

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL AND HUMAN RIGHTS

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March 16, 2022

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B E F O R E: Nantasha M. Williams, Chairperson

COUNCIL MEMBERS:

Rita C. Joseph
Christopher Marte
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Rafael Salamanca, Jr.

A P P E A R A N C E S

Annabel Palma, Commissioner of Commission on
Human Rights

Sapna Raj, Deputy Commissioner of
Commission on Human Rights

Kajori Chaudhuri, Deputy Commissioner of
Commission on Human Rights

Jeanne Victor, Executive Director of Equal
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Elaine Reiss, Vice Chair and Commissioner of
Equal Employment Practices Commission

Jean Ryan

Nick Peters

Amy Lin

Jonathan Gaffney

Cassandra Warney

1 COMMITTEE ON CIVIL AND HUMAN RIGHTS

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2 SERGEANT PEREZ: Computer to the recording
3 is a go.

4 SERGEANT POLITE: Recording to the cloud
5 all set.

6 SERGEANT PEREZ: Stream looks good.

7 SERGEANT POLITE: Good afternoon, and
8 welcome to the remote hearing on Civil and Human
9 Rights on the Fiscal 2023 Preliminary Budget. Will
10 Council Members and Staff please turn on their video
11 at this time?

12 Thank you. To minimize disruptions,
13 please place all cell phones and electronics to
14 vibrate.

15 To send testimony, please send testimony
16 to testimony@council.nyc.gov. Once again, that's
17 testimony@council.nyc.gov.

18 Chair Williams, we are ready to begin.

19 CHAIRPERSON WILLIAMS: Thank you,
20 Sergeant. Good afternoon, and welcome to the Fiscal
21 2023 Preliminary Budget Hearing for the Committee on
22 Civil and Human Rights. My name is Nantasha Williams.
23 I am the Chair of this awesome Committee, and today
24 we will review the Fiscal 2023 budgets for the
25 Commission on Human Rights and the Equal Employment

Practices Commission to understand how each addresses the protections for New Yorkers through the city's Human Rights Law and in city employment practices.

It has been a few budget cycles since this Committee has had a budget hearing with both CCHR and EEPC, and so I am excited to have everyone together today.

The Commission on Human Rights enforces the Human Rights Law and educates the public to encourage positive community relations. The Commission's Fiscal 2023 preliminary budget totals 14.7 million including 12.3 million for personnel services to support 136 positions and 2.5 million for other than personnel services, otherwise known as OTPS.

The New York City Equal Employment Practice Commission, EEPC, is an independent non-mayoral oversight entity tasked with auditing, reviewing, and monitoring the equal employment practices of the City of New York. It's Fiscal 2023 preliminary budget totals 1.3 million including 1.26 million for personnel services and 87,000 dollars for OTPS.

I would like to welcome the leadership of both Commissions. The CCHR, EEPC, and this Committee are in a unique position to proactively support New Yorkers as we continue to move forward from the pandemic. As city employees continue to return to in-person work, there is an opportunity to educate New Yorkers and city employees on CCHR's and EEPC's roles in how each works to better the City. I look forward to continuing our fruitful conversations with beneficial oversight hearings. However, we do have a lot of work ahead.

Today, I am interested in learning about CCHR's source of income unit, its staffing, and bias response. For EEPC, I look forward to discussing the Commission staffing, new needs it's requested, and the Ratio and Ethnic Classification Report. This plan included 1,000 dollars in new needs for CCHR but decreased both entities' budgets by 486,000 dollars for CCHR and 42,000 dollars for EEPC with vacancy reductions in both. During this hearing, I would like to highlight my concern for budgets not being sufficiently funded and to further discuss how we can increase the budget and how these budgets will

address the needs of an agency in order to fulfill the City Charter mandates.

The Committee would also like to discuss this and other budgetary changes in Mayor Adams' administration's first budget to understand his vision for the Commissions. As this is my first budget hearing as Chair of the Committee, I look forward to learning more about the Commission on Human Rights and the Equal Employment Practices Commission and their very important roles as I plan to stretch the limitations of this Committee in subsequently hearings.

I also want to thank so very much our Committee Staff for their hard work, Senior Financial Analyst Jack, Deputy Director Isha (phonetic), Senior Counsel Jayasri, Legislative Policy Analyst Liam, my Chief of Staff Ashley, and my Budget and Legislative Director Everton Smith.

I'd like to welcome and thank the Commission on Human Rights for the work that they do. I'm looking forward to hearing from the Commissioner who is no stranger to the Council.

I'd also like to recognize my Colleagues who are joining us today. Council Member Marte,

Council Member De La Rosa, Council Member Richard Jordan.

With that, I will pass it back to our Committee Counsel for a few procedural items.

JAYASRI GANAPATHY, COUNSEL: Chair Williams, just before we get started, I would need you to gavel in the meeting.

CHAIRPERSON WILLIAMS: This is important, right. [GAVEL] There we go.

JAYASRI GANAPATHY, COUNSEL: Thank you. My name is Jayasri Ganapathy, and I am Counsel to New York City Council Committee on Civil and Human Rights.

Before we begin, I want to remind everyone that you will be on mute until you are recognized to speak at which time you will be unmuted by the Zoom host. If you mute yourself after you've been unmuted, you will need to be unmuted again by the host so please be aware that there could be a delay in muting and unmuting and please be patient. I'm having my own muting issues.

Today, we will hear testimony from the Commission on Human Rights and the Equal Employment Practices Commission. During the hearing, if Council

2 Members would like to ask questions, please use the
3 Zoom raise hand function, and I will call on you to
4 speak in order. We will be limiting Council Member
5 questions to 5 minutes including responses.

6 For panelists, when called to testify
7 please state your name and the organization you
8 represent, if any.

9 I will now administer the affirmation to
10 the administration witnesses. From the Commission on
11 Human Rights, Commissioner Annabel Palma, Deputy
12 Commissioner Sapna Raj, and Deputy Commissioner
13 Kajori Chaudhuri. From the Equal Employment Practices
14 Commission, we have Executive Chair Jeanne Victor. I
15 believe we will have Vice Chair and Commissioner
16 Elaine Reiss. Panelists, if you can please raise your
17 right hand. Do you affirm that your testimony will be
18 truthful to the best of your knowledge, information,
19 and belief? Commissioner Palma.

20 COMMISSIONER PALMA: Yes.

21 JAYASRI GANAPATHY, COUNSEL: Deputy
22 Commissioner Raj.

23 DEPUTY COMMISSIONER RAJ: Yes.

24 JAYASRI GANAPATHY, COUNSEL: Deputy
25 Commissioner Chaudhuri.

DEPUTY COMMISSIONER CHAUDHURI: Yes.

JAYASRI GANAPATHY, COUNSEL: Executive
Chair Victor.

EXECUTIVE DIRECTOR VICTOR: Yes, and it's
Executive Director.

JAYASRI GANAPATHY, COUNSEL: Oh, my
apologies, Executive Director Victor. Is Vice Chair
Reiss here?

EXECUTIVE DIRECTOR VICTOR: Commissioner
Reiss should be on probably close to 2 o'clock.

JAYASRI GANAPATHY, COUNSEL: Got it. Thank
you. You may begin when ready. I believe we'll be
starting with CCHR.

COMMISSIONER PALMA: Thank you. Good
afternoon, Chair Williams and Members of the Civil
and Human Rights Committee. Thank you for today's
hearing.

I'm Annabel Palma, Commissioner and Chair
of the New York City Commission on Human Rights.
Today, I'm joined by Sapna Raj, Deputy Commissioner
of the Law Enforcement Bureau, and Kojori Chaudhuri,
Deputy Commissioner of the Community Relations
Bureau. I have had the honor to lead this agency
since October 2021. I am proud of what our team has

accomplished over the past 5 months, work that builds on legislative policy, enforcement, and education advancements at the agency since 2015. The Commission is the civil rights enforcement agency in the City of New York that implements the New York City Human Rights Law. One of the broadest, most protective antidiscrimination and antiharassment laws in the country with 27 protected categories which covers housing, employment, and public accommodations.

By statute, the Commission has 2 main functions. First, the Commission's Law Enforcement Bureau enforces the City's Human Rights Law by investigating complaints of discrimination from the public, initiating its own investigations on behalf of the City, and utilizing testing to help identify violations of the law.

Second, through the Community Relations Bureau, which is comprised of community service centers in each of the city's 5 boroughs, the Commission provides workshops and training on New Yorkers' rights and the obligations of businesses, employers, and housing providers under the City Human Rights Law working with community partners and sister agencies. Community Relations focuses on preventing

discrimination and works closely with community partners to mitigate the impact of discrimination through restorative justice initiatives among other innovations. In 2015, the Commission established the Office of the Chair, the agency's legislative communications policy and adjudicatory hub which complements and supports our Law Enforcement and Community Relations work.

So far, in FY-22, the Human Rights Law has been amended twice to add employment protections for domestic workers and to promote salary transparency in job postings. That is in addition to the 36 amendments the Human Rights Law that the Council passed between 2015 and 2021.

Today, the law includes provisions on criminal history discrimination and employment protections for survivors of gender-based violence in housing and employment, and provisions on source of income discrimination. Our law also prohibits retaliation against individuals who seek to oppose discrimination, file a discrimination complaint, or participate in a related investigation.

Throughout the COVID-19 pandemic, the Commission's work has continued, expanded, and

pivoted to address new challenges including racial disparities in access to healthcare and housing, the needs of frontline workers who have disabilities or are pregnant and seek accommodations to continue do their job safely as well as the rise in anti-Asian bias and anti-Semitism and violence against transgender and gender nonconforming individuals.

I will speak about the breadth of our work today, but I want to take a moment to highlight how our agency worked to create a comprehensive approach to the needs of New Yorkers throughout the COVID pandemic. In FY-20, the Commission launched a 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, this team has succeeded efficiently in tracking and supporting New Yorkers facing harassment and discrimination connected to COVID-19. The team worked diligently in advising businesses of their obligations under the law to preempt discrimination. The COVID-19 Response Team on our Law Enforcement side 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. We will continue to work communities and respond to the discrimination as we enter a new phase of the pandemic and the city opening up.

I will focus my comments today on FY-21 starting with just a snapshot. In FY-21, the Commission resolved 895 cases, assessed a record 9.74 million dollars in damages and penalties for violations of the City Human Rights Law. In addition to resolving cases for monetary relief, the Commission has shaped restorative justice remedies to repair the harm experienced by individuals and communities impacted by discrimination. For example, in instances of employment discrimination, the Commission has negotiated resolutions that require respondents to invest in employment pipeline opportunities for under-represented groups and to engage with community-based organizations to facilitate broader recruitment. In housing cases, settlements have been set aside of apartments for voucher holders. Overall, the Commission has established a cooperative approach to fostering Human Rights Law compliance. In many instances involving

first-time violators of the Human Rights Law where no complainant was harmed by violation, the Commission has sought to educate businesses about their legal obligations and work with them in creating nondiscriminatory policies and practices rather than pursuing monetary penalties.

