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COMMTTEE 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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October 23, 2020

Start: 10:04 a.m.

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HELD AT: REMOTE HEARING

B E F O R E: Mathieu Eugene,
Chairperson

COUNCIL MEMBERS:

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SERGEANT SADOWSKY: PC recording has started.

SERGEANT POLITE: Recording to the clouds all set.

SERGEANT HOPE: Sergeant Dautaj, you may begin with your opening statement.

SERGEANT DAUTAJ: Okay, good morning and welcome to today's remote New York City Council hearing of the Committee on Civil and Human Rights. At this time, would all panelists please turn on their videos. Once again, at this time, all panelists please turn on their videos, thank you.

To minimize disruption, please place electronic devices on vibrate or silence. If you wish to submit testimony you may do so at testimony@council.nyc.gov, Once again, testimony@council.nyc.gov. Thank you for your cooperation, we are ready to begin Chair.

CHAIRPERSON EUGENE: Thank you very much. Good morning. My name is Mathieu [GAVEL] sorry – Good morning, my name is Mathieu Eugene, I am the Chair of the Civil and Human Rights Committee. Thank you for joining our virtual hearing today on the New York City Commission on Human Right in Response to COVID-19.

Before we begin, I would like to — I would like to acknowledge my colleagues and I will do so as we are going through the hearing.

In December 2020, a new coronavirus was discovered in Wuhan China. On March 2020, New York City Governor Cuomo, Andrew Cuomo confirmed the first case of novel coronavirus, SARS-CoV-2, also known as COVID-19 in New York City. The spread of the virus has had and continues to have numerous ramifications and affect the lives of New Yorkers from all walk of life. To date there have been 259,064 positive cases of coronavirus in New York City. 23,935 of these cases have tragically ended in the loss of our fellow New Yorkers.

The pandemic gave rise to a spate of discrimination attack on Asians and other minority groups based on stereotypes and false narrative regarding the spread of COVID-19. Similarly, discrimination against essential workers spiked, making that difficult to some health care workers to find housing for fear that they would bring the virus home with them.

As early as February, weeks before New York City went into lockdown, CCHR has already received 248

1 complaints of COVID-related discrimination. In
2 April, the New York City Police Department reported a
3 360 person increase in the hate crimes in relation to
4 COVID-19 even though the major crime fell nearly 30
5 percent in comparison to last year. By the end of
6 June, CCHR would receive 478 COVID-related
7 complaints. Of these, 167 or 35 percent of the
8 incident included an element of anti-Asian
9 discrimination or harassment.
10

11 At the same time in 2019, the Commission will
12 receive 22 incidents of Anti-Asian discrimination.
13 In response to the peak and complaints, CCHR formed a
14 COVID response team, it also ramped up at which they
15 formed an update its resources and guidance on COVID
16 related discrimination.

17 This hearing will focus on examining the type of
18 pandemic related complaints received by CCHR and how
19 they have been entered. The guidance provided by
20 CCHR on COVID-related discrimination, where CCHR was
21 quickly able to address the COVID-related
22 discrimination during the pandemic and finally, what
23 the City Human Right law was flexible to respond to
24 the unique discrimination issues that we face during
25 this pandemic.

We also hope to hear from advocacy group, organizations, union and the public on how the virus has impacted New Yorkers and the aforementioned target population.

I would like to thank Committee Staff Balquees Mihirig Senior Counsel of the Committee, Wiam Diouri Policy Analyst and Nevin Singh Finance Analyst and I would like also to thank my staff Melissa Whitson.

Before I turn it over to the Administration, I want to acknowledge Council Member Brad, I see Council Member Brad, thank you so much Brad and Council Member Perkins, thank you so very much. And I will acknowledge my other colleagues when I am informed of their attendance.

Now, I would like to call on the Administration to testify, but before we do so, I would like to turn it over to the Committee Counsel to go over some procedural items and administer the oath.

COMMITTEE COUNSEL: Thank you Chair Eugene. I am Balquees Mihirig, Counsel to the Civil and Human Rights Committee of the New York City Council.

Before we begin, I want to remind everyone you will be on mute until you are called on to testify, when you will be unmuted by the host. I will be

calling on panelists to testify. Please listen for your name to be called, I will periodically be announcing who the next panelist will be. The first panelist to give testimony will be representing the Administration. I will call on you when it is your turn to speak. During the hearing, if Council Members would like to ask a question of the Administration or a specific panelist, please use the Zoom raise hand function and I will call on you in order. We will be limiting Council Member questions to five minutes, which includes the time it takes to answer your question. Please note that for ease of this virtual hearing, we will not be allowing a second round of questions for each panelist outside of the Committee Chair.

All hearing participants should submit written testimony to testimony@council.nyc.gov. We will now call representatives of the Administration to testify. First, Dana Sussman Deputy Commissioner Policy and Intergovernmental Affairs via Commission on Human Rights followed by Brittny Saunders Deputy Commissioner of Strategic Initiatives.

Before we begin, I will administer the oath. I will call on each of you individually for a response.

Please raise your right hands. Do you affirm to tell the truth, the whole truth and nothing but the truth before this Committee and to response honestly to Council Member questions? Deputy Commissioner Sussman?

DANA SUSSMAN: Yes.

COMMITTEE COUNSEL: Thank you. Deputy Commissioner Saunders?

BRITTNY SAUNDERS: Yes.

COMMITTEE COUNSEL: Thank you. Deputy Commissioner Sussman, you may begin.

DANA SUSSMAN: Thank you. Good morning Chair Eugene and members of the Committee on and Civil and Human Rights. Thank you for convening today's hearing on the Commission's COVID-19 response. I am Dana Sussman, Deputy Commissioner for Policy and Intergovernmental Affairs, at the New York City Commission on Human Rights and I am joined today by my colleague, Brittny Saunders, Deputy Commissioner for Strategic Initiatives.

The past ten months have brought unspeakable tragedy, trauma, and hardship and yet, in the face of it all, New York City has shown resilience, strength, and solidarity. The Commission's work and its

commitment to protecting and upholding the human rights of all New Yorkers continues unabated.

In March 2020, the Commission's entire staff operations moved to remote work over the space of one weekend. The agency's Information Technology and Operations staff moved mountains to ensure that our workflow went on nearly uninterrupted. And despite all of the challenges faced this year, the Commission achieved record breaking numbers.

In Fiscal Year 2020, the Commission assessed a record \$7.5 million in damages and penalties for violations of the City Human Rights Law. That figure consists of over \$6.5 million in damages and nearly \$970,000 in civil penalties. This represents a more than six times increase since 2014, the year prior to Commissioner Malalis's tenure, and the fifth straight record-breaking year. One of Commissioner Malalis's goals for the agency, as she has mentioned before this body before, was to ensure that cases at the Commission are valued the same as cases filed in federal and state court and the agency has achieved that goal.

Damages and penalties do not, however, paint the full picture. Assessing high value damages and

penalties are not appropriate in all cases and the Commission takes an individualized approach to case resolutions, based on the needs of the complainant, the resources and intent of the respondent and other factors. Providing free and accessible trainings on compliance with the City Human Right Law to respondents' staff, requiring policy changes locally and in some cases, nationally and requiring a posting a notice of rights for both staff and customers to see are some low-cost but high-impact terms of resolutions the Commission often deploys to ensure meaningful and long-term change and compliance.

With very limited exceptions, every case resolution includes a restorative element; in some cases, the entirety of the resolution is restorative. Deputy Commissioner Brittny Saunders will speak to our restorative justice work in greater detail in her testimony.

While assessing a record level of damages and penalties, the Commission also closed a new high of 1,066 cases and reduced the average age of open cases by two months, despite all of the challenges faced during the last four months of the fiscal year. The Commission's Law Enforcement Bureau filed 525 new

cases in Fiscal Year 2020 and completed 403 successful emergency interventions. The Commission settled 264 cases in Fiscal Year 2020, of which 43 were settled through mediation. The number of mediated cases rose from the prior year. The agency received a slightly increased number of reports of discrimination in Fiscal Year 2020, from 9,804 in Fiscal Year 2019 to 10,015 in FY 2020.

Consistent with past years, the protected categories of disability, gender and race were the top three most reported areas of discrimination. Gender discrimination, including discrimination on the basis of gender identity and sexual harassment cases, accounted for the largest share of damages and penalties, over \$3 million, a remarkable sum. We just passed the third anniversary the MeToo movement going viral and with it the Commission saw a dramatic increase in sexual harassment workplace claims. This over \$3 million figure is reflective of many of those cases that came to the agency over the past several years.

Relatedly, the Commission's online sexual harassment prevention training has been completed over 500,000 times in all eleven languages since it

1 was launched in April 2019. Beginning in February
2 2020, New Yorkers began reporting discrimination
3 related to the pandemic. Anti-Asian bias comprised
4 nearly 40 percent of all COVID-19-related reports.
5 In order to respond quickly to the influx, the
6 Commission created a COVID-19 Response Team made up
7 of multi-lingual staff across the agency. From
8 February 2020 through September 2020, the COVID-19
9 Response Team fielded 566 reports of discrimination,
10 184 of which included an element of anti-Asian
11 discrimination.
12

13 By comparison, the Commission received just 26
14 reports of anti-Asian discrimination during the same
15 time period the year prior. The Commission has
16 worked closely with organizations that work with
17 Asian communities across the city, including the
18 Chinese American Planning Council, the Asian American
19 Federation, the Chinese Consolidated Benevolent
20 Association, and Homecrest Community Services, among
21 others.

22 In response to the rise in anti-Asian
23 discrimination, the Commission organized six Bias and
24 Hate Crime Reporting Town Halls, bringing together
25 district attorneys' offices and multiple city

1 agencies to do the important work of explaining the
2 differences between hate crimes and discrimination
3 issues and providing a non-carceral response to these
4 concerns. These town halls were provided in English,
5 Mandarin, Korean, Japanese and Tagalog, including one
6 recently in partnership with NYPD's newly formed
7 Asian Hate Crimes Task Force. The first of these
8 town halls was attended by over 1,200 people.

10 Additionally, the Commission has held eighteen
11 bystander intervention trainings with community
12 partners, including organizations like Hollaback and
13 the Center for Anti-Violence Education. The
14 Commissions Bias Response Team, housed within our
15 Community Relations Bureau, responded to 467 bias
16 incidents in this past fiscal year, nearly double
17 that of the prior fiscal year. In addition, the
18 Commission is closely monitoring rising anti-Semitism
19 as it relates to the pandemic and beyond. In
20 February 2020, the Commission launched a public
21 awareness campaign to combat religious-based
22 harassment and discrimination in housing, the
23 workplace and in all public places and to underscore
24 the City's support for Jewish communities. The
25 campaign responded to a rise in anti-Semitism in New

York City, in surrounding communities and around the country and affirms the rights of all Jewish New Yorkers to be treated with dignity and respect.

