

FISCAL YEAR 2021

Annual Report

Carmelyn P. Malalis, Chair and Commissioner

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Message From Mayor Bill de Blasio

When I took office nearly eight years ago, I made a promise to all our residents that my team and I would do everything in our power to build a city that works for every New Yorker. We had a vision for the future where every person, no matter their race, background, beliefs, sexual orientation, gender identity, or the borough they call home, had an equal shot at success and access to the endless opportunity New York has to offer. As I approach the end of my term, I have had the chance to reflect on all we have achieved in service of these goals, and I am proud to say that when it comes to advancing human rights, there is much to celebrate.

Through the leadership of the New York City Commission on Human Rights, we have made significant strides in our efforts to protect the rights of our residents and ensure justice for all. This past year was no exception, and in spite of the unprecedented challenges presented by the COVID-19 pandemic, we have strived to continue fulfilling this mission and found new ways to fulfill our commitment to human rights at a time when the Commission's work centering equality and fairness was so desperately needed.

To enact our progressive vision to protect all New Yorkers, my Administration worked with the City Council to implement a significant expansion of the NYC Human Rights Law, covering employment, housing, and public accommodations. We have reached over 100,000 New Yorkers through the Commission's Community Relations Bureau and launched campaigns that educated New Yorkers about their own human rights and how to stand up for the rights of others, offering a steady stream of

bystander intervention and Know Your Rights workshops. In addition, the Commission has worked to end source of income discrimination and issued an unprecedented number of legal enforcement guidance addressing discrimination based on gender identity, pregnancy, immigration status, disability, race, age, and more, including discrimination on the basis of hair

I am proud of what we have achieved. This work has not only benefited New Yorkers and made our city a better place to live, work, and raise a family, it has also served as a model for those beyond the five boroughs who are looking for new and innovative ways to champion the values of dignity and respect in government. As we look towards a future that is made brighter and stronger by its equality and inclusivity, I hope that this record of service is remembered as an important milestone in the journey to a better New York.

Sincerely,

Bill de Blasio
Mayor



Message From Chair and Commissioner Carmelyn P. Malalis

As I reflect on the work that the Commission has undertaken since my appointment in November 2014, I am struck by how much of it is rooted in the notion of “solidarity in action.” At its heart, our agency serves as a human rights defender and catalyst for action to expand protections of basic rights. The Commission not only supports communities in efforts to secure their rights, but serves as a bridge across communities that are often times marginalized and discriminated against. This has certainly been the case over the course of the last year.

At the beginning of FY 21, we found ourselves in the onset of the pandemic. COVID-19 related discrimination was just emerging as a threat. The targeting of Asian American and Pacific Islander (AAPI) New Yorkers, exacerbated by the previous presidential administration's racist rhetoric, was infecting our city. As the City's human rights enforcement agency, we responded quickly to launch a public education campaign that ran on social media, in communities, and in community and ethnic media. With simple, compelling graphics, we informed New Yorkers that discrimination against individuals with, or perceived to have COVID-19, is unlawful under the New York City Human Rights Law (NYC Human Rights Law). In rapid sequence, the Commission partnered with other city and state agencies, as well as community-based organizations, to host a series of town halls in multiple languages. We shared information on how to report bias incidents and increased offerings of bystander intervention training in partnership with organizations like the Center for Anti-Violence Education and Hollaback. The aim was to equip New Yorkers whose communities were being targeted to prevent

or respond to discrimination, harassment, and at times, physical attacks.

Throughout this year, we collaborated with incredibly talented artists to reinforce the importance of solidarity. We were honored to have not one, but two, public artists in residence through the Department of Cultural Affairs' Public Artist in Residence (PAIR) program. Amanda Phingbodhipakkiya's breathtaking public awareness campaign and art series, “I Still Believe in Our City,” was featured in the city's subway system, on bus shelters, LinkNYC kiosks, and prominently at the Atlantic Terminal station. The artwork that appeared at Atlantic Avenue- Barclays Center subway station and Atlantic Terminal was particularly focused on the theme of solidarity, with Black and Asian people featured alongside messages supporting Black Lives Matter and decrying complacency in the face of hate. The campaign's striking images and words soon migrated to the streets at protests, rallies, and vigils countering racism.

Our partnership with celebrated photographer Andre D. Wagner produced work that has reinforced the importance of solidarity. Andre worked with Commission staff and partners to capture beautiful images of New Yorkers supporting each other during difficult times and finding solace in places of worship. In addition, Andre's portraits of Black business owners in Brooklyn inspired a public education campaign dedicated to thanking and uplifting Black business owners whose creativity, resourcefulness, and care not only allowed their businesses to weather COVID-19, but also helped to anchor their communities at the height of the pandemic and economic crisis.

These projects elevated stories of community interdependence and dedication, and celebrated what makes New York the unique place that it is.

I hope that you enjoy reading this year’s report, which differs from previous years’ submissions. Unsurprisingly, much of what you will read focuses on the major challenges the city confronted this year—the continuing problem of anti-Black racism, ongoing manifestations of anti-Asian bias and anti-Semitism, and many other types of discrimination and harassment in the midst of the pandemic. You’ll also note that this year’s report has fewer photographs resulting from the fact that the agency hosted and participated in a very small number of in-person events due to public health restrictions. Even without the images of the Commission in action, the following pages illustrate the strength of our commitment to human rights and the tremendous amount of work that our dedicated staff was able to accomplish. And I hope this report inspires you to continue fighting for human rights in your communities, and in all parts of New York City, forging new connections along the way.



Carmelyn P. Malalis
Chair and Commissioner

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The Commission: Past, Present, and Future

In 2014, at the start of his mayoral administration, Mayor Bill de Blasio appointed Carmelyn P. Malalis to lead the New York City Human Rights Commission as its Chairperson and Commissioner. Commissioner Malalis assumed the role in February 2015 with an urgent mandate by Mayor de Blasio: revitalize the agency and make it a credible venue for justice for all New Yorkers. One of Commission's first initiatives was to establish the Office of the Chair, a new arm of the agency to house the Commission's policy, intergovernmental affairs, communications, and adjudicative functions under one umbrella. It is through the Office of the Chair that the Commission implemented some of the agency's most significant transformations.

The Office of the Chair worked closely with the administration and the City Council to grow the agency from 50+ staff to a total allowable staff size of 160 people speaking over 30 different languages, and to move the agency from a budget that relied almost entirely on federal block grants to one that was fully funded through City tax-levy money, and thus allowed for more flexibility in the agency's work. Internally, the Office of the Chair bolstered other areas of the agency to build out much-needed operational support and increase capacity. Human Resources, Operations, Information Technology, the General Counsel's Office, the Office of Mediation and ADR, and Communications and Marketing – all areas that had zero to two staff supporting their functions – were expanded and invested in to provide more substantive support for the Commission's work and other agency staff. The Commission has continued to invest in digital technologies to automate and improve its business processes, which has enabled the agency to migrate its case management and data systems from

antiquated platforms to modern, secure, and integrated cloud technology that allows the agency to better track and report on the work being done. Law enforcement and community outreach staff were also able to access basic but important tools for performing their work.

Advancements in the law and reforms at the agency mean very little if New Yorkers themselves don't know about their rights and how to effectuate them. The Commission saw equal value in their public education responsibilities as it did in its community relations and enforcement mandates. From within the agency's limited resources, Chair and Commissioner Malalis carved out a communications and marketing budget and established a team that led critical public education campaigns. Since 2015, the Office of Communications and Marketing launched 22 campaigns about crucial aspects of New Yorkers' rights, with many of them making national and international headlines. With an explicit focus on New York City's most vulnerable, these campaigns were in community and ethnic media print outlets, on bus shelters and subway stops throughout the city, and utilized innovative digital strategies to appeal to hard-to-reach audiences online. Together, these 22 campaigns amassed thousands of mentions in press and secured over 600 million impressions.

The Office of the Chair also strategized to empower the Commission's two major bureaus to more comprehensively perform their mandates. In the Law Enforcement Bureau, this meant adding staff experienced in civil and human rights issues and litigation, as well as creating a testing program and the following new units: Intake, Employment, Housing, Public Accommodations, Gender-Based Harassment, Source of Income, Fair Chance, Early Intervention, Public

Accommodations, Commission-initiated, Testing, and Policing. In the Community Relations Bureau, staff with professional or personal experience with target communities were added, as were positions that focused on outreach to communities with historically strained or absent relationships with government.

In these last nearly seven years, the Commission listened to different community stakeholders and advocates, and worked with the administration and City Council to implement a significant expansion of the NYC Human Rights Law, already one of the most comprehensive anti-discrimination laws in the nation, covering the areas of employment, housing, and public accommodations, as well as discriminatory harassment and bias based profiling by law enforcement. Driven by the administration’s vision of a law that protects all New Yorkers, the Commission has shaped and informed 15 major amendments to the NYC Human Rights Law.

To ensure covered entities understand how the agency implements and interprets the expansive protections of the NYC Human Rights Law, the Office of the Chair issued an unprecedented number of legal enforcement guidance and quasi-regulatory documents, which clarify Human Rights Law protections. Addressing discrimination based on gender identity, pregnancy, immigration status, disability, age, criminal and credit history and other issues, the guidance and notice-and-comment rules provided transparency for people with rights under the law as well as entities with obligations.

The Office of the Chair was also created to resurrect the Commission’s statutorily mandated functions of convening public hearings and issuing publications and reports, which had vanished through decades’ past underfunding of the agency. Hearings provided a pivotal avenue to engage the public and shape recommendations that advance human rights in areas

including pregnancy and caregiver discrimination, as well as sexual harassment.

The Commission also undertook research in two other areas which culminated in published reports. In 2018, the Commission issued on a report on discrimination, hate, and acts of bias experienced by Muslim, Arab, South Asian, Sikh, and Jewish New Yorkers following the 2016 presidential election cycle. The report culled information collected from over 3,000 surveys collected over several months. This report was followed by the Commission’s report on Black New Yorkers’ experiences with anti-Black racism that was released in June 2020. Building on the agency’s focus on addressing normalized forms of anti-Black racism, research for the report was the result of 19 focus groups conducted with 190 Black New Yorkers from across the five boroughs.

