



**COMMISSION ON HUMAN RIGHTS**  
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**Carmelyn P. Malalis**  
*Commissioner and Chair*

Testimony of Carmelyn P. Malalis  
Before the Committees on Civil Rights and Finance

March 16, 2015

Good morning, Chair Mealy, Chair Ferreras, members of the Civil Rights and Finance Committees, and Council Members, and thank you for convening today's hearing. My name is Carmelyn P. Malalis and I am the Chair and Commissioner of the New York City Commission on Human Rights. Today I am joined by Cliff Mulqueen, General Counsel and Deputy Commissioner of Law Enforcement for my agency. Almost four weeks ago, I was vested with the great privilege and responsibility to head this important agency with the dual mandates of (1) enforcing the City Human Rights Law – one of the most expansive of its kind in the nation – through the agency's Law Enforcement Bureau, and (2) through its Community Relations Bureau, providing education, outreach, training, and other initiatives for the public to foster mutual understanding and respect among all New Yorkers. During my March 3, 2015 testimony before The Committee on Civil Rights, I shared my vision for the Commission going forward and explained the review processes I feel are necessary for our agency to undertake as we strive to make the agency more transparent, effective and impactful.

#### Ongoing Agency Review

As you are aware, the Commission's annual budget in Fiscal Year 2015 was just over 6.8 million dollars. About \$2.5 million comes from City tax-levy funds, with \$1,143,469 going towards PS and \$1,338,200 going towards OTPS. Another \$4.3 million of the total budget is from a Federal Community Development Block Grant, which allows for \$3,664,857 in PS and \$614,322 in OTPS. Additional federal funding of \$165,000 is provided by the Equal Employment Opportunity Commission pursuant to a work-sharing agreement. Finally, in January 2015, the

Commission received a grant of \$99,600 from Housing Preservation and Development to conduct various projects, including housing discrimination testing, through June 2015.

The Mayor's Preliminary Budget (tax-levy) for Fiscal Year 2016 remains consistent with Fiscal Year 2015. Going forward, one issue that has emerged as we assess our space needs – in addition to the Commission's central location at 100 Gold Street, we have community service centers in Brooklyn, Queens, Staten Island and the Bronx – is our search for a more permanent home for our Brooklyn Community Service Center, as we will have to leave its current location by December 2015. We have been working with DCAS to find other space options to re-locate this office.

As I mentioned during my March 3 testimony, I am just beginning my top-to-bottom, bottom-to-top review of the Commission's operations. Having just given that testimony under two weeks ago, I can report that my review continues and has been progressing. I also want to emphasize that I appreciate the focus and energy that the Council has devoted to the Commission. I look forward to working with the Administration and the Council to ensure that the Commission can work effectively toward shared goals.

As I have been reviewing our operations with an eye towards strengthening the Commission's Law Enforcement Bureau (LEB), expanding the work of the Community Relations Bureau (CRB), and strengthening and expanding relationships with agency stakeholders, I believe that the agency would benefit from an agency-wide reorganization providing for more internal leadership within both bureaus to formalize greater training of our legal staff, help implement a coordinated strategy of community outreach through our borough-based Community Service Centers, and facilitate regular communication between the two bureaus. By managing our growth gradually and thoughtfully, we can make sure we have a sound strategy moving forward to strengthen the Commission. New Yorkers will be best served by a Commission that is guided by a clear strategy and that grows in a manageable way.

Our Law Enforcement Bureau includes its Executive Director and our General Counsel, staff attorneys, Human Rights Specialists, and support staff members. In the first few months of Fiscal Year 2015, the Law Enforcement Bureau has filed or helped the public file over 470 cases, helped resolve over 130 cases pre-complaint and almost 400 cases post-complaint, and helped negotiate over 50 building modifications to make them more accessible for people with disabilities. Let me give you just a few examples from the last few months:

- The Commission was able to intervene on behalf of an individual with mobility impairments and convince the individual's co-op board to assign the individual an available parking space closer to the building's entrance.
- The Commission intervened on behalf of a tenant whose disabilities were exacerbated by the carpeting in his apartment. The Commission negotiated a replacement of the carpet with flooring that would not impact the disabilities.
- The Commission was able to intervene on behalf of a wheelchair user who was having access issues at a lower Manhattan health club. Through negotiations with the Commission, the club agreed to make several changes to make the club more accessible, including, but not limited to: signage at the main entrance for an accessible entrance; installation of an electronic door at the accessible entrance; lowered elevator buttons and panels to make the elevator accessible; and the addition of ramps into the pool and sauna areas and accessible bathrooms and locker rooms.

