



COMMISSION ON HUMAN RIGHTS

40 RECTOR STREET, NEW YORK, NY 10006

Dial 311 www.nyc.gov/cchr

PATRICIA L. GATLING

Commissioner and Chair

Testimony of Patricia L. Gatling Before the Committees on Civil Rights and Finance

May 18, 2012

Chairperson(s), Council members, good morning.

The New York City Commission on Human Rights continues to operate as an efficient and effective agency. Our annual budget in 2011 was 7.1 million dollars, with over \$4.5 million coming from a Federal Community Development Block Grant and almost \$2.6 million from the city.

In addition, we have a work-sharing agreement with the Equal Employment Opportunity Commission, which generates between \$85,000 and \$100,000 each year, and we aggressively pursue grant opportunities and interagency financial partnerships to supplement our public education projects.

In 2011, grant funds were awarded through partnerships with the U.S. Department of Justice, Office of Special Counsel for Unfair Immigration-Related Practices for \$66,000 and nearly \$120,000 in interagency funds from the Departments of Housing Preservation and Development, Health and Mental Hygiene, Correction, the Human Resources Administration and the Brooklyn District Attorney's Office.

These particular partnerships expanded our reach in three areas: employment discrimination publications and presentations in the City's correctional facilities and reentry community organizations; employment discrimination presentations for immigrants in beginning adult literacy classes; and a range of fair housing projects with HPD.

With HPD, we launched a joint Fair Housing website (www.nyc.gov/fairhousingnyc) that includes detailed information on protections under the Human Rights Law, affordable housing opportunities, tenants' rights and fair housing, real estate advertising, housing court, news and events and many interagency resources. We are also joining HPD in many tenant and owner forums throughout the city discussing the New York City Human Rights Law and fair housing and contributing to their pre-award conferences provided to all housing management and agency contractors. Part of the funds also supports a housing research project we are conducting with Columbia University.

Our budget has been reduced this year by approximately \$700,000 (\$500,000 in CD grant funds and \$200,000 in tax-levy funds); however, we will be able to absorb these reductions through attrition and the recent consolidation of office space. In addition to giving up a half floor in our current space, plans are underway to move our Manhattan office to a city-owned building by the end of 2013, saving an additional one million dollars a year in rental expenses.

To further maximize our finances and increase our impact, we collaborate with other city agencies on outreach projects. For example, we are working with the Departments of Consumer Affairs and Mental Health and Hygiene to have our literature sent with their mailings and license renewal forms and with the One Nation series of city service panels sponsored by the Mayor's Office of Immigrant Affairs.

The Commission filed 332 complaints of discrimination in 2011. The types of complaints filed remained consistent with previous years (approximately 65% employment, 25% housing, 9% public accommodations and 1% bias-related harassment). We negotiated resolutions in 184 potential complaints through our pre-complaint intervention process and resolved an additional 464-filed cases. Over 93% of

the cases pending in 2011 were less than one year-old.

The Commission obtained over one million dollars in damages for complaints last year, averaging over \$15,000 per case in damages – with the largest settlement being \$189,000 for a race discrimination claim against Verizon. In addition to receiving lost wages, the complainant was reinstated and provided all the benefits he would have received had he not been wrongfully terminated.

Though we are not revenue generating, the Commission ordered over \$250,000 in fines to be paid to the city for violations of the Human Rights Law. The largest fine was \$40,000 for a housing provider that denied the complainant the right to keep her service animal and attempted to evict her from her apartment for having the animal in violation of their pet policies. HUD had cited the housing provider for a similar violation ten years earlier.

The Commission created law at the end of 2010 when it determined that disabled individuals have a right to access through the front door, and only when it is determined that front-door access is unreasonable or infeasible, should an alternative access (i.e., side or rear entrances) be considered. I am happy to say that, last year, a Supreme Court Justice in the Bronx upheld that decision. That brings us one step closer to ensuring that disabled individuals have full, equal and unsegregated access to all New York City has to offer.

Intensive supervision and case management over the past 10 years has led to a 56% probability that individuals who state a claim under the law will obtain a benefit by filing a complaint with the Commission.

Pursuant to the Council's direction, the Commission tracked and recorded almost 11,000 inquiries from the public over the past three years, entering them into a searchable database. We had the privilege of displaying the database to several members of the Civil Rights Committee during a visit to our Staten Island Community Service Center. Nearly 75% of the individuals who contacted the Commission over the past three years were either directed to file a complaint with the Commission or referred to another agency for assistance. We will use this and other information to assist us in directing our resources, both training and enforcement, in the future.