It included investments in Jewish community press, both in papers and online and the campaign also provided information on how to report harassment and discrimination to the Commission. Building off of this work, the Commission, led by the agency's Jewish Communities Liaison, has fostered relationships with Orthodox Jewish leaders in Crown Heights and Williamsburg and has become a direct connection to our agency to provide resources and support. In recent weeks, as anti-Semitism has again risen to the forefront as a result of COVID-19 fears, we have been in constant contact with community leaders. We have been responding on our platforms and we have been republishing our campaign materials.

The Commission's policy team first issued legal enforcement guidance on the intersection of COVID-19 and the City Human Rights Law starting in March 2020. Unlike our federal counterparts at the EEOC or the Equal Employment Opportunity Commission, the Commission has taken the position, based on the broad protective language of the City Human Rights Law that

actual or perceived COVID-19 and/or a history of having COVID-19, is a disability and protected from discrimination.

The Commission's guidance covers protections in housing, employment, and public accommodations, is updated frequently to address the rapidly changing needs and concerns of both employers, housing providers and small businesses and worker and tenant advocates to protect the safety and health of their workforce, tenants and customers. While also ensuring people do not face discrimination or harassment in these settings and are able to obtain the accommodations they need.

The Commission's Community Relations Bureau or CRB, grew its community outreach numbers in Fiscal Year 2020, despite most outreach work going virtual in March. The CRB increased the number of New Yorkers served by 20 percent compared to the prior year, directly connecting with nearly 100,000 people for the first time in a decade. In addition, CRB staff have greatly expanded the Commission's youth engagement. Having conducted over 300 youth conferences and launching our Youth for Equity and Solidarity Council in Fiscal Year 2020 with 23 youth

members, who will be working with the Commission over the next year to inform our work and ensure we are effectively reaching young people with the content most critical to them.

The Commission has been working to create resources and actions for young people who do not have their usual outlets for community-building and support and yet are coping with so much right now. For example, just this week, the Commission launched our Amplifying Youth Voices online art exhibit. Featuring human rights themed visual art, poetry, dance, and song from young people across the City.

Earlier this year, we published Stories For All, a human rights focused reading list divided by theme and age group, featuring diverse stories, characters, writers, and experiences and have created a video library of read alongs for parents and educators.

In May, the Commission launched a public awareness campaign to combat COVID-19 related discrimination and harassment. The campaign affirms protections for communities facing heightened levels of discrimination and harassment related to the pandemic. In addition, responding to renewed attention to disparities in access, treatment and

outcomes in medical settings, the campaign also addressed New Yorkers' right to be free from discrimination in healthcare settings regardless of their race, national origin, immigration status, disability and age. The campaign emphasized that reports to the Commission can be made on behalf of others, can be made anonymously, and can be made without fear of being asked about immigration status.

The campaign included multilingual advertisements in community and ethnic media, including print and radio, social media platforms and targeted placements in pharmacies and convenience stores throughout the city. For the first time, the Commission leveraged advertising on popular Chinese and Korean social media platforms, such as WeChat. Advertising in convenience stores and pharmacies was placed in all five boroughs and concentrated in communities with high proportions of immigrants, communities with limited English proficiency and communities facing high rates of poverty.

These multilingual placements in Chinese, English, Korean and Spanish, focused on the right to be free from discrimination in healthcare settings. Promoted social media posts appeared in over 10

languages which expanded upon a set of anti-stigma videos created by the Commission, featuring our multi-lingual staff which were already available in 12 languages.

And next week, the Commission will be announcing an art series with one of the Commission's two public artists in residence, Amanda Phingbodhipakkiya, entitled I Still Believe in Our City. The visually stunning series is a testament to the vibrant resilience of New Yorkers and specifically, honors Asian and Black New Yorkers in the face of racial injustice, xenophobia, and COVID-19 related discrimination, harassment and bias. It will include a takeover of Atlantic Terminal in Brooklyn and will also be found on LinkNYC kiosks, bus shelters, a DOT public art site and a community mural.

The Commission serves on multiple formal and informal interagency taskforces, as our work involves tenant protection, health, food security, immigrant's rights, racial equity and beyond, and the agency's information is included in many of these relevant materials housed at other agencies. The Commission is also part of many informal and formal national coalitions of human rights agencies and it is not

unusual for other agencies to look to us as a model on how to respond to the crises facing our localities. It is with great pride that our staff and our work is recognized as national leaders in the fight for human rights and civil rights.

And with that, I will now turn it over to my colleague, Deputy Commissioner Brittny Saunders, to highlight the Commission's operational changes in light of the COVID-19 pandemic and our focus on confronting anti-Black racism during this critical time. Thank you.

COMMITTEE COUNSEL: Thank you.

BRITTNY SAUNDERS: Good morning Chair Eugene and members of the Committee on Civil and Human Rights. Thank you for welcoming me here today to testify alongside my colleague Deputy Commissioner for Policy and Intergovernmental Affairs Dana Sussman, at today's hearing on the Commission's COVID-19 response. My name is Brittny Saunders, and I serve as Deputy Commissioner for Strategic Initiatives at the New York City Commission on Human Rights.

Deputy Commissioner Sussman's testimony covered how the Commission was able to shift to remote work in response to the COVID-19 pandemic and how, despite

1
2 the disruptions experienced over the past months,
3 the agency has been able to meet the challenges of
4 the moment. The Commission has done so by assessing
5 record setting damages and penalties, launching
6 culturally competent outreach efforts, promulgating
7 guidance on how the City Human Rights Law protects
8 New Yorkers who have or who are perceived to have
9 COVID and putting forward new public education
10 campaigns.

11 My testimony will focus on other aspects of the
12 Commission's work during this period, with particular
13 attention to the impact on our operations, our work
14 on racial justice issues and our integration of
15 restorative justice practices across departments. As
16 Deputy Commissioner Sussman noted, like so many other
17 agencies, the Commission was required to move to
18 remote work on short notice due to the emergence of
19 the COVID-19 pandemic. However, despite our central
20 office and five borough-based Community Service
21 Centers being closed to visitors, we were nonetheless
22 able to resume our work using alternative platforms.
23 We are grateful to the Office of Emergency Management
24 for its support with respect to continuity of
25 operations planning and to the Department of

Information Technology and Telecommunications for their generous assistance with our hardware and software needs.

Thanks to this and other support, within days of our transition, we had adjusted our internal practices to accommodate remote work and were using new web conference tools to put forward public-facing programs.

Of course, as the City agency charged with enforcing and educating New Yorkers about local human rights protections and obligations, our focus during the pandemic has been squarely on the connections between COVID-19 and discrimination. Many of these connections, as Deputy Commissioner Sussman noted, relate to the ways in which particular groups of New Yorkers have been targeted for harassment and intimidation because of their perceived exposure to the virus. However, other connections are rooted in long-standing historical disparities. As so many have noted, the COVID-19 pandemic has made the devastating impacts of structural racism undeniable.

Discrimination and other barriers in the housing and job markets have made Black and Latinx New Yorkers particularly vulnerable to the virus'

1 effects. Over the past five years, the Commission
2 has steadily intensified its work on racial justice
3 issues. This is evident in the accomplishments of
4 its Law Enforcement Bureau, which investigates and
5 resolves cases, including cases of discrimination
6 based on race and color. In Fiscal Year 2020, the
7 Commission fielded some 562 inquiries relating to
8 race-based discrimination. This represents
9 considerable growth over Fiscal Year 2014, in which
10 there were just 172 inquiries made.
11

12 Of the complaints that were filed by members of
13 the public last fiscal year, 11% related to race,
14 making it the third highest trending category of
15 protection among filed claims. The Commission also
16 secured newsworthy settlements in race cases, such as
17 a conciliation requiring payment of \$70,000 in civil
18 penalties and establishment of a pipeline for
19 stylists of color at a high-end salon and another
20 requiring luxury brand Prada, to create a new
21 scholarship program and establish a high-level
22 diversity and inclusion officer role. These continue
23 to receive attention from news media and other civil
24 rights bodies because of their innovativeness and
25 comprehensiveness.

More recently, the Commission has acted forcefully in response to attempts to deploy law enforcement against Black people in the city. An all too common and all too normalized form of discrimination and harassment. Becoming the first law enforcement agency to announce an investigation into the Amy Cooper incident in Central Park. These items are worth mentioning alongside those emerging from the agency's COVID-19 response unit because they demonstrate the agency's commitment to addressing the consistent and pervasive forms of racism that Black New Yorkers and other people of color in the city encounter in the workplace and housing and in places open to the public.

The Commission has also used research as a means of achieving an in-depth understanding of how Black New Yorkers experience anti-Black racism. The agency's commitment to centering these issues stems from our treasured partnerships with organizations serving the city's Black communities, our dedication to rooting our work in what our partners tell us is most needed from us and the Commission's own historical roots as the successor to a body that was

established in the wake of protests by Black New Yorkers in the 1930s and 1940s.

Our commitment to listening to and using our voice as a government to elevate the concerns of Black New Yorkers led us to develop over a two year period, "Black New Yorkers on Their Experiences with AntiBlack Racism," a report that surfaced concerns about widespread and systemic racism similar to the concerns voiced by protestors earlier this year.

In early 2018, years before this spring's protests but inspired by consultation with our partners, the Commission launched a qualitative research project on the particular forms of racism encountered by African-American, Afro Caribbean, African and Afro-Latinx New Yorkers along with others who identified as having African ancestry. The agency partnered with a Black woman researcher to conduct more than a dozen interviews with advocates and community leaders and 19 focus groups with almost 200 Black New Yorkers from across the five boroughs. We engaged a pool of Black New Yorkers tht reflected the rich diversity of the city's communities with respect to gender, ethnicity, immigration status, sexual orientation, housing security and other

characteristics. And emerged with a devastating, though not surprising set of findings.

The Black New Yorkers who participated in our research described racism as something that was emotionally-taxing and inescapable. As one participant relayed, one has to be "a tactician to survive." They described experiencing racism in their day-to-day interactions and observing its impacts within and across institutions. They recognized racism in disparate treatment by local law enforcement, store owners, employers and health care providers. And they observed, astutely, that consistent racial disparities in outcomes across the criminal legal, health and education systems were rooted in racism as well.

When we asked participants to tell us where they observed racism having the greatest impact, interactions with law enforcement emerged as the top concern. The report features painful accounts of the impact of racism in law enforcement, from the fear of injury or death that Black New Yorkers feel when stopped by the police, to the trauma of repeatedly witnessing police violence. These learnings, which mirror the demands raised by those who marched in the

city's streets this spring, will inform the Commission's work.

