



March 12, 2024

Dear Mayor Adams,

We are a coalition of advocates who fight for New Yorkers who have been discriminated against in housing, employment, public accommodation, and credit. We are lawyers, paralegals, organizers, and other advocates. We work at non-profits, at public interest law firms, and in the private sector. We write because the New York City Human Rights Commission, a critical partner in our work, is in freefall and needs your help to protect New Yorkers from discrimination. **We write to alert you to this crisis and to implore you to take immediate action to increase its funding and staffing.** Without adequate funding and staffing, thousands of New Yorkers - disproportionately low-income people of color – who have been discriminated against will go without justice.

The Commission is a unique body in the City, entrusted with the authority and charged with the duty of “thoroughly” investigating allegations of discrimination and, to the best of its ability, “eliminate and prevent” discrimination in New York.¹ The Commission’s budget has plummeted while its responsibilities have grown. In nearly every year in the past decade, the City Council has added to the Law in some way. Since 2013, the City Council has passed more than 40 separate amendments to the laws.²

¹ N.Y.C. Admin Code § 8-109(g)

² See *Amendments to NYC Human Rights Law*, New York City Human Rights Commission, <https://www.nyc.gov/site/cchr/law/amendments.page#:~:text=A%20Local%20Law%20to%20amend,%2C%20housing%2C%20and%20public%20accommodations> (last visited Nov. 28, 2023).

In 2018, the law enforcement bureau had 47 staff attorneys. In the summer of 2023, that fell to only 9 staff attorneys. Today, the Commission has **less than 1/3 of the staff attorneys** than it had in 2018 – it has 17 staff attorneys in the Law Enforcement Bureau serving the entire City today. Support and managerial staff suffered similar reductions in personnel. Because limited staff means limited intake appointments, the number of complaints filed at the commission dropped substantially over this same period. In FY2018 just over 800 complaints were filed at the Commission,³ in FY2023 that number had dropped to just 42% of its prior performance opening just 340 complaints for all of New York City.⁴ Damages collected by the Commission have dropped from over \$8 million to \$4.6 million in two years. On average, pro se callers wait 6 months to get an intake appointment to speak with an agency attorney. During this time, their statute of limitations for their claims may run out and their situation remains unaddressed.

The Case of Mr. J., a disabled New Yorker who has experienced source of income discrimination in his search for housing, is emblematic of the problem. After Mr. J. was mocked by a broker who said, “Why would I accept someone with a program when there’s qualified people with actual employment... you people are hilarious!” Brooklyn Legal Services helped him file a complaint with the Commission in 2016. After investigating his complaint for four years, in 2020 the Commission found probable cause that he had been discriminated against. However, after two more years of inaction, the Commission administratively closed the case without explanation, even after another complaint was filed against the same broker—sending the clear message that there are no consequences for those who commit source of income discrimination in NYC. BLS appealed the closure, and in October 2023 it was reopened; since then, however, the Commission has taken no further steps to hold the repeat violator accountable. Mr. J. is just one of thousands of New Yorkers whom the Commission has failed due to grossly inadequate staff and funding.

³ https://www.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf

⁴ <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/cchr.pdf>

The Commission cannot eliminate and prevent discrimination when understaffing is so acute that it closes rather than resolves cases like Mr. J's with a repeat offender and after years of inaction. **The Commission is in crisis.**

The Commission's budget must be expanded from \$13,652,383, in the current Mayor's Preliminary budget proposal, to at least \$18,000,000 – this would bring LEB staff back to pre-pandemic levels and provide the funds necessary to enforce the Fair Chance For Housing Act from Jan. 1, 2025 when it takes effect.

What would be a significant budget increase for the Commission is an insignificant rounding error for the City. This additional money would enable the Commission to return to pre-pandemic staffing levels. Levels they cannot achieve at the current budget especially when only permitted to fill one position for every two vacated lines. Without a course correction the Commission cannot recover. But even doubled, **the Commission's entire budget would remain less than 0.01% of the City's total budget.** The Commission is a critical law enforcement body yet it is funded at just 2.5% of what the City contributes to the District Attorneys' offices.⁵

For low income, vulnerable New Yorkers, delay in resolving an employment matter can quickly spiral impacting housing and creating additional and avoidable pressures on the City's shelter system. Delay in resolving a source of income discrimination case can similarly lead to further pressure on the shelter system.

Maria, a transgender former-undocumented worker from Mexico, tried to find a job where she could be herself. She faced obstacles in different industries: in construction she was told that she could not use make-up at the beginning of the day because her foreman thought she looked ridiculous, and as a kitchen worker she was taunted with uncomfortable questions and comments about her gender identity. With help from her advocates, Maria filed both cases at the commission almost a year and a half ago and little has happened since then. The loss of income

⁵ https://www.checkbooknyc.com/spending_landing/yeartype/B/year/125 reporting that collectively the City spends \$312 million to fund the five District Attorneys' offices and just \$7.52 million on CCHR.

and the emotional distress has led Maria to lose her housing and end up in the City's shelter system. Had the Commission intervened promptly, reaching out to her employer and advising them of the law, she might not have lost her job and her home. She might not have ended up in the shelter system. Maria is now documented but has had a hard time finding employment where she can be herself. The Commission's delay in resolving this matter promptly, depleted her hopes that she could be the person she dreamed of becoming when immigrating in New York City.

Far from fulfilling its mandate to protect low-income New Yorkers who cannot afford or cannot identify private attorneys willing to take their cases, today's Commission is barely able to function. **This is a moment of urgency.** Without intervention the situation will deteriorate still further. Today's underfunded and understaffed Commission is not positioned to meet the needs of New Yorkers when the Fair Chance For Housing Act takes effect in less than a year.⁶ It is not positioned to meet the needs of the undocumented New Yorkers who - with a federal election looming - may reasonably fear the repercussions of filing discrimination complaints with a federal agency or in court.

Reinvigorating the Commission and building up its staff will take time. Today cases linger - sometimes for years - without resolution. They are passed from one staff attorney to the next as staff leaves.

We ask you to act to stop the revolving door at the Commission and provide New Yorkers with a partner in ensuring they receive the protections under the law.

Signatures,

A Better Balance

Catholic Migration Services

⁶ The law goes into effect on Jan 1, 2025.

Cuti Hecker Wang LLP

Fair Housing Justice Center, Inc.

Free to Be Youth Project

Housing Works, Inc.

The Legal Aid Society of New York

Make The Road New York

NELA/New York

NYLAG

NYLPI

Take Root Justice

Unlock NYC