

March 1, 2017

Melissa Mark-Viverito  
 Speaker of the New York City Council  
 250 Broadway, Suite 1856  
 New York, NY 10007

Dear Speaker Mark-Viverito:

Please find enclosed a copy of the 2016 Annual Report of the New York City Commission on Human Rights. In addition, in compliance with Local Laws 32 and 33, we write to submit additional information to you to report on certain testing investigations performed in 2015.

Local Laws 32 and 33 required the Commission to start the testing investigations outlined in these Laws on or before October 1, 2015, and to report on tests performed pursuant to these Laws to the Speaker of the City Council on March 1, 2017. The Commission’s Law Enforcement Bureau (“LEB”) began performing new testing investigations in July 2015, focusing on discrimination based on source of income in housing and discrimination based on pregnancy, credit history discrimination, and arrest and/or conviction in employment.

Below, we provide a breakdown of the tests performed in compliance with Local Laws 32 and 33 in 2015 and 2016. The Commission's 2016 Annual Report contains additional information on tests performed in the calendar year 2016, completing the Commission’s reporting requirement under Local Laws 32 and 33. As you will see in that Report, in 2016, LEB significantly expanded the areas of discrimination tested and the number of tests performed.

**Tests performed in 2016:**

<b>Protected Class</b>	<b>Number of Tests Overall</b>	<b>Number of Matched Pair Tests</b>	<b># of Incidents of Actual or Perceived Discrimination</b>
Housing – Source of Income	210	74	53
Employment – Gender	12	4	3
Employment – Race	24	12	0
Employment – Conviction and/or Arrest Record	235	0	148
Employment – Credit History	16	0	16
Employment – Age	2	0	2

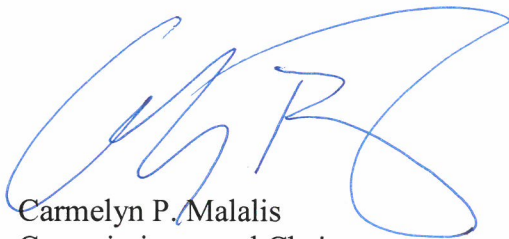
**Tests Performed July - December 2015:**

<b>Protected Class</b>	<b>Number of Tests Overall</b>	<b>Number of Matched Pair Tests</b>	<b># of Incidents of Actual or Perceived Discrimination</b>
Housing – Source of Income	12	0	1
Employment – Pregnancy	1	1	0
Employment – Conviction and/or Arrest Record	8	0	8
Employment – Credit History	4	0	4

Local Laws 32 and 33 further specify that the Commission should provide a description of the tests and any incidents of discrimination if such disclosure does not compromise an ongoing or prospective investigation or prosecution. Because the testing investigations and prosecutions discussed here are ongoing, the Commission is providing these examples only at this time.

- Matched pairs of testers who differed only in that one of them indicated he would pay the rent with a rental assistance voucher while the other indicated he would pay the rent with working income applied for the same rental unit to evaluate whether the housing provider discriminated based on a tenant's source of income.
- Matched pairs of testers, one presenting as pregnant and requesting a pregnancy accommodation, applied for the same job to evaluate whether the employer discriminated based on pregnancy.
- Testers searched job applications online and identified if the application required a criminal background check in violation of the Fair Chance Act.

Thank you for your interest and attention.



Carmelyn P. Malalis  
Commissioner and Chair