

CITY COMMISSION ON HUMAN RIGHTS

Carmelyn P. Malalis, Commissioner/Chair



WHAT WE DO

The New York City Commission on Human Rights (CCHR) enforces the New York City Human Rights Law (NYCHRL), educates the public about their rights and responsibilities under the NYCHRL and encourages positive community relations. The NYCHRL prohibits discrimination in employment, housing, and public accommodations and is one of the most comprehensive antidiscrimination laws in the country. CCHR meets this mission through its law enforcement, community outreach, media and policy efforts. CCHR's Law Enforcement Bureau (LEB) impartially investigates alleged violations of the law, negotiates and resolves matters, provides early intervention in cases of on-going discrimination, retaliation, or the need for accommodations and, where appropriate, tries cases before an independent administrative judge. Mediation services are offered through the independent Office of Mediation and Conflict Resolution. CCHR's Community Relations Bureau (CRB) educates the public on their rights by building deep community relationships through roundtable discussions, workshops, trainings and other gatherings. The CRB also engages with the small business community, including chambers of commerce, merchant associations and business improvement districts to facilitate compliance with the NYCHRL. CCHR's Office of the Chair is the agency's policy, legislative, and adjudicatory hub. It convenes public hearings, publishes reports on key issues of the day, implements new legal protections, publishes legal guidance, issues final decisions and orders and oversees media campaigns.

FOCUS ON EQUITY

Throughout Fiscal 2020, CCHR continued to directly address equity and issues of particular importance to communities that have experienced interpersonal, institutional, and structural forms of oppression. Fiscal 02020 brought new crises that exacerbated longstanding realities. The COVID-19 pandemic disproportionately impacted Black, Latinx and immigrant New Yorkers and laid bare disparities in access to basic needs like healthcare, housing and jobs. In the midst of the crisis, encouraged by racist and xenophobic rhetoric from the White House, violence, hate speech and harassment were inflicted upon Asian New Yorkers. This was followed by protests against the devastating impacts of structural racism on Black people and called attention to the police violence in Black communities and other communities of color. Under these circumstances, the NYCHRL's protections are essential. In March 2020, CCHR focused resources on responding to inquiries related to COVID-19, including incidents of anti-Asian bias, by creating a COVID-19 Response Team and through a multi-lingual public education media campaign. In June 2020, as Black Lives Matter protests were sweeping the nation demanding governmental accountability for violence against Black communities, CCHR released a report on the experiences of Black New Yorkers with anti-Black racism, based on focus groups conducted in the spring of 2018 with nearly 200 African-American, Afro-Caribbean, African and Afro-Latinx New Yorkers from across the five boroughs. The report shares accounts from these Black New Yorkers about how racism has impacted their experiences with law enforcement, their attempts to secure housing, their interactions with educational and health institutions and many other areas of life. Following an increase in anti-Semitic harassment and discrimination, CCHR launched a public awareness campaign in February 2020, the first of its kind nationwide, to combat religious harassment and discrimination and to underscore the City's support for Jewish communities. Consistent with prior campaigns, the campaign also sought to provide visibility to the diversity of the City's faith communities. CCHR also issued groundbreaking legal enforcement guidance defining discrimination on the basis of perceived or actual immigration status and national origin in response to the impact of the federal government's threats of detention and deportation of undocumented immigrants. Like prior guidance, this was hailed as a model by human rights advocates and received national and international attention.

OUR SERVICES AND GOALS

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.

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 2020

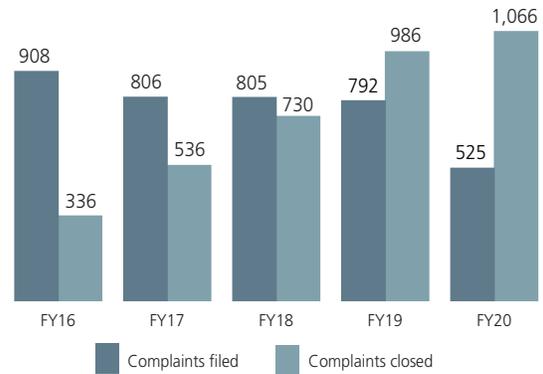
SERVICE 1 Enforce the NYC Human Rights Law.

