



**Commission on
Human Rights**

Testimony of Carmelyn P. Malalis, Commissioner/Chair
New York City Commission on Human Rights
Before the Committee on Civil Rights
October 19, 2015

Int. No. 805: In relation to expanding the protections of the city of New York human rights law with regard to public accommodations, and making certain technical corrections

Int. No. 817: In relation to clarifying the definition of "place or provider of public accommodation" in the city human rights law

Int. No. 827-A: In relation to expanding the prohibition against source of income discrimination in housing accommodations

Int. No. 832: In relation to prohibiting discrimination in housing accommodations on the basis of an individual's status as a victim of domestic violence

Good afternoon, Chair Mealy, and members of the Civil Rights Committee, and thank you for convening today's hearing. I am Carmelyn P. Malalis, Commissioner and Chair of the New York City Commission on Human Rights. Today I am joined by Melissa Woods, my First Deputy Commissioner and General Counsel, and Dana Sussman, Special Counsel to the Office of the Chairperson. As you know, I was unable to attend the last hearing, on September 21, and Mses. Woods and Sussman testified in my place. I want to take this opportunity to personally convey my appreciation for the Council's support for the Commission and its interest in strengthening the Commission as a venue for justice for all New Yorkers.

Since Mses. Woods and Sussman provided you with an update on the Commission's activities less than a month ago, I will focus my remarks on the four bills that are the subject of today's hearing: Intros. 805, 817, 827-A, and 832. My testimony reflects the Commission's

desire to safeguard the integrity of the City Human Rights Law in accomplishing its “uniquely broad and remedial purposes,” over and above what’s provided under federal or New York State civil and human rights laws, a promise codified in the law’s construction provision as well as the Civil Rights Restoration Act of 2005. In composing today’s testimony, my staff and I considered the conversations we have had with the Council’s legislative drafting unit, our colleagues in the administration, and stakeholders who would be affected by the proposed legislation. Members of my staff have several years’ experience – some of them multiple decades of experience – litigating and/or advocating on behalf of individuals with housing and public accommodations claims under the City Human Rights Law and other civil rights and human rights laws. Their input also informs my testimony on these four bills.

I. Intro. 805 - Amending the public accommodations provisions to add “franchisor, franchisee, lessor,” “full and equal enjoyment,” and “purported”

The proposed bill contains several amendments to the provisions of the City Human Rights Law that protect against discrimination in public accommodations. I will address each amendment in turn. The bill adds “franchisor, franchisee,” and “lessor,” to the list of types of providers that are covered under the City Human Rights Law as public accommodations and replaces the word “subdivision” with “section” in Section 107(4)(e). The Commission supports these two changes.

Third, the proposed bill adds the word “purported” to Section 107(4)(a) of the City Human Rights Law. Because the word “purported” is already in the law and this bill simply moves it to another part of the provision, the Commission does not take a position on this proposed change.

The bill also adds language to prohibit the denial of “full and equal enjoyment, on equal terms and conditions,” of public accommodations and adds language to prohibit the publication of advertisements to the effect that “full and equal enjoyment, on equal terms and conditions,” shall be refused, withheld from, or denied to any person on account of their membership in a protected group. The Commission believes the current wording of the public accommodations provisions in the City Human Rights Law, *i.e.*, Section 8-107, subdivision 4, already provides the protections sought in Intro. 805. Certainly, the Commission interprets the City Human Rights Law to include those protections and I am not aware of any courts that have interpreted the City Human Rights Law to not include those protections. To the extent that Intro. 805 clarifies and makes explicit those protections, the Commission does not object to the bill and supports the clarification.

II. Intro. 817 - In relation to clarifying the definition of “place or provider of Public accommodation” in the city human rights law

The proposed bill will add the words “any person” to the list of providers of public accommodations in Section 8-102(9). To the extent this change is intended to clarify existing protections in the law, the Commission does not object to it.

