

# CITY COMMISSION ON HUMAN RIGHTS

Carmelyn P. Malalis, Commissioner/Chair



## WHAT WE DO

The New York City Commission on Human Rights (the “Commission”, or CCHR) is the agency charged with enforcing the New York City Human Rights Law (NYCHRL), which is one of the most comprehensive anti-discrimination laws in the country. It includes protections in public accommodations, housing, and employment based on race, religion/creed, color, age, national origin, alienage or citizenship status, gender, gender identity and expression, sexual orientation, pregnancy, disability, and marital or partnership status. Additional protections are included in employment based on arrest or conviction record; status as a victim of domestic violence, stalking and sex offenses; caregiver status; unemployment status; and credit history. More protections are afforded in housing based on lawful occupation, lawful source of income, and the presence of children, domestic violence, stalking and sex offenses. The Commission is empowered to investigate and prosecute NYCHRL violations, including those that raise systemic violations. The Commission also provides pre-complaint intervention and promotes positive intergroup relations through conferences, workshops and training sessions, among other initiatives conducted by its Community Relations Bureau (CRB).

## FOCUS ON EQUITY

In February 2015, a new Commissioner and Chair took office at the Commission on Human Rights and brought a renewed commitment and energy to fulfill the Commission’s mission to enforce the NYCHRL while revamping and restructuring its outreach and training efforts to the City’s communities, businesses, and housing providers through a centralized Community Relations Bureau (CRB). The NYCHRL is meant to ensure that all those who live in, work in, or visit New York City are treated fairly, and with dignity and respect, regardless of race, color, age, religion/creed, national origin, disability, gender identity and expression, sexual orientation or any other protected class. Toward those ends, the Commission is committed to expanding the reach of the NYCHRL to the City’s underserved communities and most vulnerable residents.

The Commission’s new Office of Communications and Marketing has greatly increased its media presence and public awareness through strategic media planning and partnerships, and yielded a streamlined brand and visual identity in Fiscal 2016. The Commission’s external digital engagement has improved dramatically through citywide media campaign reach, media story placements and overall public information support for agency initiatives and programs. In Fiscal 2016, the Commission also specifically executed three large successful marketing campaigns about new amendments of the law on credit and criminal history discrimination in employment and transgender equity and bathroom access, and performed smaller outreach efforts on fair housing laws and disability access.

## OUR SERVICES AND GOALS

### SERVICE 1 Enforce the City’s Human Rights Law.

- Goal 1a Investigate, prosecute and resolve complaints of discrimination, discriminatory harassment, and bias-based profiling in a timely and efficient manner.

### SERVICE 2 Educate the community on the NYC Human Rights Law.

- Goal 2a Increase community awareness of the NYCHRL through know-your-rights presentations aimed at the general public; know-your-obligations presentations aimed at housing providers, employers and small businesses; and other initiatives.

# HOW WE PERFORMED IN FISCAL 2016

## SERVICE 1 Enforce the NYC Human Rights Law.

**Goal 1a** Investigate, prosecute and resolve complaints of discrimination, discriminatory harassment, and bias-based profiling in a timely and efficient manner.

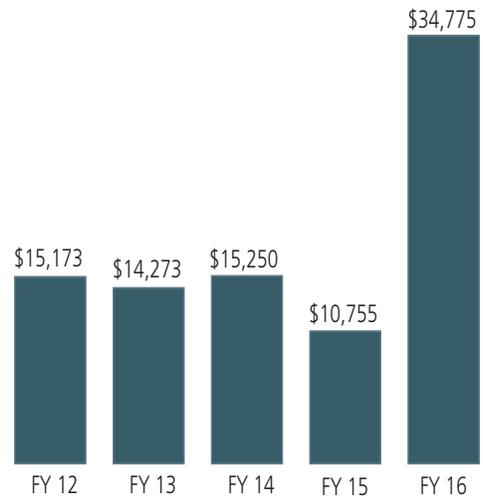
In Fiscal 2016, 908 complaints were filed with the Commission, the Commission obtained over \$1.2 million in total damages for complainants, more than double the previous year, and obtained over \$325,000 in fines from offenders. The Commission reaches hundreds of thousands of individuals each year, from every walk of life, through CRB’s education and outreach efforts.