At the conclusion of the report, the Commission for its part, committed to a series of action steps based on the lessons gleaned from this research, which mirror the demands of those who marched for racial justice reforms this spring. These action steps include developing policy interventions designed to address anti-Black racism, holding hearings on race discrimination and expanding education and outreach efforts related to anti-Black racism. And in the coming months, we will have more to share about our work in this area. We also hope that the report will be a resource for public and private institutions that have been grappling with how to respond to the calls for racial justice that echoed through our streets this spring.

Finally, I'd like to share a bit about the Commission's efforts to integrate restorative justice practices across our areas of work. As an agency, we define restorative justice as an approach to acts of bias and discrimination that centers the experience of the harmed person and involves all stakeholders to decide what should be done to repair harm, create

1 accountability, and reduce the likelihood of future
2 harm. We have consulted with experts on restorative
3 justice in order to determine our approach. With
4 their support, we have put restorative practices to
5 work in our policy efforts, for instance,
6 experimenting with hearing structures in order to
7 create spaces that promote healing. We have attempted
8 the same in our community outreach and education
9 work, helping to match community groups with support
10 for facilitation and we have integrated these
11 practices into the way we resolve cases.

12 The Commission's Source of Income Unit for
13 example, negotiated multiple set-aside agreements, or
14 requirements rather, in conciliation agreements,
15 wherein housing providers reserved a percent of the
16 landlord's units for tenants using housing vouchers.
17 This novel strategy is a unique form of restorative
18 justice in source of income discrimination cases,
19 allowing the Commission to repair the harm an
20 individual faced while also seeking to address the
21 broader crisis of access to housing for voucher
22 holders.

23 The greatest lesson of the Commission's work
24 during this immensely challenging period for our
25

city, however, has been that a tremendous amount of work remains to be done. Encouragingly, there seems to be a deeper commitment than ever across city agencies to take on long-standing disparities in employment, housing, health and other areas that have made COVID-19 such a destructive force in the city's communities of color. And we are eager to honor the agency's legacy in partnering with our colleagues across the administration, in Council and in communities across the city to address these issues. Thank you.

COMMITTEE COUNSEL: Thank you Deputy Commissioner Saunders. I would like to acknowledge that we have been joined by Council Member Rosenthal. I will now turn it over to questions from Chair Eugene. Deputy Commissioner's, please do not mute your microphones if possible during questions. As a reminder, if Council Members other than the Chair would like to ask some questions of the Administration, please use the Zoom raise hand function and I will call on you in order. Again, we will be limiting Council Member questions to five minutes, which includes the time it takes to answer your questions. Chair Eugene, you may begin.

CHAIRPERSON EUGENE: Thank you very much. I want to recognize that we have been joined by Council Member [INAUDIBLE 31:09] and let me to begin thanking Deputy Commissioner Sussman and Saunders. Thank you very much and I want to thank all the leaders and the groups and unions, members and association advocacy group for part of this very important hearing.

Commissioner, any one of you can answer, Deputy Commissioner Sussman or Saunders. Can you provide a breakdown of all type of COVID related complaints CCHR received this year? And how many complaints or type were presented to you?

DANA SUSSMAN: Sure, I am happy to do that. I have and I can share this document later on but while we noted that we had over 500 COVID related inquiries from February until the end of September, it actually represents 901 related claims. So, many times people will call and they will say you know, that it relates to disability and national origin or disability and something else, age for example. So, we would count each of those individually.

So, that means that the total actually surpasses the 500 plus number that I mentioned in my testimony. I am not sure if you would want me to go through

every single category because we have many in the City Human Rights Law. But I can go through the top ones which include disability 118, race 126, caregiver status 14, citizenship status 10, age 11, lawful occupation 10, gender 13, national origin 17, pregnancy 12.

So, that's just a sampling of the different types of complaints that we have received or inquiries I should say, that we have received related to COVID-19.

CHAIRPERSON EUGENE: Thank you so much. When we are talking about COVID related complaints, how do you identify you know, this complaint or that complaint is related to COVID? What is you know, the definition of a COVID related complaint? How do you determine that you know, which complaints are COVID related or not?

DANA SUSSMAN: So, it is my understanding and we can follow up with our Law Enforcement Bureau to get more clarity if you would like it but it is my understanding that you know, the vast majority of these inquiries explicitly mean COVID-19 as the cause, whether it is I had it, I have it currently, someone on my family has it, I have preexisting

1 conditions that make me vulnerable to it or
2 vulnerable to a more severe experience with COVID-19.
3 I am taking care of my children and trying to work
4 because of you know, schools going remote or schools
5 being closed specific to COVID-19.
6

7 So, typically the caller will identify that this
8 is explicitly COVID-19 related. When we are talking
9 about race and origin, it typically is articulated
10 that someone feels as though they are being targeted
11 because of their race at it relates to COVID-19
12 motivated discrimination or harassment.

13 So, we don't have a strict definition but it is
14 really reflective of the experience and the narrative
15 that the caller provides.

16 CHAIRPERSON EUGENE: Could you elaborate a little
17 bit more about the difference that you can make
18 between a regular complaint of discrimination that
19 could happen anytime during COVID or during the
20 normal time. How do you make you know, the
21 difference between COVID related complaint of
22 discrimination or normal complaint of discrimination
23 that could happen anytime?

24 DANA SUSSMAN: Sure, so as I mentioned, the
25 caller will typically self-identify and describe

1
2 their own experience and so, the COVID-19 related
3 inquiries are quite unique to the current moment.
4 They explicitly speak to their experience related to
5 either the quarantine or lockdown or changes to how
6 to access services due to COVID-19. Changes to their
7 work place due to COVID-19. Specific accommodations
8 they may need related to COVID-19 or other underlying
9 conditions.

10 An example of a kind of matter the may come to us
11 that is not COVID-19 related in this moment, might be
12 you know, someone who works at a store who is being
13 sexually harassed. That still happens, that's not
14 specific to COVID-19, they are still working. People
15 can be you know, harassed and discriminated against
16 in the work place whether it is remote or whether it
17 is in person and that again, would be something that
18 we continue to see but is not explicitly COVID
19 related, so would not be captured in the inquiries
20 that I just identified.

21 CHAIRPERSON EUGENE: Thank you very much. You
22 mentioned that you know CCHR has created a COVID-19
23 response team. Can you talk about the team? How
24 many people staff the team and was the number of
25 people who staffed the team sufficient?

1
2 DANA SUSSMAN: Sure, I don't have the number of
3 people who are currently on the team right now but
4 what we did do is we pulled staff, multilingual staff
5 from all parts of our office. We have staff from our
6 intake department, our Info-line staff. We have Law
7 Enforcement staff and we have community outreach
8 staff. And we pulled you know, from the resources
9 that we have to response and focus our response and
10 ensure that there is a dedicated team regularly
11 communicating about what they were seeing and how
12 they were responding. And I believe I testified a
13 little bit more specifically to this in a prior
14 hearing around the staff members but I can very
15 easily get that information back to you.

16 CHAIRPERSON EUGENE: Describe all the challenges
17 faced this year. The Commission achieved, the number
18 in Fiscal Year 2020, the Commission assessed a record
19 of 7.5 million in damages for violation of the City
20 Human Rights Law but what have you been doing. What
21 has the Commission been doing to prevent the increase
22 of violation of the city right, human rights. What
23 has the Commission been doing, prevention, education,
24 training for the general public. I am not talking
25 about the staff. The people are going through COVID

1 because COVID-19, this crisis you know, effects
2 everybody. People have stressed that we have PTSD.
3 This is a very critical situation for any human
4 being.
5

6 So, what has the Commission been doing to try to
7 help the people, help with this very difficult
8 situation to prevent the violation of human right?
9 To prevent them, you know, hey guys you know this is
10 a difficult situation for all of us but you still
11 should remember people have rights and you should
12 respect the right of the people.

13 DANA SUSSMAN: So, there is a couple ways that we
14 work to prevent violations of the City Human Rights
15 Law. One, is that as you mentioned, there were
16 record, damages and penalties assessed in the past
17 Fiscal Year. As I mentioned in my testimony, as part
18 of nearly every resolution, we work to ensure wide
19 ranging change and Deputy Commissioner Saunders also
20 spoke to this with respect to some of our resolutions
21 with restorative justice. Every resolution we
22 require training, that often we provide. We provide
23 free training that is now virtual available to
24 respondents at no cost. We have mandated policy
25

changes both locally and nationally in some circumstances.

So, we are having national impact in some of our cases. We have required monitoring, so that employers or housing providers have to report back to us on a regular basis for a period of several years regarding internal complaints, policy changes, compliance, hiring practices. That ensures institutional change beyond that period of time that we are investigating.

Further, when we are talking about outreach and education, part of what we do is educate community members about their rights. We also educate covered entities who have obligations under the City Human Rights Law to understand what they need to do, their responsibilities. In addition to that, we work to foster positive intergroup relationships and we know that in a city as diverse as ours, there are community tensions and they flare up at different moments, particularly moments of crisis and we have worked to build relationships across different communities. We have very successfully hosted over two dozen bystander intervention trainings with experts. Some focused on combating anti-Black

1 racism. Some focused on combating anti-Asian
2 discrimination and harassment. Some focused on
3 combating anti-Semitism. Others just focused broadly
4 on intervening when you see something happen and
5 doing it safely, and especially safely right now when
6 we are all taking extra precautions about sort of
7 being close and need to one another.

8 So, we have lots of different tools in our
9 toolbox, so to speak regarding creating longer term
10 and lasting change. And I also think while I
11 mentioned that damages and penalties are not the only
12 metric by which we should measure our impact, it
13 sends a message. The Commission is a credible venue
14 for people to bring claims of violations of their
15 human rights and respondents for potential
16 respondents understand that and know that filing at
17 the Commission means that we are going to do a
18 thorough investigation. We are going to assess you
19 know, damages and penalties. We are going to demand
20 real change and that puts respondents or would be
21 respondents on notice in a preventative posture.

22 CHAIRPERSON EUGENE: Thank you very much. You
23 know, you know, enforcements of law is very important
24 but I think education and outreach is very, very
25

important also. Because many people may be violating the right of people, they might not even be aware of that. They may not know if they are violating you know the right of other people. I think that we have to make sure we make the effort to educate, to train, to educate the people, the general public on top of human rights because we got to remember that New York City is home to so many people, coming from everywhere with different culture, with different tradition.

So, there may not be a way of you know, this very important noble right of other people to be respected, of their right to be respected. We have to make the effort to make sure that they understand that they may be violating the right of other people. I don't say that we don't do it, this is not what I am saying. But I say this is a very important fact of all of the effort that you are doing to protect the right of the people.