III. Intro. 827-A - Source of income discrimination

The proposed bill will make existing source of income discrimination protections consistent with all other protections against housing discrimination in the City Human Rights Law. Currently, the law’s provisions protecting against source of income discrimination do not cover housing accommodations with less than six units. This size limitation does not apply in the context of other types housing discrimination (*e.g.*, based on race, disability, age, etc.). Smaller housing accommodations were intentionally carved out of the City Human Rights Law’s source of income protections when the original bill passed in 2008. It’s my understanding that

they were carved out so as not to prejudice smaller landlords waiting on payments for Section 8 vouchers. I believe that at the time the law was passed in 2008, there could be significant delays before landlords received the first payment on a Section 8 voucher, and those delays were considerable enough to cause financial hardship on smaller landlords. I understand that while the waiting time on initial voucher payments has been significantly reduced in recent years, the wait on a payment is still long enough such that smaller landlords may not be able to cover their mortgage and other expenses during the waiting period.

To be clear, the Commission supports the intent of this bill. We recognize that source of income discrimination is a major issue in New York City and we have been using our testing program to root out this insidious form of discrimination, which impacts some of the most vulnerable New Yorkers. The Commission welcomes the opportunity to work with the Council and other stakeholders to discuss alternatives that protect already-vulnerable New Yorkers, while also acknowledging that smaller landlords should not risk defaulting on bills or their mortgage while waiting for payments from a federal rental assistance program.

There are also two other significant concerns regarding how the bill is currently drafted that appear to contradict the bill's intent. First, the bill would only apply to "a person with a section 8 voucher," which is significantly narrower than current source of income protections. Section 8-102(25) of the City Human Rights Law defines "source of income" as "income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers." Second, the bill creates a defense for landlords that has not previously existed in the law, which would allow housing providers to not accept Section 8 vouchers where the housing accommodations are "not in compliance with any rules or regulations promulgated under section eight of the United States housing act of 1937." We are

concerned that this provision creates a loophole that could be exploited by unscrupulous landlords who want to discriminate against Section 8 voucher holders. If a housing accommodation is not in compliance with any applicable housing standard, the appropriate response is for the landlord to make repairs. Unscrupulous landlords could allow the premises to fall into disrepair to intentionally bring the premises outside of compliance with the law, and allow them to reject Section 8 vouchers.

Again, I want to make clear that the Commission supports the intent of the bill addressing source of income discrimination. As we continue to discuss this bill with the Council and stakeholders, we hope to find ways to address the concerns we have raised today.

IV. Intro. 832 - Protections for Victims of Domestic Violence in Housing

It is fitting to discuss this bill now, as October is Domestic Violence Awareness Month, a time when we are all reminded of the need to support victims and survivors of domestic violence. Frequently, when Commission staff discuss the impact of the City Human Rights Law, we stress the importance and impact of our law particularly in protecting the City's most vulnerable populations. In our eyes, this bill is another great example of how the City Human Rights Law would function to do just that. Over the past several months, the Commission and the Mayor's Office to Combat Domestic Violence (OCDV) have partnered to cross-train staff and ensure that domestic violence victims experiencing discrimination in employment or in other areas already protected by the City Human Rights Law are referred directly to specific staff at the Commission. The partnership has resulted in direct referrals from OCDV's NYC Family Justice Centers, as well their Domestic Violence Response Team (DVRT). We look forward to continuing our partnership with the Mayor's Office to Combat Domestic Violence and the City

Council to raise awareness regarding the rights of victims of domestic violence, sexual violence, and stalking and to increase protections.

The proposed bill would make it unlawful to discriminate against actual or perceived victims of domestic violence, sexual violence, or stalking in housing. The Commission supports this legislation and believes it is critical in protecting some of the most vulnerable New Yorkers secure and helping them to keep stable and safe housing for themselves and their families.

* * * * *

The Commission thanks Chair Mealy and the members of the Committee for calling this hearing. We look forward to continuing our dialogue on how to strengthen the Commission and the City Human Rights Law to ensure respect and dignity for all New Yorkers. I welcome your questions and comments. Thank you.



