



Testimony of FPWA

**Presented to:
New York City Council
Committee on Civil and Human Rights
Hearing on Mayor's Preliminary Budget for CCHR and EEP
Hon. Chair Nantasha Williams
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We are grateful to the New York City Council Committee on Civil and Human Rights for holding this hearing on the Mayor's Preliminary Budget for CCHR (NYC Commission on Human Rights) and EEPC (Equal Employment Practices Commission) and for the opportunity to provide written comments on behalf of FPWA (Federation of Protestant Welfare Agencies) regarding the proposal.

FPWA is an anti-poverty policy and advocacy organization committed to advancing economic opportunity, justice, and upward mobility for New Yorkers with low incomes. Since 1922, FPWA has driven groundbreaking policy reforms to better serve those in need. We work to dismantle the systemic barriers that impede economic security and well-being, and we strengthen the capacity of human services agencies and faith organizations so New Yorkers with lower incomes can thrive and live with dignity.

FPWA also has a membership network of more than 170 faith and community-based organizations. We support our members by offering workshops and trainings on topics such as leadership development, organizational management, and trauma-informed approaches to service delivery. FPWA also provides a range of financial assistance grants through our member network, working to strengthen individuals and families at the ground level. These grants provide direct support to New Yorkers in the form of scholarships, financial assistance for aging adults, funding for organizations providing HIV/AIDS related services, and more.

To ensure that CCHR can Protect the Rights of New Yorker's we recommend the following:

- Replenish staffing of CCHR to pre-pandemic levels.
- Maintain new funding for Source-of-income unit secured in last year's budget - \$1.3 million.
- Add another \$3 million for the Law Enforcement Bureau to hire at least 34 attorneys and support staff.
- Exempt CCHR from the hiring freeze.
- Hire a mix of entry-level and experienced attorneys at competitive rates.

To Ensure that EEPC can Protect the Rights of New Yorkers we recommend the following:

- Allocate an additional \$800,000 to EEPC.
- Increase EEPC's investigative capacity by hiring 2 Auditors, 2 Labor Economists/Data Scientists, and an Executive Agency Counsel. (EEPC currently only has 1 auditor and 1 manager in the Audit unit)
- Fund training for EEPC's staff on equal employment opportunity implementation.

The City Budget Should Prioritize Funding that Addresses the Housing and Employment Needs of New Yorkers

This hearing comes at a critical moment, where New York city is struggling to address a series of intersecting crises and balance its budget. New York City has insufficient housing inventory due to

housing construction failing to keep up with demand, and a lack of affordable housing options. ¹ Starting in the Spring of 2022, an increased number of migrants arrived in New York City. Since then, city programs and services have struggled to mobilize and adapt to the needs of this new population, and many migrants remain in the city's shelter system. Employment issues such as occupational segregation ² continue to be a problem throughout the state.

FPWA has used our recently updated and relaunched New York City Funds Tracker³ to monitor New York City funding streams. We have also reported ⁴ on the end of COVID-19 era funding which threatens to upend the budget for human services. The city must take a measured and methodical approach to budgeting to protect the city's human services programming and workers, who are on the frontlines of addressing these issues.

Amid these struggles, the city has entered a period of austerity. In September the Adams Administration called for a 15% budget cut for FY25 and instituted a hiring freeze. The budget cuts were distributed among three scheduled Programs to Eliminate the Gap (PEGs), in November of 2023, and January and April of 2024. Each city agency was expected to cut 5% from its total budget at each PEG. The mayor suggested that the budget cuts were necessary to address shortfalls in the budget created by spending on services for migrants. The Adams Administration failed to acknowledge the expected fiscal cliff created by the ending of state and federal COVID-19 funding. ⁵ FPWA issued a statement criticizing the proposed budget cuts of \$16.5 billion. ⁶ The mayor has cancelled ⁷ the final round of cuts after receiving significant backlash, unfortunately, Mayor Adams rhetoric has already contributed to a rise in xenophobic sentiment in New York City.