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

This Fiscal Year marks a number of challenges and milestones in CCHR’s strategic enforcement and resolution efforts. At the start of the COVID-19 pandemic, the Commission was informed of an increase in bias-based harassment and discrimination, particularly involving anti-Asian discrimination. As a result, the Commission launched a COVID-19 Response Team, comprised of dedicated Law Enforcement and Community Relations staff members with specific expertise that provide rapid response and strategically engage with impacted communities. Since its creation in March 2020, through the end of Fiscal 2020, the Response Team responded to 376 inquiries. These responses include commencing investigations, conducting early or emergency interventions, informing New Yorkers about their rights under the NYCHRL and providing information, resources and referrals for inquirers who raise issues not within the Commission’s jurisdiction.

Overall, inquiries from the public increased for the third straight year to 10,015, surpassing Fiscal 2019’s total by 2 percent and 525 complaints were filed this fiscal year, compared to 792 last year. CCHR successfully intervened in 406 matters without filing a complaint, compared to last year’s high of 537 in Fiscal 2019 and surpassing annual totals since at least Fiscal 2010.

Complaints filed vs. Complaints closed



And in a time when many similar human rights enforcement agencies were beset with COVID-19 related challenges that negatively impacted their enforcement operations, CCHR reached several milestones in its multi-year efforts to resolve enforcement cases more efficiently: CCHR closed 1,066 complaints, an increase of 8 percent from Fiscal 2019, the second consecutive year CCHR has closed more cases than were filed and the fourth consecutive year in row of year-over-year increases in the number of case closures. The number of open cases pending at the agency decreased to 1,165, a 31 percent drop from Fiscal 2019 and the lowest since Fiscal 2015. The average number of days that open complaints remained open dropped to 515 days, the lowest average since Fiscal 2017 and the first year-over-year decrease since Fiscal 2015. As part of the Commission’s strategic enforcement strategy, CCHR’s testing program conducted tests of 1,424 entities this Fiscal Year compared to 900 entities tested in Fiscal 2019.

The Office of Mediation and Conflict Resolution (OMCR) resolved 43 cases in Fiscal 2020, compared to 37 in Fiscal 2019, setting a new record and accounting for an aggregate recovery (excluding non-monetary relief) of \$2.6 million compared to \$1.2 million in Fiscal 2019. The average time from the acceptance of a case by OMCR to its closure was 183 days, compared to 186 days in Fiscal 2019.

In November 2019, CCHR announced its first settlement and successful resolution of reports of discriminatory grooming policies enforced against Black employees following the groundbreaking Fiscal 2019 release of legal guidance on discrimination on the basis of hair. The settlement included novel provisions consistent with CCHR’s adherence to principles of restorative justice, including a requirement that staff at the salon in question be trained to style natural hair, that a new internship program be established to create new opportunities for stylists from underrepresented groups at the salon, that salon leadership complete 35 hours of community service with a racial justice organization and that the salon contract with experts on race discrimination based on hair to provide a series of trainings.

