
**Testimony of JoAnn Kamuf Ward
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New York City Commission on Human Rights
Before the Committees on Civil and Human Rights & Small Businesses
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Introduction

Good afternoon Chair Feliz, Chair Williams, and members of the City Council Committees on Small Businesses and Civil and Human Rights. Thank you for convening today's hearing. I am JoAnn Kamuf Ward, Deputy Commissioner for Policy and External Affairs at the Commission on Human Rights. Joining me for Q & A from CCHR is Policy Counsel, Michael Griffin. Also here for Q & A is my colleague Haris Khan from Small Business Services

The NYC Commission on Human Rights is dedicated to advancing accessibility and ensuring all New Yorkers are able to live, work, and thrive in our city. The Commission welcomes the opportunity to speak about the NYC Human Rights Law's protections against disability discrimination and the ways that the Commission on Human Rights educates New Yorkers about their rights and obligations under the Law.

The NYC Commission on Human Rights' Dual Mandate

The Commission has a dual mandate: civil law enforcement and fostering intergroup collaboration. The Commission's Law Enforcement Bureau investigates complaints of discrimination from the public, initiates investigations on behalf of the city, and uses testing to identify potential violations of the Law. The Community Relations Bureau offers workshops and trainings on the rights and responsibilities of New Yorkers under the Law. The Community Relations Bureau also prevents discrimination through education and works closely with community partners, businesses, housing providers, and sibling agencies to achieve this goal.

Importance of an NYC that is Inclusive and Accessible

The New York City Human Rights Law protects persons with disabilities from discrimination at work, in their homes, and in public spaces. The Law aims to achieve independent and equal access to all aspects of city life, and requires employers, housing providers, and public accommodations to provide reasonable accommodations unless doing so creates an undue hardship.

According to the American Community Survey, approximately one million New York City residents live with a disability.¹ Prioritizing accessible and inclusive spaces across New York City enables people

¹See United States Census Bureau, American Community Survey Data (2023), <https://data.census.gov/table?t=Disability&g=160XX00US3651000&y=2023&d=ACS+1-Year+Estimates+Selected+Population+Profiles>.

with disabilities to participate more fully in our country's largest city, ensuring all individuals can engage with their communities, access services, find and maintain employment, and secure housing that best meets their needs.

Preventing discrimination is a principal focus of the Commission. This means engaging in targeted education, outreach, and collaboration with persons with disabilities. The Commission's most prevalent training, Human Rights Law 101, covers the Law's disability protections in all areas of our jurisdiction. The agency also has a more in-depth training on accessibility in public places and housing.

In FY 24, CCHR provided 375 trainings covering disability protections, reaching over 10,000 people. This was an increase over the 260 trainings that include disability protections the prior year. During those two years, training recipients included workforce development centers, chambers of commerce, non-profits and union members.

Our collaborations with organizations serving persons with disabilities also continue to expand. In FY 24, the Commission partnered with Project Access for All to hold a Disability Unite Festival, which engaged over 5,000 participants, including sessions on the robust protections under the Human Rights Law. The Commission also participated in the Disability Pride Parade, supporting the right of New Yorkers living with disabilities to thrive in New York City.

CCHR's business corridor outreaches span across all five boroughs, and include being in the field in Jackson Heights, Jerome Avenue, Little Yemen, City Island, and other locations. The Commission's tabling and workshops also reach Chambers of Commerce, Merchant Associations, and Business Improvement Districts.

The Commission also work directly with Small Business Services (SBS) in a number of ways, which recently included training SBS staff on the Human Rights Law, joining SBS's AAPI Small Business Task Force Meetings, and outreach with SBS's mobile van. Joint street outreach this year included sharing information with food cart vendors and small businesses on the Upper East Side. Additionally, CCHR was a participant in SBS's Small Business Month Expo on May 29th, and SBS joined the Disability Unite Festival that I mentioned earlier.

Disability Protections in the New York City Human Rights Law: Employment and Public Accommodations

The NYC Human Rights Law (NYCHRL) has a broad and inclusive definition of disability, which covers any "physical, medical, mental, or psychological" impairments, whether or not they are apparent.

Right to Be Free from Discrimination

The Human Rights Law prohibits public accommodations, housing providers, and employers from discriminating against anyone because of any actual or perceived disability, and prohibits retaliation against an individual for opposing discrimination. Public accommodations, like businesses, must ensure full and equal enjoyment of their facilities and services, regardless of disability, and employers are prohibited from treating employees less well on the basis of disability.

Right to Reasonable Accommodations

Under the NYCHRL, employers, housing providers, and public accommodations are covered entities that must provide reasonable accommodations. In public places, reasonable accommodations enable

people to fully and independently enjoy the rights in question. In the employment context, this means providing a reasonable accommodation to allow individuals to fulfill the essential requisites of the job. A reasonable accommodation must be provided unless a covered entity can establish that doing so would cause an undue hardship.

Public Accommodations

Reasonable accommodations in public places and spaces ensure that patrons can fully access services. This includes having tables where a wheelchair can be accommodated in a restaurant; alterations to the existing physical space and structures, such as the installation of ramps or lifts inside both and outside the business; and the use of assistive technology, such as providing assistive listening devices in a movie theater. In the absence of an undue hardship, business owners that fail to take steps to meet the needs of patrons with disabilities may be engaging in unlawful discrimination because they are denying the patron the ability to use and enjoy the premises equally to patrons that do not need such accommodation.

Employment

In employment, the NYCHRL requires covered employers to provide reasonable accommodations for an individual's disability that allow the individual to perform the essential requisites of the job. As already noted, an accommodation is reasonable if it can be made without causing undue hardship to the covered entity's business.

Reasonable accommodations in the workplace may include obtaining equipment or technology, adjusting schedules, or altering methods of communication for certain materials and information. In existing facilities, structural changes may be necessary to the extent that they will allow an employee with a disability to perform the essential requisites of the job, including access to work stations, and support facilities such as restrooms and cafeterias.

Enforcement

Enforcement of disability protections is a significant part of the Commission's work. In FY 24, the Law Enforcement Bureau received 665 inquiries related to disability and filed complaints that included 116 disability claims. The Law Enforcement Bureau also does proactive testing in this area, and completed 285 tests regarding disability in FY 24, with the majority in places of public accommodation. Issues of accessibility can be good candidates for resolution without filing a complaint. Where physical accessibility is at issue, the Law Enforcement Bureau has a small Project Equal Access Team that works with covered entities to identify ways to make spaces – primarily housing - accessible to people with disabilities without a formal complaint-filing process. In FY 24, CCHR facilitated 85 modifications for persons with disability and filed complaints that included 116 disability claims.

In addition to affirmative relief, disability case remedies can include damages for individuals and civil penalties. The Commission is committed to ensuring that the Human Rights Law enables full access to job opportunities and public accommodations and New Yorkers can live free from discrimination.

Conclusion

In closing, the Commission aims to address discriminatory policies and practices that prevent a fully inclusive and accessible New York and is excited to work with stakeholders to advance this objective collectively. We appreciate the Council's time and attention and welcome your questions.