The Office of the Chair was also structured to more efficiently to adjudicate administratively filed matters that were tried before the Office of Administrative Trials and Hearings. Following a trial and an interim order from an administrative law judge, the Chair and Commissioner issues a Decision and Order. Under Chair and Commissioner Malalis, the Office of the Chair issued Decisions and Orders in 26 matters, a distinct departure from prior administrations where Decisions and Orders were rare.

These reflections of the agency’s past and present is an invitation to envision an even bolder future, the possibility of which has been made tangible when considering the accomplishments of the de Blasio administration. New leadership for the city and the Commission will have their opportunity to make a positive human rights impact. It remains as urgent as ever that future leadership bring with it the vigor and commitment to chart its own path championing human rights on behalf of all New Yorkers.



PC | Isseu Diouf Campbell for Afrikanspot LLC

Gay City News: [City Council Legislation Would Require Intersex Education, Outreach](#) – Matt Tracy (October 27, 2020)

WNYC: [New York City Commission On Human Rights Finds New Approach To Tackling Housing Discrimination](#) – Mirela Iverac (February 11, 2021)

Yahoo: [NYC Commission On Human Rights Urging New Yorkers To Step Up If They Witness Attacks](#) – newsroom (April 2, 2021)

Gotham Gazette: [Democratic Mayoral Candidates Offer Ideas for Aging New Yorkers and Greying City](#) – Grace Getman (April 16, 2021)

News12: [‘Stories weaved into art’: Meet an artist who uses her work to help survivors of trauma](#) – newsroom (May 28, 2021)



A Human Rights Focus in the Fight Against COVID-19

COVID-19 continued to disrupt the way the city and the Commission delivered critical services to New Yorkers. This once-in-a-century pandemic forced government agencies, employers, housing providers, and business owners to create new policies and procedures to respond to the evolving nature of the pandemic. The Commission stepped in to provide support and guidance, bringing a human rights lens to these challenges, with little in the way of a blueprint.

The Commission became a hub for resources and information for employers, housing providers, and business owners on how to develop COVID-19-related policies and practices that complied with the NYC Human Rights Law. From understanding questions like using paid sick leave for mandatory quarantine, to paid time off for testing, to reasonable accommodations for face covering guidelines—Commission policy and enforcement staff became experts on every aspect of the impacts of COVID-19.

Early in the pandemic, as employers shifted to remote work seemingly overnight, there was growing concern that new employer policies may have isolating effects on older workers. In FY 21, in conjunction with the release of the Commission's legal enforcement guidance on employment discrimination based on age, the Commission issued a supplemental COVID-19 resource. This resource reminded employers that COVID-19 did not alter the core principle that an employer cannot discriminate against an employee based on age, in remote work, returning to work, or in COVID-19 testing requirements.

In summer 2020, the Commission became aware of fraudulent face mask “exemption cards” in news reports and on social media. Bearing what appeared to be a U.S. Department of Justice seal, these cards claimed the cardholder did not need to follow mask guidelines in businesses or other public places. The Commission knew immediately that there was no legal basis for these fraudulent cards and anticipated the confusion they would create for businesses and everyday New Yorkers. The Commission took quick action, working with the Mayor's Office for People with Disabilities and the NYC Department of Health and Mental Hygiene, to call out these fraudulent cards and emphasize the importance of masks in fighting the spread of COVID-19. This was an important time to highlight that the law provides a right to disability accommodations, and the Commission used the opportunity to also educate businesses of their obligations under the NYC Human Rights Law.

The Commission has had an intentional focus on marginalized communities since COVID-19 took hold in New York City. This focus permeated the Commission's work with sister city agencies. The Community Relations Bureau was part of a working group established to address the unique impacts of COVID-19 on communities of color and lesbian, gay, bisexual, transgender, queer, intersex, and asexual plus (LGBTQIA+) communities. Convened with the Mayor's Community Affairs Unit, NYC Commission on Gender Equity, NYC Department of Health and Mental Hygiene, Health + Hospitals, and the Mayor's Office of Immigrant Affairs, this group worked proactively to combat discrimination in medical settings while also addressing concerns around testing, treating, and vaccinating LGBTQIA+ communities, non-English language speakers, and many others in a culturally competent manner. Further, we led community- and neighborhood- focused virtual

resource fairs that identified community needs in collaboration with community organizations and city agencies.

In spring 2021, quickly and safely delivering COVID-19 vaccines to millions of eligible New Yorkers became the foremost challenge for the city. With partners at the NYC Department of Health and Mental Hygiene, the Commission got ahead of early concerns about the safety of vaccines for people using HIV medications and Pre-Exposure Prophylaxis (PrEP). Additionally, in partnership with the Mayor's Office for People with Disabilities, the Commission released a fact sheet outlining how vaccine distribution centers can comply with disability access requirements under the NYC Human Rights Law. Finally, collaborating with the Mayor's Community Affairs Unit, the Commission released a resource on how vaccination sites can serve Muslims during Ramadan. These resources became valuable tools for articulating how to meet the range of needs of New York's diverse communities.

The Commission continues to be a key part of citywide conversations on combating COVID-19, providing leadership on an equitable testing, vaccination, and recovery strategy that includes all New Yorkers.



Media Highlights

PC | Commission Staff

Queens Chronicle: [From home to workplace: new rules help New Yorkers remain safe during pandemic](#) – Bitta Mostofi (January 19, 2021)

El Diario: [Nuevas reglas ayudan a los neoyorquinos a permanecer seguros durante la pandemia de COVID-19](#) – Bitta Mostofi (January 31, 2021)

Law360: [Breaking Down The Top 3 COVID-19 Workplace Claims](#) – Melissa Camire, Richard Meneghello and Kristen Nesbit (September 24, 2020)

Insider: [A Tony Robbins employee says the company tried to force her out of her job after waking up from a coma brought on by COVID-19](#) – Kelly McLaughlin (December 20, 2020)



Undoing the Harms of Systemic Racism

This is a complex moment for those who have long been fighting for racial justice. The 2020 presidential election ushered in a federal administration that campaigned on explicit commitments to racial equity, which are now being implemented in policy. This is a welcome development, but we remain a country divided locally and nationally. We confront unparalleled challenges with an ongoing public health crisis, profound economic inequality, worsening consequences from climate change, and threats to core values of democracy. These challenges, which have roots in our nation's history of racism and white supremacy, disproportionately harm Black, Latinx, and other communities of color. In this context, the Commission remains steadfast in the fight against racism. This year, our work has bridged the worlds of culture, policy, research, and community engagement – all necessary ingredients for transformative change.

Building upon work that began with the release of legal enforcement guidance in 2019, the Commission was proud to adopt rules on hair discrimination in FY 21. The agency convened a hearing in October 2020 to hear from the public about its proposed rules, which covered both race and religious discrimination based on hair. At the hearing, advocates who work closely with Black, Jewish, and Sikh New Yorkers offered testimony on the importance of codifying these protections. Three months later, the Commission voted to adopt the proposed language into rules.

In FY 21, the Commission leveraged its enforcement powers to address systemic racism at its root. Following concerns from advocacy groups, the Commission launched an investigation into drug testing practices of newborns and their parent at

Montefiore, Mount Sinai, and New York Presbyterian, which have facilities across New York City. Bias and anti-Black racism are well-documented in medical settings and this investigation represents the first action by a local law enforcement agency seeking to eradicate discriminatory drug testing practices. That practice so often results in the unjust and unnecessary separation of Black and Latinx newborns from their parents, even though evidence shows similar rates of drug use across racial categories. As this investigation continues, the Commission remains committed to evaluating systemic and institutional policies and practices that have disparate outcomes for vulnerable communities.

In FY 21, the Commission was also privileged to host two legal fellows focused specifically on racial justice, who helped to bolster the Office of the Chair's capacity to conduct legal research, develop policies, and run programs that center Black and Latinx communities. By hosting racial justice advocates early in their careers, the agency hopes to contribute to the development of a pipeline of future leaders in the space.

Celebrated photographer Andre D. Wagner, one of two of the Commission's public artists in residence in FY 21, captured images of New Yorkers in worship, in protest, in moments of celebration and in acts of service to one another. Of particular note was Andre's partnership with Weeksville Heritage Center and NYC Small Business Services on "You Do It with Your Heart: Black Business Solidarity Initiative." The collection of oral histories paired with Andre's powerful portraits documented how Black business owners were navigating systemic racism, COVID-19, and the economic recovery. The Commission later drew upon these images to create a campaign thanking Black-owned business for teaching a

powerful lesson about solidarity. This campaign appeared in subways during the spring of 2021 as well as in community and ethnic media.

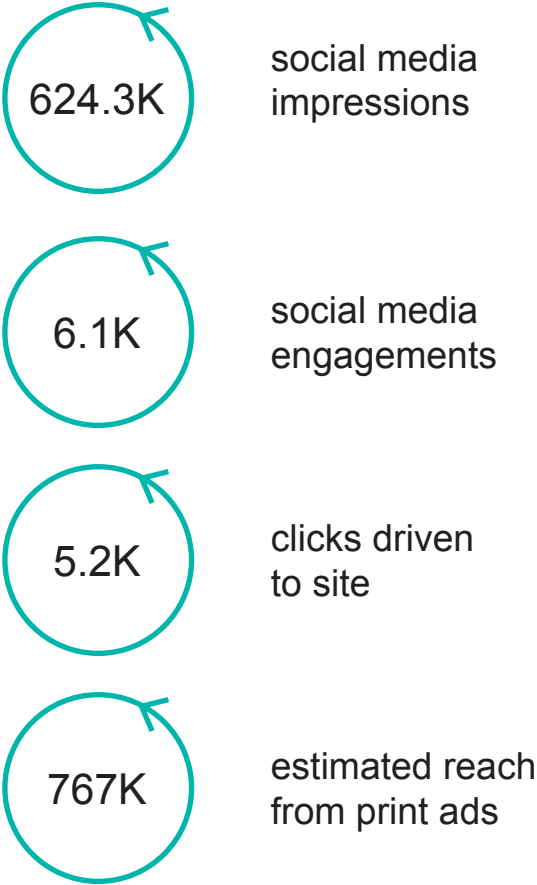
The everyday trauma of anti-Black racism compounded by the ravaging impact of COVID-19 on Black communities created the need to hold healing spaces for young people. As a result, the Commission’s youth team facilitated safe Black affinity spaces for young people to convene in virtual talking circles as a part of their healing journey.