And my last question before I turn it to my colleagues, according to CCHR report, the COVID-19 response team took nearly 200 actions including discrimination and harassment including providing rapid response support in 38 matters, 158 referral to

other enforcement agencies and community partners.
Conducting 18 successful emergency interventions
found in six cases. Can you please elaborate on what
rapid response, report and type entail? What can you
tell us about rapid response support?

DANA SUSSMAN: Sure, thank you for that question.
Apologies, I had muted myself earlier. So, I want to
make sure that I am speaking accurately about how we
classify our different responses on the COVID-19
response unit. Early interventions are more often
times, or emergency interventions, require some level
of advocacy on our part, whether that means informing
the housing provider or the employer or the provider
public accommodation, what their obligations are.
Providing them with the guidance that we have issued,
giving them information, so that they can comply with
the law. Changing a policy at a building, changing a
policy at a store for example.

The rapid response maybe a referral to another
agency or even if it may be that another agency is
more typically suited or better suited to address the
situation, we do have a lot of our – our info-line
staff have a ton of information at their disposal to

1 ensure that – to give people, so that they aren't
2 kind of navigating different city agencies.

3 So, they may, even if it is not a violation of
4 the City Human Rights Law, they may be able to
5 provide information about an issue whether it is a
6 housing court issue or a concern around an eviction,
7 immigration status concern, they may be able to
8 provide that information immediately. So, that would
9 not count as an early intervention or an emergency
10 intervention because it is not you know, within our
11 jurisdiction necessarily but we are still providing
12 that response.

13 We also can direct an entity in a sort of early
14 intervention to immediately seize the discriminatory
15 act and if they don't, we can go ahead and file a
16 case against that entity if they don't comply. Which
17 is always a tool at our disposal and that's why some
18 of those pieces move from potentially early
19 intervention into a complaint following posture.

20 But again, I can get a little bit more detail
21 around you know, how we classify rapid response
22 referral and emergency intervention.
23
24
25

CHAIRPERSON EUGENE: Thank you very much. You know, from the 200 action, why were only 6 cases filed? Only 6 cases?

DANA SUSSMAN: Sure. Again, the reason why we established the COVID-19 response unit was because most of these cases required rapid response. And as I have noted at past hearings, the Commission has moved — has created this early intervention or pre-complaint intervention process because we recognize that in a lot of situations. Especially for specific situations including requiring disability accommodations, requiring pregnancy accommodations or issues around you know, source of income discrimination and housing, that to file a complaint, to wait for an answer, to undertake in an investigation would not adequately respond to the individuals immediate needs. And so, we have shifted a lot of our resources broadly to pre-complaint interventions, which can be resolved within a matter of a few weeks or even faster.

The COVID-19 response unit was created with that model in mind. That when we are talking about people's health, we are talking about people's ability to stay in housing. When we are talking

about people's ability to access the grocery store or deliveries to their apartment related to COVID-19, that we need to respond quickly.

So, a small proportion of those cases, we are not able to resolve and they may move to a complaint. In addition, a lot of individuals may not want a complaint. They may not want to go through with a full litigation and so, we are looking at again, trying to meet their needs and respond as quickly as we can in this sort of moment of crisis. And most of those cases don't require a complaint to be filed or it is not what the individual is looking for.

CHAIRPERSON EUGENE: Thank you very much. I want to acknowledge that we have been joined by Council Member Dromm. Thank you Council Member. Now, I would like to turn over the Administration in case my colleagues have questions.

COMMITTEE COUNSEL: Thank you Chair Eugene. I will now call on Council Members in the order that they used the Zoom raise hand function. If you would like to ask a question, please use the Zoom raise hand function. We will be limiting Council Member questions to five minutes. Once I call on your name, the Sergeant will announce that you can begin and you

may begin asking your question. We have questions from Council Member Lander.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER LANDER: Thank you very much Chair Eugene, Deputy Commissioner's Saunders and Sussman. It is good to see you hear as always, even if not as nice as seeing you in person. And I feel like I am going to ask the question I always ask which is like first to acknowledge and appreciate all the work the agency is doing, the way it is trying hard with limited resources to grow and expand. I feel like both of your testimonies today were very helpful and your questions and response to the Chair and then ask about budget and resources.

You know, back in 2015, the Administration and the Council worked together to substantially add resources to the Commission which had been you know, disastrously depleted over recent years and watching the Mayor who depleted those resources in his current affairs, reminds us of how important it is to fight for this Commission and how good the work was that you and Commission Malalis did to rebuild it. But I also know that you know that you know, while you rightly spoke about the fact that last year the wait

times, the processing times came down a little, you know, they are still higher than we want them to be. You know, they were at 300 and I wrote this down somewhere, 340 days back in FY16 and they are up to 515 days.

Some of that is because there is so many more cases coming in, so that's totally understandable but you know, we don't want people waiting you know, the better part of two years for their cases to be processed. The agency as I recall in the budget, took a 2 percent cut, which was less than some other agencies. So, less cuts but certainly more than others and I know that was largely an elimination of lines that had been vacant but that we had hoped to fill.

So, I just wonder if you could talk a little about giving all the work that you are doing, all the clarity of how urgent this work is. The value of all the increased work. What we need to do to make sure that we are processing those cases in a successful period and time and it is valuable to hear from you about the things you have done, amidst limited resources to reduce case processing times because there is no choice but to do that in a time like

1 this. But I think it is also helpful for us to
2 understand what the lack of resources means and just
3 be clear that you know, if we can provide more
4 resources then we can bring case processing times
5 down. And if we can't provide more resources, you
6 know, you are going to do what you can but we are
7 going to leave people waiting for justice longer than
8 we want to and you know, if we believe justice
9 delays, justice denied, then we have to look at that
10 squarely and thoughtfully and honestly as we are
11 approaching the budget.
12

13 And you know, part of the reason why I wanted to
14 see resources moved out of the NYPD and to other
15 agencies is exactly for this purpose. Like, this is
16 you know, the things that the Commission is
17 investigating are the kinds of bringing of justice
18 that all of us want more of and not less of. So, can
19 you just give us a sense of where things stand on
20 your budget. What you are doing internally to
21 address it but also some honest conversation about
22 what you know the lack of resources means.

23 BRITTNY SAUNDERS: Sure, I can start. It is in
24 fact the case that we in the last cycle lost some of
25 our vacancies and you know, as you have said, we are

1
2 very much accustomed to doing as much as we can with
3 the resources that we have. And so, I think, as much
4 as I think, it would have been nice to be able to
5 kind of continuing building and fill those vacancies
6 we have I think, have done a pretty good job of
7 making the best of what we have and even in some
8 cases, really trying to find you know, outside
9 resources. Resources like fellowships or other
10 things to help us supports some of the work that we
11 are doing. And Dana, I don't know if there is
12 anything that you would like to add to that.

13 DANA SUSSMAN: Sure, I will also mention that I
14 think you know, just to be transparent, it has been
15 incredibly challenging. I mean, we are facing a need
16 that continues to grow. We are I think, to the
17 credit of our communications team and our leadership,
18 you know, more people know about the Commission. Our
19 law continues to expand. Our laws look to as you as
20 a model to other jurisdictions. And so, we continue
21 to see increases in inquiries. We continue to want
22 to do groundbreaking work, both on the complaints
23 coming in from the public and also Commission
24 initiated investigations in testing. But you know,
25 no one wants to see sort of the gains of the past

five, five or almost six years you know, sort of go backwards or slide backwards.

SERGEANT AT ARMS: Time expired.

DANA SUSSMAN: If I may just finish. Oh, thank you. To you, Council Member Lander's point around the case processing time, you know, it is higher than it was a few years ago. It did trend down for the first time in a little bit and that is a true testament to our Law Enforcement Bureau which is led by Deputy Commissioner [INAUDIBLE 55:13]. They worked tirelessly this past fiscal year to close out or move to resolution much of the older cases, so cases that were filed in 2017. And so, our hope is that you will see those numbers continue to improve as we continue to report it out and tireless, I think, is a word that is used a lot but it really does accurately reflect the work. Up until the June 30th, sort of Fiscal Year deadline to move those cases and she personally was overseeing all of those case files and making sure that they were addressed to kind of close up that or improve that processing time.

So, despite the challenges, it was a real feat and we hope that you will see that those numbers will continue to improve.

COUNCIL MEMBER LANDER: Thank you.

COMMITTEE COUNSEL: Thank you. We have no further questions.

CHAIRPERSON EUGENE: Thank you very much Council Member Lander, thank you. Commissioner, you mentioned that in February 2020, the Commission launched a public awareness campaign to combat harassment and discrimination in housing. The work place and in all public places and to underscore the city's support for Jewish communities. The campaign is on a rise in anti-Semitism in New York City and in surrounding communities and around the country and affirm the right of all Jewish New Yorkers to be treated with dignity and respect.

Before, did you involve or contact the leaders of the Jewish community to be part of this campaign and to communicate with you, to guide you in order to give the better response to this situation.

DANA SUSSMAN: We did. It is our Commissioners guiding principle that we don't sort of engage in any initiative without consulting with a diverse set of

1 stakeholder and for that particular campaign we
2 worked with, we have a Jewish communities liaison. A
3 position that our Commissioner essentially created
4 for this very work to work with Jewish communities
5 across the city reflecting different denominations,
6 different boroughs, you know, across the religious
7 spectrum. And the campaign itself, some of the
8 images reflect that diversity. It features orthodox
9 Jewish woman, a Hasidic man, a Jewish person of color
10 and I am actually featured in the ad myself. And so,
11 you know, that was incredibly important and vital
12 piece of the campaign. That we wanted to — it served
13 two purposes, one was to lift up and celebrate and
14 honor the diversity of Jewish communities in New York
15 City and also, and to provide sort of a clear
16 beautiful visual of Jewish New Yorkers who are proud,
17 who are resilient, who are part of the fabric of New
18 York City and also, to ensure that Jewish New Yorkers
19 and others know that we are a resource. We are a
20 place where you can report discrimination harassment.
21 Of course, we are not the NYPD. We are not able to
22 investigate you know, onsite, if someone is you know
23 physically harmed or in harms way or in danger. You
24 know, that is not our role but we want people to know
25

1 that if they experience anti-Semitic hate,
2 discrimination. That they know that they can contact
3 us and that we are there for them and that we fully
4 support and stand behind the Jewish community in New
5 York City and in surrounding communities.
6

7 So, we did consult with a diversity of Jewish
8 community leaders and different community members.
9 We also consulted with experts within our own
10 Administration including the Office to Prevent Hate
11 Crimes, the Community Affairs unit and others to
12 ensure that the campaign struck the right tone and
13 that would be well received within the community.