We have also developed new trainings and initiatives that respond to the experience of a wide array of New Yorkers. In FY-21, we launched a new training on age discrimination, and we are currently finalizing new training on the Jewish experience and anti-Semitism. These complement our bystander intervention trainings, trainings on the Muslim experience, trainings on combatting anti-black racism, and education and outreach through our community liaisons and lead advisors who work specifically with LGBTQI individuals, New Yorkers of the African Diaspora, East Asian New Yorkers, transgender individuals among other New Yorkers historically underserved and under-represented.

The attorneys in the Law Enforcement Bureau 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 or other forms of discrimination through Commission-initiated investigations.

LEB and its specialized units, 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. Resolutions through pre-complaint interventions have significantly increased over the past several years as LEB has worked to provide timely resolutions despite an increase in caseloads.

In FY-21, the Commission fielded 9,055 inquiries from members of the public in the form of phone calls, emails, letters, visits to Commission offices, and queries to mobile intake units dispatched to community sites or at Commission events. This includes 687 inquiries communicated in 12 languages other than English. For comparison, the highest number of total inquiries in recent history was 10,015 in FY-20. In contrast, in 2014, the Commission received 4,975 such inquiries, almost half the number of inquiries received in FY-21. In the first quarter of FY-22, the Law Enforcement Bureau has already received 4,162 inquiries. The overall

increase in inquiries in recent years can be attributed in part to the Commission's efforts to raise visibility and inform communities about the broad protections afforded by the New York City Human Rights Law, and our campaigns that affirm all New Yorkers right to live free from discrimination and harassment and improve access for New Yorkers regardless of the language they speak.

In FY-21, the largest number of inquiries were in the area of employment with housing not far behind. We received 1,373 inquiries related to employment and 924 related to housing. When looking across all areas covered by our law, disability-based inquiries were the most prevalent across all jurisdictions followed by inquiries related to race. We received 723 inquiries related to disabilities and 529 inquiries related to race.

In FY-21, the Commission continued its efforts to provide immediate relief from harm and facilitate quick resolutions where appropriate through the pre-complaint interventions and the specialized units I have already mentioned.

In FY-21, the Law Enforcement Bureau resolved 214 cases without filing a complaint. The

most common pre-complaint interventions involve disability accommodations in housing, 91 interventions, and a lawful source of income discrimination in which a tenant or prospective tenant was denied an apartment or the renewal of a lease based on the use of rental assistance, 13 interventions.

The Commission's authority to initiate its own investigation without a member of the public filing a complaint is another critical tool we use to enforce the Human Rights Law. In these cases, the Commission identifies potential widespread violations or deeply entrenched discriminatory practices and initiates an investigation. In FY-21, the Commission initiated 48 such investigations and filed 17 Commission-initiated complaints.

Testing is also a critical tool that the Commission regularly deploys to determine whether there is discrimination in housing, employment, or public accommodation. As part of an investigation, the agency may send testers to perform in-person testing or have testers conduct telephone or online testing of potential employers, employment agencies, landlords, real estate brokers, restaurants,

hospitals, gyms, stores, or other public accommodations to see if they are treated differently or are given different information because they belong to a protected class. In FY-21, the Commission tested 878 entities in spite of COVID limitations. An entity may be tested for violations in multiple jurisdictions and on multiple protected classes.

The Law Enforcement Bureau filed 643 public-initiated complaints of discrimination in FY-21. 63 percent of those cases were in employment and 20 percent were in housing, a reduction we attribute to the pandemic and the eviction moratorium. Disability-related claims were the most common across all areas, jurisdictions at 20 percent. The other highest areas of claims were race at 15 percent, gender at 15 percent, and national origin at 8 percent.

The Law Enforcement Bureau remains a venue for justice where recovery and affirmative relief are calibrated to address the harms caused to New Yorkers. To that end, since 2015, the agency has broken records year after year with respect to damages and penalties assessed, and last year was no different. In FY-21, the Commission recovered 9.74

million dollars in compensatory damages to complainants and civil penalties, and it was the highest in Commission history for the third year in a row. It was 2.2 million more than in FY-20. Of that, 8.7 million were awarded in compensatory damages to complainants and 1.68 million in civil penalties to the general fund of the City of New York.

In addition to monetary relief, the Law Enforcement Bureau continues to innovate create solutions that deter future harm and put restorative justice principles into practice to change the dynamics that led to harms in the first place.

Many transformative resolutions come through settlements. In FY-21, 30 percent of the cases were resolved through settlements. Three examples illustrate the innovative approach taken by the Bureau and reflect our focus on developing meaningful resolutions that are structured to foster change. The Commission's work to end source of income discrimination against New Yorkers has led to the novel remedies in housing. Specifically, the Law Enforcement Bureau has required housing providers to set aside a number of units specifically for renters using public assistance. One landmark source of

income conciliation in FY-21 resulted in a housing provider setting aside 36 units or voucher holders across their portfolio of properties. The Commission is the first local civil rights enforcement agency to secure set asides in source of income conciliations creating a path to tackle underlying systemic issues of access to affordable housing. Since implementing this strategy in 2020, the Law Enforcement Bureau has secured almost 200 set asides for voucher holding New Yorkers.

The agency has also focused on addressing discrimination and harassment in the workplace whether related to criminal history, sexual harassment, or gender identity. A Commission-initiated investigation into the pervasive sexual harassment and retaliation at a major news network led to a million dollars in civil penalties and changes with respect to the network, including waiving forced arbitration in employment agreements for any claims brought under the New York City Human Rights Law. Most recently, the Law Enforcement Bureau entered into a settlement with a social networking site after an investigation into algorithm discrimination against the LGBTQI community. The

Commission launched an investigation into the site's adult content ban through which an image-classifying algorithm identified content for removal resulting in a disproportionate removal of images and negative impact on LGBTQI user. As part of the settlement, the social networking site agreed to take steps to engage an algorithm expert, identifying sources of bias then remove them as well as to change the process for identifying content for removal. The site will also engage in staff training and report to the Commission on the changes that the company makes. The settlement after a 3-year investigation is a ground-breaking agreement to address algorithm-biased issues.

The Commission is also equipped to address cases through mediation. For 5 years, the Commission's Office of Mediation and Conflict Resolution has provided a voluntarily program available at all stages of a case for no cost at all. The Office is an independent unit staffed by a mediation director and in FY-21 mediated 47 cases to resolution, the most mediations since 2009, representing in the aggregate damages for complainants totally 2.18 million dollars. The

average time for the acceptance of a case in mediation to its closure was 154 days.

The Commission's Community Relations Bureau, better known as CRB, is charged with cultivating understanding and respect among the city's many diverse communities and raising awareness about the protections under the law. This work continues to prove vital as New York continues to be tested by acts of hate, bias, and discrimination. In FY-21, we reached a historic of over 100,000 New Yorkers served through outreach efforts. The Community Relations Bureau works diligently every day to foster inclusion and understanding. Through the agency's lead advisors and liaisons and the development of targeted training, which I mentioned at the beginning of the testimony, we work to ensure recognition, dignity, and respect for all New Yorkers. In recent years, the Commission has built out its focus on restorative justice approaches as well seeking input from communities affected by discrimination. For example, in the spring of 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 harm at the individual and community level should be deployed after incidents of anti-black racism. With a continued emphasis on restorative justice framework, the Commission promotes both positive community relations and healing. The Commission's Bias Response Team was resurrected in 2016 to respond to publicly reported incidents of discrimination, harassment, and bias. Where appropriate, the team contacts the victim to inform them of their rights and provide guidance on possible responses.

During the pandemic when the city saw an uptick in anti-Asian and anti-Semitic incidents, the Bureau pivoted to a more holistic approach to combatting bias and hate, an approach that focused on community solutions, solidarity building as well as a direct response to incidents. While centering human rights in the city's reopening, the Commission doubled down on its effort to combat anti-Asian discrimination and harassment through enforcement, public education, and community engagement. We held a series of talking circles to (INAUDIBLE) space for AAPI New Yorkers during these challenging times.

The Community Relations Bureau spearheaded Bystander Intervention Training to equip AAPI New Yorkers and allies on how to defuse bias incidents. 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 tools to be upstanders against bias and violence. The Commission also piloted Bystander Intervention Trainings in Spanish and is committed to offering this training in other languages as well.

In recognition of the importance of reaching our youngest New Yorkers and fostering positive and inclusive environments among young people in schools and other settings, the Commission has significantly expanded its youth program in recent years and established a Youth Advisory Council to inform the agency's work. Now in its third year, the Commission's Youth for Equity and Solidarity Initiative, better known as YES, incorporates student-led community and school action plans and expanded programming in issue areas relevant to the lives of young people in New York City today. The lead advisor of Youth Initiative supports the YES

Council members with training and other opportunities that build their advocacy and organizing skills using a human rights framework. In FY-21, the YES Council held their first symposium titled Youth for Equity and Solidarity Symposium: Our Future, Our Rights. The YES initiative has served over 8,000 youth and continues to reach diverse groups across the city.

The Office of the Chair houses the agency, policy, legislative, rule-making, and adjudicatory functions and implements major Commission projects. As the hub of the interagency external partnerships, the Office negotiates legislation and promulgates rules, legal enforcement guidance, and other outward-facing materials providing clarity and interpretation of newer provisions of the Human Rights Law including rulings on appeals of decisions from the Law Enforcement Bureau and final decisions.

In FY-21, the agency's policy and regulatory priorities continue to reflect our commitment to diverse communities. The Commission converted legal enforcement guidance on race, discrimination on the basis of hair into formal rules and also released new legal enforcement guidance

addressing age discrimination in the workplace. In light of the amendments, the Human Rights Law regarding employment discrimination on the basis of criminal history, the Commission launched a public education campaign with legal service providers and reentry organizations to promote a new guidebook for workers and updated legal enforcement guidance in this area as well.

We are extremely proud that just 4 days ago, on March 12th, expanded workplace protections for domestic workers went into effect. Today, domestic workers have the right to be free from discrimination, harassment, and retaliation in the workplace. The Commission has been working diligently to develop accessible materials on new employee rights and employer obligations, collaborating with local and national domestic worker advocacy groups, and we will be engaging in ongoing outreach and education now that the law is in effect. In the coming months, we will release guidelines on the new salary transparency requirements that were passed by the City Council in December to foster pay equity which will go into effect in May.

The Commission has developed a track record of successful campaigns on social media and other digital platforms and in community press addressing the rights of Jewish New Yorkers, centering the experiences of black New Yorkers, and addressing COVID stigma as well as raising visibility of new legal protections. In FY-21, the Commission partnered with public artist and resident Amanda Phingbodhipakkiya on the I Still Believe in our City campaign which gave a voice to the city's AAPI communities and garnered over 122 million estimated impressions along with national and international press attention.