PC | Andre D. Wagner

Black Businesses

Campaign Statistics



PC | Stan Chan

Media Highlights

- Brooklyn Paper:** [City Multimedia Series Celebrates Black Brooklyn Business Resilience](#) – Kevin Duggan (April 5, 2021)
- New York Law Review:** [New York City Proposes Rule to Clarify That, in Addition to Race, “Hair Discrimination” Could Implicate Religion and Creed ... and Maybe Gender, Age, and Other Protected Classes](#) – Nancy Gunzenhauser Popper (August 9, 2021)
- El Diario:** [Tres hospitales de NYC son investigados por discriminación racial](#) – David Ramirez (November 16, 2020)
- Pix11 News:** [NYC Human Rights Commission to ‘root out’ discriminatory hospital drug testing practices](#) – Aliza Chasan (November 16, 2020)
- Black Star News:** [Report: Minority, Women-Run Businesses Receive Few City Contracts](#) – staff (December 1, 2020)



Responding to Anti-Asian Discrimination and Harassment

Spurred on by COVID-19-related fears, anti-Asian bias, discrimination, and harassment went unabated in FY 21. The Commission observed a seven-fold increase in anti-Asian discrimination and harassment between 2019 and 2020. And with nearly 150 reports in only the first six months of 2021, we anticipate exceeding anti-Asian bias incidents from 2020. While centering human rights in the citywide reopening more broadly, the Commission doubled down on its efforts to combat anti-Asian discrimination and harassment through enforcement, public education, and community engagement.

In FY 20, the Commission launched the COVID-19 Response Team to handle all reports related to the pandemic. Comprised of staff from the Law Enforcement Bureau and the Community Relations Bureau, the team has succeeded in efficiently tracking and supporting New Yorkers facing harassment and discrimination connected to COVID-19. The team has also worked diligently in advising businesses of their obligations under the law to preempt discrimination. The COVID-19 Response Team took over 300 actions in FY 21 including closing 14 rapid response inquiries, issuing over 200 advisory of obligation letters to businesses, conducting 23 successful emergency interventions, and filing 39 complaints.

With the help of one of its Public Artists in Residence, Amanda Phingbodhipakkiya, the Commission launched a public education and art campaign entitled “I Still Believe in Our City.” The public education campaign and series emphasized the strength of Asian American and Pacific Islander (AAPI) communities in the face of racism and white supremacy, while also celebrating the solidarity between Black and AAPI communities. The series launched with a stunning takeover

of the Atlantic Avenue Barclays Center subway station in Brooklyn. Once a site of an egregious incident of anti-Asian hate, the installation itself was a reclamation of space for AAPIs facing the horrors of these attacks. “I Still Believe in Our City” appeared in bus shelters, subway lightboards, LinkNYC kiosks, storefronts, and on posters at rallies and demonstrations throughout the country. An unreleased artwork appeared on the cover of Time magazine, and some of the artworks were acquired by the U.S. Library of Congress and The Victoria and Albert Museum in London. With 122 million impressions, “I Still Believe in Our City” is the largest public education campaign in the Commission’s history.

The uptick in anti-Asian bias was punctuated by two especially violent episodes in FY 21. The first was the racist and misogynistic killings of six Asian women spa workers in Atlanta, Georgia. The second was the attack against Filipina elder Vilma Kari who faced racial epithets and brutal physical violence while walking to church in the Hell’s Kitchen/Times Square area of Manhattan. Particularly astonishing was the dehumanizing way in which bystanders, including security staff of a nearby building, ignored Ms. Kari’s calls for help. These incidents solidified the need for healing in the aftermath of bias incidents, and the Community Relations Bureau responded. Following both incidents, the Commission, with the New York Peace Institute, organized healing circles with AAPI New Yorkers. Trained “circle keepers” held space for AAPI New Yorkers reeling from these devastating attacks, creating opportunities for communities experiencing fear to process the events and share resources.

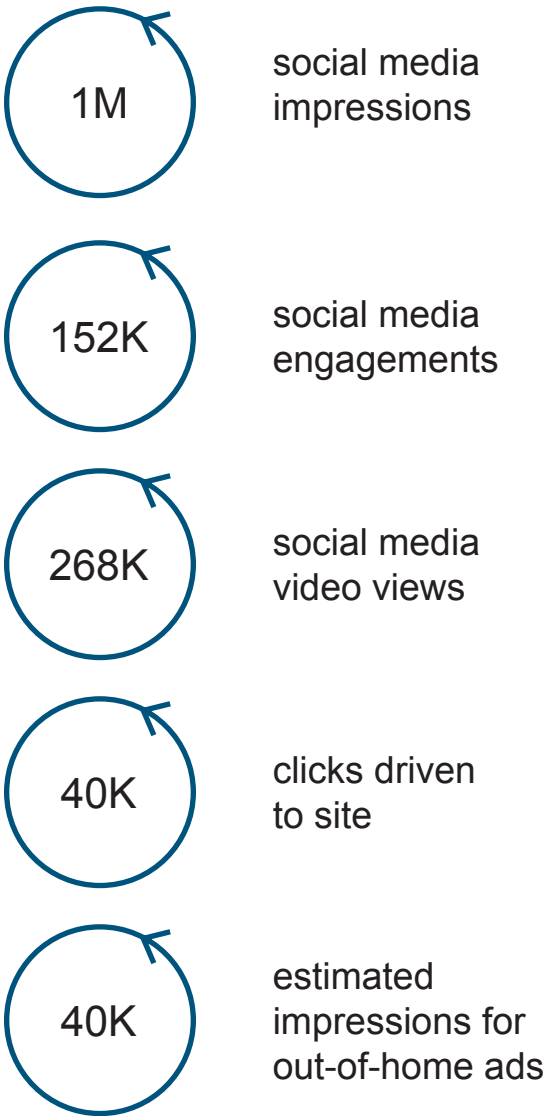
These incidents also highlighted the ways in which the Commission’s enforcement mission and restorative justice

approaches are complimentary. The Community Relations Bureau spearheaded the Commission’s efforts to use bystander intervention training to equip AAPI New Yorkers and allies on how to defuse bias incidents in real-time. In FY 21, the Community Relations Bureau hosted nearly 50 bystander intervention trainings in English, Mandarin, Korean, and Cantonese empowering over 3,400 New Yorkers with the tools to be upstanders against bias and violence. The Commission also piloted bystander intervention training in Spanish and is committed to offering this training in other languages.



Responding to Anti-Asian Discrimination and Harassment

Campaign Statistics



PC | Commission Staff

The City: [Anti-Asian Hate Crime Surge Fuels Demands for Systemic and Sensitive Responses](#) – Christine Chung (February 11, 2021)

Ad Age: [Time’s Stunning Cover Confronts the Anti-Asian Violence Plaguing the Country](#) – Ann-Christine Diaz (March 19, 2021)

CBS2: [New York City Commission On Human Rights Asks New Yorkers To Step Up If They Witness Anti-Asian Attacks](#) – newsroom (April 2, 2021)

World Journal: [Anti-discrimination city officials visit Chinatown with actions](#) – Yan Jiaying (August 12, 2020)

New York Times: [‘I Still Believe in Our City’: A Public Art Series Takes On Racism](#) – Lauren Messman (November 2, 2020)



Channeling #MeToo for Change

The #MeToo movement started by Tarana Burke in 2006 launched nationwide demonstrations calling out the realities of gender-based harassment in the United States. As #MeToo went viral, the Commission held its first public citywide hearing on gender-based harassment since the hearings in the 1970s convened by then-Chair now-Congressperson Eleanor Holmes Norton. In the two years that followed, the Commission has sought to leverage the momentum of the movement to aggressively enforce the NYC Human Rights Law's powerful provisions against gender-based discrimination and harassment, to include creative resolutions to these cases, and to affirmatively educate people on their rights in this area.

The Commission's Law Enforcement Bureau, including its Gender-Based Harassment Unit, has worked to aggressively pursue claims of sexual harassment. Since the #MeToo movement went viral in 2017, the Law Enforcement Bureau has assessed over \$9 million in damages and penalties in situations involving workplace sexual and gender-based harassment.

For example, following Fox News hosts' reports of workplace sexual harassment, the Law Enforcement Bureau launched an investigation to examine whether and how workplace policies and practices affect other women at Fox News Network. After a years-long investigation, in FY 21, the Commission settled the investigation with a historic \$1 million civil penalty, the largest fine ever issued in Commission history. Perhaps most notable, however, was the settlement provision requiring Fox News Network to exempt from mandatory arbitration any claims brought under the NYC Human Rights Law. The exemption will be included in Fox News Network's employment contracts for a period of four years from the date of the conciliation. Because mandatory arbitration provisions force employees to

litigate their claims in private proceedings, pervasive workplace cultures of sexual harassment are allowed to continue. By removing this provision from employment contracts, the Commission is able to ensure that Fox News Network employees that sign such contracts during the four-year period will be able to raise their claims in the forums of their choice and publicly call attention to issues of sexual harassment.

To prevent sexual harassment, we must change workplace culture around identifying and reporting these violations when they happen. The Commission's sexual harassment prevention training, which launched in 2019 is available in 11 languages, has become a national model for such training and has been adopted in dozens of corporate employee trainings across the city. Since 2019, the training has been completed more than 760,000 times.

In FY 21, the Commission's Youth for Equity and Solidarity (YES) Council spotlighted sexual- and gender-based violence in collaboration with Public Artist in Residence Amanda Phingbodhipakkiya. In summer 2020, young South Asian, Arab, and Muslim New Yorkers made waves by sharing their survivor stories on social media. These disclosures inspired the YES Council and Amanda Phingbodhipakkiya to create an art installation supporting the work they were doing to heal from their experiences. The interactive installation in the Meatpacking District used technology to transform the accounts of survivors into large, room-scale sculptures. "In 'May We Know Our Own Strength' I have created a space where private sorrow can still see the light of day," said Phingbodhipakkiya. "Through this installation we spin our strands of personal suffering into an unbreakable thread of courage and renewal and give our community a long-awaited moment of cathartic release."

\$4,409,847

Damages and penalties assessed for workplace sexual harassment violations.