14 CHAIRPERSON EUGENE: Thank you very much. We all
15 know that in New York City, many of the communities
16 are Asian community, Black community, Spanish
17 community, people from civil ethnicities or group.
18 They have been effected also by discrimination
19 because of COVID. Did you also reach out to the
20 leaders of different communities, to make sure they
21 are part of what the Commission is doing to better
22 able to respond to this critical, critical situation.
23 Because you know that I mentioned before, New York
24 City is home to so many people coming from everywhere
25 with tradition, the belief.

So, I think the Commission should have created a task force. Bring the leaders from different communities together and try to figure out together with the Commission and also the elected officials, the Council Members and see how we can end and overcome this very, very critical situation discrimination and harassment in time of COVID-19.

BRITTNY SAUNDERS: Yeah, I mean I can say a little bit to get us started there. You know as Dana mentioned, it is really our Commissioners commitment and our entire agencies commitment to always be consulting with the communities that are impacted by the problems that we are working on. It is so integrated actually into our regular practice that is not the sort of thing I think we would necessarily have to create a formal taskforce or working group on because it is just a part of ethos.

So, for example, you know, Dana talked about how we consulted with various leaders, members in the city's Jewish communities in order to pull together the campaign on anti-Semitism. We took a very similar approach in terms of developing our work around anti-Asian discrimination related to COVID. We worked with groups like the Chinese American

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2 Planning Council, the Chinese Consolidated Benevolent
3 Association, Asian American Federation, Homecrest
4 Community Services and others in order to inform our
5 approach. And then of course, we have also partnered
6 with our partners in government to pull together some
7 of the town halls that Dana mentioned in her
8 testimony.

9 So, we did six interagency town halls. We were
10 very intentional about making sure that we provided
11 that information in languages that would be welcoming
12 and informative for the various communities in
13 question. So, we provided programming in Mandarin,
14 in Korean, Japanese, Tagalog.

15 We also did 18 bystander intervention workshops
16 with our partners and as Dana mentioned, some of
17 those were focused on anti-Asian harassment but we
18 also did a number that we are focused on anti-Black
19 violence and anti-Black harassment and discrimination
20 as well and in that area of work, we also are you
21 know, very thoughtful about maintaining our
22 connections with consulting with our you know,
23 partners who work in the city's Black communities,
24 whether they are NAACP chapters, whether they are
25 groups that focus specifically on police reform or

gender issues or other issues. It is very much part of our ethos and part of our practice that we are constantly bringing together community leaders, consulting with the formally and informally in order to make sure that our approach is a wise one.

DANA SUSSMAN: And if I can just add a little bit to Deputy Commissioner Saunders comments. We also host weekly calls with faith and community leaders to share updates and inform them of their work. We have had many of our sister agencies join those calls as guest speakers for updates. We host video meetings weekly or reoccurring I should say, it might not be weekly in the current moment but it was with API community leaders serving as a feedback loop to the city. Again, featuring many times our sister agencies as guest speakers and we have been part of the larger Emergency Response Task Force, coordinated by OEM so that we are based on all of the work that we are doing and the sort of on the ground relationships that we have, we are communicating that up to the leadership of other city agencies as part of the COVID-19 response.

So, we have the sort of more formal weekly check-ins with different leaders. We also, as Deputy

Commissioner Saunders mentioned, it is sort of part of our workflow, we are always in communication with community leaders hearing what they need, field and criticism, you know, responding in kind, so.

CHAIRPERSON EUGENE: Thank you very much. We all know that when there are different groups of people meeting together having a dialogue, discussing about any topic, there is vibrancy and with each other. Especially when they come from different ethnicity. This is a wonderful thing, a positive, constructive environment. From the experience that you have had meeting with the leaders from different communities, different ethnicity, could you share with us the lesson learned, what you have learned? What was the experience? You know, that should be shared and address the issues of discrimination, harassment for different groups. Is there anything that you have been doing you would do differently because of the enrichment, because of the lesson learned from the you know interaction from the different groups?

BRITTNY SAUNDERS: I mean, I can start. I will say that you know from you know, a lot of the consultation that I have been involved in or heard about. You know, I get the sense and again, some of

1 this is through you know, meetings or round tables
2 that we will put together but it is also worth
3 mentioning that our Community Relations Bureau also
4 has lead advisors and liaisons who work with specific
5 communities across the city. Whether those are
6 religious or ethnic communities or whether we are
7 talking about the LGBTQ community. It is really kind
8 of another institutionalized way for us to keep those
9 lines of communication open.

11 What I will say thinking about you know, all the
12 various types of feedback that we get, from my
13 perspective, I think a lot of people are deeply
14 appreciative of the work that the Commission does.
15 They are really you know acknowledge the fact that we
16 are more visible than we have been in recent decades
17 and that we are you know, committed to the
18 relationships that we have with them. I think that
19 there is always, particularly under the most recent
20 circumstances, like a desire to see us be able to do
21 you know, more.

22 So, more outreach and education, more you know,
23 policy work. So, I think it is a mix of both. It is
24 an appreciation for the work that we do but also a
25 desire to see the agency be able to take on even

more. But Dana, I don't know if there is more that you would want to add.

DANA SUSSMAN: The only thing I would add is that our staff, we have built over the past five and a half years, a staff that reflects the diversity of New York City. I know we have mentioned this before and for our you know, across all aspects of the agency but I think to have staff that speak 30 plus languages that come from the different communities that are impacted by different issues that have experienced those same - have experienced discrimination harassment themselves. And have you know, it is I think so incredibly meaningful to have representation in government that looks like, sounds like and has experiences like, so many different New Yorkers and that, I think, is something that we want to remind everyone of and just the incredible dedication of our staff who despite all of the challenges that many of them have personally faced over the past seven or eight months in their families, in their communities, that they are still showing up everyday because they care about the city. They care about the communities that they serve and

they want to be present and they want to hear what the communities need.

CHAIRPERSON EUGENE: Thank you very much. We have been joined by Council Member Barron and earlier we have been joined by Council Member Dromm. I don't know if any of my colleagues have questions Counsel?

I will turn to the Committee Counsel now to find out if my colleagues have questions.

COMMITTEE COUNSEL: Thank you. I don't see any raised hand functions. So, with that I think we can turn to public testimony. If any Council Members have questions, please use the Zoom raise hand function.

CHAIRPERSON EUGENE: Can I ask a few more questions to the Administration?

COMMITTEE COUNSEL: Yes.

CHAIRPERSON EUGENE: We got time for that?

COMMITTEE COUNSEL: Yes, of course.

CHAIRPERSON EUGENE: Thank you much.

Commissioner's, CCHR recently testified in its guidance the COVID-19 is to be treated as a disability. Are there any recent development legal or otherwise regarding the interpretation as COVID-19 as a disability?

1
2 DANA SUSSMAN: No, we have — again, we are
3 following the medical information as best as we can
4 and we know that there are so many things yet unknown
5 about the coronavirus, about COVID-19 and how it
6 impacts bodily functions both in the short-term and
7 in the long-term. But given the broad definition of
8 disability under the City Human Rights Law, we felt
9 that it was very clearly a disability under the City
10 Human Rights Law and we wanted to be as clear and
11 transparent about that position as possible.

12 We have had a series of conversations with
13 lawyers who represent employers. Lawyers who
14 represent workers and we have heard sort of universal
15 feedback that that position makes sense. And also,
16 you know, it is obviously well within the definition
17 of disability under the City Human Rights Law.

18 And so, that position has not changed. There
19 have been no further developments on that specific
20 position but we do — it adds very clear — it provides
21 the kind of clarity that what we have seen from the
22 EEOC sort of lacks. The EEOC has not, as far as I am
23 aware, as of today, has not taken clear position on
24 this. And so, you know, again, the Federal Law is a
25 floor and the City Human Rights Law is instructed to

be more protective than state and federal protections and so, we have consistently held to that position.

Other aspects of the guidance on COVID-19 and human rights have evolved. We have expanded upon them as the situations change with respect to reopening. Other concerns being raised by employers around how to navigate different issues but that position remains unchanged.

CHAIRPERSON EUGENE: According to the Mayor of Management Report, the number of complaints received by CCHR has increased in Fiscal Year 2020 but the number of complaints filed has dropped significantly by 34 percent. Can you explain to us why the drop?

DANA SUSSMAN: Sure, so it is my understanding that there is two issues at play here. One, is as I mentioned before, we have moved significantly to pre-complaint intervention where it is appropriate.

So, that means that we are still fielding those calls. We are doing investigations. We are doing advocacy and we are getting cases resolved without ever having to file a complaint and if we get immediate compliance, there is no need in many circumstances to file a complaint. And we think that that is a really effective use of our resources.

1
2 So, you will see that over 400 of our matters
3 were resolved through pre-complaint intervention
4 which is just slightly lower than the year prior but
5 represents you know, nearly half of the kinds of
6 inquiries that we receive can be resolved through
7 pre-complaint intervention.

8 The other issue though that I will acknowledge is
9 that we saw a real dip in cases filed in March, April
10 and May. So, the last few months of the Fiscal Year
11 and that, I think a few factors. One is, everyone
12 was sort of scrambling to figure out what life was
13 going to look like and people's priorities likely
14 shifted away from an administrative process with us
15 for the moment and moved to taking care of their
16 families. Figuring out what their employment
17 situation was going to look like. You know, caring
18 for their own health and their own safety.

19 So, we did see a significant drop in complaints
20 filed in the early months of the pandemic. I can
21 report though that over the past few months, I think
22 starting in June, those numbers have again ticked up.
23 So, June, July, August and September numbers are
24 looking like for cases filed in those months,

complaints filed in those months, are looking similar to the numbers of cases filed pre-pandemic.

So, we are ticking back up and kind of equalizing after that extreme dip in March, April and May. We also have an extension of the Statute of Limitations for filing based on the governors executive order.

So, if people were unable to commit to the process earlier on because of emergency situations, they can still, you know, the time on their claims has not expired and they can still file with us and we will continue to follow up with those individuals if they you know, started the process and then didn't complete it.

So, again, on the one hand, we have strategically moved to a place of filing you know a proportion of our cases - addressing a proportion of our cases through pre-complaint intervention and we also saw the impacts of the pandemic on our city and on people's capacity to engage in the process with us. In our own capacity in those very early days to get all of our technology up and running and ready to go to continue to file complaints.

CHAIRPERSON EUGENE: Another thing is there has been a decrease in pre-complaint resolution. How do you explain that?

DANA SUSSMAN: So, there is a slight decrease in pre-complaint resolutions. Again, one of the — one large proportion of our pre-complaint interventions includes disability accommodations in housing. And some of that requires on site inspection of housing accommodations and that was not something that we were able to do on site in people's homes during those early months of the pandemic.