TESTIMONY OF LEGAL SERVICES NYC REGARDING INTROS 805, 817, 827-A AND 832

New York City Council Committee on Civil Rights October 19, 2015

Legal Services NYC welcomes the opportunity to give testimony before the New York City Committee on Housing and Buildings. We commend the City Council for its continuing support of tenants facing displacement due to uninhabitable conditions, which contributes to the City's steadily worsening housing affordability crisis.

Legal Services NYC is one of the largest law firms for low income people in New York City. With five borough offices and numerous outreach sites, Legal Services NYC's mission is to provide expert legal assistance that improves the lives and communities of low income New Yorkers. Legal Services NYC annually provides legal assistance to thousands of low income clients throughout New York City. Historically, Legal Services NYC's priority areas have included housing, government benefits and family law; in recent years, Legal Services NYC has vastly expanded services in areas of need critical to our client base, including consumer issues and foreclosure prevention, unemployment, language access, disability, education, immigration, and bankruptcy.

INTROS 805 and 817

Legal Services NYC welcomes the Committee's proposal to clarify and expand the provisions of the Human Rights Law relating to public accommodations. Although some courts have recognized that governmental agencies are public accommodations subject to the HRL, other courts have misinterpreted the HRL to exclude such coverage. By proposing Intro 817, the Committee rightly recognizes that New Yorkers are entitled to the same non-discriminatory treatment from their own government as they are from private actors. The City cannot hold private businesses to higher standards than it applies to itself.

We also support the provisions of Intro 805 that make clear that to comply with the City's anti-discrimination laws, businesses and public agencies must not only refrain from denying services to persons in protected categories, but must provide them "on equal terms and conditions," to assure that that "full and equal enjoyment" of such services are afforded to all New Yorkers. Although this proposition may seem self-evident, LSNYC recently litigated a case in which a transgender client was abused and insulted by staff at a City agency. The City seriously argued that because the client continued to receive City services despite the abusive treatment, the staff's conduct did not violate the

Legal Services NYC
40 Worth Street, Suite 606, New York, NY 10013
Phone: 646-442-3600 Fax: 646-442-3601 www.LegalServicesNYC.org
Raun J. Rasmussen, Executive Director
Michael Young, Board Chair

Human Rights Law. Although the court ultimately rejected the City's preposterous argument, Intro 805 will prevent HRL defendants from raising such defenses in the future.

INTRO 827-A

Although Legal Services NYC applauds the intent underlying Intro 827-A, we are concerned that the language chosen by the Committee will fail to achieve the purposes of the bill and in fact may actually facilitate income discrimination by landlords. Intro 827-A commendably removes most restrictions on the applicability of the HRL's income discrimination provisions. Landlords would be barred from discriminating against tenants who seek to pay their rent through any subsidy program regardless of the size or nature of the properties. This revision of the law recognizes that no landlord has a legitimate interest in refusing rent payments regardless of their source, and also recognizes that due to the tightness of the rental market, many low income tenants have no alternative to seeking housing in small buildings not subject to rent regulation. By insuring access to such properties to tenants participating in programs such as Section 8, HASA and FEPS, Intro 827-A will contribute to the City's homelessness prevention efforts and reduce the desperation of low income families seeking affordable accommodations.

However, Intro 827-A inadvertently creates a new exception to the statutory bar on income discrimination, by allowing landlords to refuse Section 8 if the housing accommodation "not in compliance with any rules or regulations promulgated under section eight of the United States housing act of 1937." This provision would allow landlords to evade application of the HRL simply by refusing to correct substandard conditions in their apartments that would violate Section 8 Housing Quality Standards. Such a result was surely not intended by the drafters of Intro 827. We believe that the proposed exemption serves no purpose: if an apartment cannot be brought into compliance with Section 8 rules due to reasons beyond control of the landlord, it is unlikely that courts would hold landlords liable for discriminating on the basis of income. Where the apartment deficiencies are correctable, the HRL should hold landlords liable if their refusal to correct the deficiencies deprives a tenant or applicant of her ability to use her Section 8 subsidy.