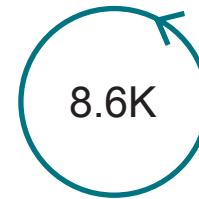


May We Know

Campaign Statistics



social media impressions



social media engagements



clicks driven to site



NPR: [Fox News Pays Record Fine Over #MeToo Violations of NYC Human Rights Law](#) – David Folkenflik (June 30, 2021)

Associated Press: [Fox News fined \\$1 million for sex harassment and retaliation](#) – David Bauder (July 2, 2021)

NBC4: [New Public Art Installation Encourages New Yorkers to 'Release Their Burdens'](#) – Georgina Gonzalez (April 14, 2021)

CNN: [NYC bans use of the term 'illegal alien'](#) – Michael Smerconish Show (October 5, 2019)

Refinery29: [Exclusive Report: Chipotle Pays \\$46,220 In Pregnancy Discrimination Suit](#) – Whizy Kim (September 3, 2020)

Prism: [Women workers sue NYC transit agencies for pregnancy discrimination](#) – María Inés Taracena (November 11, 2020)



Strategic Innovations in Enforcement and Accountability

Chair and Commissioner Carmelyn P. Malalis committed to bring the spirit of the Commission’s charter and the NYC Human Rights Law to life. Through a more intentional and holistic approach to community relations, policy development, rulemaking, and enforcement informed by restorative justice principles, the Commission has grown to meet its mandate and innovate to better serve New Yorkers and combat discrimination.

In FY 21, the Commission continued to reimagine the meaning of “accountability” for a law enforcement agency. In many cases, the Law Enforcement Bureau resolved and settled investigations by implementing creative approaches to center the experiences of harmed individuals and communities while reducing the likelihood of future harm. These resolutions include a race discrimination case in which the settlement included having the Respondent, an international retail corporation, consult with community leaders and experts on diversity, racial equity, and inclusivity; continue to work to increase cultural sensitivity, awareness, and education across the organization, including in design and marketing; establish a Global Equity Board; and create a multicultural design fellowship program for communities underrepresented in the industry. In another race discrimination case, the individual who allegedly made racist comments agreed to perform twenty hours of community service with a not-for-profit organization focusing on racial justice, in addition to training on bias. Apologies were also part of settlements, including in an employment case involving age and race discrimination, and a housing case with alleged gender-based harassment of a tenant, and source of income discrimination cases. In source of income cases, settlements also included setting aside

units specifically for applicants with vouchers and creating an incentive program which awards bonuses to real estate agents who successfully place voucher holders in suitable housing.

The Commission’s work to end source of income discrimination against New Yorkers offers another clear example of innovations in protecting human rights. In many source of income discrimination settlements, the Commission’s Law Enforcement Bureau has required housing providers to set aside a number of units specifically for renters using public assistance. In one of the Bureau’s landmark source of income discrimination conciliations in FY 21, Maxx Realty agreed to set aside 36 units for voucher holders across their portfolio of properties. The Commission settled the matter on behalf of a complainant who, despite a 751 credit score, was rejected from an apartment for being a Section 8 voucher recipient. The Commission is the first local civil rights enforcement agency to leverage this strategy—securing “set asides” in source of income discrimination conciliations in a step toward resolving the underlying systemic issues of access to affordable housing. Since implementing this strategy in 2020, the Law Enforcement Bureau has secured a total of 126 set-asides for voucher-holding New Yorkers.

To inform its work, the Commission has been active in seeking input from communities affected by discrimination. For example, after a spate of incidents in which racist paraphernalia was found in public parks, the Commission convened talking circles with Black residents in the area to understand the impact of these incidents and the types of responses that those residents believed would repair the harm they experienced. In spring 2021, the Commission convened a series of focus groups with Black New Yorkers to gain

further insight into how, if at all, Commission responses that attempt to address harms at the individual and community levels should be deployed after incidents of anti-Black racism, especially when people seek to weaponize other government agencies against Black people. With continued emphasis on a restorative justice framework, the Commission can promote both positive community relations and healing.

\$311,557

Damages and penalties assessed for source of income discrimination.



PC | Stan Chan



PC | Nancy Siesel Photography

Media Highlights

- Bustle:** [Carmelyn Malalis Holds Amy Cooper’s Fate In Her Hands](#) – Brianna Kovan (July 6, 2020)
- Gothamist:** [NYC Is Requiring Landlords Set Aside Apartments For Voucher Tenants Under New Approach To Enforcing Human Rights Law](#) – Sydney Pereira (September 11, 2020)
- Documented:** [What Happens If a Landlord Is Threatening With Evictions and Calling ICE?](#) – Allison Dikanovic (March 5, 2021)
- El Diario:** [Nueva York da un paso firme para sancionar penalmente a quienes amenacen a alguien con echarle a ‘La Migra’](#) – Fernando Martínez (June 6, 2021)
- Curbed:** [Meet the Frontline Defender of Section 8 Renters](#)– Caroline Spivack (June 24, 2021)



A City Agency Grounded in Communities

Since Mayor de Blasio's appointment of Chair and Commissioner Carmelyn P. Malalis in 2014, one thing was clear: the Commission must be driven by the enthusiasm and experiences of New Yorkers representing every corner of this great city. It is because of the diverse representation of its staff that the Commission has been able to build inroads with New Yorkers who are not accustomed to government agencies responding to their needs. It is also because of this diverse staff that the Commission has prioritized communities systematically excluded from government in its programs, policies, and enforcement actions.

Starting in 2016, the Commission hired lead advisors and liaisons to specifically provide concentrated outreach to Muslim, Arab & South Asian communities, Jewish communities, East Asian communities, African communities, LGBTQIA+ and transgender, non-binary, and gender nonconforming communities, formerly incarcerated persons, youth, and other communities and peoples often targeted for discrimination and harassment. Beyond individual liaisons, the Commission has established outreach initiatives for young people, people with disabilities, and Indigenous communities. The connections gained through these advisors has enriched Commission programs and guided its policy, rulemaking, and public education priorities.

In FY 21, the Commission welcomed its first cohort of the Youth for Equity and Solidarity (YES) Council, comprised of 23 youth ages 13 to 21, hailing from all five boroughs. The Council's goal is to improve the Commission's engagement with young people. In FY 21, these efforts blossomed. The council developed and participated in citywide programming, bringing

an often-forgotten youth lens to conversations on policing, education, and gender justice. In June 2021, the council organized the Youth for Equity and Solidarity Symposium: Our Future, Our Rights. With the NYC Department of Youth & Community Development, the symposium included workshops and artist performances that used a human rights lens to examine the impact of COVID-19 on youth and schools. The Commission also works to ensure that New York City government at all levels adopts a human rights ethos for marginalized communities. In FY 21, the Community Relations Bureau delivered workshops and trainings to city agency partners. In its work to combat COVID-19-related bias, the Commission also supported Mayor de Blasio's Taskforce on Racial Inclusion and Equity in arranging bystander intervention training for all of its members. In partnership with the borough presidents of Manhattan, Queens, the Bronx, and Staten Island, the Community Relations Bureau also trained 1,500 members of local community boards on the experiences of discrimination of transgender, non-binary, and gender nonconforming people, Muslims, and communities of color. As a result of one of these trainings, Manhattan Community Board 7 passed a resolution on combating sexual harassment and gender-based violence.

The Commission's commitment to diverse communities is also reflected in its policy and regulatory priorities. In FY 21, the Commission converted into notice-and-comment rules its 2019 legal enforcement guidance on race discrimination on the basis of hair. This fiscal year, the Commission also released new legal enforcement guidance addressing age discrimination in the workplace. Finally, the Commission launched a public education campaign coordinated with legal service providers such as The Legal Aid Society and re-entry from incarceration

organizations like the Osborne Association to promote a new guidebook for workers with a criminal history. The guidebook included important information regarding people's rights in this area following an amendment to the NYC Human Rights Law that provided even greater protections in this area.



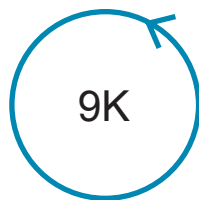
PC | Argenis Apolinario Photography

Fair Chance Act

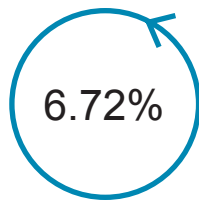
Campaign Statistics



social media impressions



clicks driven to site



paid search click-through-rate

Media Highlights



PC | Nancy Siesel Photography

Brooklyn Daily Eagle: [Human Rights Commission issues guidance on age discrimination amid COVID-19](#) – Rob Abruzzese (July 29, 2020)

QNS: [NYC settles religious discrimination lawsuit with JFK, LaGuardia contractor](#) – Angélica Acevedo (October 28, 2020)

Gay City News: [Transgender Man Wins \\$25k Settlement in Queens Trade School Discrimination Case](#) – Tat Bellamy-Walker (March 23, 2021)

LA Times: [The watchdogs making sure fashion does more than talk about being inclusive](#) – Melissa Magsaysay (December 11, 2020)

Gothamist: [Former NY1 Anchors And Reporters Who Sued Over Discrimination Say They're Being Punished With Emmys Snub](#) – Sophia Chang (February 9, 2021)