The Office of Communications and Marketing also led a You Do With Your Heart campaign in partnership with the Department of Small Business Services' Black Entrepreneurs NYC initiative raising awareness of the economic impact of COVID-19 on black entrepreneurs.

We are also proud that we prioritize M/WBEs and have continuously received an A grade for spending more than 50 percent of eligible funds in M/WBEs. Social media and press outreach elevate the Commission's relations, restorative justice and

enforcement actions, and the Commission has amassed nearly 3,000 press mentions throughout FY-21.

In FY-21, the Commission maintained 100 percent investment in community and ethnic media print advertising. In tandem with over 5 million social media impressions, the Commission's website had over 1.6 million visits in FY-21. Our work has broad reach and it reflects the commitment and diligence of our team.

As of today, the Commission has a headcount of 136 with 101 active staff. The staff across each unit and borough is committed to working in partnership with communities vulnerable to human right abuses and many represent these communities as well. We are a small but diverse staff and speak over 29 languages across our agency. The FY-22 adopted budget provided for a total budget of 14,021,193 dollars. For FY-23, the preliminary budget provides for 14,744,233 dollars which consists of 12,299,226 dollars in personnel services and 2,444,977 dollars in other than personnel services and funding.

In conclusion, I am honored and privileged to have this opportunity to speak to you on behalf of an agency committed to ensuring that all

of those who live and work in or visit New York City are treated fairly and with dignity and respect regardless of race, color, age, religion, creed, national origin, disability, gender identity and expression, sexual orientation, or any other protected class. We will continue to collaborate with a wide range of stakeholders and to promote transparency and integrity in advancing the human rights of New Yorkers with continued support of the Adams' administration and the New York City Council. Thank you so much for allowing me to testify today, and I welcome your questions.

JAYASRI GANAPATHY, COUNSEL: Thank you. I will now turn it over to questions from Chair Williams. Panelists, please stay unmuted if possible during this question and answer period. Chair Williams, you may begin your questions.

CHAIRPERSON WILLIAMS: Thank you so much for such a comprehensive testimony. I just want to acknowledge that I did see Council Member Joseph pop in. I know she had my name because I sent her my link but that was Council Member Joseph. Just wanted to acknowledge that she had popped into the hearing.

I know you're thrown into the fire after just 6 months on the job and still trying to figure things out. I wanted to skip down to some of the staffing changes or actually new needs. We want to understand CCHR's new needs. This plan included a new need for 1,000 dollars for the city's vaccine incentive. Did CCHR request any new needs that were not funded?

COMMISSIONER PALMA: Chairwoman, I don't have the information on new needs for vaccine mandate. I can get that information to you once I get it from my budget team.

CHAIRPERSON WILLIAMS: Okay, and do you have any other new needs outside of the vaccine incentive like as a Commission, are there any new needs that you have as it pertains to budgetary requests?

COMMISSIONER PALMA: We don't have any new needs requests into OMB, but I will circle back with my budget team and get you the information that you're requesting through a followup.

CHAIRPERSON WILLIAMS: Okay. No problem. As I was saying before, we also want to understand staffing changes and staffing needs. One of the

things I heard you say is there's 136 positions but 101 active staff. What is the difference between the active staff and nonactive staff.

COMMISSIONER PALMA: Active staff meaning right now individuals who report to work on a daily basis. We have 101. Our overall headcount is 136.

CHAIRPERSON WILLIAMS: So the difference is are some folks on leave and currently not coming into the office but still technically on payroll?

COMMISSIONER PALMA: I have 4 individuals who are currently on leave and then we have vacant positions so 101 active staff members and then 4 of those individuals on leave.

CHAIRPERSON WILLIAMS: Okay. Is there a plan to hire folks for the positions that are vacant?

COMMISSIONER PALMA: For vacancies, we continue to work with OMB for the needs of our agency, and there's always write requests and interest to want to fill these vacancies and we will continue to work with OMB as we need to.

CHAIRPERSON WILLIAMS: Okay. Awesome. The Commission's most important resource is its staff, of course, including confidential investigators, support staff, and others who perform CCHR's core functions.

Over the past few years, the headcount has undergone significant changes. The actual headcount for CCHR increased 130 percent from 59 positions in Fiscal 2013 to 140 positions in Fiscal 2018 and has decreased 25 percent to 105 as of January 2022 although now it's actually 101. The past 2 years have included reductions to budgeting headcount in many plans, 18 in the Fiscal 2021 adopted budget, 8 in the Fiscal 2022 preliminary plan, and 18 in the Fiscal 2023 preliminary plan. Do you believe the reduction of the budgeted headcount has had a negative impact on CCHR's core function of enforcing the Human Rights Law and educating the public?

COMMISSIONER PALMA: Thank you for your question, Madam Chair. I don't. We have a dedicated and passionate staff that I'm proud to work with on a daily basis, and they have not wavered in making sure that we meet the mandate that the law calls for. They continue to work on a daily basis, and their task has been felt by the vacancies that we have, but they've always have continued to advance the Human Rights Law and have been great in coming up with innovative ways throughout the pandemic, whether they were working

remotely or coming into the office, they have been focused on making sure that we meet that mandate.

CHAIRPERSON WILLIAMS: Okay. Thank you. I'm sure, as you know and as I've mentioned before in other conversations, the current budget plan calls for additional vacancy reductions. How does CCHR prioritize and choose the vacancies that will be eliminated? Does OMB give that ability to CCHR or is this something that you're sort of told to do by OMB?

COMMISSIONER PALMA: We have not been told by OMB that we have to give any additional vacancy reductions. We are in constant communication with OMB, but there are no further vacancy reductions.

CHAIRPERSON WILLIAMS: Okay.

COMMISSIONER PALMA: In our conversations with OMB, we are submitting new needs to fill those vacancies that we need.

CHAIRPERSON WILLIAMS: Okay. There's some questions around attrition. Of course, the Commission is (INAUDIBLE) are agency attorneys and human rights specialists. With information provided to the Committee, the attrition for the Commission has been between 19 and 10 percent from Fiscal 2016 to Fiscal 2021, and we were wondering if CCHR provides any

incentives or thought of ways to improve upon the attrition rate and retention of staff.

COMMISSIONER PALMA: Can you repeat your question? I'm sorry.

CHAIRPERSON WILLIAMS: No problem. Pretty much, what is CCHR doing to maintain folks who are currently working for CCHR and then what is CCHR also doing to recruit employees to the agency?

COMMISSIONER PALMA: Like all New Yorkers, the Commission was impacted by the pandemic and some of the vacancies that we have seen can definitely be attributed to the change that recently happened in the administration. We see that when one administration goes out and a new one comes, some staff turnover. There's individuals who took the opportunity to retire or move to other spaces that were offered throughout the City or the private sector. We're always interested in making sure that New Yorkers want to come and work for CCHR and do the work of advancing the Human Rights Law so the team is always out there trying to encourage individuals to apply whenever we are allowed to have job postings. We love an EEO recruitment team in helping us to advertise on the vacancies that we have, and we have

been focused on staff wellness and support and ensuring that the staff that remains knows that they are valued, that work is important, and I think it's also demonstrated in the outcomes that the staff have seen in the work that they have done.

CHAIRPERSON WILLIAMS: Thank you.

Actually, you just mentioned COVID-19 and I know in your testimony you mentioned that the Commission's response using staff from the Law Enforcement Bureau and the Community Relations Bureau to advise businesses of their obligations under the law to preempt discrimination and enforce the Human Right Law. With the different phases and changes and iterations around COVID-19, what will this COVID-19 Response Team? What would their work look like as we sort of lift certain mandates?

COMMISSIONER PALMA: I know that internally we continue to think of innovative ways to address the COVID-19 pandemic that we're in, and as the City reopens I will ask Deputy Commissioner Kajori Chaudhuri to expand on the work that is being done and what that will look like.

DEPUTY COMMISSIONER CHAUDHURI: Thank you for the question, Chair Williams. The COVID-19

Response Team on our CRB end was put together from staff who were also involved in other forms of outreach so during the pandemic what we saw was an uptick in anti-Asian, anti-Semitic bias and hate so the team pivoted in doing more trainings like the Bystander Intervention Trainings. The team pivoted in doing more outreach focused on certain communities to ensure that New Yorkers were aware of their protections under the law. As we move into (INAUDIBLE) phase of the pandemic, the team will continue to build on those tools that they had used during the pandemic to ensure that, particularly with our Bystander Intervention Trainings, that these trainings are used in communities to disrupt bias and hate in the City.

CHAIRPERSON WILLIAMS: I want to quickly acknowledge that Council Member Salamanca has joined us.

COMMISSIONER PALMA: We know that discrimination continues so our staff other items in their portfolios that they're working on as well, and I will ask Deputy Commissioner Sapna Raj to elaborate a little bit on the work that her team has done around the COVID response.

DEPUTY COMMISSIONER RAJ: Thank you, Commissioner. The Law Enforcement Bureau continues to work on COVID responses to discrimination in housing, employment, and public accommodations. That work continues. It hasn't stopped just because the city is starting to reopen. It, of course, changes a little bit as to whether people are allowed leave because of COVID and what kind of leave they're allowed to take, for example, in employment, but we continue to work on investigating and litigating and informing businesses on what their obligations are.

CHAIRPERSON WILLIAMS: Thank you. I kind of want to move us to a hot button topic that keeps coming up in a lot of different spaces which is source of income, so the Commission has staff in the Source of Income Unit to address discrimination against New Yorkers who seek housing with assistance of a federal, state, or city voucher or other forms of public assistance. The Human Resources Administration, HRA, previously performed some of this work and in the November plan 2 million dollars and 19 positions were added to the CCHR budget expanding the budgeted headcount from 5 to 24. Now, CCHR will perform all source of income functions for

the City. The Fiscal 2023 preliminary plan reduced CCHR's budget by 18 positions and 430,000 dollars. It is our understanding that all 18 positions were reduced from the Source of Income Unit leaving it with 6 budgeted positions. Can you please provide the Fiscal 2023 budget for the Source of Income Unit and the actual headcount as of this month?

COMMISSIONER PALMA: The Commission had launched a Source of Income Unit in January 2018, and it was staffed by 5 attorneys. That unit now has only 1 attorney currently as an active employee at the agency. Nonetheless, the LEB team, the attorneys across LEB work on source of income issues and cases. This attorney is not the only attorney. The fact that the SOI Unit currently only has 1 attorney doesn't mean that the other attorneys at the LEB Unit don't deal with cases that come to us through Source of Income. The SOI Unit works in real-time with complainants who have been denied housing because of their voucher status so the Commission staff continues to diligently work and make sure that individuals are not being shut out of housing because they hold a voucher.