If the Committee seeks to retain such an exemption, it should exempt only accommodations *that cannot be brought into* "compliance with any rules or regulations promulgated under section eight of the United States housing act of 1937.

INTRO 832

Legal Services NYC also supports Intro 832, which bars private landlords from discriminating against tenants or prospective tenants "because of an actual or perceived status of said individual as a victim of domestic violence, or as a victim of sex offenses or stalking." Federal law already bars such discrimination in federally funded housing, including public housing. Victims of domestic violence should receive the same protection in the private rental market.

We thank the City Council for addressing this important issue, and look forward to working with the Committee in providing effective protections to vulnerable low income tenants.

Respectfully submitted,
Legal Services NYC
40 Worth Street, Suite 606
New York, NY 10013
(718)-237-5538



THE LEGAL AID SOCIETY

Civil Law Reform Unit

199 Water Street, 3rd Floor

New York, NY 10038

(212) 577-3300

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON CIVIL
RIGHTS REGARDING INTRO 827-A**

OCTOBER 19, 2015

Thank you Chairperson Mealy, and members of the Committee on Civil Rights, for the opportunity to provide testimony today.

This testimony is submitted on behalf of The Legal Aid Society. The Society is the oldest and largest program in the nation providing direct legal services to low-income families and individuals. The mission of the Society's Civil Practice is to improve the lives of low-income New Yorkers by providing legal representation to vulnerable families and individuals to assist them in obtaining and maintaining the basic necessities of life — housing, health care, food and subsistence-level income or self-sufficiency. The Society's legal assistance focuses on enhancing individual, family and community stability by resolving a full range of legal problems in the areas of housing and public benefits, foreclosure prevention, immigration, domestic

violence and family law, employment, elder law, tax law, community economic development, health law and consumer law.

Introduction

We welcome the Council's efforts to expand the reach of the amendment to the Human Rights Law that prohibits discrimination against tenants and prospective tenants based on their source of income. As counsel in Tapia v. Successful Management and countless other legal actions to enforce the ban against source of income discrimination, The Legal Aid Society has combated the obstacles landlords place before tenants that need a subsidy to help them pay the monthly rent and remain in their homes. Housing practitioners were very excited when this body passed Local Law 10 of 2008. Prior to the passage of Local Law 10, tenants that wanted to use vouchers and other programs that subsidized their rent payments found themselves without recourse and vulnerable to homelessness when landlords refused to accept their vouchers. With the passage of Local Law 10, tenants gained access to the enforcement mechanisms of the Courts and Human Rights Commission. However, the 2008 law's reach did not extend to housing accommodations that contained less than 6 units. Owners of multiple dwellings housing accommodations that contained less than 6 units were left free to continue refusing to accept tenants that need subsidies to pay their monthly rent. The Council is now endeavoring to remedy that gap in the law.

While we support the Council's efforts, Intro 827-A, as currently drafted, does not achieve the desired effect. The source of income discrimination law has been a valuable tool for tenants who need programs to help pay their rent, but they continue to face discrimination from landlords and brokers who either do not know about Local Law 10 or by those who attempt to

sidestep the law in an effort to avoid accepting legitimate income. For example, several landlords who are aware of Local Law 10 have intentionally avoided making necessary repairs to apartments in order to fail Section 8 inspections, thus continuing to successfully discriminate against tenants because of their source of income. Many of our clients have received vouchers, only to have their landlord repeatedly fail to make required repairs resulting in failed apartment inspections that lead to their vouchers being rescinded or forcing them to move. This intentional lack of maintenance allows landlords to circumvent the Section 8 program, and their actions constitute violations of Local Law 10. These abuses are on the rise as an increasing number of neighborhoods undergo gentrification and owners seek to maximize the rent they can command. As currently drafted, Intro 827-A will allow landlords that do not comply with Section 8 program rules to cite this failure as a reason they do not have to comply with Local Law 10. Despite the clear directives of the law that has been upheld by the Courts, tenant advocates continue to encounter against a plethora of excuses from landlords that do not want to accept subsidies. Most of these excuses are without any plausible legal basis. Intro 827-A, in its current form, will provide such legal basis or it will, in the least, do great mischief.