Commission Events Throughout the Five Boroughs

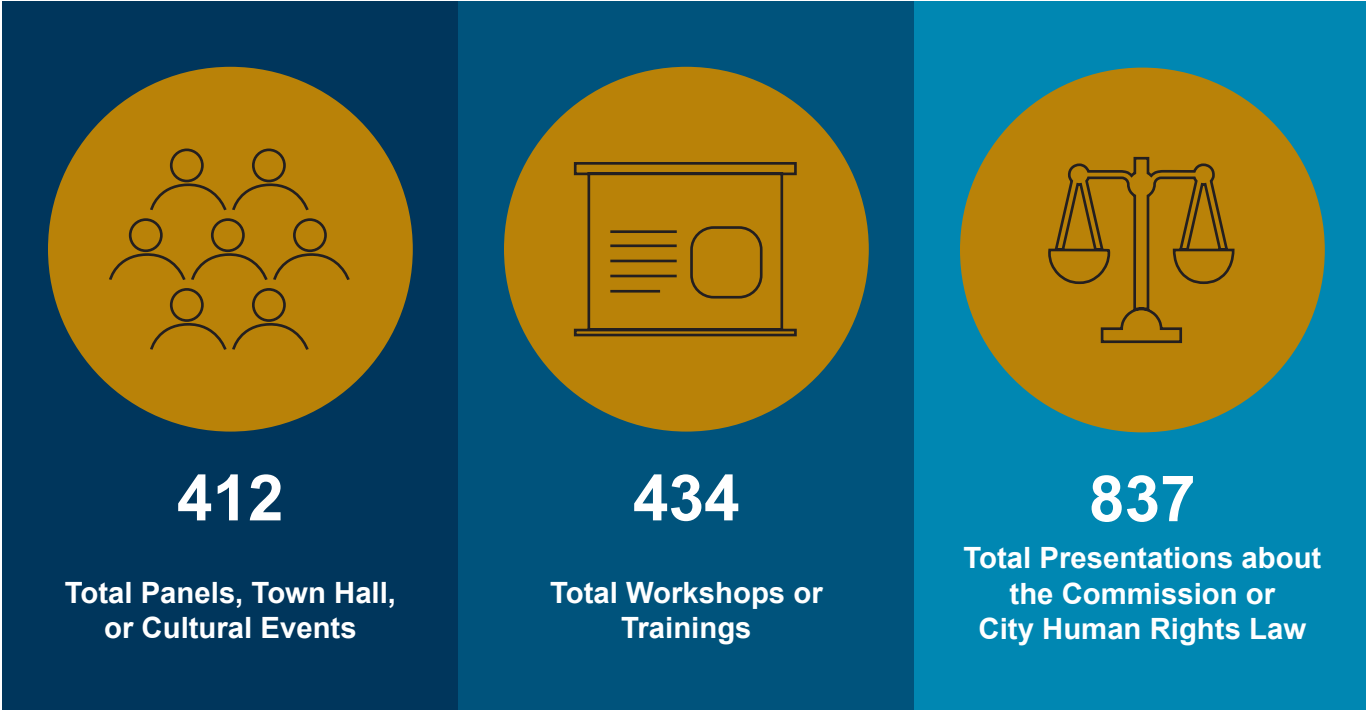
Due to COVID-19, in FY 21, the agency’s Community Relations Bureau operated a fully virtual community engagement strategy. In FY 21, the Bureau hosted or supported 1,683 events, panel discussions, town halls, cultural events, workshops and trainings, and presentations on the NYC Human Rights Law—nearly two times as many community events as compared to FY 20. Through these community outreach efforts, the Commission served 102,121 New Yorkers across all five boroughs.

The Community Relations Bureau hosted workshops and events in the following languages other than English: American Sign Language, Bengali, French, Korean, Mandarin, Nepali, and Spanish. These events were attended by 14,509 people in FY 21.



102,121

Total New Yorkers served
across all five boroughs.



PC | Commission Staff

Advancing Human Rights Through Policy

The Commission’s Office of the Chair directs the agency’s policy, legislative, and adjudicatory work and implements major Commission projects. The Office serves as the point of contact for the Commission’s inter-agency and external partnerships; contributes to legislation, and promulgates rules, legal enforcement guidance, and other outward-facing materials that interpret and clarify provisions of the City Human Rights Law; convenes our appointed Commissioners on a quarterly basis; and adjudicates appeals of decisions from the Law Enforcement Bureau, as well as Commission cases that have gone through an administrative hearing.

The Office also regularly engages with members of the public from a range of sectors, including business interests and community-based organizations alike, on the implementation of new laws. In Fiscal Year 2021, the Office of the Chair implemented five significant updates to the City Human Rights Law: expanding protections for lawful source of income to include housing of all sizes; amending our law to remove outdated terminology related to immigration status, including the terms “alien;” increasing avenues to educate New Yorkers about housing discrimination and age discrimination, among topics. The Office issued one Decision & Order, published new legal guidance on age discrimination in employment and the intersections of COVID-19 with the City Human Rights Law, and issued new rules on hair discrimination and discrimination based on pregnancy, childbirth, and related medical conditions and sexual and reproductive health decisions. The Office also testified or helped prepare testimony on behalf of the Commission for two City Council hearings and a public hearing before the U.S. Commission on Civil Rights.

Enforcement of the City Human Rights Law

The Commission's Law Enforcement Bureau (LEB) implements and enforces the New York City Human Rights Law. Through the enforcement of one of the most comprehensive civil rights laws in the nation, LEB addresses discrimination in employment, housing and public accommodations in New York City, in addition to discriminatory harassment and bias-based profiling by law enforcement. The attorneys in the Commission's LEB evaluate and investigate allegations of

discrimination brought to the Commission by members of the public and utilize the agency's investigatory and prosecutorial powers to root out pattern-or-practice discrimination through Commission-initiated investigations. The LEB's specialized Units, including the Early Intervention Unit, Source of Income Unit, and Gender-Based Harassment Unit, offer the option of resolving claims in lieu of filing a complaint leading to a quicker resolution. These units also allow LEB

to streamline responsiveness to urgent issues. Resolutions through pre-complaint intervention have significantly increased over the past several years, as LEB works to address increased its volume and to streamline responsiveness to urgent concerns that may warrant immediate action or that can be resolved in a pre-complaint posture. The LEB also refers cases to the Commission's Office of Mediation and Conflict Resolution.



PC | Commission Staff

Inquiries

Allegations of discrimination are brought to the Commission's attention in a variety of ways. The most common way is when a member of the public contacts the agency. LEB's Human Rights Specialists fielded 9,055 inquiries from members of the public in Fiscal Year 2021, a slight decrease from last year's a record high, in the form of phone calls, emails, letters, visits to Commission offices, and queries to mobile intake units dispatched to community sites or Commission events. Human Rights Specialists who answer the Commission's Infoline, the most common way members of the public access LEB, speak seven (7) languages other than English. Infoline staff assess each person's situation and routes them for pre-complaint intervention, for further assessment by an attorney, and/or refer them to another City agency or community resource.

The chart below provides further information about these inquiries. Because many individuals alleged more than one jurisdiction and/or protected class, the total below (9,983) exceeds the number of inquiries addressed by LEB (9,055). COVID-19 notwithstanding, inquiries in FY 21 remained nearly twice as high since calendar year 2015 when the number of inquiries the agency received was 5,296.¹ The increase can be attributed, in part, to the Commission's efforts to raise its visibility and inform communities about the broad protections afforded by the New York City Human Rights Law, improve access to the Commission's services to New Yorkers with limited English proficiency, and share information through campaigns launched by the Commission to affirm all New Yorkers' right to live free from discrimination and harassment.

¹ The New York City Charter was amended in January 2018 to change the Commission's statutory reporting period from calendar year to fiscal year (i.e., July 1- June 30). See Charter § 905(e)(8). The reporting period for Annual Reports published prior to 2018 was calendar year (i.e., January 1 – December 31).

Inquiries by Protected Class and Jurisdiction

July 1, 2020 – June 30, 2021

	Bias-Based Profiling	COVID-19	Discriminatory Harassment	Employment	Housing	Lending Practices	Public Accommodations	Jurisdiction Not Stated	Grand Total
Age	0	0	1	64	25	0	10	0	100
Aiding/Abetting	0	0	0	0	1	0	0	0	1
Alienage Status (Immigration Status)	0	0	4	5	5	0	3	0	17
Arrest Record (Employment only)				4				0	4
Caregiver Status (Employment only)				21				0	21
Citizenship Status	0	0	5	16	17	0	9	0	47
Color	0	0	2	42	21	1	15	0	81
Conviction Record (Employment only)				56				0	56
COVID-19	0	196	2	51	12	0	8	0	269
Creed	0	0	3	30	17	0	17	0	67
Disability	2	0	1	271	326	0	123	0	723
Domestic Partnership Status	0	0	0	0	2	0	1	0	3
Gender ²	0	0	11	229	60	0	52	0	352
Interference with Protected Rights	0	0	0	0	0	0	1	0	1
Lawful Occupation (Housing only)					2			0	2
Lawful Source of Income (Housing only)					204			0	204

² Includes Gender Identity and Gender Expression.

Inquiries by Protected Class and Jurisdiction

July 1, 2020 – June 30, 2021

	Bias-Based Profiling	COVID-19	Discriminatory Harassment	Employment	Housing	Lending Practices	Public Accommodations	Jurisdiction Not Stated	Grand Total
Marijuana/THC Testing	0	0	0	8	0	0	0	0	8
Marital Status	0	0	1	2	5	0	1	0	9
National Origin	1	0	9	72	38	2	25	0	147
Pregnancy (Employment, Housing, and Public Accommodations only)				50	4		3	0	57
Presence of Children ³ (Housing only)					19			0	19
Race	3	0	67	173	106	5	175	0	529
Relationship/Association	0	0	0	0	0	0	1	0	1
Retaliation	0	0	2	219	17	0	20	0	258
Salary History (Employment only)				7				0	7
Sexual Orientation	0	0	12	47	37	0	24	0	120
Unemployment Status	0	0	0	1	0	0	0	0	1
Uniformed Services Member	0	0	0	1	0	0	0	0	1
Victims of (Employment and Domestic Violence Housing only)				4	6			0	10
Protected Class Not Stated	0	0	0	0	0	0	0	6868	6868
Grand Total	6	196	120	1373	924	8	488	6868	9983

³ Includes children that are, may be, or would be residing there.

Inquiries by Protected Class and Jurisdiction

July 1, 2020 – June 30, 2021

Non-English Language Inquiries

The Commission takes pride in maintaining a staff that reflects the diversity of New York City and the individuals who seek help from the Commission. The Commission’s Infoline staff answering calls are fluent in Spanish, Haitian Creole, Hindi, Urdu, Nepali, and Portuguese. Across the agency, Commission staff speak more than 30 languages. When there is a need for a language other than those spoken by available staff, LEB reaches out to an outside service provider to connect staff with an interpreter by phone. In Fiscal Year 2021, the staff fielded 687 such inquiries in 12 languages. The chart below shows which languages, other than English, were spoken by members of the public who made inquiries to the Commission.