So, some of those resolutions were delayed or continue to be ongoing but if you look at our pre-complaint interventions, I think last year was a record high, a significant you know, hundreds more than any prior year if I remember correctly and the dip in 2020 I think reflects again some of the challenges we faced in being able to be out and onsite for some of those accommodations related pre-complaint interventions and some of the delays in people engaging with us in the process early on in the pandemic. But I think the numbers will reflect now that we have stabilized and I will note to, that our Law Enforcement Bureau, our staff, our offices

1
2 did not close for a single day. As we moved to
3 remote work, we did it over a weekend. Our staff
4 worked heroically to move our you know, 130 plus
5 person staff from 5 different offices to remote work
6 over a weekend and we were up and running on that
7 Monday morning in March, continuing to process things
8 virtually.

9 Of course there were bumps and hurdles and people
10 needed technology delivered to them. People needed
11 physical files delivered to them but it was a huge
12 undertaking and we continued to operate you know,
13 more or less, fully remotely while also as I
14 mentioned, filing nearly the same number of
15 complaints per month that we were filing in January
16 and February.

17 CHAIRPERSON EUGENE: Thank you very much. CCHR
18 noted its ability to close more cases this year.
19 However, it has appeared that the many of these cases
20 were closed despite COVID causes. 23 percent of
21 cases with a probable cause determination were closed
22 in Fiscal Year 2020 whereas only five and 7 percent
23 of cases were closed in Fiscal Year 2018 and 2019.
24 51 percent of cases were closed for administrative
25 codes. Can you explain why there was a sort of

significant jump in cases with filing of closed this year compared to the prior year?

DANA SUSSMAN: As I mentioned during Council Member Lander's questioning, it was a very intentional effort on the part of our Law Enforcement Bureau to review and move cases filed prior in 2017 and years prior. So, any cases that had been at the agency for more than a couple years, we did a full accounting in an effort to again, you know, reduce case processing times, address cases in a timely manner. And so, as a result of that effort, many of the cases had a few more steps that needed to be taken before moving it to probable cause and so, maybe that was one or two more final interviews reviewing additional documents, drafting materials internally for review. Or attempting to resolve the case you know, before a probable cause was issued. One more attempt to conciliate the matter.

So, that was a concerted effort on the part of our Law Enforcement Bureau and the numbers of probable cause determinations reflect that effort to resolve as many cases that were filed in 2017 and earlier as possible.

CHAIRPERSON EUGENE: You know, COVID-19 and the entity have crisis and have so many difficulties and as change also a way of life. And so, in terms of medical services, did you receive cases on complaint for guiding the services, the health services people have been facing difficulties that may classify as discrimination in terms of receiving medical services because of COVID or during the time of COVID? Can you talk about that?

DANA SUSSMAN: I don't have that information at my fingertips but that's something that we can certainly get back to you on as far as numbers of inquiries and/or complaints regarding discrimination in the provision of healthcare. We do know however, that structural and interpersonal racism exists in healthcare. We do know that there were very serious concerns earlier on in the pandemic around when — there were concerns around adequate equipment and personnel to treat all of the ill New Yorkers who were in hospitals. That there might be a divvying up of resources and who would be treated with more urgency than others and we were part of many of those conversations with partner agencies about addressing those concerns.

1 So, it is an area that we are very much looking
2 at. We are in touch with lots of agency partners
3 around this issue and are committed to. And so, and
4 that was part of our outreach campaign, included a
5 component of if you have experienced racism or
6 discrimination of any kind in a healthcare setting,
7 we want to know about it. And so, I can get back to
8 you to see if we have had some inquiries around that.
9 I think those are particularly challenging cases for
10 people to bring to us. Mostly because they are also,
11 if they are experiencing that, they are also probably
12 experiencing a medical emergency or an urgent matter
13 with respect to their health or the health of their
14 loved ones.
15

16 So, navigating you know another bureaucracy like
17 ours, which we fully admit, we are you know, an
18 Administrative agency is often not a high priority.
19 And so, it is one of the reasons why we are looking
20 at this as a more systemic problem. Part of that
21 work involves what Deputy Commissioner Saunders spoke
22 to around our report on Black New Yorkers experience
23 with racism and part of it involves you know
24 soliciting more input from the public to determine
25 what our next policy positions and other enforcement

positions may be. And Brittny, if you would like to add anything, please.

CHAIRPERSON EUGENE: Yes, thank you very much. I am sorry.

BRITTNY SAUNDERS: Oh, no, I was just going to say, I think that was great. I don't have anything to add.

CHAIRPERSON EUGENE: Very good. So, we all know that you know, patients of right, walkers of right or so. It doesn't matter if they are medical or staff, medical workers, first responders, they all also have rights and this is a right to receive PPE and the proper environment to continue to do what they love doing. To provide the good services that have been provided for many years but we know that you know, there have been several difficulties, several issues in terms of those first responders and medical staff. And those who put their life in danger on line for us to receive the appropriate equipment and proper environment to save life.

But did the Commission make any effort to try to understand the situation? To understand the situation, what was exactly the essence and the reality? Did the Commission try to reach out to

investigate and try to understand what's happened in order to prevent or to be better able to address eventual situations like COVID-19?

DANA SUSSMAN: I am not entirely sure if I understand your question. Are you asking about our efforts to address adequate PPE in hospitals or?

CHAIRPERSON EUGENE: Not only PPE, what I am saying is that you know, providing for example, medical staff that are putting their life in danger for all of us, they have to be provided in the PPE and appropriate environment you know. That was a very stressful situation for all of the first responders, all of the medical professionals. I am not trying to blame no one but what I am saying, I am saying that you know, that was a very difficult, painful situation for our first responders. For those who put their life in danger to save others to protect us. So, did the Commission do any effort to try to understand exactly what was going on?

DANA SUSSMAN: Sure, you know, as I mentioned, we are part of many interagency task forces, including ones that are organized by OEM that include Department of Health and other experts.

1
2 So, we were aware of what was happening but
3 certainly and if the distribution of PPE or any other
4 sort of needs that the pandemic created were
5 distributed unequally, that based on ones protected
6 status, that is something that we would absolutely
7 want to know. We are incredibly grateful to the work
8 of our first responders. Our city – we owe them a
9 debt of gratitude that I am not sure we will ever be
10 able to repay for all of the incredible work that
11 they have done and their commitment to the city and
12 the people of this city in the face of you know,
13 unspeakable tragedy and danger.

14 So, if there is concern that you know, PPE was
15 not allocated equitably based on again, the protected
16 statuses enumerated in the City Human Rights Law,
17 then we certainly want to know about it. But with
18 respect to the larger issue in the crisis that our
19 city faced in March and April around protecting our
20 first responders. We are part of some of the
21 coordinated emergency response teams that were you
22 know, continually updated by City Hall and the
23 Administration on the efforts that the city was
24 taking to address those concerns.

CHAIRPERSON EUGENE: Thank you very much. Thank you to both of you for what you have been doing. Thank you for the work that you have been providing to the City of New York and protecting the rights of people. I know that is not easy. It is very difficult and I always say that we are all part of the team. We have to work together because people have to be protected.

You know, their rights should be protected. They have to be treated in respect and fairness and again, I thank you for everything that you have been doing and we continue to work together to make sure that New York City is a place where everyone can be respected and live with dignity and respect.

So, now I want to turn it over to the Committee Counsel and I am following your guidance to continue.

COMMITTEE COUNSEL: Yes, we have some members of the public that want to testify. So, if you don't have any other questions, we can move on to hear their testimony.

CHAIRPERSON EUGENE: That's okay, yes, I will be more than happy to hear them. And again, Deputy Commissioner's Sussman and Saunders, thank you so very much for your work.

DANA SUSSMAN: Thank you. Thank you so much.

BRITTNY SAUNDERS: Thank you, appreciate it.

CHAIRPERSON EUGENE: Thank you.

COMMITTEE 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 individuals one by one to testify. Each panelist will be given three minutes to speak.

Please begin once the Sergeant has started the timer.

I would now like to welcome Yafa Dias followed by Alison Lynch and Ravi Reddi. Yafa, you may begin your testimony when the Sergeant calls time. If Council Members have questions for members of the public, please use the Zoom raise hand function.

Yafa, you may begin after the Sergeant calls time.

SERGEANT AT ARMS: Time starts now.

COMMITTEE COUNSEL: Yafa?

CHAIRPERSON EUGENE: Yafa?

COMMITTEE COUNSEL: I believe she is on mute. So, we will move onto the next witness. Alison, you may begin when the Sergeant – oh, sorry, it looks like Yafa is back.

CHAIRPERSON EUGENE: Okay.

YAFA DIAS: Sorry about that, I was not ready.
How are you today?

CHAIRPERSON EUGENE: Good, how are you?

COMMITTEE COUNSEL: First time?

YAFA DIAS: Yes, hi, my name is Yafa, I am from Arab American Association of New York; I am the Lead Organizer there and many people before me at this meeting which I am very glad Council Members who touched up on what has been currently going on. What has been challenging for us this year and for the Asian American community is that we at AAANY have been an incredible amount of sympathy for our East Asian brothers and sisters and we stand in solidarity with them. We know that anti-Asian hate crimes have risen and so has anti-Arab hate crimes have risen this past year.

I am here though to specifically address the rise in racism in the Arab American community in which in this past year we have experienced a lot of harassment and attacks within the Bay Ridge community itself. And you know, we don't expect, we cannot expect the City of New York to eliminate racism in the five boroughs but we can demand that when a member of any community is targeted because of their

1
2 faith or the color of their skin, that the city helps
3 them seek justice.

4 For too many Arab Americans, so for this year,
5 this has not been the case and too often cut and dry
6 hate crimes are treated as routine criminal cases by
7 the NYPD. Denying victims the justice they deserve.
8 Repeatedly, they have refused to open bias
9 investigations into cases where clear biases exist.
10 And so, today, we are here to bring attention to this
11 and we ask that we pay more close attention to these
12 hate crimes towards anti-Asian Americans and anti-
13 Arabs and we hope to further our work with our City
14 Council Members in the future. Thank you so much.

15 CHAIRPERSON EUGENE: You are welcome.

16 COMMITTEE COUNSEL: Chair, do you have any
17 questions or should we move on to the next witness.

18 CHAIRPERSON EUGENE: You know, thank you so very
19 much for your testimony. Thank you for sharing with
20 us your experience because you know, this type of
21 discrimination how does the situation effects your
22 daily life.

23 YAFA DIAS: Well, daily life-wise as the Lead
24 Organizer, I have to organize any type of like
25 reaction towards this. We have people who come into

our office to make complaints and so, we take those complaints seriously and then we then give it to the Hate Crimes office at the Mayor's Office.