CHAIRPERSON WILLIAMS: All right. As the Source of Income Unit has undergone significant changes just in the last 6 months, can you kind of explain like the timeline of everything? I know you sort of high level went over it, but is there like a specific timeline? Do you plan or have you requested additional support for the Source of Income Unit?

COMMISSIONER PALMA: Thank you for your question, Madam Chair. Like I had mentioned before, we continue to work with OMB. We continue to be in active conversations with OMB in terms of Source of Income and what the needs of the agency will be, and I'm confident that we'll be able to get the agency's needs met. Just this morning, I had a conversation with Commissioner Jenkins at HRA so we're also doing collaborative work to address the influence of source of income.

CHAIRPERSON WILLIAMS: Okay. I have so many other questions on this, but...

COMMISSIONER PALMA: Before (INAUDIBLE) Sapna, do you want to add on the source of income through the lens of LEB.

DEPUTY COMMISSIONER RAJ: All I will say is that we continue to do the work of addressing

source of income voucher holder issues, and all the attorneys in the LEB actually handle this and what we had was a unit of 6 people and out of that, 3 of them were attorneys and 3 of them were not attorneys who were working to get people into housing immediately as an intervention. Our attorneys actually in LEB are actually doing that work at this point.

CHAIRPERSON WILLIAMS: Okay. As I was alluding to, I have a whole bunch of questions that I think we probably will arrive to some of the same answers which is you all are working with OMB and I guess HRA to determine the best possible way to ensure that we are meeting the demand. Obviously, no matter the size of the Source of Income Unit, people in the City are experiencing housing discrimination based on method of payment. I personally have been surprised at the data and some recent sort of revelations that are happening that I know will probably come to the public within the next couple of months and so we know it's a problem. When I think about like the number 1 issue in the city that every single person talks about, if you ask any New Yorker what is the number 1 issue, I'm sure they might say public safety, but the next thing is definitely

probably like affordable housing and the homeless crisis. So if the City has such an amazing extensive program but it is underutilized because people are being discriminated against and we as a City aren't doing all that we can do to put the necessary resources in place to address this issue then it becomes a cycle of systematic injustice and us as a city not really doing all we can do to address the matter.

I wanted to just pause to see if my Colleagues have any questions before I ask another round of questions.

Nope? All right, cool. I will continue.

JAYASRI GANAPATHY, COUNSEL: Chair, it looks like Commissioner Palma would like to say something.

CHAIRPERSON WILLIAMS: Oh, sure.

COMMISSIONER PALMA: Before you moved on, I just wanted to, just for clarity, Madam Chair, the 1,000 dollars for the COVID work that you had raised, it was not a new needs. It was a reimbursement for COVID items, and we're currently submitting new needs for the agency to OMB.

CHAIRPERSON WILLIAMS: You're going to submit new needs? You have not yet?

COMMISSIONER PALMA: We have, and we continue to submit new needs.

CHAIRPERSON WILLIAMS: Okay. Can you share what those new needs are?

COMMISSIONER PALMA: I can get back to you through our followup discussions.

CHAIRPERSON WILLIAMS: Okay. No worries.

Switching gears a bit to discuss bias-based incidents, in late 2016 following the rise of bias incidents and discriminatory harassment, CCHR launched a Bias Response Team. The team works to support and stabilize communities after incidents of bias have occurred through canvassing, educating community members, distributing information about the Human Rights Law, and partnering with schools and youth programs. CCHR also protects those who have experienced discriminatory harassment. How does CCHR differentiate between discriminatory harassment and a bias-based incident?

COMMISSIONER PALMA: I will say that we have incoming discrimination and biases that happen. I will ask Sapna Raj who leads our LEB team and the

attorneys are able to determine the difference between the two.

DEPUTY COMMISSIONER RAJ: Under the New York City Human Rights Law, if you want to file a discriminatory harassment claim, it has to be some threat of violence or an incident of violence, a physical act of violence. A general bias incident does not necessarily have that so that would be the primary way in which you would make a difference. I hope that answers your question.

CHAIRPERSON WILLIAMS: Yeah. Can you just say it one more time though?

DEPUTY COMMISSIONER RAJ: Yeah. In discriminatory harassment, the law requires that there be some kind of threat or that there be violence itself. When you think of a bias incident in general, it doesn't always have that component in it.

CHAIRPERSON WILLIAMS: It could just be a slur?

DEPUTY COMMISSIONER RAJ: Yes.

CHAIRPERSON WILLIAMS: Okay. Thank you. CCHR tells New Yorkers to report discriminatory harassment to police, especially if it is violent which is what you mentioned, and we know that the

NYPD is tracking hate crimes and in 2020 had 266 total compared to 524 in 2021, a near doubling in one calendar year. Has the Commission seen a similar increase in what you might call bias-based incidents or discriminatory harassments over the past few years? If yes, what is being done to combat the increase? If no, does CCHR believe there's a decrease or is the increase not being captured properly?

COMMISSIONER PALMA: We have seen an increase, especially given what we've lived the last 2 years because of the pandemic, and our LEB team continues to do intake and assess cases as they come in to make sure that we're helping New Yorkers and keeping them safe from any of these incidents but also through our CRB team, the team continues to work on conferences, workshops, training sessions. In FY-21, the CRB team completed 1,680 conferences and workshops in virtual spaces. We've done community outreach. We've done bystander trainings. We've partnered with CBOs, FBOs, with elected officials, and other community leaders and partners to ensure that we are raising awareness around the Human Rights Law and educating the public on how they can be

helpful to their neighbors and continue to raise awareness.

CHAIRPERSON WILLIAMS: Okay. The Bias Response Team responds to bias-based incidents, and information about the incidents is included in the Mayor's Management Report. In the first 4 months of Fiscal 2022, there were 46 responses to bias-based incidents compared to 125 during the same time period in Fiscal 2021. Why has there been a decrease in responses by the Bias Response Team in Fiscal 2022?

COMMISSIONER PALMA: Can you repeat that again? I'm sorry, Madam Chair.

CHAIRPERSON WILLIAMS: No problem. Essentially, we just wanted to know why there's been a decrease in responses by the Bias Response Team in Fiscal 2022 versus Fiscal 2021.

COMMISSIONER PALMA: In FY-22, we revamped our approach to bias response from responding to incidents in a more holistic approach that focuses on prevention, solidarity, and more community building, and so we have opted to engage communities, like doing the trainings that I mentioned, doing the bystander trainings in multiple languages, creating talking circles for communities, ensuring that we are

having more conversations within the community, doing more preventative work before an incident occurs.

Kajori, do you want to add to my response in case...

CHAIRPERSON WILLIAMS: And just to throw like another question in the mix as you guys are answering this one is the metric only highlights responses to the incident so we're also wondering are there incidents that the team doesn't respond to?

COMMISSIONER PALMA: If we know of any incident, usually our response to immediately contact our partners in the community, our partners in the community contact us so there's always communication on what's going on. If we don't initiate a response and a response has been initiated by a community-based organization, we have participation in it because, again, the communication is always flowing back and forth through community-based organizations, faith-based organizations, or community leaders where these incidents may be happening or are more prevalent. Where they are more prevalent, we've been doing a lot more proactive work, more preventive work to ensure that we don't see an increase in those incidents, and I'll let Kajori add to my response.

DEPUTY COMMISSIONER CHAUDHURI: Thank you, Commissioner. Exactly that. I think for us it has been pivoting to looking at the holistic picture, that of response is just one aspect of it and there are other agencies that are also part of the response but then how do we ensure that we train New Yorkers in creating safe public spaces for each other when we see an incident of bias or discrimination or harassment. There was a slight shift in terms of making sure that we're using all our tool, our outreach, all tools of bystander interventions, and other tools in bias response so we've moved away a little bit from just bias response to working with communities ensuring that things are done proactively either through those trainings or through holding talking restorative justice processes like the talking circles in communities.

CHAIRPERSON WILLIAMS: Okay. We have a whole bunch of questions on complaint process and results, but I know we have a hearing coming up at the end of the month solely on complaints, and I want to respect everyone's time.

COMMISSIONER PALMA: Madam Chair, whatever questions you have that we have not been able to

answer, we can definitely do written responses to your questions.

CHAIRPERSON WILLIAMS: No worries at all. Like I said, we will go into greater depth at the end of the month on responses and the complaint. Since we've been talking a lot about outreach and education, I do have some questions on that. The Commission offers workshops, training sessions, and all the things that you just mentioned so we know that schools have been remote for parts of the past 2 years and youth-based trainings have increased compared to pre-pandemic figures, there's some good things that came out of the pandemic, with 266 in Fiscal 2019 and 300 in Fiscal 2020 and 293 in Fiscal 2021. How has CCHR been able to increase youth outreach although physically interacting with students has been difficult?

COMMISSIONER PALMA: At the height of the pandemic, we know that the youth sessions that we were conducting had dropped. Obviously, schools were not allowing in-person trainings and students were experiencing what we all know now as Zoom fatigue and so it was a little bit difficult to engage them but we continue again with our youth liaison and youth

advisor here on staff. We continue to talk through innovative ways to re-engage our youth and bring them back. We are focused and determined to bring back those numbers to the pre-pandemic levels. Kajori, if you want to speak a little bit more about what the team is doing, please do so.

DEPUTY COMMISSIONER CHAUDHURI: Sure. The other thing that also is we are not only working with the school. We are in partnership with other sibling agencies like DOE, DYCD, and also connecting with other agencies that have youth councils, and we have an active youth council that the Commissioner mentioned called the YES Council so with (INAUDIBLE) are part of the YES Council, reaching out to their partners as well as our partnerships with our sibling agencies we should be able to expand our work in this (INAUDIBLE).

CHAIRPERSON WILLIAMS: For education outreach as a whole, CCHR has had a goal of serving 85,000 people annually which has been exceeded each fiscal year since Fiscal Year 2018. What is CCHR's education and outreach budget, and how many dedicated staff do you have?

COMMISSIONER PALMA: Kajori, do you want to respond?

DEPUTY COMMISSIONER CHAUDHURI: Our CRB's OTPS budget, for Fiscal Year '22, it's 57,495, and in CRB we have 32 staff members.

CHAIRPERSON WILLIAMS: Would you all like to do more for education and outreach? I'm sure the answer is yes. I want you to do more.

COMMISSIONER PALMA: We're always striving to do more, and I will tell you that the staff is passionate and dedicated and, again, always looking for partnerships and continues to collaborate with not only city agencies but, again, community-based organizations and other leaders in the communities to do more.

CHAIRPERSON WILLIAMS: Part of this figure includes training sessions. I think I attended a training session. I don't know if you have other training sessions, but what does this really entail and who receives this training and is it a requirement for city employees?