Finally, CCHR obtained \$7.5 million in compensatory damages and civil penalties, the highest amount on record, and surpassing last year’s total of \$6.1 million by \$1.4 million. Despite the difficulties of transitioning to a telework environment in the midst of a pandemic and while implementing increased restorative justice remedies, the agency set a record in damages and civil penalties for the sixth year in a row.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
Inquiries received	NA	NA	9,513	9,804	10,015	*	*	NA	*
Matters initiated	NA	NA	1,576	2,319	1,307	*	*	NA	*
Pre-complaint resolutions	200	310	193	537	406	*	*	Up	Up
Modifications for accessibility for people with disabilities	191	307	90	174	72	*	*	Down	*
★ Complaints filed	908	806	805	792	525	*	*	Down	*
Complaints closed	336	536	730	986	1,066	*	*	Up	*
– Complaints closed (%) - no probable cause determination	5%	7%	4%	3%	1%	*	*	Down	*
– Complaints closed (%) - probable cause determination	6%	4%	5%	7%	23%	*	*	Up	*
– Complaints closed (%) - administrative cause	62%	65%	68%	60%	51%	*	*	Down	*
– Complaints closed (%) - settlement	27%	24%	23%	30%	25%	*	*	Neutral	*
Complaints successfully mediated	0	0	26	37	43	*	*	Up	Up
Complaints referred to the Office of Administrative Trials and Hearings	21	21	36	38	20	*	*	Up	*
Value of damages for complainants (\$)	NA	\$2,287,445	\$3,785,312	\$5,306,052	\$6,549,397	*	*	NA	*
Value of civil penalties imposed (\$)	NA	\$379,250	\$487,250	\$788,261	\$969,750	*	*	NA	*
Open matters	NA	NA	NA	3,968	2,398	*	*	NA	*
Open complaints	1,318	1,643	1,829	1,697	1,165	*	*	Neutral	*
★ Average age of complaint caseload (days)	340	468	553	576	515	↓	↓	Up	Down
Complaints pending by age - less than one year	837	728	721	668	416	*	*	Down	Down
★ Critical Indicator “NA” Not Available ↑↓ Directional Target * None									

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.

The COVID-19 pandemic forced CCHR to reimagine its education and outreach efforts. CCHR found creative ways to increase awareness and understanding of the NYCHRL by moving to virtual platforms. Despite the pandemic, CCHR expanded its reach to serve 99,858 New Yorkers in Fiscal 2020, 2.5 percent more than in Fiscal 2019, across 1,481 conferences, workshops, and trainings.

In response to an increase in bias incidents due to the COVID-19 pandemic, CCHR worked with the Center for Anti-Violence Education to host 13 bystander intervention trainings which reached 438 New Yorkers. These bystander intervention trainings were conducted with support from community-based organizations who work with the City's Asian, Black, Latinx, and other communities. Bystander intervention trainings were hosted in English and Mandarin, with more language capacity planned for Fiscal 2021.

In addition, CCHR hosted five Bias & Hate Crimes Reporting Town Halls, in partnership with sister agencies and various District Attorneys' Offices, which reached over 2,000 New Yorkers. These town halls were a direct response to community asks and allowed CCHR to educate attendees on the differences between bias incidents and hate crimes, and the process once such an incident is reported. As COVID-19 related bias and hate inquiries grew, CCHR continued to host virtual know-your-rights forums and town halls to add to our anti-stigma work.

CCHR's Bias Response Team responded to 467 bias incidents, a 99 percent increase compared to Fiscal 2019: prior to the COVID-19 pandemic, responses exceeded Fiscal 2019 levels by 58 percent and rose further from March through July 2020. On December 17, 2019, CCHR's Bias Response Unit organized a Day of Visibility in response to anti-Muslim graffiti at the Ditmars Boulevard and Steinway Street MTA bus stop. CCHR partnered with Council Member Costa Constantinides and

Senator Michael Gianaris to hand out literature in response to the incident. Staff interacted with over 200 Community members and informed them about their rights against discrimination and harassment.

In October 2019, CCHR hosted “400 Years Later: Reckoning with Our Legacy of Slavery and Charting an Anti-Racist Future in NYC,” a forum exploring the history of slavery in New York and discussing the current impacts of anti-Black racism in the five boroughs. Later in the fiscal year, CCHR celebrated Juneteenth with the Weeksville Heritage Center and presented workshops on combating discrimination based on race and color.

