



NEW YORK
CITY BAR

**CIVIL RIGHTS COMMITTEE,
LGBTQ RIGHTS COMMITTEE,
AND SEX AND LAW COMMITTEE**

**WRITTEN TESTIMONY TO SUPPORT RESTORATION
OF CITY FUNDING AND STAFF
TO CITY COMMISSION ON HUMAN RIGHTS
AND EQUAL EMPLOYMENT PRACTICES COMMISSION**

**New York City Council Committee on Civil and Human Rights
Budget and Oversight Hearings on the
Preliminary Budget for Fiscal Year 2025,
The Preliminary Capital Plan for Fiscal Years 2024-2028,
and The Fiscal 2024 Preliminary Mayor's Management Report**

MARCH 15, 2024

The Civil Rights, LGBTQ Rights, and Sex & Law Committees of the New York City Bar Association (the City Bar) strongly support restoration of City funding and staff to the New York City Commission on Human Rights (CCHR), a cornerstone in our city's commitment to civil rights, and the Equal Employment Practices Commission (EEPC).

Both agencies are currently facing significant challenges. These agencies have suffered from disinvestment for years rendering them unable to meet the needs of New Yorkers. The agencies have minimal staff and budget but play an outsized role in maintaining the rule of law. As vital and frontline defenders of essential civil rights, they provide indispensable and otherwise unavailable services to the people of New York. Both agencies require the level of funding necessary for them to vigorously enforce essential civil rights on behalf of all New Yorkers.

We urge the city budget to restore these agencies to effectiveness, by protecting their staff from further budget cuts, exempting them from headcount caps, and ensuring their staffing levels are commensurate with their critical missions, by bridging the disinvestment gap these agencies have faced over the last several years.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

The urgency of this request cannot be overstated. With hate crimes on the rise at an alarming rate and an increase in housing discriminatory practices¹ among other injustices that CCHR and EEPC work to combat, these agencies need more resources, not less from our City.

The City Commission of Human Rights, with its budget constituting only 0.01% of the city's overall budget, totaling \$13.6 million out of \$110.5 billion in FY2024, plays a pivotal role in upholding our City's commitment to being a leader in the protection of civil rights. Ensuring that CCHR receives the necessary resources to enforce the City's landmark, benchmark-setting Human Rights Law is a fundamental necessity to protect the rights of all New Yorkers. And this is especially true for low-income New Yorkers who are not represented by private counsel and depend on the Commission's staff to take, receive and investigate their discrimination complaints and, where warranted, take prompt and meaningful corrective action.

The Commission's Law Enforcement Bureau has witnessed an unprecedented reduction in staff attorneys, from 47 in 2018 to only 13 at present, a 73% reduction in workforce. And this retraction is in the context of an expansion of the Commission's purview. For instance, during the first four months of Fiscal 2023, 290 new matters were initiated, 79% more than the same period from the previous year.² The expansion of NYC's Human Rights Law and the addition of new protected classes means that the Commission faces even more responsibilities -- with fewer resources. Indeed, the NYC Human Rights Law as of November 26, 2023 now protects New Yorkers from discrimination based on height and weight in housing, employment and public accommodations.³ Height and weight provisions join the 25 protected categories already enshrined in the New York City Human Rights Law.

The data is shocking to consider. In the last fiscal year, CCHR received a record 12,190 discrimination inquiries from the public but was only able to resolve 471 cases. The waiting time for an intake appointment averages six months.

Thus, the Commission finds itself unable to meet the needs of New Yorkers facing discrimination and hate even as global events inflame tensions in our City.

Commendably, the Fiscal 2024 Executive Plan included an additional \$1.3 million, along with 17 new positions, for CCHR's Source of Income (SOI) Unit. This increase was baselined, starting in FY2024, but is now under threat due to potential budget cuts and the hiring freeze. CCHR was able to fill only three of the 17 new positions secured before the headcount cap went into effect. Thus, it is critical to exempt CCHR from the headcount cap.

¹ See <https://www.cbsnews.com/newyork/news/cbs-new-york-investigates-housing-voucher-discrimination-in-new-york-city/>; and <https://gothamist.com/news/nyc-landlords-are-discriminating-against-tenants-with-housing-vouchers-new-report-says> (All websites last visited March 13, 2024.)

² See, <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/cchr.pdf>.

³ See, <https://www.nyc.gov/assets/cchr/downloads/pdf/press-releases/Height-and-Weight-Press-Release.pdf>

The underfunding and understaffing at CCHR has severe implications, particularly for low-income New Yorkers who face prolonged legal battles and uncertainty to secure housing. With the housing crisis this City faces, this investment was meant to protect the most vulnerable New Yorkers from being locked out of housing options even after aid is made available and to avoid placing additional pressures on the shelter system.

The Commission's SOI Discrimination Unit is one of the primary means for housing voucher holders to enforce laws against source of income discrimination and secure stable affordable housing. It is imperative that the investment in CCHR's SOI Unit is maintained to help New Yorkers access housing.

Discrimination is increasingly intersectional. Many New Yorkers face multiple layers of discrimination. Whether it be discrimination based on disability, family makeup, race, employment, or other protected classes, the Law Enforcement Bureau (LEB) provides critical enforcement of the city's civil and human rights laws and therefore funding and staffing of the LEB must meet the size of the mandate.

We urge the City to increase the staffing levels of the Law Enforcement Bureau to levels that mirror staffing in 2018. This requires adding at least 34 attorneys and one assistant commissioner to the LEB, as well as supporting staff, including investigators and testers, at an estimated cost of \$3 million in new funding for the Law Enforcement Bureau in FY25.

Allocating additional resources for hiring more staff and essential training is imperative to maintain the CCHR as an effective protector against hate and discrimination. CCHR plays a vital role in addressing discrimination in employment, housing, and public accommodations. When adequately funded, its early intervention unit has successfully resolved issues that could have led to significant hardships, and even homelessness. However, without sufficient funding, its ability to carry out this critical mission is severely compromised. All New Yorkers are and will continue to experience the cost of its absence.

Turning to the EEPC, this agency plays a crucial role in assisting 143 other City entities in ensuring equal employment opportunity (EEO) within our municipal workforce. Despite its significant responsibilities, EEPC is one of the smallest agencies in New York City. This means they have rarely been spared from the worst cuts of past budgets, including this one, while also never receiving adequate investments from past Administrations in more fiscally solvent times. This means today, years of disinvestment have had a significant impact on the EEPC's ability to fulfill its charter mandate and the requirements of Local Law 13, which requires underutilization research and reporting to ensure the City identifies and acts on disparities before they become costly lawsuits.

To effectively carry out its mission, the EEPC needs a total of 17 employees, including two more Auditors, two more Labor Economists/Data Scientists, and an Executive Agency Counsel. Additionally, funding for training is essential to ensure that the EEPC's staff are expert in EEO implementation. The current budget for the EEPC stands at \$1.1 million. At this time, there are only nine staff members in total, with only one auditor and one manager currently staffing the

Audit Unit. Only \$86,000 is allocated for Other Than Personal Service expenses. In a city budget upwards of \$100 billion, it would require only an additional \$800,000 to help this agency meet the needs of the City. In a metropolis with over 300,000 employees, the EEPC's role is critical in ensuring that every employee has equal access to opportunities and treatment.

For these reasons, the City Bar strongly urges increased funding and staffing for the NYC Commission on Human Rights and Equal Employment Practices Commission, to support their critical work on behalf of all New Yorkers, and to enable them to do their job to enforce New York City's anti-discrimination laws, on behalf of all New Yorkers.

Respectfully,

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