As I mentioned in prior testimony, my exploration of ways to expand Commission-initiated investigations in target and scope is already underway. I have been carefully reviewing the Commission's practices and procedures to identify types of matters that may be appropriate for testing and investigation, and time is needed to assess the necessary strategy for expanding our program. We have been reaching out to, and responding to requests for meetings by, community partners, other agencies and a diversity of legal advocates to help us strategically pinpoint appropriate targets. In the last decade, the Commission's testing program has focused primarily on matters involving gender-based discrimination in employment, and discrimination based on lawful source of income or family status in housing. Going forward, we intend to also investigate matters involving discrimination based on race, sexual orientation, gender identity and gender expression,

religion, arrest or conviction record, and other bases covered by the Human Rights Law. We are taking the necessary time to build partnerships with community groups and legal advocacy organizations and think strategically about the Commission's future investigations.

As we continue our evaluation of the bureau's intake and complaint procedures, litigation and settlement practices, and staffing needs, we have been working on a strategic plan of action that also includes enhanced leadership and training opportunities within the bureau. As such, and as part of our agency-wide evaluation process, our staff has been contributing to the assessment of internal practices and procedures with suggestions for internal development.

I referred to the Human Rights Law as one of the most expansive in the nation for two main reasons: actually written into the law is the requirement that it be "construed liberally for the accomplishment of the uniquely broad and remedial purposes thereof, regardless of whether federal or New York State civil and human rights laws . . . have been so construed"<sup>1</sup>; also, the Human Rights Law is expansive in the variety of bases of protection offered. Among its many protections, the law protects against biased-based profiling by law enforcement; and discrimination in employment, housing and public accommodations on the bases of race, creed, color, age, national origin, alienage or citizenship status, gender, gender identity, gender expression, sexual orientation, disability, and marital and partnership status. In the employment context, the law also protects against discrimination based on arrest or conviction record; status as a victim of domestic violence, stalking, and sex offenses; and unemployment status; and provides that employers must provide reasonable accommodations for pregnancy, childbirth or related medical condition, religious observance, disability, and for the needs of victims of domestic violence, stalking and sex offenses. In the housing context, the law provides additional protections based on lawful occupation, family status and lawful source of income. In addition, the Human

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<sup>1</sup> Administrative Code of the City of New York § 8-130.

Rights Law provides aegis for those who have been retaliated against for opposing practices forbidden under the law.

Given how expansive the City Human Rights Law is, we want the bureau charged with enforcing it (Law Enforcement Bureau) to be equipped with a thoughtful plan that is supported by all parts of the agency, including the Community Relations Bureau (CRB). Our Community Relations Bureau is currently comprised of Human Rights Specialists and support staff working on programs and initiatives in all five boroughs through the bureau's borough-based Community Service Centers. Examples of the CRB's programming include: workshops and outreach events targeted to immigrant workers and their employers; re-entry programs and workshops coordinated with the City's Department of Correction; outreach and education to students, schools, educators and staff; and educating businesses on their obligations under the Human Rights Law. In the first few months of Fiscal Year 2015, the CRB held over 1000 conferences or training sessions, conducted over 180 school-based training sessions, and provided information to or interacted with individuals from several different communities. A few of these examples include:

- The Commission conducted 31 ESL classes reaching 576 students. The classes teach English Language Learners about their rights under the Human Rights Law.
- The Commission also conducted 22 General Immigration Employment presentations reaching 583 individuals.
- The Commission's Human Rights Specialists attended 137 U.S Citizenship and Naturalization Ceremonies in Brooklyn and Manhattan in order to advise new citizens about their rights.
- We conducted 60 Fair Housing presentations and workshops for tenants and landlords reaching 1,285 people. We also interacted with 2,091 people facing eviction and other issues in Housing Court in Queens, Manhattan and Staten Island.

With better coordination between the two bureaus, the Commission can maximize its ability to identify possible targets for investigation referred by the CRB or CRB's community partners to the Law Enforcement Bureau, and also maximize its ability to identify business appropriate for

training so that we can proactively educate businesses and business owners about their obligations under the Human Rights Law.

#### Continued Dialogue Through the Budget Process

I am grateful to the Administration and the Council for putting the Commission in the forefront, especially at this early stage of the budget process. I look forward to continuing our dialogue as the Commission's leadership team takes form, my review of the agency's practices, procedures, and operations continues and we move into future phases of the budget process to determine what is necessary to revitalize this important agency. Thank you.