The Commission conducts extensive outreach through our community programs and public education delivered through our 5 borough offices. Last year, the Community Relations Bureau provided nearly 86,000 units of service. Of those, nearly 25,000 were to New Yorkers with limited English proficiency and in a language other than English. Additionally, we reach millions of New Yorkers and visitors through the use of the media, informing individuals of the Commission's work and the strong City Human Rights Law. Last year, we appeared approximately 311 times in newspapers, publications, and electronic media -- including weekly and ethnic press -- with substantial clips in *The NY Times*, *NY Law Journal*, *Wall Street Journal*, *NY Daily News*, *Post*, *SI Advance*, *NY Able*, and The Associated Press and Reuters. We also appeared on NY 1 News, WPIX Channel 11, WNBC-TV, Fox 5, NPR, and WNYC Public Radio.

Some of our major outreach efforts include the Commission's adult literacy program. This program is directed to adult literacy and ESOL (English for Speakers of Other Languages) classes at colleges in the CUNY system, workforce development literacy projects, and branch library literacy programs in the 3 New York Public Library systems.

Working with the system-wide guidance of the CUNY Adult Literacy/ GED/ ESL Program and the Literacy Assistance Center, the Commission now has classes for the beginner, intermediate and advanced level English language learner. These classes educate adults about their employment rights and other protections they have in the workplace if faced with discrimination based on their national origin or citizenship status.

In addition, the project team trains literacy teachers in their continuing professional educational coursework and conferences to use the lesson plans, DVDs, and student workbooks: *The Right to Work: Understanding Immigrant Employment Rights*. All materials are available on several websites.

The Commission's Immigrant Employment Rights Program also provides valuable services for immigrant employees and employers, conducting 308 workshops for some of our city's newest residents last year. In addition to our adult literacy classes, we reach these individuals through parent groups, community or youth centers, job or vocational service organizations, and naturalization ceremonies for new citizens.

Another employment rights program is directed to individuals reentering the workforce. We speak at workforce development agencies and other back-to-work programs throughout the City providing them with information on work-related issues such as discrimination in employment, sexual harassment, cyber harassment, and conflict resolution.

And, especially in this economy, individuals with arrest and/or conviction records become easy targets for discrimination. Under the City's Human Rights Law, individuals with arrest or conviction records are protected from discrimination in employment. To reach those individuals, we provide presentations at dozens of reentry organizations and for inmates at Rikers Island and other borough correctional facilities with the cooperation of the NYC Department of Correction.

The Commission's Fair Housing/Mortgage Counseling and Anti-Predatory lending Program alerts residents to discriminatory lending and credit protections under the law and the dangers of predatory lending. The program also offers foreclosure counseling to individuals faced with the loss of their homes. As a HUD-certified Housing Counseling Agency, HUD or local housing organizations refer these individuals to us. The Commission's 4 mortgage counselors conducted 573 counseling sessions for 81 homeowners in 2011.

The Commission's Peer Mediation Program trained another 187 students to be peer mediators and established Peer Mediation Programs in 13 schools. These student mediators assist their classmates in finding non-violent solutions to their problems and help reduce violence in our school system. To date, the program has trained over 1200 high or middle school students and set up Peer Mediation Programs in 85 schools.

Our other presentations took us into 23 additional schools and 19 youth centers citywide, teaching classes to over 6000 students. These classes in Grades 6-12 address the Human Rights law, Sexual Harassment Conflict Resolution, and Cyberbullying. The Commission has conducted trainings for parent and student groups including daylong trainings on Bias, Sexual harassment, and Cyberbullying for school administrators and guidance counselors in conjunction with the Department of Education's Office of School and Youth Development.

The Commission and DCAS also presented a "Cyber Harassment in the Workplace" training for City EEO and HR professionals. Representatives from the Department of Education, the Manhattan District Attorney's office and the Department of Investigation joined us on the panel.

Our successful Equal Access Program negotiated 165 modifications for disabled individuals last year. These far-reaching accommodations in housing and public accommodations include portable or permanent ramps, Braille signage, parking policies, storage facilities for wheelchairs, and service animals. The Commission is successful in negotiating or ordering the accommodation in 78% of the cases. The remaining investigations are closed by the Commission due to the infeasibility or unreasonableness of the accommodation or withdrawn by the complainant.

I've highlighted a few of our accomplishments over the past year and invite you to review our year-end report. I look forward to working with you to make the Commission better and more responsive to the public we serve and I will be happy to answer any of your questions.

Thank you.

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