COMMISSIONER PALMA: It's not a requirement for city employees, but our goal is to fulfill our mandate that the law calls for so we're

always offering our trainings and the resources we have, not only to the City Council but also to community-based organizations, faith-based organizations, and to the public as a whole and so besides proactively promoting our trainings and our resources, we also get a lot of incoming from the public and from the other spaces that I mentioned for us to do training and to share our resources. I will also say that through Deputy Commissioner Raj's legal team that many of the conciliations that have been settled also calls for the landlords, employers, or anyone who violated the Human Rights Law to also receive training and the resources that we have.

CHAIRPERSON WILLIAMS: Got you. I have just have a final question before I just turn it back to my Colleagues to see if anyone else has any questions. Just about the savings, we know all agencies are going through a PEG so the Fiscal 2022 preliminary plan decreases the 2022 budget by 42,500 dollars for a transfer of funding to DCAS. The Commission is moving part of its office space to make availability for the Board of Standards and Appeals which will take over the 42,500 dollar financial responsibility for those sections of the building.

CCHR is making additional space according to our knowledge elsewhere in the building. Can you please describe why this shift is happening?

COMMISSIONER PALMA: The shift in space?

CHAIRPERSON WILLIAMS: Yeah.

COMMISSIONER PALMA: We were using space in the first floor of the building that we're in and we were informed that that space didn't belong to us and we were asked to move so we had do some reconfiguring of our offices on the second floor to accommodate for intake rooms for when we start receiving the public like before the pandemic we were able to have space to do interviews and our attorneys to meet with the public.

CHAIRPERSON WILLIAMS: What impact, if any, will the reduction in office space have on employees, and are you making any plans for additional office space?

COMMISSIONER PALMA: We were innovative to create space for the staff, but it hasn't had an impact on employee space.

CHAIRPERSON WILLIAMS: Okay. Sounds good. Turning it back to my Colleagues. Do you all have any questions for the Commission on Human Rights?

All right, that means I asked all the questions that needed to be asked. I want to thank you so much for your testimony and questions today. We look forward to following up with you and get some more answers to the outstanding questions and really just working with you to make sure we are doing all that we can to enforce the city's Title 8 law and make our city a more equitable and just state so thank you so much for being here.

COMMISSIONER PALMA: Thank you so much, Madam Chair, for allowing me to testify. Thank you to the Members of the City Council.

JAYASRI GANAPATHY, COUNSEL: Thank you, Chair. It looks like there are no other questions, but at this time we'd like to invite the EEPC witnesses to testify. I believe we need to administer the oath to Commissioner Reiss.

Commissioner, do you affirm that your testimony will be truthful to the best of your knowledge, information, and belief?

COMMISSIONER REISS: I'm unmuted. Are you still there?

JAYASRI GANAPATHY, COUNSEL: Sorry, we're having some technical difficulties here. We just need

you to confirm that your testimony will be truthful to the best of your knowledge, information, and belief.

COMMISSIONER REISS: Absolutely, but the testifier is the Executive Director. I'm merely accompanying her.

JAYASRI GANAPATHY, COUNSEL: Yes. No problem. We already administered the oath to the Executive Director. Executive Director Victor, you can go ahead with your testimony.

EXECUTIVE DIRECTOR VICTOR: Thank you. Good afternoon, Chair Williams and Members of the Committee on Civil and Human Rights. Thank you for inviting us to provide testimony today. My name is Jeanne Victor, and I am the Executive Director of the Equal Employment Practices Commission. I'm here today with the Vice Chair of our Board, Elaine Reiss. We are before you today to present testimony on the EEPC's preliminary budget plan for FY-2023 and how it impacts our progress in fulfilling our mandate under the New York City charter. I look forward to responding to any questions you may have.

As you know, the City's workforce has grown to its highest levels ever, but the EEPC has

not grown. In fact, we are stretched pretty thin. As an office, we focus on 2 main areas. The first is our audit function where we are mandated to evaluate and monitor the employment practices and programs of the city agencies and other city entities to ensure that they have a fair and effective program of equal employment opportunity for women and minority employees as well as for applicants of employment pursuant to the city charter.

The second area we focus on is through our research unit, which has been mandated with conducting a city-wide analysis of racial and ethnic classification utilization pursuant to Local Law 13 of 2019. This initiative requires, among other things, that the EEPC identify the racial and ethnic groups underutilized and provide recommendations for correcting such underutilization, recommendations for strengthening agency affirmative employment plan oversight and enforcement including funding recommendations, and recommendations for city-wide corrective actions including legislative, regulatory, and budgetary to address a) chronic or systemic underutilization, b) reach city-wide affirmative employment objectives, and c) increase diversity in

the recruitment, selection, retention, and promotion of city employees.

Moreover, the research unit works closely with the audit unit to conduct studies into specific questions, identify trends in the data, seek out best practices, recommend relevant trainings, and note any changes in law.

Lastly, the research unit is charged with arranging a biennial symposium on a topic of interest relevant to the work of the EEPC. This year's symposium will focus on underutilization of women and minorities in city government and is designed to give the city's EEO professionals and agency heads ideas on how to recognize and rectify any underutilization found in their workforce.

The EEPC's Board of Commissioners is comprised of 5 per diem appointees, 2 by the Mayor, 2 by the Council, and a Chairperson jointly appointed by both. The Board is currently waiting the appointment of 2 appointees by the Council, which appointments have been vacant for some time but which were sometimes needed in order to have a quorum.

At first blush, it may be tempting to think that although the EEPC has made previous

requests for additional staff and funding, the EEPC can continue to do more with less, particularly during this upcoming fiscal year when the city is trying to close a hole in the budget. While we continue to audit city entities, we find ourselves struggling to fulfill our mandates under Local Law 13.

As of today, the EEPC has an approved headcount of only 14, we just lost 1, with recent vacancies in 2 key positions, the Director of Research Initiatives and Public Hearings and the Director of Human Resources. We are lucky in that we have an outstanding team of dedicated and hard-working professionals, but because our approved headcount is so low the loss of any one position requires that the duties be picked up by someone else, which means that we all must wear many hats. But after a while, this burden of doing the jobs of others gets in the way of being able to complete our own assigned duties, and I think we're at that point.

Since 2019, we have requested the ability to hire a labor economist to assist in the highly technical analyses that we are being asked to perform, that we would like to perform. To date, we

have not received approval to hire for this position. We had one person who served as our Director of Human Resources and was responsible for all work related to human resources including the preparation and dissemination of policy, time and attendance, career counseling, medical and leaves of absence, hiring, disciplinary actions, separations, workers compensation, the EEPC budget, procurement, staff training. I'm not recruiting for another director. Rather, I'm recruiting for a manager who will likely have experience in either human resources or budget but probably not both.

We have one computer associate who also serves as the Chief Information Security Officer, the Administrator of Computer Systems and Support, and the Chief Information Officer. We rely on him greatly to handle everything that involves technology including, but not limited to, our computer system, our databases and servers, our phone system, our printers and copiers. He purchases, downloads, and updates all of our software including proprietary software called Deed and Teammates. He ensures our computer systems are functioning and up-to-date and serves as the interface between the EEPC and DoITT.

He understands the nature of our work, but if he were to leave we would have no one in that office that can do what he does. That goes for pretty much everybody. There is no redundancy in the EEPC whatsoever.

I came on board in April of last year. My first question was what value does the EEPC bring to city government? The value we bring may not be readily apparent. By that I mean that a producer of widgets can sell his widgets and see their value right away by how much the producer realizes in terms of profit, but EEO is a little different. There are legal mandates that must be met to be sure, and if those mandates are met and more the city entity will likely have a robust EEO program that results in a more efficient workplace because of a better employee experience which may also result in greater retention of good employees, but there are also monetary ways of looking at the benefits of a robust EEO program. If done correctly, there will likely be fewer EEO complaints, lawsuits, settlements, and judgements. It is important that the city's more than 300,000 employees conduct themselves in a manner that is uniform, consistent, and nondiscriminatory. That's

what we ensure, and that's the value that we bring through our audit mandate.

Last year, the audit unit completed its Sexual Harassment Prevention and Response Practices Audit of more than 140 city entities over a 4-year period. On the research side, we review the data, we analyze the workforce, make recommendations based on the data, we answer questions such as are minorities and women promoting up through the system or are they staying at the same levels, are our hiring practices nondiscriminatory, is there underutilization or overutilization at the job group level, what should we be doing differently, what sorts of remedies should be put in place, but right now we only have 2 people to handle the research initiatives and even when we filled the Director position in 2019 the Director was promised a staff. She was given one analyst who had to split her time between the research unit and the audit unit, and the Data Scientist position wasn't filled until December 2021, that was just 3 months ago.

Last year, the research unit published its initial report in which those job groups with underutilization of women and minorities were

identified by agency or entity for both the city and the CUNY Community Colleges. In the second year, the research unit is looking at underutilization of women and minorities in 7 specific job titles that represent a large percentage of our workforce. All of the job titles under review are competitive and require testing pursuant to civil service. The analysis includes the review of applicants from the point that they apply for a position with the city until the time that they are in the city's civil service list. This report is currently prepared pending the receipt of data from the Department of City-wide Administrative Services, or DCAS.

Our budget consists of salaries, supplies and materials, contractual services, property and equipment, and other services and charges. Our training budget totals 2,000 dollars. One EEO training course can cost almost as much as our entire training budget. The only way we can purchase anything that is not in the budget is to utilize the savings from salary from employees who separate from employment or who go out on an extended leave.

In addition to developing our employees, these funds are also used for the replacement of

aging equipment. The paradox is that we can send some of our employees to training by using the savings because we're down personnel.

I want to conclude my testimony by stating that the EEPC provides the city with a great service now, which I believe saves the city a great deal of money later. The EEPC is the investment the city makes now to ensure that it saves substantially more money in the future, but the EEPC cannot absorb any more cuts to its staff and budget. In fact, we would have the tools to do so much more if we had a more consistent and stable source of funding such as a percentage of the city's budget, if we right-size the staffing levels by adding the labor economist and at least 2 lower-level positions to provide some relief and support and bring our headcount to a total of 17. Such investment will ensure the EEPC is able to meet its mandates and provide exceptional value to the City of New York. For these reasons, I ask for your support and commitment to this Commission that has had to make do with so little for so long and with your help I believe we can and will be of greater value to the City of New York. That concludes my remarks.

2 JAYASRI GANAPATHY, COUNSEL: Thank you. I
3 will now turn it over to questions from Chair
4 Williams. Panelists, if you can please stay unmuted
5 during this question and answer period.

6 Chair Williams, you can begin your
7 questions.

8 CHAIRPERSON WILLIAMS: Thank you so much,
9 and thank you for the testimony. We're looking to
10 kind of understand your new need request. This plan
11 did not include any new needs for EEPC. Did EEPC
12 request new needs that were not funded?

13 EXECUTIVE DIRECTOR VICTOR: Yes. We've
14 requested a labor economist for the last 2 years, and
15 I believe that request is still viable. It's still
16 out there.