Due to our continued concern for the tenants of New York City we would like to propose the Council simply eliminates the amendment to Paragraph o of subdivision 5 of section 8-107 of the administrative code of the city of New York that originally exempted housing accommodations containing five or fewer units from the reach of the Human Rights Law. This would make the Council's intention to remove the "five units or less" exemption clear and eliminate any possible confusion that landlords who do not want to follow the law are sure to exploit.

Conclusion

Thank you for the opportunity to testify before this committee on this important issue. We thank the City Council for introducing this legislation and hope it will consider our suggestion that will ensure it has the desired effect.

Respectfully submitted,

Robert Desir, Esq.
The Legal Aid Society
Civil Practice
Law Reform Unit
199 Water Street, 3rd Floor
New York, NY 10038
(212) 577-3271



**Sanctuary
for Families**

FOR THE RECORD

**New York City Council
Committee on Civil Rights
October 19, 2015**

**MEMORANDUM IN SUPPORT
Council Int. 832**

Thank you Chairwoman Mealy, and fellow members of the City Council, for the opportunity to comment on Council Introduction 832, sponsored by City Council Member Williams. Sanctuary for Families supports this legislation that will make it an unlawful discriminatory practice to refuse to sell, rent or lease a housing accommodation based on an individual's status as a victim of domestic violence. The need for affordable, safe and independent housing for all domestic violence victims is both essential and a challenge in New York City. Int. 832 is another important step in removing a barrier that many victims face in finding a safe place to live for their families.

With continuing, highly generous support from the New York City Council, Sanctuary for Families, last year, served over 18,000 adult victims of domestic violence and trafficking and their children citywide with a range of essential services including shelter; counseling for adults and children; career training and economic empowerment services; and critical legal advice and representation on issues related to immigration, matrimonial, housing and eviction prevention, U Visa's and T Visa's as well as many other important legal matters.

The lack of affordable housing is an acute problem for those seeking a safe place to live in the wake of violence. Domestic violence shelters are only a part of the solution, and are temporary in nature due to State mandates. Due to the dearth of affordable housing options, many domestic violence victims end up in the City's homeless shelter system, which is not a positive step on the way to independence. Worse still, with few options after leaving domestic violence shelters, many return to abusive households or become enmeshed in other abusive relationships.

Sanctuary and its non-profit colleagues work to make sure domestic violence victims have the full support needed in terms of housing. Sanctuary's housing specialists assist clients in finding an affordable place to live, and our housing attorneys ensure that clients have safe, habitable apartments; obtain or maintain critical subsidies; and avoid eviction. In addition, Sanctuary's Economic Empowerment Program trains clients for living-wage, service sector jobs that keep families in their homes for the long term.

We applaud the efforts of the de Blasio Administration and the City Council in making affordable housing a priority. Those efforts will only increase the options available to domestic violence victims. Yet, with housing still in short supply, actions can be taken to refuse a victim and her family from acquiring and remaining in a home. Int. 832 is a great step in eliminating a discriminatory barrier to housing, and will be an extraordinary resource for our legal team and the deeply vulnerable abuse victims and families they serve every day.

Sanctuary for Families thanks the City Council for the opportunity to comment on this legislation and looks forward to continuing our work together.



