human Rights Law. The Commission also fined the company \$15,000 in civil penalties for violating the Law.
 - Ordering a design firm to pay a female employee \$85,000 after the company discriminated against her for being pregnant, removing her from most of her job duties, forcing her to take leave, changing her pay from salary to hourly, and ultimately terminating her employment. The Commission also fined the company \$15,000 for violating the Law and ordered the employer to attend a training on the NYC Human Rights Law.
 - Ordering a store to pay a customer with a disability \$27,500 in damages after a staff member refused them entry because of their service dog. The Commission also ordered the owner to pay \$27,500 in civil penalties, attend a training on the Law, and post a service animal policy visibly in the store.

Discrimination Trends in Protected Categories

- **Doubled the number of new investigations into race, religion, national origin and alienage/citizenship status over the last two years**, filing 823 complaints in those areas in 2016 and 2015 compared to 418 complaints in 2014 and 2013.
- **Increased the number of new investigations into religious discrimination over the last two years by 72 percent**, filing 81 complaints in 2016 and 2015 up from 47 complaints in 2014 and 2013.

- **Increased the number of new investigations into race and color discrimination by 32 percent in 2016**, filing 234 complaints in 2016 compared to 177 complaints in 2015.
- **Increased the number of new investigations into sexual orientation and gender identity discrimination by 30 percent in 2016**, filing 52 complaints in 2016 compared to 40 complaints in 2015.
- **Launched 426 Commission-initiated investigations** which are investigations filed on behalf of the City itself rather than having an individual come forward to file a complaint, including five investigations against large landlords and brokers controlling 20,000 units citywide for repeatedly discriminating against prospective tenants based on their lawful source of income.

Strengthened Law and Investigation Tools

- **Revitalized its testing program in 2016, conducting nearly 550 tests across several protected categories**, including criminal history, source of income, and gender identity.
- **Strengthened and expanded legal protections for women under the NYC Human Rights Law in 2016**, including:
 - Issuing legal guidance to further define protections for pregnancy and pregnancy-related conditions in the workplace, housing, and public accommodations.
 - Enforcing a new law that gives direct protection against discrimination for caregivers in the workplace.
 - Enforcing a new law that protects victims of domestic violence from discrimination when seeking to buy or rent housing.

Expanded Public Outreach Efforts

- **Conducted 2,138 workshops, presentations, and trainings in 2016**, nearly double the number of workshops in 2015, to educate New Yorkers and businesses on their rights and obligations under the NYC Human Rights Law.
- **Hosted more than 200 fair housing workshops and presentations** to ensure that New Yorkers know their rights under the NYC Human Rights Law.
- **More than doubled the language capacity at the Commission from 13 to 28 languages spoken** from 2015 to 2016. There were only 6 languages spoken among staff in 2014.

- **Launched the first-ever government-led citywide media** campaign that **supported transgender and gender non-conforming people’s right to use the bathroom** consistent with their gender identity (#BeYouNYC).
- Launched a digital ad campaign across social media that **promoted respect and understanding of Muslim communities** (#IAmMuslimNYC).

In the year ahead, the Commission will continue to sharpen its enforcement tools and increase its public outreach efforts to ensure that all New Yorkers understand their rights and obligations under the Law and are protected from discrimination and harassment.

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