A lot of it gets written down but what we want is more trainings. We do like the escalation trainings. One of the speakers had mentioned before and we would like more resources for this. Specifically, so that we can host these either virtual trainings, Know Your Rights trainings and then also, provide language assistance for our community. People who don't understand how to actually react or go about seeking justice when incidents like this happen to them. So, thank you.

CHAIRPERSON EUGENE: Thank you very much. You mentioned a very important key word, training and I would add also education.

YAFA DIAS: Yes.

CHAIRPERSON EUGENE: I think that as a city, as a society, we have to continue to educate each other and to make everybody understand that we are all members of the same society, the same city, there is one city. And it is always important to treat everyone is treated with fairness, respect and dignity. When we can achieve that, the city is going

to be a better place for all. Thank you so much for what you have been doing.

YAFA DIAS: Thank you so much. Take care.

CHAIRPERSON EUGENE: Thank you, you are welcome.

COMMITTEE COUNSEL: Thank you. The next panelist will be Alison Lynch followed by Ravi Reddi followed by Scott Richman. Alison, you may begin after the Sergeant calls time.

SERGEANT AT ARMS: Time starts now.

ALISON LYNCH: Thank you. Good morning, my name is Alison Lynch and I am a Staff Attorney in Disability Rights New York's Protection and Advocacy for Individuals with Mental Illness program. DRNY is the federally designated independent agency serving as New York States protection and advocacy system for people with disabilities. We have worked alongside the Commission on a variety of issues and appreciate their recognition of how disability related discrimination can effect the lives of so many. We encourage the Commission to work proactively on behalf of individuals with disabilities who are now more than ever at a greater risk of discrimination and harassment due to their disability status.

1
2 As is the case with many other aspects of
3 emergency preparedness, when it comes to this
4 pandemic, people with disabilities are often the last
5 to be asked and the first to be impacted. This can
6 also lead to unchecked discrimination against our
7 most vulnerable residents and DRNY has worked to
8 ensure that we can adequately provide support during
9 this time to those who may otherwise have been
10 overlooked. Either through direct support or by
11 providing referral department agencies like the
12 Commission.

13 The Commission has recognized that the category
14 of disability discrimination is one of its most
15 frequently cited in complaints and this has only
16 increased with the pandemic. This was particularly
17 true for individuals experiencing homelessness and
18 individuals with mental illness.

19 It is well documented that individuals with
20 disabilities have been disproportionately effected by
21 COVID-19. That doesn't just mean that they are at
22 higher risk of having complications. It means in
23 reality, that they are at higher risk of contracting
24 it, not being able to properly quarantine and not
25 receiving the same standard of care once they do

contract it. Often, this is due to their living situation.

These types of situations can compound discrimination and necessitate a greater all hands response to combat disability related discrimination. The Commission has been an ally but there are several issues that led to discrimination that have not been as widely discussed and we believe it is important to bring them to light.

The first involved individuals who live in congregate settings. These can include nursing homes, adult homes, group homes and particularly homeless shelters. Homeless New Yorkers are statistically far more likely to have a disabling condition and when the pandemic hit, these New Yorkers were forced to quarantine in shelters without PPE, the residents or staff. Without room to social distance and without access to testing and additionally, many reported a lack of information about what was happening at a time when this education was so important to our rapidly evolving understanding of this disease.

The move to house individuals in hotels came weeks after many individuals in shelters were already

1
2 sick or exposed and while the program had good
3 intentions, there remained issues with appropriate
4 discharge and timely care. The confusion and ongoing
5 conflict surrounding these hotel placements and
6 shelters in general, lead to an increase in calls to
7 DRNY about discrimination and many callers felt they
8 were --

9 SERGEANT AT ARMS: Time expired.

10 COMMITTEE COUNSEL: You can --

11 ALISON LYNCH: Can I outline just some
12 recommendations that I have for the Commission and
13 finish up my remarks?

14 CHAIRPERSON EUGENE: Yes.

15 ALISON LYNCH: Thank you. I appreciate it. DRNY
16 recommends, as many others have today, that
17 preparation for multiple waves of the pandemic is
18 paramount. It is our position in making these
19 preparations and reviewing what happened in the early
20 stages that individuals with disabilities who are
21 most at risk should be prioritized in any planning,
22 guidance and recommendations that could impact their
23 care, both in congregate settings and in the
24 community.
25

Preparation should include outreach, education and proactive engagement with members of disenfranchised groups, as well as those in close contact. Either to ensure that they understand potential rights violations and also to ensure that friends, family and advocates have a clear understanding of how to engage with the Commission on behalf of or alongside of individuals with disabilities who may be unaware of the protections that they have the rights to.

We believe that it is incredibly important for everyone to be not just aware but for there to be an increased outreach effort to these more marginalized populations as was shown with these increased calls that we received to our intake lines during the initial response to COVID. Thank you for your time today.

CHAIRPERSON EUGENE: Thank you very much Ms. Lynch for your testimony. I want to commend you and thank you for raising your voice. For standing for a very important group of our community of our society, the people with disability. When there is any type of issues, they are effected. They are suffering for any issues, any problem of our society.

I think it is more as a society to make sure that they can be treated fairly and they can benefit all the resources that our society can offer. This is very important and I think that we have to always, always make the effort as we address the issues of our communities, all type of people in our society. We have to make sure that we bring the issues on the table as priorities arise. It is our moral obligation and if we can do that our society is going to be a better place. Thank you so very much.

In addition to what you have said, is there any recommendation that you can give to our City Council Members in terms of you know, getting together. In terms of making the effort to better address the issues effecting the people with disability.

ALISON LYNCH: Sure, I would be happy to talk a little bit about that. One recommendation -

CHAIRPERSON EUGENE: And excuse me, if you have all the information, you can gather them please and send the information to us and us Council Members, especially on the Committee of Civil and Human Rights. We can go over it and get back to you and see what else we can do in addition to what we are doing now.

ALISON LYNCH: I would greatly appreciate the opportunity to submit not just written testimony but be able to sit down and address some of these issues one on one with anyone who is interested. So, please feel free to contact me offline and we can go through all of this. Very briefly, I will say that the recommendations that we do have in addition to a robust and proactive outreach strategy, is looking at many of the systems that are interconnected that impact people with disabilities.

So, for example, many individuals with mental illness who were prematurely discharged from hospitals when they needed to reallocate or repurpose bed space, were then kind of left in the lurch in terms of community psychiatric care because those facilities were closed due to the pandemic. So, a lot of those individuals then ended up feeding into the shelter system that was already overrun with individuals who were having difficulty quarantining and receiving routine medical care to begin with.

So, this kind of domino effect that we saw from system to system was made more difficult by the fact that there were not, in our minds, enough people kind of on the ground directing traffic, if you will.

There was not the attention paid to each system individually and how it can impact the next system that that individual will be shuffled off to.

So, you know, the crisis that we are seeing in the shelter system right now for individuals with disabilities and mental illness, facing so much discrimination about their current location, the plan in place right now is only going to shift them to another neighborhood and another facility where these same issues may come up. And so, what we urge and really encourage individuals here today to think about and to look at is a way to bring in many different members of the community who will be impacted by these individuals moving through the system and look at a more cohesive strategy of ensuring that they have the support from you know, point A to point B, even despite continued closures and continued challenges in light of the COVID pandemic.

CHAIRPERSON EUGENE: Thank you very much Ms. Lynch. Thank you so very much and stay safe. Thank you.

ALISON LYNCH: Thank you for your time today, you as well.

CHAIRPERSON EUGENE: Thank you.

COMMITTEE COUNSEL: Thank you. Next, we would like to call on Ravi Reddi followed by Scott Richman followed by Hallie Yee. We will begin with Ravi and you may begin your testimony after the Sergeant calls time.

SERGEANT AT ARMS: Time starts now.

RAVI REDDI: So, I want to thank the Committee Chair for holding this hearing and giving me the opportunity to speak. I am Ravi Reddi, I am the Associate Director for Advocacy and Policy at the Asian American Federation. AAF represents the collective voice of more than 70 member nonprofits serving 1.3 million Asian New Yorkers.

But here is what our committee is dealing with, a 35 percent increase in deaths compared to the 5 year average. Our small businesses are dealing with being hit earlier and harder because of the early waves of pre-pandemic anti-Asian xenophobia. And our elders continue to avoid going out despite needing food or getting medication for fear of getting attacked.

Cases like that of an 89-year-old Asian elder who was literally set on fire in Brooklyn in late July are embolden racist and stoking fear across our

community. And the Trump Administrations continued use of anti-Asian rhetoric in discussing COVID-19, alongside a continued public charge assault have exacerbated our communities awareness of engaging fully with our rights and with the services we are entitled to.

So, this much should be clear, for many of our 1.3 million Asian New Yorkers, 2 and 3 of whom are foreign borne, human rights are not something we take for granted. We are deeply grateful that the City Commission on Human Rights and this Committee have taken a proactive role in acknowledging the challenges facing our community. As Deputy Commissioner Sussman cited, our advocacy efforts have contributed to the city response in multiple ways, such as the city coordinating resources to respond to hate crimes, creating reporting towards Asian languages and creating safety resources to keep our community members safe. But we are here because we need to work harder together.

In the first half of the year, CCHR collected more than 100 bias incident reports against Asian Americans just between February and May. We received 371 such complaints through our own reporting portal

in the first half of this year. An underreporting of the serious issue, as 70 percent of Asian New Yorkers are immigrants and systemic factors like high poverty, high LEP rates and lack of immigration status deter reporting.

Clearly, reporting systems require much improvement. Systems that are meant to serve our most vulnerable, should keep them top of mind. Like the very real possibility, let's say, a senior LEP Asian immigrant already isolated due to pandemic restrictions and without a smart phone or access to stable internet might be attacked and need immediate access to successful reporting facilities and safety resources.

So, this work requires a proactive outreach and education approach within our community about the resources at our disposal. Such as how the Commission on Human Rights can support those who are victims of bias incidents.

So, here is some of our recommendations. One, the trusted leadership organization in the community funding for our efforts will help us continue coordination of response measures, such as encouraging reporting and developing community safety

and security resources outside of law enforcement and spearheading awareness campaigns in solidarity with Black and Latino communities. But we and our partners are currently doing the work with minimal funding far less than is necessary to bring our work to scale, concerning the size of our community. That needs to change.

Second, we need to make sure every New Yorker has access to reporting systems and resources regardless of the language they speak.

SERGEANT AT ARM: Time expired.

RAVI REDDI: Might I just wrap up?

COMMITTEE COUNSEL: Yes, you may.

RAVI REDDI: So, regardless of the language they speak and this includes increased funding for the hiring of language speakers who reflect our most vulnerable communities and increasing translation capacity for our community resources.