COLUMBIA LAW SCHOOL

HUMAN RIGHTS INSTITUTE

**New York City Council Hearing:
Committee on Civil Rights
Monday, October 19, 2015 at 1:00 PM
Committee Room, City Hall, New York, NY**

Introduction

Domestic violence is one of the most prevalent forms of gender-based violence. One in four women, and one in seven men, will experience domestic violence in their lifetime.¹ Domestic violence continues to have destabilizing effects on individuals and families around the country, including in New York City. In 2014, the New York City Police Department responded to more than 282,000 domestic incidents, and the Mayor's Office to Combat Domestic Violence documented 11,108 requests for shelter from women and families exposed to domestic violence.² Domestic violence is a human rights concern, and freedom from domestic violence is a fundamental human right. Moreover, access to safe and affordable housing is a critical component of meeting the fundamental human needs of individuals who experience domestic violence, and ensuring their human rights are respected and protected.

The Columbia Law School Human Rights Institute is pleased to provide this testimony to inform the New York City Council on the human rights principles relating to government obligations to ensure freedom from domestic violence as the Council considers Int. No. 832, aimed at "prohibiting discrimination in housing accommodations on the basis of an individual's status as a victim of domestic violence."

The Human Rights Institute, founded in 1998, draws on the law school's deep human rights tradition to support federal, state, and local government efforts to promote core human rights of dignity, equality, and opportunity.

The Right to Be Free from Violence and Abuse

In recent years federal, state, and local government representatives across the United States have recognized freedom from domestic violence as a fundamental human right. Over two dozen city and county governments have declared support for a human rights based-approach to domestic violence, and emphasized the corollary responsibility of local government to secure the right to be free from domestic violence.³ In 2014, President Barack Obama reaffirmed the "basic human right to be free from violence and abuse."⁴

Several cities, including San Francisco and Los Angeles, have also incorporated universal human rights principles into local law to address gender equity, including issues of violence against women.⁵

New York City's effort to prohibit discrimination against survivors of domestic violence in the housing context, and its existing protections against such discrimination in the employment context, represent important steps in fulfilling the right to be free from violence and abuse. This right is grounded in core international human rights principles,⁶ which provide a framework for laws, policies, and programs to address gender-based violence and a means to assess the effectiveness of existing efforts.

Fulfilling human rights requires government to take action to create conditions where all individuals, including individuals who experience violence and abuse, can meet their basic needs, such as adequate housing.

The human rights framework calls for proactive steps to prevent and address gender-based violence committed by both private and governmental actors. Further, it emphasizes laws and policies that empower victims and prioritize survivor dignity, including access to adequate services and support to enable individuals to leave violent circumstances without putting basic needs, like housing, at stake. In particular, "due diligence" represents the internationally-accepted standard to guide government efforts to address gender-based violence. This due diligence standard is drawn from a number of human rights agreements focused specifically on the rights of women,⁷ and international human rights treaties that the United States has ratified.⁸

The Due Diligence Standard

Due diligence calls for laws, policies, programs, and practices to alleviate discrimination that can occur on an individual or systemic level—whether intentional or unintentional. Due diligence underscores the importance of changing attitudes, policies, and structures that are reflective of gender bias and that perpetuate gender-based violence. It shifts the focus from addressing violence after it occurs to addressing the systemic causes of domestic violence and preventing it from occurring in the first place.

The United Nations Special Rapporteur on Violence Against Women—an independent expert on human rights—has articulated core components of due diligence, which require governments to (1) take all appropriate measures to prevent gender-based violence from occurring; (2) offer appropriate protections to potential targets; (3) investigate violence when it does occur; (4) hold offenders to account for their actions; and (5) provide remedies and compensation for victims.⁹ This multipronged, proactive approach, grounded in the right to be free from discrimination in all its forms, aims to address and alleviate the systemic causes of gender-based violence, and to ensure redress.

Access to Housing

Ensuring survivors' ability to access affordable housing is essential both to preventing domestic violence and to protecting potential targets. Women seeking to leave abusive situations face multiple barriers, and in many situations, do not even report abuse because of the negative repercussions reporting may have on their personal circumstances, including retaining housing, employment, and child custody.¹⁰ A comprehensive, rights-based approach should ensure that women have the economic and social security to both report abusive situations and leave those situations.