Inquiries	
Albanian	
Arabic	2
Bengali	1
Chinese - Cantonese	4
Chinese - Mandarin	8
French	22
Haitian Creole	1
Japanese	3
Korean	2
Portuguese	1
Russian	39
Spanish	603
Grand Total	687

Pre-Complaint Interventions

The Commission intervenes, when appropriate, before or in lieu of filing a complaint in order to provide immediate relief from continuing harm and/or to provide a quick resolution. In the past few years, LEB launched the Early Intervention (“EI”) Unit, the Source of Income Unit (“SOI”) and, the Gender-Based Harassment Unit (“GBH”). The EI Unit primarily assists members of the public with issues that may be resolved quickly without filing a complaint. The SOI and GBH Units assist the public with seeking immediate relief, but also address allegations that may necessitate the filing of a complaint. Pre-complaint interventions significantly reduce the time it takes to investigate and then possibly litigate and obtain a resolution for the complainant.

The Units intervene in a range of situations, including:

- The EI Unit negotiates, on an expedited basis, for disability-related accommodations in housing, such as installation of grab bars, roll-in showers, ramps, or moving to more accessible housing. In employment, employees who are still employed but have been denied a reasonable accommodation by their employers may opt to have the situation resolved promptly through the pre-complaint intervention process with the staff attorney informing the employer of its obligations under the law.
- The SOI Unit works in real time with complainants who have been denied housing because of their voucher status, negotiating with housing providers to obtain leases for those complainants.
- If an employee is facing ongoing discrimination because of their gender identity or harassment, the GBH Unit may,

after evaluating the circumstances and, in consultation with the complainant, reach out to the employer and address the issue prior to or instead of filing a complaint. This may involve working with the employer to enter into an agreement addressing the harassment and providing relief for the employee, in accordance with the NYC Human Rights Law.

If early intervention efforts do not succeed, LEB will often file a complaint and proceed with investigating the allegations of discrimination. In addition, the Commission itself may determine that a pre-complaint intervention is necessary when a clear pattern or practice violation comes to its attention. LEB may send a cease-and-desist letter or otherwise contact the discriminating entity to demand that it immediately stop the illegal practice, and among other requirements, attend a training on the New York City Human Rights Law. Often, LEB does not need to file a complaint and initiate a formal investigation because LEB is able to obtain a full resolution through pre-complaint intervention when the entity responds and complies with the Law. In these instances, LEB will often formalize the terms of the intervention through a Stipulation and Order

In Fiscal Year 2021, LEB resolved 214 matters without filing a complaint, less than last year’s 403, but still a 34% increase over the 141 successful interventions in Fiscal Year 2018. Of these 214 interventions, 46 were the result of Commission-initiated investigations. The chart below lists the area of jurisdiction and the protected classes involved in the successful interventions. Some interventions involved claims under more than one jurisdiction and many involved more than one protected class.

Resolved Pre-Complaint Interventions

July 1, 2020 – June 30, 2021

	Discriminatory Harassment	Employment	Housing	Public Accommodations	Grand Total
Age	0	1	0	5	6
Alienage Status (Immigration Status)	0	0	1	1	2
Arrest Record (Employment only)		4			4
Caregiver Status (Employment only)		1			1
Citizenship Status	0	0	2	0	2
Color	0	0	0	1	1
Conviction Record (Employment only)		5			5
Credit History (Employment only)		1			1
Creed	0	1	1	0	2
Disability	0	8	115	30	153

Resolved Pre-Complaint Interventions

July 1, 2020 – June 30, 2021

	Discriminatory Harassment	Employment	Housing	Public Accommodations	Grand Total
Gender ⁴	1	6	4	7	18
Lawful Source of Income (Housing only)			13		13
National Origin	0	8	1	3	12
Pregnancy (Employment, Housing, and Public Accommodations only)		1	0	1	2
Presence of Children ⁵ (Housing only)			1		1
Race	0	8	4	4	16
Retaliation	0	2	4	2	7
Salary History (Employment only)		2			2
Sexual Orientation	1	0	4	3	8
Grand Total	2	47	150	57	256

⁴ Includes Gender Identity and Gender Expression.
⁵ Includes children that are, may be, or would be residing there.

Commission-Initiated Pre-Complaint Interventions



PC | Isseu Diouf Campbell for Afrikanspot LLC

The Commission has the power to initiate its own investigations in order to ensure that employers and housing and public accommodations providers are complying with the law and are not engaging in discriminatory policies or practices. In addition to filing complaints and implementing testing, both of which are further described below, the Commission sends cease-and-desist letters or advisory letters and also uses a range of investigative methods, such as requests for information on policies and practices, demands for documents, and interviews of key witnesses. The investigative process can result in enforcement actions.

In FY 21, the Law Enforcement Bureau launched 48 new Commission-initiated pre-complaint investigations, which covered 15 protected categories, and resolved 46 matters without having to file a complaint.

The chart below provides a breakdown of the Commission-initiated pre-complaint investigations that were resolved, according to the area of jurisdiction and protected class(es). Most investigations involve more than one protected class, and some involve claims under more than one jurisdiction.

Resolved Commission-Initiated Pre-Complaint Interventions by Jurisdiction and by Protected Class

July 1, 2020 – June 30, 2021

	Employment	Housing	Public Accommodations	Grand Total
Age	0	0	1	1
Alienage Status (Immigration Status)	0	1	1	1
Arrest Record (Employment only)	4			4
Caregiver Status (Employment only)	1			1
Conviction Record (Employment only)	4			4
Credit History (Employment only)	1			1
Disability	3	6	17	26
Gender ⁶	5	1	4	10
Lawful Source of Income (Housing only)		1		1
National Origin	8	0	2	10
Pregnancy (Employment, Housing, and Public Accommodations only)	0	0	1	1
Race	8	1	1	10
Retaliation	0	1	1	2
Salary History (Employment only)	1			1
Sexual Orientation	0	0	2	2
Grand Total	35	10	30	75

⁶ Includes Gender Identity and Gender Expression.

Testing



The Commission uses testing, a historically effective investigative tool used in civil rights litigation, to determine whether there is discrimination in housing, employment, or public accommodations. As part of an investigation, the agency may send testers to perform in-person tests or have testers conduct telephone tests of potential employers, employment agencies, landlords/real estate brokers, restaurants, hospitals, gyms, stores, or other public accommodations to see if our testers are treated differently or are given different information because they belong to a protected class. Due to the COVID-19 pandemic, testers could not perform in-person tests; however, they still managed to test 878 entities. An entity may be tested for potential violations in multiple jurisdictions and/or multiple protected classes.

Tests by Jurisdiction and by Protected Class

July 1, 2020 – June 30, 2021

	Employment	Housing	Public Accommodations	Grand Total
Age	1	0	0	1
Alienage Status (Immigration Status)	0	8	0	8
Arrest Record (Employment only)	431			431
Citizenship Status	0	8	0	8
Conviction Record (Employment only)	431			431
Credit History (Employment only)	431			431
Disability	0	49	344	393
Gender ⁷	1	0	0	1
Lawful Source of Income (Housing only)		53		53
Marijuana/THC Testing	190	0	0	190
National Origin	4	0	0	4
Presence of Children ⁸ (Housing only)		1		1
Race	1	1	0	2
Salary History (Employment only)	431			431
Sexual Orientation	0	0	1	1
Grand Total	1921	120	345	2386

⁷ Includes Gender Identity and Gender Expression.
⁸ Includes children that are, may be, or would be residing there.

Commission-Initiated Complaints



Some Commission-initiated investigations lead to the filing of a Commission-initiated complaint alleging pattern or practice violations. In Fiscal Year 2021, LEB filed 17 Commission-initiated complaints. In the charts below, listed first are the number of claims filed in each jurisdiction, and second, the number of claims in each protected class. Most complaints allege discrimination based on more than one protected class. As the table below shows, Commission-initiated complaints filed in Fiscal Year 2021 span 11 protected categories in employment, housing, and public accommodations.

Commission-Initiated Filed Complaints by Jurisdiction

Jurisdiction	Count
Employment	16
Housing	11
Public Accommodations	4
Violation of a Conciliation Agreement	1
Grand Total	32

Commission-Initiated Claims Filed by Jurisdiction and Protected Class

July 1, 2020 – June 30, 2021

	Employment	Housing	Public Accommodations	Violation of a CA	Grand Total
Age	1	0	0	0	1
Arrest Record (Employment only)	1			0	1
Color	1	0	1	0	2
Conviction Record (Employment only)	1			0	1
Disability	1	5	2	0	8
Gender ⁹	1	0	0	0	1
Lawful Source of Income (Housing only)		5		1	6
Marijuana/THC Testing	3	0	0	0	3
National Origin	4	0	0	0	4
Race	2	1	1	0	4
Sexual Orientation	1	0	0	0	1
Grand Total	16	11	4	1	32

⁹ Includes Gender Identity and Gender Expression.

Total Complaints Filed in Fiscal Year 2021

The Commission filed 643 complaints of discrimination in FY 21. Sixty three percent (63%) of those cases were in employment, twenty percent (20%) were in housing, and fifteen percent (15%) were in public accommodations. Disability-related claims were the most common across all areas of jurisdiction at twenty percent (20%); other claims include gender (15%), race (15%), and national origin (8%). The types of discrimination claims filed with and by the Commission during FY 21 are below. Listed first are the number of claims filed in each jurisdiction, and second, the number of claims in each protected class. Most complaints allege more than one violation, sometimes under more than one jurisdiction and, more commonly, under more than one protected class. Complaints filed by members of the public and Commission-initiated complaints are included. Therefore, the numbers below overlap with the Commission-initiated complaints in the chart above. Note that the graphic shows only categories with one or more claims.

Total Claims Filed by Jurisdiction

Jurisdiction	Count
Discriminatory Harassment	23
Employment	840
Housing	179
Lending Practices	8
Public Accommodations	144
Violation of a Conciliation Agreement	1
Grand Total	1195

Total Claims by Protected Class and Jurisdiction

July 1, 2020 – June 30, 2021

	Discriminatory Harassment	Employment	Housing	Lending Practices	Public Accommodations	Violation of a Conciliation Agreement	Grand Total
Age	0	42	8	0	1	0	51
Aiding/Abetting	0	0	1	0	0	0	1
Alienage Status (Immigration Status)	3	4	2	0	2	0	11
Arrest Record (Employment only)		5				0	5
Caregiver Status (Employment only)		6				0	6
Citizenship Status	3	9	6	0	3	0	21
Color	2	32	5	1	6	0	46
Conviction Record (Employment only)		25				0	25
Creed	1	15	3	0	6	0	25
Disability	1	148	58	0	31	0	238
Gender ¹⁰	3	145	16	0	13	0	177
Interference with Protected Rights	0	0	0	0	1	0	1
Lawful Occupation (Housing only)			1			0	1
Lawful Source of Income (Housing only)			27			1	28

¹⁰ Includes Gender Identity and Gender Expression.