And finally, to that end, we absolutely need more data on the nature of biases being reported and how they are being resolved. Especially given the lack of clarity regarding resolution of verbal assault cases.

So, on behalf of AAF, I want to thank you for letting us speak with you about the state of human right in our community. This is an important and personal topic of discussion for our community members and we look forward to working – for continuing our work with CCHR, this Committee and Council Members to make sure we can provide the robust defense for New Yorkers human rights that they deserve. Thank you.

CHAIRPERSON EUGENE: Thank you very much Ravi, thank you and I am going to talk to the Committee Counsel to contact you because we would like to have your recommendations and coordinate a conversation with you with your organization. Because as I say all the time, we are all part of the team and it will take the effort of all of us from different ethnicities for this situation to work together to make New York City better. Thank you so very much. Have a nice day.

RAVI REDDI: Thank you.

CHAIRPERSON EUGENE: Thank you.

COMMITTEE COUNSEL: Thank you and just as a reminder, written testimony can be submitted to the Council's email at testimony@council.nyc.gov. Next,

I would like to welcome Scott Richman to speak. You may begin your testimony after the Sergeant has called time.

SERGEANT AT ARMS: Time starts now.

SCOTT RICHMAN: Good morning Chairman Eugene and members of the Committee on Civil and Human Rights. My name is Scott Richman, I am honored to be the Regional Director for ADL's, New York and Jersey regional office. Thank you for the opportunity to testify here today regarding the Commission on Human Rights Response to the COVID-19 Pandemic.

While my remarks will focus on the rising tide of identity based hate and harassment stemming from the COVID-19 pandemic. I hope that the Commission will also give priority attention to the disproportionate impact that COVID-19 has had on communities of color in New York City. Due in large part to the systemic inequities and structural racism in housing, employment, education, policing and health care.

Just by way of introduction, since 1913, the mission of ADL has been to stop the defamation of the Jewish people and secure justice and fair treatment for all. Over the past three decades, ADL has been recognized as the leading resource on effective

responses to violent bigotry conducting an annual audit of anti-Semitic incidents and drafting model hate crimes statutes for state legislatures.

In our experience, hate crimes and bias incidents demand priority attention because of their special impact. These acts are intended to intimate not only the victim but also members of the victims entire community, leaving them feeling fearful, isolated and vulnerable. By making members of targeted communities fearful, angry and suspicious of other groups and of the power structure that is supposed to protect them, these incidents can damage the fabric of our society in fragment communities.

The ongoing threat of the COVID-19 pandemic, there are surging reports xenophobic and racist incidents targeting members of the Asian American and Pacific Islander and Jewish communities. Asian American's have been told to go back to China having been blamed for bringing the virus to the United States and have been referred to with racial slurs, spit on and physically assaulted.

At the same time, members of the orthodox Jewish community have also been blamed for the spread of the virus. Here in New York and New Jersey's post on

social media, have suggested that orthodox and Haredi Jews should be denied medical treatment if they get sick. Called on Law Enforcement to use water hoses and tear gas to stop orthodox communities from gathering and even indicated that the orthodox Jewish community should be wiped off the planet once and for all.

Extremists have also continued to spread anti-Semitic and xenophobic conspiracies about COVID-19, blaming Jews and China for creating, spreading and profiting off the virus. Indeed, according to a new study by ADL's Center for Technology and Society, during the hours immediately following the Presidents initial Tweet about his and the First Lady's COVID-19 diagnosis, there was an 85 percent increase in anti-Asian sentiment and conspiracy theories on Twitter and a 41 percent increase in the rate of discussions about conspiracy theories generally –

SERGEANT AT ARMS: Time expired.

SCOTT RICHMAN: With taking on anti-Semitic overtones. I just have a little bit more, can I conclude?

COMMITTEE COUNSEL: Yes.

1 SCOTT RICHMAN: Thank you. The truth is, that
2 framing the pandemic is a foreign problem violates
3 international guidelines because it can lead people
4 to unfairly stigmatized groups based solely on their
5 protective characteristics. And despite narratives
6 to the contrary, the vast majority of Haredi and
7 orthodox communities are adhering to public health
8 directives and distancing regulations. While there
9 certainly have been some instances of noncompliance
10 and these incidents are extremely disturbing, these
11 aberrations are not unique to the Haredi or orthodox
12 communities. Nevertheless, as too often as the case,
13 the bad acts of the few have been widely attributed
14 to an entire community leading many to conclude that
15 the orthodox community as a whole is collectively
16 failing to adhere to public health directives and is
17 there for responsible for recklessly or even
18 intentionally attempting to spread COVID-19, an
19 untrue and alarming allegation reminiscent of age old
20 anti-Semitic tropes blaming Jews for spreading filth
21 and plague.

22 ADL is deeply concerned that as this public
23 health crisis continues, de-escalation and hateful
24 rhetoric against the Asian American Pacific Islander
25

and Haredi and orthodox individuals will continue leaning to increase tensions across New York City. And this comes on the heels of several years of surging anti-Semitic violence, where extreme anti-Semitism online has had deadly consequences.

We strongly urge the New York City Council and the Commission on Human and Civil Rights in particular to use its pulpit to speak out against stereotyping, scapegoating and all forms of hate connected to the COVID-19 pandemic.

Thank you for your time and consideration and we look forward to continuing to serve as a resource to the Commission as it works to ensure that New York City is a safe, welcome and inclusive city for all.

CHAIRPERSON EUGENE: Thank you very much Mr. Richman. Thank you for your testimony and let me ask you one thing. As I said several times before, our city or society can be a better place if we all invest in that we should respect each other. We have to do everything possible to make sure that everyone is respected, is treated fairly but is there any recommendation for the City Council in addition the stop of discrimination that have created division you know, among the people who are living in New York

City? Is there any recommendation that you can provide?

SCOTT RICHMAN: I think it is a matter of being sensitive and not singling out or stereotyping one particular community. We see this again and again and again in many forms. In the media, with government officials, with rank and file and this is what leads to anti-Semitism, this is what leads to finger pointing, scapegoating and being sensitive to that and making sure that we call out individuals who are not complying with the rules. That we enforce the rules but that we don't make this a matter of whole communities. That perhaps are not complying with the rules, based on the actions of just a few.

CHAIRPERSON EUGENE: Thank you so very much. Thank you, have a nice day and stay safe.

SCOTT RICHMAN: Thank you very much.

CHAIRPERSON EUGENE: Thank you.

COMMITTEE COUNSEL: Thank you. Next we have Hallie Yee. Hallie, you may begin your testimony after the Sergeant has called time.

SERGEANT AT ARMS: Time starts now.

HALLIE YEE: Thank you. My name is Hallie Yee and I am Policy Coordinator at the Coalition for

Asian American Children and Families or CACF. The nations only Pan Asian children and families advocacy organization.

On behalf of our 40 plus organizational members and partners serving the diverse APA communities across New York City, we ask Council today to hold our Administration accountable to our communities needs.

We demand that the City address mental health needs of all New Yorkers, especially those who are East Asian presenting who have been targeted during this pandemic.

The system must be prepared to help our community members who have faced loss, isolation, discrimination, xenophobia and more. The pandemic has fostered an environment of fear and uncertainty that are resulting in targeted acts of racism towards APA's.

In New York specifically, East Asian presenting individuals have been subject to violent racist attacks and xenophobic representations of the virus and media. The city needs to ensure support of targeted communities of color during this crisis and moving forward. We demand an investment in community

led efforts towards data collection on incidents into community healing and positive mental health.

As far as the task force that was created in response to the uptick in hate crimes, CACF does not necessarily encourage additional NYPD action, as cracking down against communities often results in more harm to those of color as can be seen in the early responses to enforcing social distancing and mask rules.

We are glad that the Commission has begun bystander training to minimize police intervention but our concern lies with the wrap around services provided after the fact.

Second, we demand that the city can ensure that critical information gets to New Yorkers in the language that they need as is there civil right. It is only recently that Health & Hospitals was able to translate health outreach documents and that the city's top 11 languages required by Local Law. That was way too late and still not enough. Each agency must be prepared to reach and support families who are limited English proficient.

COVID-19 has highlighted the barriers. The most marginalized APA's face to language access. The mere

availability of language is not enough without effective outreach and implementation of language access policies.

Preventing vital communication about city decisions and the pandemic from reaching the community, lack of a culturally responsive system is harming APA's and other communities of color. The delay of the disseminating and general lack of language information about the pandemic, including social distancing guidelines, has led to a higher risk of exposure to the virus for the most vulnerable.

This egregious gap in language access has led to our communities to rely once again upon the community based organizations who serve them in the absence of proper resources by the city, as CBO's act as interpreters and crowd source translated materials regarding even the most basic of information on the pandemic.

Outreach to the most marginalized pockets of the community must be prioritized, as without it their health and very lives are endangered if they are unable to communicate with their schools, their health providers and social service providers.

Ensuring best practices around COVID-19 testing language access and response to upticks in xenophobia and hate crimes is critical in making it safe for our communities revitalization efforts. Thank you.

SERGEANT AT ARMS: Time expired.

CHAIRPERSON EUGENE: Thank you very much Ms. Yee, thank you. Have a very nice day and stay safe. Thank you for testifying.

HALLIE YEE: Thank you, you as well.

CHAIRPERSON EUGENE: Thank you.

COMMITTEE COUNSEL: Thank you. At this time, if your name has not been called and you wish to testify, please raise your hand using the Zoom raise hand function.

As there are no raised hands, I will now turn it over to the Chair for closing remarks and to gavel out and end the hearing.

CHAIRPERSON EUGENE: Thank you very much. Thank you so very much. I would like to thank all the participants and all of you, the wonderful people from the City Council starting from the Committee Counsel and also the Sergeant at Arms and all the wonderful people who make it possible for us Council Members to do what we are to do and to address the

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2 issues of the people. And this has been a wonderful,
3 wonderful public hearing and because discrimination
4 and also human right, they are very important issues
5 and very important priorities for us in government,
6 for us in the City Council and I thank all of you for
7 making it possible today and I would like also to
8 thank all the participants, all the members of the
9 panel.

10 And as I said that we should continue to work
11 together as a team to make sure that New York City is
12 a better place for all. Thank you so very much and
13 may God bless you. May God protect all of you and
14 your family, especially at this very difficult
15 challenging time. Because now, New York City and the
16 world is a different place and everyone, regardless
17 of who you are, everyone is facing some type of
18 challenges, the same challenges created by COVID-19.

19 May God bless you and protect you and again,
20 thank you very much. With that, the meeting is
21 adjourned. [GAVEL] Thank you very much.

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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 November 15, 2020