



**THE CITY OF NEW YORK  
BRONX COMMUNITY BOARD 6**

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*Honorable Ruben Diaz Jr., Bronx Borough President*

**MS. EVONNE CAPERS**  
**Board Chairperson**

**MR. JOHN SANCHEZ**  
**District Manager**

**Health and Human Services Committee Meeting Minutes**

Tuesday, February 16, 2021

The Health and Human Services Committee Meeting met on Tuesday, February 16, 2021 via Zoom Audio and Video Conferencing. The following members were present: Cornell Brown, Nicole Carter, Julisa Hamilton, Matthew Martinez, and Lisa Sanchez.

The following item was discussed:

- New York City Commission on Human Rights on Human Rights Law

Belinda Simmons provides an overview of the Human Rights Law. The commission enforces the human rights law and educates the public on their rights. The commission began as the committee on unity in 1944, under Mayor LaGuardia, to gain harmony in New York because there was a lot of tension between the Black community and Jewish community. In 1955, Mayor Wagner renamed the committee and made it an agency. In 1962, the name was changed to what it is today. There are four departments - community relations, law enforcement, office of mediation and conflict resolution, and the office of the chair. There are offices in all five boroughs. The commission works to promote equality, understanding and mutual respect. The community relations bureau works with schools and community groups to educate the public. They also lead programs and campaigns and host training and presentations. The law enforcement bureau accepts complaints and initiates investigations. There the complaints are filed and cases are brought to the office of administrative trials and hearings and conciliations are done there too. Office of mediation and conflict resolution provide mediation to lead to resolution of cases. Cases are referred to by the law enforcement department and parties must agree to mediate in order to go to the office of mediation. The Office of the chair issues final decisions, orders, law enforcement, guidance, regulations, drafts policies, engages in policy discussion with community stakeholders. Community relations are in every borough. The main office is at 22 Reade Street. The Office of Chair is also headquartered there. Individuals can reach office through 311. The Commission of Human Rights prohibits discrimination in employment, public accommodation, housing and discriminatory harassment and biased based profiling by law enforcement. In most cases, the last incident of discrimination must have occurred within the last year to file complaint with the commission. There is an exception for gender-based harassment in which the time period to file is extended to three years and only covers incidents in New York City. Individuals can file complaints in court up to three years after the last discriminatory act instead of filing with the commission. However, they cannot do both. Discrimination under NYC Human Rights Law is unfair or unequal treatment of an individual or group based on certain characteristics or membership in a certain class. It is multidimensional and can manifest in overt or subtle ways. Discrimination can occur in interpersonal, institutional or structural relationships. It affects all people and all the ways of how we live including the criminal justice system, housing, education, employment, health services. To establish discrimination, there must be a relationship between the

harassed and harasser. New York City has the most comprehensive human rights law in the country. The commission is always expanding protected classes or adding classes. It is illegal to discriminate against employees, interns and job seekers on the basis of age and uniform services. When it comes to race discrimination, natural hair is included. There will be a webinar on Thursday, February 18, 2021 at 6 pm. Pre-employment marijuana tests are prohibited, which means a person cannot test for marijuana but there are several exceptions. Protected classes include those who work in nyc, the employer has to have four or more employees, last incident has to occur within last year except gender based harassment. There is a three year statute of limitations in the state. The head count to determine whether an employer has four or more employees includes employers themselves, independent contractors and freelancers, employers parents, spouse, domestic partners or children, employers don't have to work in the same location in the city in making calculations. Protected classes also include paid interns, unpaid interns, part-time workers, domestic workers, independent contractors, undocumented workers and freelancers. Public accommodation provides services, spaces or goods to the public. Now the exception to public accommodations include certain educational institutions and private clubs. The protection in public accommodation includes everything that is also covered in employment. All members of public have the right to be treated without discrimination in public accommodations. COVID is included under disability. Housing providers also must comply with the law. It is unlawful to discriminate in public housing, private housing, land and commercial spaces. Landlords, superintendent, brokers, realtors, building managers cannot discriminate because of a person's actual or perceived protected characteristics. The only exception to not being able to file complaints for housing accommodation is if the owner did not advertise rental rooms or other housing accommodations. They have the right to decide if you are renting out one room. Dormitory residents are also not covered under law. The protected class in housing is the same as employment except includes children, lawful source of income - landlord cannot deny person housing because of receiving government assistance and lawful occupation (not covered under employment but included under housing). Most New York City properties are subject to the human rights law regardless of number of units. More people with government aid can get housing accommodations in more New York City properties regardless of the number of units. Getting a paycheck is considered lawful occupation. The commission can impose \$125,000 in civil penalties for violations and up to \$500,000 if violations are the result of willful, wanton or malicious conduct. Additionally, other remedies include ordering to provide accommodations, mandating training, backpay, emotional stress damages or other out of pocket expense related to discrimination. Last year, the commission helped in awarding \$7 million in penalties and remedies, which is the largest amount in history. The legal enforcement guidance is on the website, which informs individuals about the protected class. The commission is going to expand the Fair Chance Act so more people can apply to jobs. They may remove pregnancy discrimination, disability discrimination, credit score discrimination, and immigration discrimination. Language accessibility for city agencies requires the provision of interpretation services. City agencies cannot deny a person of service because of language. The failure to provide interpretation services may constitute violation of the law. Individuals can call the commission at 311 or directly at (212) 416 - 0197. They can also look at the website for more information, which include FAQ's and the legal guidance. A complainant starts with the intake unit and talks to the information line representative. If a person establishes a complaint, then it will be filed and will be notarized by the complainant. They can then go to mediation to try to resolve the complaint if both parties agree or they can withdraw the complaint. They can also move for the investigation if they find that there is probable cause for discrimination. Then, the complaint will go to the office of the administrative trials and hearings. The parties go through trials or go to mediation. If they still find probable cause and if the parties do not agree to mediation, then a report and recommendation is made to the commissioner. The final determination and order is made by the commissioner. If the commissioner finds that there is no probable cause, then the case is closed and the complainant has 30 days to appeal.

*Vacant,*  
*City Council Member, 15<sup>th</sup> Council District*

*Honorable Rafael Salamanca Jr.,*  
*City Council Member, 17<sup>th</sup> Council District*