In Fiscal 2016, the Commission’s Law Enforcement Bureau (LEB) added 11 attorneys, three supervising attorneys, three human rights specialists, and an Assistant Commissioner for Law Enforcement. These additional experienced staff members have helped the Commission implement a new structure for LEB designed to make it an aggressive investigative and prosecutorial unit with the necessary resources to identify and address systemic discrimination and affirmatively prevent discrimination.

To that end, LEB raised the standard for investigations, requiring in-depth investigations to identify pattern and practice violations and obtain respondents’ full compliance with all areas of the NYCHRL.

LEB may now choose to hold investigations open longer so they ultimately have a larger impact, as demonstrated by the increase in damages recovered and civil penalties levied in Fiscal 2016. In Fiscal 2016, LEB increased the Commission’s average value of damages recovered for complainants to \$34,775 in Fiscal 2016, from \$10,755 in Fiscal 2015. LEB also increased civil penalties to \$327,000 in Fiscal 2016 from \$196,500 in Fiscal 2015. These increases send a strong message of deterrence as the Commission works to eliminate discrimination in the City.

Average Value of Cash Settlement



CCHR had a total active caseload of 1,318 in Fiscal 2016, nearly double its 667 caseload the previous year. The number of cases filed with the Commission rose 30 percent, from 697 in Fiscal 2015 to 908 in Fiscal 2016. CCHR closed 336 cases, a decrease from Fiscal 2015 that reflected LEB’s transition to its new, more aggressive structure. LEB increased the percentage of cases settled to 27 percent in Fiscal 2016, compared to 22 percent in Fiscal 2015. LEB was also able to intervene successfully in several cases prior to the filing of complaints. Through collaboration between LEB and CRB, the Commission had 191 building modifications for disability made, a 23 percent increase from 155 in Fiscal 2015.

Another significant change implemented in Fiscal 2016 is the increased use of a provision in the NYCHRL authorizing LEB to dismiss complaints when prosecution of the complaint will not serve the public interest. LEB now identifies cases at an early stage that fit the parameters for an administrative convenience dismissal (e.g., cases in which it is unlikely LEB will find probable cause). Importantly, this type of dismissal preserves the complainant’s right to bring their NYCHRL claim in another forum [See NYCHRL § 8-502(b)]. The use of this provision will decrease the overall caseload and leave LEB more resources to do deeper and broader investigations in meritorious cases. As such, during Fiscal 2016, LEB sharply reduced the percentage of cases with a no probable cause determination and increased the percent of cases that were administratively closed.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Cases successfully mediated	11	5	21	0	0	*	*	Up	Down
Pre-complaint resolutions	190	163	189	165	200	*	*	Up	Neutral
★ Cases filed	335	522	497	697	908	*	*	Neutral	Up
★ Cases closed	440	480	602	608	336	*	*	Neutral	Neutral
- Cases closed (%) - no probable cause determination	45%	43%	45%	43%	5%	*	*	Neutral	Down

★ Critical Indicator "NA" - means Not Available in this report ↕ shows desired direction

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
★ - Cases closed (%) - probable cause determination	5%	12%	8%	15%	6%	*	*	Neutral	Up
- Cases closed (%) - administrative cause	24%	25%	21%	20%	62%	*	*	Neutral	Up
★ - Cases closed (%) - settlement	26%	20%	26%	22%	27%	23%	23%	Up	Neutral
Cases referred to the Office of Administrative Trials and Hearings	23	59	47	89	21	*	*	Neutral	Up
★Average value of cash settlement for complainant (\$)	\$15,173	\$14,273	\$15,250	\$10,755	\$34,775	*	*	Neutral	Up
Modifications for accessibility for disabled	193	156	185	155	191	*	*	Neutral	Neutral
★Average age of complaint caseload (days)	335	314	297	250	340	300	300	Down	Neutral
Caseload	474	583	567	667	1,318	474	474	Neutral	Up
Cases pending by age - less than one year	358	467	496	505	837	414	414	Down	Up

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## SERVICE 2 Educate the community on the NYC Human Rights Law.

### Goal 2a

Increase community awareness of the NYCHRL through know-your-rights presentations aimed at the general public; know-your-obligations presentations aimed at housing providers, employers and small businesses; and other initiatives.