Total Claims by Protected Class and Jurisdiction

July 1, 2020 – June 30, 2021

	Discriminatory Harassment	Employment	Housing	Lending Practices	Public Accommodations	Violation of a Conciliation Agreement	Grand Total
Marijuana/THC Testing	0	5	0	0	0	0	5
Marital Status	0	1	2	0	1	0	4
National Origin	4	62	7	2	13	0	88
Pregnancy (Employment, Housing, and Public Accommodations only)		25	0		0	0	25
Presence of Children ¹¹ (Housing only)			5			0	5
Race	5	99	22	5	41	0	172
Relationship/Association	0	0	0	0	1	0	1
Retaliation	0	169	6	0	18	0	193
Salary History (Employment only)		1				0	1
Sexual Orientation	1	22	6	0	6	0	35
Victims of Domestic Violence (Employment and Housing only)		4	2			0	6
Grand Total	23	819	177	8	143		1171

¹¹ Includes children that are, may be, or would be residing there.



Case Determinations and Resolutions

In Fiscal Year 2021, the Law Enforcement Bureau resolved 896 filed cases, down only 170 cases from last year’s high of 1,066. The possible case outcomes were a settlement, administrative closure, withdrawal or a determination of either Probable Cause or No Probable Cause. These are described in further detail below.

Probable Cause or No Probable Cause Determinations

After the Law Enforcement Bureau has undertaken a full investigation, a determination of either Probable Cause or No Probable Cause is issued. The following is the Commission’s standard in making a determination: whether probable cause exists to credit the allegations of a complaint that an unlawful discriminatory practice has been or is being committed by a respondent where a reasonable person, looking at the evidence, could reach the conclusion that it is more likely than not that the unlawful discriminatory practice was committed.

No Probable Cause Determination	1	>1%
Probable Cause Determination	194	21%

Settlements

The Commission resolved thirty percent (30%) of cases closed in FY 21 through settlement. In such cases, the parties and the Commission enter into a conciliation agreement, which is an enforceable Commission order. Some cases also resolve through a private settlement agreement and then a withdrawal of the case at the Commission. Finally, cases resolved through the Commission’s Office of Mediation and Conflict Resolution are also included in these totals.

Nearly all conciliations include some form of affirmative relief, which may include training on the NYC Human Rights Law, monitoring, and/or a policy audit. Additionally, settlements may include compensatory damages for complainants, including full back pay in applicable cases. This year, the Commission increased its use of restorative remedies in settlements ordering, for instance, housing providers to set aside units for voucher holders, or negotiating new partnerships and programs between respondents and racial justice organizations. In Commission-initiated cases involving smaller businesses with first-time violations, the Commission often orders affirmative relief in lieu of civil penalties in order to have a greater impact.

Settlements	266	30%
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Administrative Closures

An administrative closure may be issued in several circumstances: at the complainant’s request; when a complaint is deemed non-jurisdictional after investigation; when LEB is unable to locate the complainant after diligent efforts; or when the bureau has determined a case is unlikely to lead to probable cause. Notably, an administrative closure preserves a complainant’s right to bring the same claim in another forum.

Administrative Closures	419	46%
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Withdrawals

Some complainants request to withdraw their complaint because they have decided not to pursue the matter further or have decided to file their claims in another forum.

Withdrawals	14	2%
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Over the past few years, LEB has committed to resolving complaints more efficiently. As part of this commitment, LEB has increased its pre-complaint intervention work over the past three years. In FY 21, on average, it took approximately 159 days to resolve a case through pre-complaint intervention. These cases do not involve full, longer investigations and possible litigation that are characteristic of filed complaints. The average time that filed complaints were pending while moving to a determination was 838 days. LEB has dedicated significant resources in FY 20 and FY 21 to resolving aging cases. The longer processing time for filed cases is also influenced, in part, by the fact that the NYC Human Rights Law has been amended to include more protected categories, expanding the Commission’s mandate. These changes in the law combined with the Commission’s efforts to increase awareness through publicized legal enforcement guidance and media campaigns have contributed both to an increasing number of inquiries from the public and the increasing number of matters handled by LEB across all protected classes. The Commission’s focus remains on balancing the need to conduct thorough investigations, creating alternative pathways to resolution through pre-complaint intervention to resolve matters more expeditiously where appropriate, and ensuring that LEB’s resources are utilized most effectively and efficiently.



Enforcement Action Highlights in Fiscal Year 2021

Jurisdiction	Protected Class	Training	Policy Review	Restorative Justice	Summary
Housing	Perceived Immigration Status, retaliation				Landlord discriminated based on tenant's perceived immigration status; paid \$28,000 in emotional distress and a \$12,000 fine, reduced to \$0 if the housing provider completes a restorative justice process.
Employment	Gender Identity				O.M.G., Inc. agreed to pay \$30,000 in damages and to extensive affirmative relief after terminating an employee because they were transgender.
Public Accommodations	Disability				Newsbar Café agreed to pay \$5,000 in damages after denying service to a patron accompanied by her service animal. The café owner agreed to perform 4 hours of community service.
Housing	Presence of Children				A brokerage firm refused an apartment to a couple with children. The firm agreed to training, \$32,000 in damages and a \$10,500 fine. The landlord agreed to training and new policies.
Public Accommodations	Race				Gucci settled Commission-initiated race discrimination case and agreed to multiple restorative justice measures.
Employment	Sexual Harrassment; Retaliation				Fox News Network fined \$1,000,000 in civil penalties after Commission-initiated investigation into sexual harassment and retaliation claims; will forego mandatory arbitration; and agreed to affirmative relief.
Public Accommodations	Race				The Shubert Organization settled a racial discrimination complaint for \$5,000 in damages and a \$5,000 fine, updates to ticket-checking.

Enforcement Action Highlights in Fiscal Year 2021

Jurisdiction	Protected Class	Training	Policy Review	Restorative Justice	Summary
Housing	Disability				Colony East 5th Realty settled a disability discrimination claim after refusing a ramp accommodation. The company paid \$14,500 in damages, a \$24,500 fine, training, disability policy creation, and ramp construction.
Housing	Source of Income				Maxx Realty denied a tenant with a housing voucher. The settlement included \$7,000 in damages and an agreement that Maxx would set-aside 36 units specifically for voucher holders.
Employment	Criminal History				Commission testing revealed Aaron's, Inc. used discriminatory language in job postings. Aaron's paid a \$40,000 fine, revised its nationwide Fair Chance Act policies, and provided training to all hiring managers.
Housing	Disability				Landlord provided tenant with a reasonable accommodation for her disability by installing a walk-in shower. Landlord also created a reasonable accommodation policy for all current and prospective tenants.
Housing	Disability				After two residents required parking space disability accommodations, Rochdale Village created a reasonable accommodations policy, a parking waitlist for residents with disabilities, and engaged in the cooperative dialogue process.
Public Accommodations	Gender Identity				LA Fitness signed a stipulation and order agreeing to gender-identity antidiscrimination policies, employment policies including all the NYCHRL protected classes, training and Notice of Rights postings in all NYC locations.

Office of Mediation and Conflict Resolution

The Commission’s Office of Mediation and Conflict Resolution (OMCR), transformed in early 2017, is a voluntary mediation program that provides a neutral and empowering process for all parties to facilitate a quick, efficient, and mutually acceptable resolution of claims. The OMCR assists in facilitating resolutions at various stages of the process, including pre-investigation, mid-investigation, conciliation and/or after a finding of probable cause. OMCR provides these mediation services at no cost.

OMCR is staffed by a Mediation Director and a staff attorney. In FY 21, the Mediation Director successfully mediated 47 cases to resolution—the highest in this category since 2009—representing, in the aggregate, damages for complainants totaling \$2,179,250 excluding non-economic terms and affirmative relief such as agreements to provide reference letters and conduct trainings. The average time from the acceptance of a case in mediation to its closure was 154 days.

Adjudication

When LEB issues a finding of Probable Cause, a case is usually referred to the City’s Office of Administrative Trials and Hearings (OATH), where an Administrative Law Judge conducts a trial and issues a report and recommendation as to whether there has been a violation of the NYC Human Rights Law. That report and recommendation is then sent to the Commission’s Office of the Chairperson to review *de novo*, solicit additional briefing from the parties, if warranted, and to either remand the case back for further factual development, or to issue a final decision & order. In FY 21, LEB referred 13 cases to OATH. There was one decision and order issued in FY 21.

Summaries of past decisions and orders are available on the Commission’s website.

Damages Awards and Civil Penalties

In FY 21, the Commission, through conciliations, mediated settlements, and withdrawals with benefits obtained \$9,741,100 in compensatory damages to complainants and civil penalties, the highest in Commission history for the third year in a row, and \$2.2 million more than in FY 20 (\$7,519,147). The Commission obtained \$8,063,100 in compensatory damages for complainants and \$1,678,000 in civil penalties. In a landmark conciliation with a large media company, the Commission obtained \$250,000 in civil penalties per alleged violation, for a total of \$1,000,000.

Year-Over-Year Growth in Damages and Penalties

Damages	Civil Penalties
FY ‘21: \$8,063,100	FY ‘21: \$1,678,000
FY ‘20: \$6,549,397	FY ‘20: \$969,750
FY ‘19: \$5,309,052	FY ‘19: \$788,261
FY ‘18: \$3,785,312	FY ‘18: \$487,250
FY ‘17: \$2,287,445	FY ‘17: \$379,250

Investing in Minority & Women-Owned Business Enterprises

The Commission continues to focus its efforts in supporting the minority and women-owned business enterprises (M/WBE) program as part of our human rights mission to ensure diversity and inclusion when contracting with minority and women vendors.

In October 2020 the Commission appointed a Chief Diversity Officer to oversee and facilitate the agency’s M/WBE program and we have been identified as one of two agencies to have received an “A” grade for four consecutive years in the Comptroller’s “Making the Grade: NYC Agency Report Card on Minority- and Women-Owned Business Enterprises.”

In FY 21, the Commission spent 50% of its eligible budget with minority and women vendors. In addition, the Commission increased its overall spending with M/WBE vendors by 2%.