With so many New Yorkers struggling, it is unlikely that they will be able to afford private attorneys or other advocates to protect their rights. This is why the city infrastructure for protecting civil and human rights through CCHR and EEPC is so essential.

The NYC Human Rights Law and CCHR are Essential to the Protection of New Yorkers Civil Rights

The New York City Human Rights law, administered by CCHR, prohibits discrimination in employment, housing, and public accommodations, and protects against discriminatory lending practices, retaliation, discriminatory harassment, and bias-based profiling by law enforcement. The Human Rights Law is an outlier and model for other jurisdictions because of its expansive view of civil and human rights, and because of the long list of protected classes recognized under this law. They include age, immigration or

¹ <https://comptroller.nyc.gov/reports/spotlight-new-york-citys-housing-supply-challenge/>

² <https://citylimits.org/2024/02/21/opinion-addressing-income-inadequacy-and-occupational-segregation-this-black-history-month/>; https://www.fpwa.org/wp-content/uploads/2023/12/NY_FPWA_BriefOne.pdf

³ <https://www.fpwa.org/nycfundstracker/#Dashboard>

⁴ https://www.fpwa.org/wp-content/uploads/2023/06/Human-Services-Funding-Tracker-Annual-Update-FY22_5.24.23-3.pdf

⁵ <https://www.fpwa.org/resource-center/in-the-news/new-fpwa-report-reveals-alarming-decline-in-federal-state-funding-for-city-agencies/>

⁶ <https://www.fpwa.org/resource-center/in-the-news/fpwa-response-to-15-budget-cuts/#:~:text=%E2%80%9CWe%20at%20FPWA%20are%20deeply,crisis%20is%20the%20reason%20why>

⁷ <https://www.fpwa.org/resource-center/in-the-news/fpwa-statement-on-mayor-adams-canceling-upcoming-city-budget-cuts/>

citizenship status, disability, gender and gender identity, national origin, race, religion/creed, sexual orientation, and more.⁸ We commend city government for routinely reviewing and expanding the list of protected classes, codifying additional protections for New Yorkers human rights into law. However, the impact of this legislation has been severely hampered by budget cuts that threaten to undermine this agency's important work.

CCHR Staffing Shortages are Exacerbating the Housing Crisis

Since 2018, the number of staff attorneys in the law enforcement unit of CCHR has been reduced from 47 to 13 as of 2023. These are the folks who are tasked with investigating claims of human rights violations and seeking redress and relief for vulnerable New Yorkers. The staffing shortages have created a backlog in the CCHR intake process forcing New Yorkers to wait to address their discrimination claims. Some claims are never fully processed or investigated.

In FY23, 42% of CCHR cases, (down from 56% in FY22), were administratively closed rather than settled, mediated, referred to the Office of Mediated Trials and Hearings, or closed due to a lack of probable cause.⁹ It's been reported that some CCHR employees believe CCHR has utilized its broad powers to administratively close cases, to decrease the backlog or improve performance data statistics.¹⁰ These allegations are disturbing. CCHR can administratively close cases without addressing the merits of the claim, for reasons such as the complainant cannot be found, the case sat idle for 180 days, or the case requires a "disproportionate investment" of agency resources. If CCHR cannot execute its mandate, then the broad human rights powers afforded to this agency will have no practical impact on New Yorkers' lives.

The staffing shortage has undermined CCHR's ability to tackle one of its priorities, source-of-income discrimination in housing. This is when lenders and brokers refuse to rent to low-income New Yorkers, because they are using housing subsidies to pay rent.¹¹ The prevalence of this discriminatory practice is not only an injustice against the individuals and families who struggle to find permanent housing due to source-of-income discrimination, but also an administrative issue for New York City, at a time when New York City's shelter system is overwhelmed.

The New York City shelter system has been struggling to transition people into permanent housing for years. A report from the NYC comptroller's office shows that from FY21 to FY22 the average shelter length of stay for an adult family increased from 773 days to 885 days, for adult families with children from 520 days to 534 days, and for single adults from 483 days to 509 days.¹² Housing subsidies are an important part of how New York City transitions folks into permanent housing. Under the current budget restraints CCHR cannot play its essential role in preventing housing discrimination for low-income New Yorkers.