In Fiscal 2016, CRB staff facilitated a total of 1,094 workshops and training sessions, offered 79 school-based training sessions, and provided 34,305 units of technical assistance. Though down from the previous year, CRB's new outreach model is now tailored to the diverse and comprehensive needs of the City's underserved communities. The Commission's concerted outreach efforts are supported by literature and other publications developed by CRB and the Commission's new Office of Communications and Marketing, and are translated into multiple languages. The Commission has been increasingly collaborating with community partners and other City agencies to expand its reach. CRB has also worked to identify vulnerable communities who experience disproportionate rates of discrimination to create targeted training materials that focus on the specific protections relevant to those communities. This approach to outreach will help make New York City more inclusive in employment, housing and public accommodations on an ongoing basis.

Notably, through the work of CRB, in Fiscal 2016 the Commission began to significantly increase its affirmative education and outreach efforts to Chambers of Commerce, Business Improvement Districts, small businesses, community-based organizations, government agencies, and housing providers. CRB offered 127 Know-Your-Obligation presentations to these entities to educate them on their responsibilities and obligations under the NYCHRL. Simultaneously, CRB staff has vigorously enhanced Know-Your-Rights presentations aimed at the general public, civic organizations, faith-based groups, and social service providers.

During Fiscal 2016, the Commission created a position of Director of Training within CRB to ensure sufficient direction and oversight of all trainings created. Upon joining the Commission, the Director of Training re-evaluated all existing trainings and expanded CCHR's outreach and education activities to a range of crucial issues. As a result, CRB launched a completely new curriculum of trainings and workshops to the public, including information on the NYCHRL, Credit Discrimination, Sexual Harassment and Housing Discrimination. The Commission has developed additional workshops for Fiscal 2017, some in a second language. It plans to have these trainings updated regularly and edited by the Director of Training to ensure accuracy and effectiveness, consistent with changes to applicable laws and ongoing input from the community.

The Commission continued its efforts to educate New Yorkers about the Stop Credit History in Employment Act and the Fair Chance Act, which came into effect in Fiscal 2016. During the year, the Commission developed a groundbreaking Transgender 101 workshop that contextualizes the discrimination faced by transgender and gender non-conforming communities, and the inherent strengths of the communities. This training provides understanding of Executive Order 16 and delivers a strong message about treating all people with dignity and respect.

The Commission also hosted a range of events and conferences to educate the public about new initiatives; obtain feedback from community members and issue experts; and identify priorities for future work. In fourth-quarter Fiscal 2016, the Commission hosted events on housing access for people with disabilities, and celebrated new protections for caregivers and pregnant New Yorkers. It also hosted both a Fair Housing Symposium in Queens, and a Fair Chance Forum in Brooklyn. Each event featured panels on current issues in the field. In total, more than 400 advocates and community members attended the events.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Conferences, workshops and training sessions	1,217	1,114	1,288	1,394	1,094	1,000	1,000	Up	Neutral
Community-based technical assistance	17,297	22,537	53,426	56,016	34,305	40,000	40,000	Up	Up
School-based training sessions conducted	401	392	272	326	79	250	250	Up	Down

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## AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Customer Experience									
Letters responded to in 14 days (%)	100%	100%	100%	100%	98%	*	*	Up	Neutral
E-mails responded to in 14 days (%)	100%	100%	100%	100%	100%	*	*	Up	Neutral
Completed customer requests for interpretation	1,425	1,515	1,097	1,126	1,671	*	*	Neutral	Neutral
Average wait time to speak with a customer service agent (minutes)	10	10	10	10	11	*	*	Down	Neutral
CORE facility rating	85	94	97	98	100	*	*	Up	Up

## AGENCY RESOURCES

Resource Indicators	Actual <sup>1</sup>					Plan <sup>2</sup>		5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17	
Expenditures (\$000,000) <sup>3</sup>	\$6.0	\$6.1	\$5.6	\$5.8	\$11.0	\$11.0	\$11.6	Up
Personnel	62	61	62	66	89	131	123	Up
Overtime paid (\$000)	\$18	\$1	\$4	\$9	\$11	\$11	\$11	Down

<sup>1</sup>Actual financial amounts for the most current fiscal year are not yet final. Final fiscal year actuals, from the Comptroller's Comprehensive Annual Financial Report, will be reported in the next PMMR. Refer to the "Indicator Definitions" at [nyc.gov/mmr](http://nyc.gov/mmr) for details. <sup>2</sup>Authorized Budget Level <sup>3</sup>Expenditures include all funds  
 "NA" - Not Available in this report

## NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

None.

## ADDITIONAL RESOURCES

For more information on the agency, please visit: [www.nyc.gov/cchr](http://www.nyc.gov/cchr).