17 CHAIRPERSON WILLIAMS: Okay, and did OMB
18 provide any feedback on why the need request was not
19 funded?

20 EXECUTIVE DIRECTOR VICTOR: Not to my
21 knowledge. I haven't been here long enough to go
22 through the cycle so this is my first time going
23 through the cycle. As far as I know, it was not
24 addressed, but I wasn't here so I can't say for sure.

CHAIRPERSON WILLIAMS: Okay. We're also seeking to understand staffing impact of reductions in future plans. The Commission's Fiscal 2023 preliminary budget is 1.3 million dollars. Of that amount, approximately 1.26 million supports personnel services for a total of 14 positions which now you said you're down to 13?

EXECUTIVE DIRECTOR VICTOR: We have 14 headcount, but we have 2 vacancies at the moment. One person has been out on long-term leave.

CHAIRPERSON WILLIAMS: So technically you have 11, I learned this new term from the Commissioner, you have 11 active positions?

EXECUTIVE DIRECTOR VICTOR: That is correct.

CHAIRPERSON WILLIAMS: You have 11 active positions, 1 person on leave, and 2 vacancies.

EXECUTIVE DIRECTOR VICTOR: And 2 vacancies.

CHAIRPERSON WILLIAMS: Awesome. Thank you. With that, this plan includes the reduction of yet another position with 42,000 dollars in savings. Has EEPC identified which position this will be and how will the reduction impact EEPC operations?

2 EXECUTIVE DIRECTOR VICTOR: It's been my
3 understanding that as vacancies accrue then the
4 positions are taken away so right now we have 2 key
5 positions that are vacant, and we absolutely,
6 positively need to get them filled. If we do lose a
7 position, we would not be able to function very
8 efficiently.

9 CHAIRPERSON WILLIAMS: Do you feel, which
10 you just kind of alluded to it so I can probably this
11 question, but do you feel that the budget is
12 sufficiently funded to meet all of your charter
13 requirements?

14 EXECUTIVE DIRECTOR VICTOR: No.

15 CHAIRPERSON WILLIAMS: Okay. How much
16 funding would the Commission need for both personnel
17 services and other than personnel services, OTPS,
18 expenditures? How much more do you think you would
19 need?

20 EXECUTIVE DIRECTOR VICTOR: I focused my
21 remarks on personnel services as opposed to OTPS. I
22 believe that the main thrust of what we need would be
23 personnel as opposed to additional other than
24 personnel services.

2 CHAIRPERSON WILLIAMS: What is your ideal
3 headcount for the EEPC?

4 VICE CHAIR REISS: 17.

5 EXECUTIVE DIRECTOR VICTOR: Yeah. At a
6 minimum, I would say we should be at 17 at a minimum.

7 CHAIRPERSON WILLIAMS: Okay. In previous
8 testimony in front of this Committee, the EEPC has
9 stated it would like to be structured using a model
10 similar to that to the Independent Budget Office
11 through the Office of Management and Budget. Where
12 the IBO budget is 10 percent of the OMB budget, has
13 EEPC's previous proposal been to have similar design
14 as IBO with OMB but with EEPC and the Comptroller?

15 EXECUTIVE DIRECTOR VICTOR: I'm sorry. Can
16 you say the last part of your question again?

17 CHAIRPERSON WILLIAMS: Essentially, the
18 question is asking is the equivalent of IBO and OMB,
19 would that be with EEPC and the Comptroller?

20 EXECUTIVE DIRECTOR VICTOR: I believe so.
21 I believe so.

22 CHAIRPERSON WILLIAMS: Okay. Essentially
23 as IBO and OMB is structured, IBO takes 10 percent of
24 OMB's budget so the Commission in turn would prefer
25 to take part of the Comptroller's budget?

EXECUTIVE DIRECTOR VICTOR: Correct. I believe that was the request that was made back then.

CHAIRPERSON WILLIAMS: Is that request still active? Do you still hold this feeling?

EXECUTIVE DIRECTOR VICTOR: Yes, we do.

CHAIRPERSON WILLIAMS: Awesome. What advantages, if any, do you think this design would have and why do you think this hasn't been done already?

EXECUTIVE DIRECTOR VICTOR: I think the advantage is that we would have a more stable source of funding, and I think as the City does well, as the Comptroller's office does well, their budget increases then ours would be impacted positively as well. Why this has happened I don't know.

CHAIRPERSON WILLIAMS: Thank you for your answers. To understand how EEPC performs its audits, we understand, and this is the nature of the next question, we understand that the charter requires EEPC to audit, evaluate, and monitor the equal employment programs, practices, and procedures of every city agency and other municipal entities at least once every 4 years. With the recent vacancy reductions, hiring freezes, and hiring restrictions,

how has the EEPC's audit processes and monitoring of agency compliance been impacted by the current state of hiring?

EXECUTIVE DIRECTOR VICTOR: More directly, one our managers has been out for nearly a year on a long-term leave. We have recently been able to backfill a couple of positions so we have 2 new investigators for a total of 4. With one manager, we anticipate that we will be able to meet our mandate with that team.

VICE CHAIR REISS: In response, because I really have been with the Commission far longer than the Executive Director, the manner in which we have attempted to deal with the shortfall which continues to be consistent, i.e., the fact that we are tiny and have this huge mandate is to use the officers of DoITT and to try to automate as much of our inquiry as possible and to use automation for the review of our analyses, and we have found that the city agencies and entities by and large are up to the task of providing us with the material online so it has allowed us during COVID to essentially be able to function and continue to function and continue to meet our mandate even though people were not in their

offices. We were able to get the data electronically, to analyze it electronically, and to respond electronically. That being said, we are as efficient as we possibly can be and we have new needs that have been mandated by the City Council. We were operating at full capacity before Local Law 13 was passed. Local Law 13 places on us additional mandates and asks us to do something we really are not able to do. We are not labor economists. We really don't know what workforce issues are out there in terms of labor, job titles, the number of people, the staffing. We have real issues in terms of being able to analyze our workforce and to be able to come up with the mandated suggestions that the City Council has placed on us. It is a real problem, and I have to tell you I testified to such a fact as Local Law 13 itself was being passed to your predecessor Chair, and the answer to the question is we are still without a labor economist. There seems to be some recognition that we are saying is accurate, that what we are telling you about our needs is accurate, and yet there seems to be no response, and I cannot for the life of me understand why. When you place a responsibility upon an entity and require, it isn't

even request, require that we provide you the following information and yet we tell you we don't have the capability to do so, getting no response to me is mystifying. End of my testimony.

CHAIRPERSON WILLIAMS: Absolutely. No, I appreciate you putting that on record, and I know we've had this same conversation and it does suck when us legislative, even though I wasn't here at the time, pass things that are unfunded so I definitely hear what you're saying and appreciate you mentioning that on this hearing.

I wanted to go back a little bit on the training. You mentioned, Director Victor, that the EEPC's training budget is only 2,000 dollars, and so I wanted to know what training you provide. If this training is just for EEPC employees or do other folks receive the training, and what challenges arise from such a small training budget.

EXECUTIVE DIRECTOR VICTOR: Right. This budget is for EEPC employee training, and the training that we typically use is offered through Cornell and it's the EEO training program that they offer. We stagger the training so that we can try to reach everyone. One year we may do 2 people or 1 or 2

people and then the following year we'll do a different couple of people. It's 2,000 dollars total, but it's 1,000 dollars of DCAS training and another 1,000 dollars of outside training so we can use the 1,000 dollars for courses that DCAS offers and the other 1,000 dollars would be for external training. Did I answer your question? I'm not sure.

CHAIRPERSON WILLIAMS: I believe so. If not, we'll always just follow back up. We just wanted to kind of understand, for instance CCHR administers training to whoever really so we wanted to understand who this training is for and it is a low amount so we wanted to understand how the budgeted amount might impact your ability to do your work.

EXECUTIVE DIRECTOR VICTOR: The only way that we can increase the amount of training that we do for our team is if there are savings realized through the termination or separation of employees. As it takes time to fill those vacancies, there's that salary savings that we're realizing and we can use that money to do training. That's how we've been doing pretty much everything from dealing with outdated or aged equipment to training our personnel. We use those salary savings to make that happen.

CHAIRPERSON WILLIAMS: Thank you. Going into enforcement and noncompliance sort of questions following an audit that finds an entity is not in compliance, the entity as the agency has 6 months to change the practices. If after 6 months of compliance monitoring, the EEPC determines that the appropriate action has not happened, the EEPC will notify the entity in writing and the entity will receive a determination of noncompliance and is subject to another audit in less than 4 years. As the 2021 annual report has not yet been released, we have not seen the figures for 2021. How many entities are noncompliant?

EXECUTIVE DIRECTOR VICTOR: I believe there was only 1 entity that was noncompliant for 2021.

CHAIRPERSON WILLIAMS: Okay. Are they making strides to reach compliance?

EXECUTIVE DIRECTOR VICTOR: They are going to be reaudited this year.

CHAIRPERSON WILLIAMS: Okay. More broadly, does the EEPC feel that its enforcement powers given in the charter are effective.

VICE CHAIR REISS: No.

CHAIRPERSON WILLIAMS: I knew the Commissioner was going to say that. If not, what would you change?

VICE CHAIR REISS: We need some ability to limit the entity that either defies our jurisdiction and there has historically been some or questions our jurisdiction. The easiest thing is to say they can't hire for a period of time unless they comply with what we ask them to do. If you assume that the noncompliance is because they are not dealing fairly with their employees, which is our finding, then they ought not to have the ability to hire any more employees for a given term. I think that would be a sufficient stick. Right now, all we can say is naughty, naughty, and we say naughty, naughty to the Mayor and not even saying naughty, naughty to the public and therefore disobedience has no cost.

CHAIRPERSON WILLIAMS: Got you. Are you able to share which entity is not in compliance and any other highlights from the annual report before it's released.

VICE CHAIR REISS: Chair Williams, I will share the following with you which I don't know if the Executive Director (INAUDIBLE) or not. The City

Council has now twice during the period of time that I've been on the Commission argued that we don't have jurisdiction over you guys. I say the charter's really quite clear. City Council says you're a Mayoral appointed agency (INAUDIBLE) not. We've had an issue with an ex-commissioner of Consumer Affairs who argued we didn't have jurisdiction. Somehow the District Attorneys are willing to accept our jurisdiction, but the city's owns agencies or entities are having problems with it. Having someone coming in and looking at your employment practices and asking questions about how you deal with people who may argue about being discriminated about in some manner in your employee base and how you handle those inquiries, we don't ask for names, we don't look at people, we don't look at the actual caseload, but we want to know what the practices are within the entity. There are people that don't like people who are nosy. We have been mandated to be nosy. We have been mandated to also tell the world that the entity is complying. If you have some concern that there may be noncompliance in a certain area, then you don't want us to come looking at anything. My experience is that, by the way in case you're interested the Mayor

is not any happier when we come into audit them either, so the 2 political entities that should know better somehow have problems with our coming in and nosing around. Is that helpful.