⁸ <https://www.nyc.gov/site/cchr/law/the-law.page>

⁹ <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/cchr.pdf>

¹⁰ <https://gothamist.com/news/plagued-by-staff-shortage-nyc-agency-fails-to-make-determinations-in-most-discrimination-cases>

¹¹ <https://www.nytimes.com/2022/05/25/nyregion/ny-vouchers-homeless-discrimination.html>

¹² <https://comptroller.nyc.gov/wp-content/uploads/documents/MD22-105S.pdf>

Immigrant populations rely on CCHR to protect their housing rights. While the court battle surrounding the right to shelter threatens all New Yorkers' rights, the dismantling of the right to shelter is currently targeting migrants. The city is issuing eviction notices to migrants –30-day notices for single adults and 60-day notices for migrant families. We are grateful to the New York City Council for reintroducing a bill to challenge the shelter limits placed upon migrants, but today migrants are still facing eviction.¹³ A recent report from the NYC Comptroller noted that of the 4,753 adults from families with children in households whose 60-day notices had expired as of February 4th, 16% remain in the shelter where their 60-day notice was given, 29% have been transferred to other shelters, and 55% do not remain in shelters.¹⁴ Some of these migrants are finding housing, but many are ending up homeless or living in substandard conditions.¹⁵ CCHR is the city's best tool for addressing systemic discrimination which undermines these vulnerable populations from receiving housing.

CCHR Must have Sufficient Staff to Implement the Fair Chance for Housing Act

In December of 2023, New York City Council passed the Fair Chance for Housing Act which would prohibit landlords, owners, and brokers from using criminal history to exclude otherwise qualified individuals from housing with few exceptions. It's estimated that 750,000 New York City residents have criminal convictions and could be impacted by the passage of this law, which is set to take effect on January 1st of 2025.¹⁶ Once in effect, individuals whose arrest records or convictions were used to exclude them from housing can file a complaint with CCHR. This could have a transformative impact on the lives of New Yorkers with criminal histories, who have historically struggled to find housing.

Formerly incarcerated individuals are ten times more likely to be unhoused than the general population.¹⁷ When those with criminal convictions are unable to obtain stable housing, their families suffer, particularly their children. Having a parent with a criminal conviction increases the likelihood that a child will live in poverty.¹⁸ Children that grow up in poverty are far more likely to remain living in poverty throughout their lives. With continued staffing shortages, CCHR may not be able to plan and prepare for this law to take effect in January of 2025.

¹³ <https://ny1.com/nyc/all-boroughs/politics/2024/03/02/council-hears-bill-aimed-to-roll-back-migrant-shelter-limits>

¹⁴ <https://comptroller.nyc.gov/newsroom/newsletter/new-york-by-the-numbers-monthly-economic-and-fiscal-outlook-no-86-february-13th-2024/>

¹⁵ <https://gothamist.com/news/where-did-the-migrants-who-left-nycs-shelter-system-go>

¹⁶ <https://www.nytimes.com/2022/08/09/nyregion/criminal-background-checks-nyc-housing.html>

¹⁷ <https://www.prisonpolicy.org/reports/housing.html>

¹⁸ <https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/incarceration#:~:text=According%20to%20data%20from%202011,resided%20with%20at%20some%20time.&text=Children%20of%20incarcerated%20parents%20may,in%20poverty%20and%20be%20homeless.>

CCHR Plays and Important Role Addressing Employment Discrimination

Under the Clean Slate Act, signed into law this past November, New York State will seal state conviction records for misdemeanors after three years, and qualifying felonies after eight years, for individuals who have completed their sentence and have not been convicted of additional crimes.¹⁹ This law is an excellent complement to the protection for employees with arrest records or convictions codified in the Human Rights Law. The impact of protecting employees from employment discrimination based on criminal history is significant. One report found that felony convictions reduce income by about 20% and misdemeanors by about 15%.²⁰ The value and impact of this law will be measured by the effectiveness of its implementation. It is important to ensure that CCHR staff are not spread thin and can continue protecting New Yorkers against this type of discrimination. This is also a racial justice issue as Black and Brown New Yorkers have disproportionately high arrest and conviction rates, compared to their white counterparts.²¹