In February, CCHR hosted *Your Power, Your Rights: New York City Youth in Action*, which featured the launch of its Youth for Equity & Solidarity (YES) Council. The Council seeks to identify young leaders who can advise the Commission on how to expand its engagement with young people. Though the inaugural cohort of YES Council Members will be announced in Fiscal 2021, along with the February announcement came both a revamp and expansion of CCHR’s youth portfolio. This included the release of CCHR’s *Stories For All: A Human Rights Reading List*, highlighting authors, characters, and stories that tackle the issues and experiences facing diverse communities. This reading list is intended as a reference guide for parents and educators for young people age pre-K through 12th grade. CCHR continued to offer workshops to schools and youth such as Empowering Young Women, Discrimination: Gender, Gender Identity, Sexual Orientation and Peer Mediation, as well as continuing to conduct student assemblies. CCHR provided 300 school and youth-based trainings in Fiscal 2020, despite the difficulty of remote learning in the last four months of the fiscal year.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
Conferences, workshops and training sessions	2,397	2,947	3,127	3,060	1,481	3,000	3,000	Down	Up
Youth-based training sessions conducted	79	173	186	266	300	250	250	Up	Up
People served	38,435	69,087	80,454	97,395	99,858	80,000	80,000	Up	Up
Responses to bias-based incidents	NA	NA	146	235	467	*	*	NA	*

★ Critical Indicator “NA” Not Available ⬆️⬇️ Directional Target * None

AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
Customer Experience									
Letters responded to in 14 days (%)	98.0%	86.7%	83.0%	96.0%	99.0%	*	*	Neutral	Up
E-mails responded to in 14 days (%)	100.0%	97.3%	98.0%	99.0%	100.0%	*	*	Neutral	Up
Completed customer requests for interpretation	1,671	1,425	1,756	1,677	1,550	*	*	Neutral	*
Average wait time to speak with a customer service agent (minutes)	11	9	6	6	3	*	*	Down	Down
CORE customer experience rating (0-100)	100	98	99	NA	100	*	*	NA	Up

★ Critical Indicator “NA” Not Available ⬆️⬇️ Directional Target * None

AGENCY RESOURCES

Resource Indicators	Actual ¹					Plan ²		5yr Trend
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	
Expenditures (\$000,000) ³	\$8.8	\$10.4	\$12.8	\$13.3	\$12.9	\$14.4	\$13.0	Up
Personnel	89	108	142	131	128	164	139	Up
Overtime paid (\$000)	\$7	\$5	\$11	\$3	\$15	\$15	\$15	Up

¹Actual financial amounts for the 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 for details. ²Authorized Budget Level
³Expenditures include all funds "NA" - Not Available * None

SPENDING AND BUDGET INFORMATION

Where possible, the relationship between an agency's goals and its expenditures and planned resources, by budgetary unit of appropriation (UA), is shown in the 'Applicable MMR Goals' column. Each relationship is not necessarily exhaustive or exclusive. Any one goal may be connected to multiple UAs, and any UA may be connected to multiple goals.

Unit of Appropriation	Expenditures FY19 ¹ (\$000,000)	Modified Budget FY20 ² (\$000,000)	Applicable MMR Goals ³
Personal Services - Total	\$10.9	\$10.5	
001 - Personal Services	\$5.6	\$5.2	All
003 - Community Development	\$5.2	\$5.3	All
Other Than Personal Services - Total	\$2.4	\$2.4	
002 - Other Than Personal Services	\$0.5	\$0.6	All
004 - Community Development	\$1.9	\$1.8	All
Agency Total	\$13.3	\$14.4	

¹Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2019. Includes all funds. ²City of New York Adopted Budget for Fiscal 2020, as of June 2020. Includes all funds. ³Refer to agency goals listed at front of chapter. "NA" Not Available * None

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

None.

ADDITIONAL RESOURCES

For more information on the agency, please visit: www.nyc.gov/cchr.