CHAIRPERSON WILLIAMS: It's helpful so are you saying that the Council is the entity that's noncompliant?

VICE CHAIR REISS: I'm not.

EXECUTIVE DIRECTOR VICTOR: No.

VICE CHAIR REISS: (INAUDIBLE) in compliance now but it took them a very long time and I will point out we were doing a sexual harassment audit.

CHAIRPERSON WILLIAMS: Director Victor, is there another agency that is not compliant based off of the 2021 annual report?

VICE CHAIR REISS: (INAUDIBLE) I don't have the numbers in front of me. (INAUDIBLE) would probably know who it is.

EXECUTIVE DIRECTOR VICTOR: There was 1 entity that was determined to be in partial compliance. It was the Office of the Kings County District Attorney. They were issued 15 corrective actions and they implanted 9.

VICE CHAIR REISS: Again, this was a specific audit that we did for 4 years of sexual harassment.

CHAIRPERSON WILLIAMS: Okay. Thank you. Commissioner, I know how much you love Local Law 13 and as you alluded to as a result of Local Law 13 EEP's first Racial and Ethnic Classification Report was released in July 2021. The report will be issued annually for 10 years and provide inciteful information on city entities. The 2021 report uses data from the 4th quarter of Fiscal 2020 which includes data during the COVID-19 pandemic. The report analyzes underutilization, previous determinations, recommendations, and more. As this was the first of 10 reports, what difficulty and lessons has EEC drawn from the first report?

VICE CHAIR REISS: The first one, and I'm going to be terribly candid at this point, is we've discovered that DCAS' data is dated. It's old so we are dealing, and you will discover and we will make it very clear at the outset that we are dealing with dated data. I do not know the answer as to how dated it is. The Executive Director can tell you directly, but to the extent that we don't have current data it

makes me question the validity of any analysis we might do.

EXECUTIVE DIRECTOR VICTOR: I would like to add too that I think that it would be most helpful if we had direct access to the data. Having to go through different agencies is a lengthy process and we don't deal in looking at specific individuals. We look at data sets. We're not looking to get any personal information on anybody, but what we're looking for are trends, we're looking at data sets that are relatively large, and it's just very, very difficult to get the data in any kind of timely fashion so if we could have access to the data ourselves I think it would be most helpful in order to perform the analyses because any time we want to make a change or we need something additional, it goes a process where we have to justify why we want the data and then we have to wait for the data to be provided. As I said, it just takes a long time.

CHAIRPERSON WILLIAMS: Understood. Do you have...

VICE CHAIR REISS: (INAUDIBLE) the bureaucracy within the city is not helping us.

CHAIRPERSON WILLIAMS: Understood. Gender underutilization was not included in Local Law 13.

VICE CHAIR REISS: But we added it.

CHAIRPERSON WILLIAMS: What did you say?

VICE CHAIR REISS: We added it. We've decided to look at women as well. We thought it was an oversight or an undersight.

CHAIRPERSON WILLIAMS: Okay. Were there any outcomes, and will this be included in the 2022 report?

EXECUTIVE DIRECTOR VICTOR: Yes. In our initial report, we did not include women because we followed the letter of the law. We went back and we submitted a request to the Council to amend the law to include women and then we reran our numbers in anticipation of this to include women. In the second report, women are included in the analysis despite the fact that the law still has not been changed.

CHAIRPERSON WILLIAMS: Okay. There's definitely a lot of work to be done and budgets and appropriations to be allocated to make sure that you're maximizing your work, and I want to be supportive in pushing the Administration and the Council to make sure that you guys are fully funded

to have the proper staffing, to do your work most efficiently. I will stop here and turn it over to any of my Colleagues that may have any questions for EEPC.

JAYASRI GANAPATHY, COUNSEL: Council Member, we don't see any hands raised for questions at this time.

CHAIRPERSON WILLIAMS: Awesome. I want to thank the Commission and Executive Director Victor for being here today, and I look forward to working with you both.

EXECUTIVE DIRECTOR VICTOR: Thank you.

VICE CHAIR REISS: Thank you very much. Thank you for listening to my ranting and raving. I apologize for it.

CHAIRPERSON WILLIAMS: I love your rants.

VICE CHAIR REISS: Meet you soon in person I hope.

CHAIRPERSON WILLIAMS: Yes.

VICE CHAIR REISS: Thank you, Chair.

CHAIRPERSON WILLIAMS: All right. Talk to you later.

JAYASRI GANAPATHY, COUNSEL: Thank you. We will now turn to public testimony. I would like to

remind everyone that unlike our typical Council hearings we will be calling on individuals one-by-one to testify.

Each panelist will be given 3 minutes to speak. Please begin once the Sergeant has started the timer, and Council Members who have questions who have questions for a particular panelist should use the raise hand function in Zoom. I will call on you after the panelist has completed their testimony.

For panelists, once your name is called, a member of our staff will unmute you and the Sergeant-at-Arms will give you the go ahead to begin upon setting the timer. Please wait for the Sergeant to announce you may begin before delivering your testimony.

I would like to now welcome Cassandra Warney followed by Jean Ryan and then Nick Peters to testify. Cassandra Warney, are you here on our Zoom?

NOAH BRICK: I do not see her, Counsel.

JAYASRI GANAPATHY, COUNSEL: Thank you. Seeing that Cassandra is not here, I would like to invite Jean Ryan to testify. Jean, you may begin when the Sergeant calls time.

SERGEANT PEREZ: Time starts.

JEAN RYAN: Thank you. Hello, I'm Jean Ryan, President of Disabled in Action of Metropolitan New York, DIA for short. We and other people with disabilities are concerned about the demise or essential demise of the Human Rights Commission Neighborhood Services Program which had a few talented and capable people who solved many access problems for us and with us. This program allowed people with disabilities to get access to so many places and services without going through a long process with attorneys, making appointments, and so forth. It worked. It was not expensive. I do not believe the project Equal Access is enough. What did they help with? This is regarding the Neighborhood Services group. Access to restaurants, access to grocery stores who legally had fences blocking wheelchair entry, hospital and ERs, and museums with counters that were over our heads, doctors' offices where we couldn't get in even if they had a ramp, movie theaters where we could not see, ATMs with no contrast. They were great problem solvers. That great program couldn't solve every access problem, but it solved many by negotiation. Ignorance and prejudice about disabilities and towards people with

disabilities has not gone away. There is still a need for a program like the Neighborhood Services program that does not focus mostly on housing access. Housing access is super important, but there are so many other things that we need to go to and get into and we cannot do it, and a lot of it is just because of indifference and prejudice and ignorance. Thank you.

JAYASRI GANAPATHY, COUNSEL: Thank you.

Seeing no questions from Council Members, I would like to now invite Nick Peters to testify followed by Amy Lin and Jonathan Gaffney. Nick, you can go ahead when the Sergeant calls time.

SERGEANT PEREZ: Time starts.

NICK PETERS: Good afternoon, everyone. I would like to thank the Committee for letting me provide this testimony today. My name is Nick Peters, and I'm the Policy Associate for Housing Rights Initiative. Our organization was founded in 2016 with the goal of taking a proactive and systematic approach to targeting, investigating, and fighting fraudulent real estate practices, promoting fair housing, and connecting tenants to legal support. However, a year ago HRI began diverting a portion of its resources to combatting source of income

discrimination. In March of last year, we filed a lawsuit against 88 real estate companies that were discriminating against Section 8 voucher holders. Our organization recently completed its second investigation into voucher discrimination, and we will be making a major announcement on it soon. This investigation will go down as one of the largest fair housing investigations in the history of fair housing enforcements. Our upcoming announcement will expose disastrous results of New York City's failure to properly fund its fair housing enforcement agencies. Currently, the New York City Commission on Human Rights is plagued by low staffing numbers and a lack of resources in their source of income units. This is undoubtedly contributing to the astronomical number of violations that our organization has been uncovering in our investigations throughout New York City. This, of course, should come as no surprise. A City Limits article by the reporter David Brand on housing discrimination referred to New York City's fair housing enforcement system as hollowed out. Additionally, Unlock NYC, Neighbors Together, The Anti-Eviction Mapping Project, and the Housing Data Coalition put out a joint report called An Illusion

of Choice: How Source of Income Discrimination and Voucher Policies Perpetuate Housing Inequality and highlighted enforcement as underfunded and inaccessible. One of the recommendations made in the report was for a minimum of 1 million dollars in funding for the CCHR Source of Income Units. We unequivocally support this recommendation. Aside from being a moral issue, a failure to properly fund our fair housing enforcement agencies is a fiscal issue. When families aren't able to use their housing vouchers due to unlawful discrimination, the cost of homeless shelters goes up, the cost of healthcare goes up, the cost of law enforcement goes up, the cost of everything goes up. Fair housing enforcement is not just an expenditure. It is an investment. Thank the Committee for their time today.

CHAIRPERSON WILLIAMS: I have a question for Nick. I know you were on and you heard the Commission's testimony and they seemed to believe that their current enforcement unit can sort of absorb the source of income unit's deficiencies in staffing. From an outsider's perspective, do you think that this is accurate or are you seeing a gap in their ability to really enforce this issue?

NICK PETERS: I actually would not be at liberty to answer that question right now, but if you want we could set up a meeting between our staff and your staff talking about it further.

CHAIRPERSON WILLIAMS: Okay, that's fine. Thank you.

NICK PETERS: No problem. Thank you.

JAYASRI GANAPATHY, COUNSEL: Seeing no other questions, I will now welcome Amy Lin to testify followed by Jonathan Gaffney and Cassandra Warney. Amy Lin, you can go ahead when the Sergeant calls time.

SERGEANT PEREZ: Time starts.

AMY LIN: Good afternoon. My name is Amy Lin, and I am the Health Policy Fellow at CACF, the Coalition for Asian-American Children and Families. Thank you very much to Chair Williams for holding this hearing and providing the opportunity to testify.