	FY ‘17	FY ‘18	FY ‘19	FY ‘20	FY ‘21
Overall % of Agency Contracting with M/WBEs	23%	35%	57%	48%	50%

Fiscal Year 2021 Budget

The Commission’s funding comes almost exclusively from city tax-levy monies. Additional funding has also been provided through a contract with the Equal Employment Opportunity Commission (EEOC) for cases the Commission resolves that also could have been filed under federal law at the EEOC

City Tax Ley	\$12,663,147
Additional Program Grant Funding	
- EEOC Contract (Workshare Agreement)	\$309,000
Total	\$12,972,147

Office of Communications and Marketing



As New York City navigated through the COVID-19 pandemic, the Commission’s communications efforts became more important than ever. In response to a drastic increase in anti-Asian bias and discrimination stemming from COVID-19 stigma, the Commission partnered with Public Artist in Residence Amanda Phingbodhipakkiya on “I Still Believe in Our City,” a public education campaign that gave a voice to the city’s AAPI communities. This kicked off in a takeover of the Atlantic Avenue-Barclays Center subway station and Atlantic Terminal billboard garnering over 122 million estimated impressions, making it the Commission’s largest campaign to date. The Office of Communications and Marketing has worked to bring attention to the Commission’s community relations, restorative justice, and enforcement actions in press, amassing nearly 3,000 press mentions throughout FY 21. The Office of Communications and Marketing also led “You Do It With Your Heart:’ Black Businesses Solidarity Initiative,” a campaign raising awareness of the economic impact of COVID-19 on Black entrepreneurs. Throughout each campaign this year, the Commission maintained a 100% investment in community and ethnic media print advertising.

Website Traffic Statistics

Growth From 2017–2021

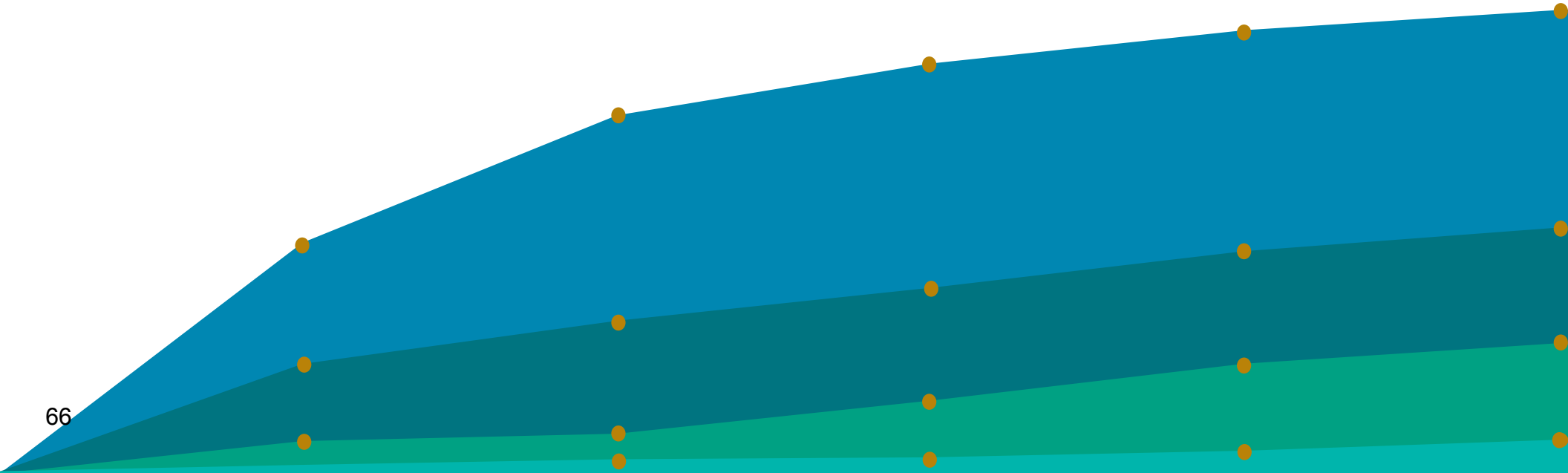
● Page Views	● Visits
FY '21: 3,530,000	FY '21: 1,660,000
FY '20: 5,350,000	FY '20: 2,120,000
FY '19: 1,460,000	FY '19: 561,000
FY '18: 840,000	FY '18: 377,000
FY '17: 731,000	FY '17: 334,000

● New Website Visitors	● Average Visits Per Week
FY '21: 704,000	FY '21: 23,590
FY '20: 774,000	FY '20: 28,070
FY '19: 221,000	FY '19: 8,960
FY '18: 158,000	FY '18: 7,200
FY '17: 146,000	FY '17: 5,600

Social Media

Follower Growth From 2017–2021

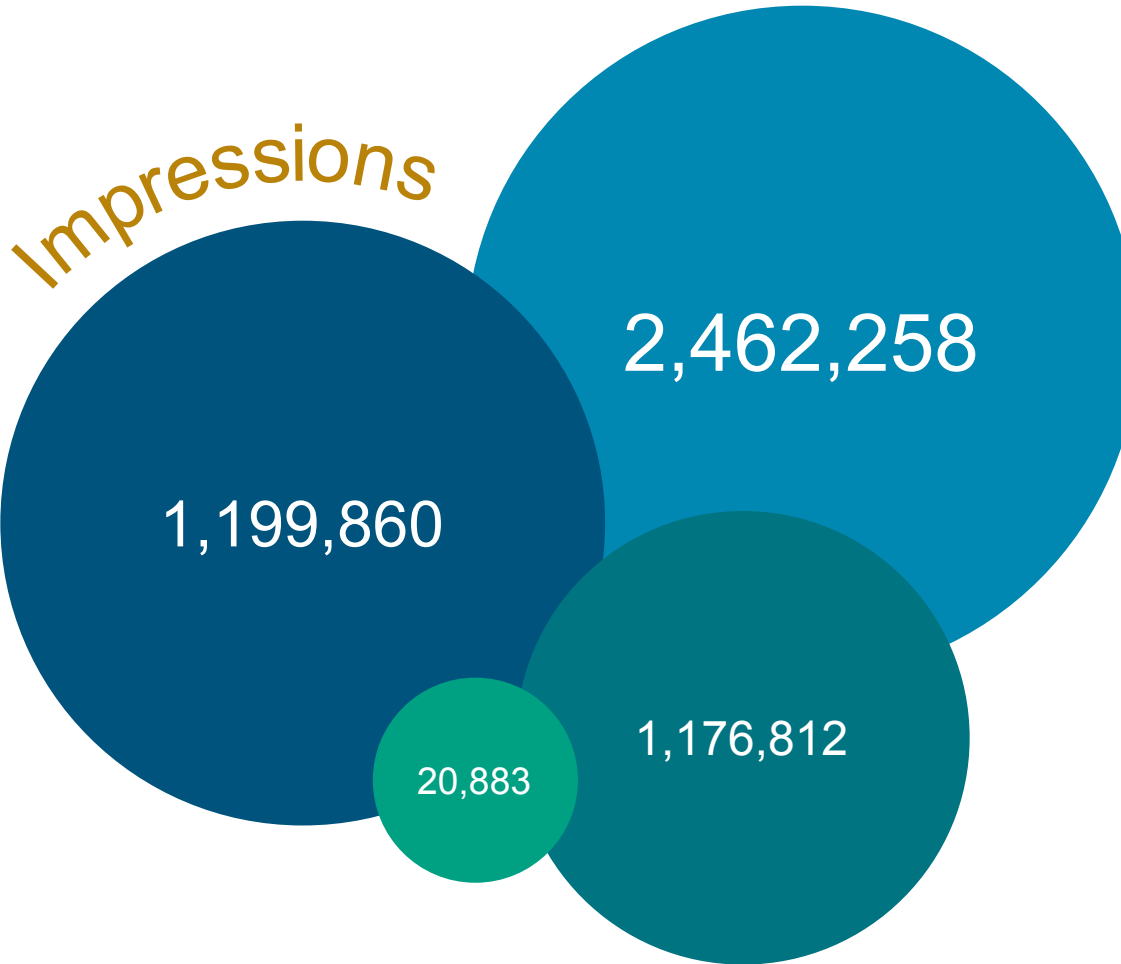
Facebook	Twitter	Instagram	LinkedIn
FY '21: 28,843	FY '21: 14,994	FY '21: 7,856	FY '21: 1,660
FY '20: 27,580	FY '20: 13,531	FY '20: 6,453	FY '20: 887
FY '19: 25,440	FY '19: 11,117	FY '19: 4,182	FY '19: 435
FY '18: 22,240	FY '18: 9,053	FY '18: 2,080	FY '18: 396
FY '17: 14,140	FY '17: 6,550	FY '17: 1,620	



Social Media

Cumulative Statistics For FY '21

- Facebook
- Twitter
- Instagram
- LinkedIn



Facebook:

Impressions: 1,199,860
Engagements: 85,185
New Followers: 1,263

Twitter:

Impressions: 2,462,258
Engagements: 205,882
New Followers: 1,463
Profile Visits: 103,651

Instagram:

Impressions: 1,176,812
New Followers: 1,403

LinkedIn:

Impressions: 20,883
New Followers: 273



Office Locations and Contact Information

To file a complaint or learn more about the Commission, dial (212) 416-0197.

MAIN OFFICE

22 Reade Street
New York, NY 10007
Dial 311 and say “human rights” or (212) 306-7450

NY RELAY SERVICES

Dial 711 or
(800) 421-1220 (English)
(877) 662-4886 (Spanish)

WEBSITE

[NYC.gov/HumanRights](https://nyc.gov/HumanRights)



Community Service Centers

MANHATTAN

22 Reade Street
New York, NY 10007
(212) 306-7450

QUEENS

153-01 Jamaica Avenue, 2nd Floor
Jamaica, NY 11432
(718) 657-2465

BRONX

1932 Arthur Avenue, Room 203A
Bronx, NY 10457
(718) 579-6900

STATEN ISLAND

60 Bay Street, 7th Floor
Staten Island, NY 10301
(718) 390-8506

BROOKLYN

25 Chapel Street, Suite 1001
Brooklyn, NY 11201
(718) 722-3130

[NYC.gov/HumanRights](https://nyc.gov/HumanRights)



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