One of the many issues that the work of CCHR can help to alleviate, is the consequences of occupational Segregation, or segregation of labor sectors by demographic. This accounts for the barriers to entry into a particular labor sector, and the circumstances that prevent workers from thriving, and ultimately push them out of a labor sector, such as sexual harassment. Women report sexual harassment at higher rates in professions that are dominated by men such as construction, utilities, mining, and transportation and warehousing.²² Federal protections against discrimination based on race, gender, disability, and pregnancy do not adequately protect against employment discrimination, partly due to a lack of enforcement capacity.²³ This is why sufficient funding for CCHR is so essential.

Recently NYC Council passed a bill tasking the Department of Consumer and Worker Protection (DCWP), in coordination with the Mayor's Office of Immigrant Affairs (MOIA) and CCHR to craft a Workers Bill of Rights for Immigrants.²⁴ We applaud NYC Council for taking that important step of recognizing the need to advance labor protections within immigrant communities, which are often the target of exploitative labor practices, and who's lack of familiarity with U.S. policies and labor protections leave immigrants

¹⁹ <https://www.nytimes.com/2023/11/16/nyregion/clean-slate-act-ny.html>

²⁰ <https://www.brennancenter.org/our-work/analysis-opinion/new-data-poverty-and-criminal-records-new-york-state>

²¹ <https://datacollaborativeforjustice.org/work/communities/criminal-conviction-records-in-new-york-city-1980-2019/>

²² <https://csw.ucla.edu/2020/10/15/sexual-harassment-and-occupational-segregation-the-impact-of-sexual-harassment-on-women-in-the-trades/>; <https://www.americanprogress.org/article/occupational-segregation-in-america/#:~:text=In%20predominantly%20female%20roles%2C%20occupational,genders%2C%20races%2C%20and%20ethnicities.&text=Highly%20gender%2Dsegregated%20labor%20markets,the%20earnings%20of%20Black%20women.>

²³ <https://www.americanprogress.org/article/occupational-segregation-in-america/#:~:text=In%20predominantly%20female%20roles%2C%20occupational,genders%2C%20races%2C%20and%20ethnicities.&text=Highly%20gender%2Dsegregated%20labor%20markets,the%20earnings%20of%20Black%20women.>

²⁴ <https://legistar.council.nyc.gov/LegislationDetail.aspx?GUID=6CFBB7F1-1D5A-474B-878A-37484592207F&ID=5725252>

vulnerable. We caution CCHR to be weary of developing a symbolic document without any teeth behind it. CCHR, along with other city agencies, has an important role to play in protecting civil and human rights and must be sufficiently funded to do so.

EEPC Plays an Important Role in Ensuring that City Agencies Comply with Equal Employment Opportunity Law and Policy

EEPC's mandate is to ensure that the City's employment practices, including equal employment opportunity policies and programs, are properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements.²⁵ While CCHR addresses individual claims, EEPC looks at the city's systemic approach to equal employment. Given that EEPC has the power to audit city agencies, develop recommendations, and monitor compliance and implementation, this agency not only can address employment violations, but also prevent them, and save the city time and money on litigation and the costs of bringing agencies into compliance. An investment in EEPC is an upfront investment both in administrative process, and in justice. EEPC is one of the smallest agencies in New York City government, we believe that this council should allocate additional funds to ensure that EEPC can carry out its mission.

Conclusion

Thank you for the opportunity to testify. FPWA hopes you will consider our recommendations and increase funding for CCHR and EEPC to cover the cost of hiring additional employees and expanding the capacity of these agencies. Meaningful investments in anti-discrimination work are essential to ensuring that our civil and human rights laws and policies are not simply signals of the values we hope to live up to, but codifications of the standards we demand for our people. We look forward to working with you to ensure that New Yorkers and New York City agencies are empowered to protect civil and human rights.

²⁵ <https://www.nyc.gov/site/eepc/about/about.page>