Founded in 1986, CACF is the nation's only pan-Asian children and families (INAUDIBLE) organization and leads the fight for improved and equitable policy systems funding and services to support those in need. Nearly 19 million people

reside in the New York City metropolitan area, and over 800 different languages are spoken. Because of New York's linguistic diversity, it is incredibly important to ensure language access in all settings. Language barriers are a huge obstacle faced by many folks in immigrant communities and especially in the AAPI community. In New York City, AAPIs have the highest rate of linguistic isolation of any group as 46 percent have limited English proficiency or LEP meaning that they speak English less than very well. Moreover, more than 2 in 3 Asian seniors in New York City are LEP and approximately 49 percent of all immigrants are LEP. In the summer of 2021, we conducted a rapid needs assessment in collaboration with the NYU Center for the Study of Asian-American Health and the Chinese-American Planning Council. We surveyed over 1,000 adults of Asian, Hispanic, Latinx, or Arab descent living in the metropolitan New York area to assess the current and ongoing needs of the community during the COVID-19 pandemic. This study highlights the disproportionate impact of the COVID-19 pandemic has had on New York Asian-American community and demonstrates the importance of language access. Specifically, this study found that 1 in 3

Asian-American adults reported language barriers being a challenge during the pandemic. Furthermore, 27 percent of AAPI respondents indicated that they felt like they did not have regular access to timely accurate information during the COVID-19 pandemic in their language. Being unable to access vital COVID-19 information or health services can be a threat to one's livelihood so ensuring language access for all New Yorkers must be prioritized. Language access is also paramount for our LEP families with children attending New York City public schools. During the pandemic, the Department of Education struggled to communicate with LEP families, often deprioritizing translation of key policy announcements such as obtaining devices and wi-fi. Policies were announced in English first and translations were published later on rather than concurrently meaning that LEP families had less time to understand and adopt the changes. Ultimately, these issues served to further alienate LEP families from city school and exacerbated many challenges. Because the Committee on Civil and Human Rights oversees the New York City Commission on Human Rights which is responsible for the city's language access plan, our major

recommendations for the Asian-American community are as follows. Expanding language access and services for COVID-19 efforts and social services via additional funding, enforcing language access plans across the city including the timely publication of materials in the top 10 non-English languages, and ensuring accountability for language access complaints. Overall, we see a need for more intentional collaboration between the city and community-based organizations to better identify language access gaps in our communities and to find solutions that will have a direct impact on our communities. Thank you very much for your time.

CHAIRPERSON WILLIAMS: Amy, if you could send us which languages, because I know you didn't go through which languages you're referencing that you feel there's a gap, that would be helpful.

AMY LIN: Okay. Yeah, I think it's mainly that the language access plans for many city agencies that have been published indicate that they will publish these materials in the top non-English languages that are most commonly spoken in New York City, but we're seeing that these publications have

not actually occurred and it has not been fulfilled so the enforcement of that is really important to us.

CHAIRPERSON WILLIAMS: Oh, got you. So you're saying that the City is supposed to have these language access plans in the 10 top languages but have not complied, which is really not fair.

AMY LIN: Yeah, the plans have been published themselves, but the plans say that they will translate and then those translations don't exist.

CHAIRPERSON WILLIAMS: Got you. Do you know if the Commission on Human Rights, so what you're saying is you don't feel like the Commission is actually enforcing the translation of materials from different city agencies?

AMY LIN: Yeah, we're just seeing gaps because all of the published language access plans indicate that in hospitals, in healthcare systems, in other places, education as well, there is supposed to be translated materials but we have plenty of clients that we have discussed who say these translated materials don't exist or we don't have a way to access them so we're just seeing gaps in terms of

what we're being told is occurring and what is actually occurring.

CHAIRPERSON WILLIAMS: Okay. Thank you. I'm wondering, Committee Counsel, we can talk offline but I'm wondering if CCHR is actually supposed to be enforcing and working with city agencies to comply with the language access plans.

JAYASRI GANAPATHY, COUNSEL: Chair, we can definitely explore the issues further following the hearing.

CHAIRPERSON WILLIAMS: Okay, thank you. Thanks, Amy.

JAYASRI GANAPATHY, COUNSEL: Seeing no other questions, I would like to now welcome Jonathan Gaffney to testify followed by Cassandra Warney and then Stephanie McGraw. Jonathan, you can go ahead when the Sergeant calls time.

SERGEANT PEREZ: Time starts.

JONATHAN GAFFNEY: Hi, my name is Jonathan Gaffney. I'm the Housing Campaign Manager at Neighbors Together. Thank you so much for the time to testify. In order for rental assistance vouchers to be an effective tool that helps New Yorkers out of homelessness, the City must invest in a more robust

enforcement against source of income discrimination.

The source of income unit at the City Commission on

Human Rights, CCHR, is the only city agency tasked

with enforcing the source of income law for

individual voucher holders. Yet, their work is

undermined by a critical lack of resources. Currently

due to attrition, hiring freezes, and PEGs, the unit

is currently staffed by 1 attorney. However, robust

staffing for this unit is more critical than ever.

The broadening of the New York State Human Rights Law

in 2019 increased the number of inquiries that CCHR

can receive and in 2021 both city (INAUDIBLE) and

state (INAUDIBLE) payment standards were increased to

fair market rent, increasing the amount of voucher

holders able to search for housing. Additionally, New

York City received an influx of 8,000 emergency

housing vouchers from the federal government. Every

year since the source of income unit was opened, the

number of SOI cases excluding the years affected by

COVID-19 has increased, and a larger unit will

increase oversight in the housing market, give people

the ability to use their voucher for housing instead

of languishing in shelters during a deadly pandemic.

For Fiscal Year 2023, CCHR should be funded at a

baseline of 1 million dollars to meet this critical need. Thank you so much for your time, and thank you for allowing me to speak.

CHAIRPERSON WILLIAMS: Thanks, Jonathan. Similar to the question that I had asked Nick, do you have any thoughts on or reflections from the testimony earlier from the Commission? They seem to note that they are addressing the staffing issue by absorbing the source of income complaints through their current law enforcement unit. Are you seeing something different on the ground and any gaps?

JONATHAN GAFFNEY: I can't really speak to whether or not the City and CCHR is using lawyers from other departments to sort of plug the gap. What I can say is that on behalf of our members, there are so many members that I talk to that have languished in shelters for years and not being able to use their voucher adequately. Do you remember when she stated that they were using additional lawyers from different departments when they started doing that? Is that something that they've recently done or?

CHAIRPERSON WILLIAMS: That I don't know. I don't know if Jack caught what she said. I don't remember if that's something, it's probably something

that they are always doing because it appears that when the source of income unit was given to CCHR they never really had adequate staffing so I think it's something that as an agency one would assume they've had to reshape.

JONATHAN GAFFNEY: I would just say on behalf of my members, on behalf of voucher holders, I don't think that the additional resources a world of difference because we still have delayed responses going on like months and high turnover rates and the rest of it. The need to address source of income discrimination is still not being addressed adequately even though the unit itself does such an amazing job and our members are really happy to work with them because when our members do work with them then they're able to meet our members' demands, they're able to get into houses much quicker.

CHAIRPERSON WILLIAMS: Thank you.

JONATHAN GAFFNEY: No problem.

JAYASRI GANAPATHY, COUNSEL: Thank you, Chair. Thank you, Jonathan. Seeing no other questions at this time, I would like to invite Cassandra Warney to testify. Cassandra, you can go ahead when the Sergeant calls time.

SERGEANT PEREZ: Time starts.

CASSANDRA WARNEY: Thank you, Chair

Williams and other Members of the Committee. My name is Cassandra Warney. I'm the Senior Program Manager with the Corporation for Supportive Housing, CSH. Our mission is to advance solutions that use housing as a platform to deliver services and improve the lives of the most vulnerable. We have a plan on how to expand supportive housing for all people who need it on Rikers Island. This is about reducing homelessness and helping people with behavioral health needs, all part of a larger plan to de-incarcerate Rikers recognizing human rights conditions at Rikers and the need for community supports to support people once they leave is the reason why I'm speaking to your Committee. Our analysis shows several thousand people on Rikers Island in a given year. Approximately 2,500 are experiencing homelessness and struggle with ongoing behavioral health needs. When released, these members struggle to find adequate support, they cycle through crisis systems whether that be shelter, jail, emergency rooms, and this group of about 2,500 people costs the city 1.4 billion dollars in incarceration each year. This group of people need an intervention

of supportive housing which is a combination of affordable housing with voluntary individualized services. Study after study shows it works as an intervention for this group of people, and it would take 108 million dollars annually to be able to provide ongoing housing and services, so 1.4 billion dollars versus 108 million dollars. There's more information in the report that I submitted in my written testimony that you can access, but I just wanted to elevate 2 really important budgetary elements that need to be changed this year.

The first is to expand justice-involved supportive housing, JISH, and increase the annual commitment to supportive housing for JISH overseen by DOHMH is the only dedicated supportive housing for people leaving Rikers. There's only 120 apartments across the entire city. The city has been trying to expand that by 380 since 2019, but the rates are so low there have not been any bids by providers to that RSP so we worked closely with JISH providers and other providers who might be interested. Bases on the recommendations we have in our report, if adopted those providers would be interested in applying.

The second is we're asking the City to double its commitment to supportive housing by 1,000 units and to dedicate 500 of the new units to individuals who do not meet the homeless chronicity requirement due to their incarceration history. Most people who need supportive housing held at Rikers Island are not eligible for the main source of supportive housing in the city because of the homeless chronicity definition, and our recommendation solves this.

Thank you so much for your time, and I hope to work with you on this.

CHAIRPERSON WILLIAMS: I have a question. I'm never afraid to say that I don't understand something. In reference to the City's Title 8 law, are you saying that there's some type of discriminatory practice happening within the housing market because there is a lack of justice-involved housing? I'm trying to figure out for the purpose of the Civil and Human Rights Committee, how can we support this? I myself and I know the Committee staff is probably sick of me saying this already. I think we should look at every single thing that's happening in our city from an equity lens, from a human rights

lens so I can see a lane for that but just wondering if you, yourself specifically, had any suggestions or thoughts on that.

CASSANDRA WARNEY: I'll say that from a discrimination standpoint, the answer is no. My main reason of bringing this to your Committee's attention is just recognizing the conditions at Rikers and wanting to put the report on your radar. When it comes to New York City 1515 and the reason why most folks aren't eligible, they're actually adopted the HUD rule which is really frustrating because they don't have to, so the main reason is just to put this report and recommendations on your radar.

CHAIRPERSON WILLIAMS: I appreciate that.

JAYASRI GANAPATHY, COUNSEL: Thank you. Seeing no other questions, I believe we can move on. If we have inadvertently missed anyone who is registered to testify today and has yet to be called, please use the Zoom raise hand function and you will be called in the order that your hand has been raised.

Seeing no hands raised, I will now turn it over to Chair Williams to offer any closing remarks.

CHAIRPERSON WILLIAMS: I want to thank the Administration and all of the folks who testified today for my very first hearing. I'm really excited to continue to do this work to, again, stretch the limitations of the Committee and work with partners like the folks who have testified today and the Administration to make sure that we really are not only having the necessary laws on the books, which we have very expensive human rights laws in New York City, but that we have the tools to actually enforce what we do have on our books. I appreciate everyone that has come before the Committee today and my Colleagues for joining. I hope everyone has a great day.

JAYASRI GANAPATHY, COUNSEL: Chair, if you could just gavel out the hearing.

CHAIRPERSON WILLIAMS: I will get it together for my next hearing. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 30, 2022