Without access to stable housing, many women facing violence are also in danger of homelessness. In fact, violence against women is a leading cause of homelessness for women and families. One 2008 survey of 25 U.S. cities found that 28% of families were homeless as a result of domestic violence.¹¹ U.N. experts have also underscored the nexus between access to housing and domestic violence, calling on the United States to provide “secure housing options for those fleeing domestic violence;” and emphasizing that “housing policies should not discriminate against victims of domestic violence, sexual assault, and stalking—by excluding them as applicants or evicting them based on their histories of abuse.”¹²

Prohibiting housing discrimination against survivors of domestic violence is one step toward meeting survivors’ basic needs, in line with human rights principles.

Conclusion

There is growing momentum to recognize and secure the right to be free from violence at the federal, state, and local levels. As a global city of economic, social, and cultural significance, New York is poised to be a national leader in recognizing the right to be free from domestic violence as a human right, and taking action to ensure this right. Specifically, by providing for protections against discrimination in housing for survivors of domestic violence, New York City can empower victims of domestic violence and prioritize survivor dignity by enabling individuals to leave violent circumstances without putting their basic housing needs at stake. We urge the City Council to ensure that the New York City Human Rights Law and its protections reflect universal human rights principles, including the due diligence standard, to address gender-based violence.

¹ Michele C. Black et al., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report 2* (2011), available at http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf.

² New York City Mayor’s Office to Combat Domestic Violence, *2014 Fact Sheet*, available at http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_Annual_Fact_Sheet_2014.pdf.

³ For a complete list of local resolutions, see Cornell University Law School Global Gender Justice Clinic, Columbia Law School Human Rights Institute & University of Miami School of Law Human Rights Clinic, *Freedom from Domestic Violence as a Fundamental Human Right Resolutions, Presidential Proclamations, and Other Statements of Principle* (2015), <http://www.lawschool.cornell.edu/womenandjustice/DV-Resolutions.cfm>.

⁴ Administration of Barack Obama, *Proclamation 9164 – Twentieth Anniversary of the Violence Against Women Act* (Sept. 9, 2014), available at <http://www.lawschool.cornell.edu/womenandjustice/upload/1-Presidential-Proclamation-VAWA.pdf>.

⁵ S.F., Cal., Admin. Code § 12K (2001); L.A., Cal., Ordinance 175735 (Dec. 24, 2003).

⁶ This testimony draws heavily from research and findings by the Human Rights Institute on human rights as they apply to gender-based violence, detailed in *Domestic Violence & Sexual Assault in the United States* (2014), written by the University of Miami School of Law Human Rights Clinic, Columbia Law School Human Rights Institute & ACLU Women’s Rights Project, available at http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/dv_sa_hr_guide_reduce.pdf.

⁷ Declaration on the Elimination of Violence Against Women, art. 4(c), U.N. Doc. A/RES/48/104 (Dec. 20, 1993); Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13, U.N. Doc. A/34/46, entered into force Sept. 3, 1981. These instruments and subsequent “General Comments” published by the CEDAW Committee call on countries (“States” or “States Parties” under international law) to prevent, investigate, and punish acts of violence against women, whether by government or private actors. See

Comm. on the Elimination of All Forms of Discrimination Against Women, *General Recommendation No. 19, Violence Against Women*, ¶ 19, U.N. Doc. A/47/38 (Jan. 29, 1992).

⁸ The International Covenant on Civil and Political Rights (ICCPR) has been interpreted to include an obligation to “exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.” Human Rights Comm., *General Comment No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, ¶ 19, U.N. Doc. CCPR/C/21/Rev.1/Add. 13 (May 26, 2004). The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) also includes an obligation for States to prohibit discrimination by private parties and recognizes the right to protection by the State against violence, “whether inflicted by government officials or by any individual, group, or institution” as well as the right to protection from housing discrimination. International Convention on the Elimination of all Forms of Racial Discrimination, arts. 2, 5(b), 5(e)(iii), Dec. 21, 1965, 660 U.N.T.S. 195, U.N. Doc. A/6014, entered into force Jan. 4, 1969. The CERD Committee, which reviews compliance with the CERD, has expressed particular concern with violence against women in the United States. Comm. on the Elimination of Racial Discrimination, *Concluding Observations—United States of America*, ¶ 19, U.N. Doc. CERD/C/USA/CO/7-9 (Sept. 25, 2014); Comm. on the Elimination of Racial Discrimination, *Concluding Observations—United States of America*, ¶ 26, U.N. Doc. CERD/C/USA/CO/6 (May 8, 2008).

⁹ See, e.g., Special Rapporteur on Violence against Women, *The Due Diligence Standard as a Tool for the Elimination of Violence Against Women*, ¶ 17, U.N. Doc. E/CN.4/2006/61 (Jan. 20, 2006) (by Yakin Ertürk) [hereinafter Report on the Due Diligence Standard]; Special Rapporteur on Violence against Women, *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Mission to the United States*, U.N. Doc. A/HRC/17/26/Add.5 (June 6, 2011) [hereinafter Rapporteur Report on Visit to the U.S.].

¹⁰ See Caroline Bettinger-Lopez et al., *Domestic Violence in the United States: A Preliminary Report Prepared for Rashida Manjoo*, U.N. Special Rapporteur on Violence Against Women 32, 52, 54-55 (2011), available at http://www.reproductiverights.org/sites/crr.civicactions.net/files/newsletter/DV%20in%20the%20US_Br%20Paper%20to%20SR%20on%20VAW.pdf.

¹¹ U.S. Conference of Mayors, *Hunger and Homelessness Survey: A Status Report on Hunger and Homelessness in America's Cities, A 25-City Survey* 19, available at http://usmayors.org/pressreleases/documents/hungerhomelessnessreport_121208.pdf. A prior 2005 study found that one in four homeless women became homeless after experiencing violence. National Law Center on Homelessness & Poverty, *Facts on Homelessness, Housing, & Violence Against Women*, available at http://www.nlchp.org/documents/DV_Fact_Sheet; Report on the Due Diligence Standard, *supra* note 9.

¹² Rapporteur Report on Visit to the U.S., *supra* note 9, at 28, ¶ h.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 805,817,827,832 Res. No. 827,832

in favor in opposition

Date: 10/19/15

(PLEASE PRINT)

Name: Commissioner Carmelyn P. Malalis

Address: 100 Gold Street, 4th Fl.

I represent: Commission on Human Rights

Address:

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 805,817,827,832 Res. No. 827,832

in favor in opposition

Date: 10/19/15

(PLEASE PRINT)

Name: Dana Sussman Special Counsel

Address: 100 Gold Street

I represent: Commission on Human Rights

Address:

(Questions only)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 805,817,827,832 Res. No. 827,832

in favor in opposition

Date: 10/19/15

(PLEASE PRINT)

Name: Melissa S. Woods, 1st Deputy Commissioner

Address: 100 Gold St. + General Counsel

I represent: Commission on Human Rights

Address:

(Questions only)

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 905,817,827-A Res. No. _____

in favor in opposition

Date: 10/19/2015

(PLEASE PRINT)

Name: LEGAL SERVICES NYC RICHARD SAENZESQ

Address: 40 WORTH ST. #606 New York, NY 10013

I represent: LEGAL SERVICES NYC

Address: 40 WORTH ST. #606 New York, NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 827 Res. No. _____

in favor in opposition

Date: 10/19/15

(PLEASE PRINT)

Name: Robert Decir

Address: _____

I represent: Legal Aid Society

Address: 199 Water St, NY NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 805/817/84/832 Res. No. _____

in favor in opposition

Date: 9-19-15

(PLEASE PRINT)

Name: CRAIG GURAN

Address: 57 W 57 ST NY 10019

I represent: FAIR PLAY LEGISLATION

Address: 57 W 57 ST NY 10019

Please complete this card and return to the Sergeant-at-Arms