

TEL. (212) 788-2958

S 420-91

For Immediate Release:

Tuesday, June 18, 1991, 1:30 p.m.

---

REMARKS BY MAYOR DAVID N. DINKINS  
AT PUBLIC HEARING ON LOCAL LAWS  
BLUE ROOM -- CITY HALL  
TUESDAY, JUNE 18, 1991 -- 1:30 P.M.

---

I am pleased to have before me today Introductory 465-A, a bill that dramatically overhauls the City's Human Rights Law. Introductory 465-A was introduced in the Council at my request by Sam Horwitz, Chair of the General Welfare Committee, and co-sponsored by Council Members Horwitz, Foster, Maloney, Fields, Povman, Ward, Dryfoos, and Alter. This bill gives us a human rights law that is the most progressive in the nation, and reaffirms New York's traditional leadership role in civil rights.

I am particularly gratified to be signing Introductory 465-A today because there has been no time in the modern civil rights era when vigorous local enforcement of anti-discrimination laws has been more important. Since 1980, the federal government has been steadily marching backward on civil rights issues. Even on the state level, narrow interpretations of civil rights laws have retarded progress. For example, the State Court of Appeals has made it virtually impossible to hold taxi companies responsible for the discriminatory acts committed by their drivers. There

(more)

is, therefore, no incentive for these companies to curb bias on the part of their drivers, and persons of color still routinely face difficulty in getting a cab to take us where we want to go.

In the face of these state and national developments, we have had no choice but to move forward independently. We have not only enhanced specific sections of our law -- like the provisions relating to holding taxi companies and other owners of public accommodations liable for acts of their employees -- we have set forth a policy that enables the Commission to ensure that discrimination plays no role in the public life of the City. As the committee report that accompanies this bill makes clear, it is the intention of the Council that judges interpreting the City's Human Rights Law are not to be bound by restrictive state and federal rulings and are to take seriously the requirement that this law be liberally and independently construed.

I am also pleased that the City Council -- by a vote of 34 to 1 -- saw through the specious arguments regarding quotas that are hindering the passage of the Civil Rights Restoration Act in Congress. Neither the federal bill nor this bill is a quota bill, and it is time for the President to stop seeking partisan political advantage by pandering to and encouraging groundless fears.

As the first comprehensive revision to the City's Human Rights Law in 25 years, Introductory 465-A makes literally dozens of improvements to the law. To illustrate just a few of the

(more)

major gaps in the law that are being filled, consider the issues of civil penalties, injunctions, and co-worker harassment.

Under current law, a person can be compensated for the damages she has suffered as a result of having been discriminated against, but we have had no authority to levy a fine for the harm that act of bias does to the social fabric of the city. In other words, you can be fined if you litter or double-park, but not if you discriminate. With potential civil penalties ranging up to \$100,000 under Introductory 465-A, it becomes clear that discriminators now face much more serious consequences for their acts. As cases begin to be prosecuted under the new law, it is my hope that the existence of these penalties will exert a strong deterrent effect against acts of bias.

Under current law, the Commission can only get an injunction in State Supreme Court in housing cases. The new law makes it possible to enjoin employment and public accommodations violations as well. This change will improve the ability of the Commission to order meaningful anti-bias remedies after a hearing and will cut down significantly on the time it takes to reach a resolution of meritorious employment and public accommodations cases.

I myself was surprised to learn that under current local law, an employee who has been the victim of sexual or racial harassment at the hands of a co-worker can sue her employer but cannot sue the co-worker himself. Without the possibility of

(more)

legal action, co-worker harassment has continued to poison many of our workplaces. The new law takes the fundamental step of making all people legally responsible for their own discriminatory conduct.

Among other changes, people for the first time will be able to go directly into State Supreme Court to assert their discrimination claims, and will be permitted to be awarded attorneys' fees and punitive damages where warranted. I hope that the creation of a private right of action will supplement the Commission's enforcement efforts and ease a portion of its caseload burden. Some forms of discrimination not previously covered under City law -- like age discrimination in public accommodations and most residential housing, and discrimination on the basis of marital status in employment -- will now be prohibited.

I want to commend, and personally thank Sam Horwitz for sponsoring this bill and shepherding it through the Council. I note, too, the enormous contributions of David Walker, Counsel to the Committee on General Welfare.

Many members of my administration worked tirelessly to shape this legislation. I thank Deputy Mayor Lynch and the members of his intergovernmental staff, including Martha Hirst and Margo Wolf. From the City Commission on Human Rights, I am grateful to the Chairperson, Dennis deLeon and to his staff members Craig Gurian, Cheryl Howard, Rolando Acosta and David Scott.

(more)

Corporation Counsel Victor Kovner was ably assisted by a number of Law Department attorneys in drafting and redrafting this landmark bill, including Andrea Cohen, Olivia Goodman and Martha Mann; also Jeffrey Friedlander, Linda Howard, Paul Rephen, David Clinton and Myles Kuwahara.

By all accounts, the discussions and negotiations on this bill between the Administration and the Council reflected tremendous diligence and spirited cooperation, and I am grateful to you all.

I also want to thank the many representatives of civil rights groups and the business community who worked with us on this legislation. Every effort was made to address the major concerns of all parties.

There is still much work to be done to help us achieve the goal of a truly open city. We have learned over the years that change will not come without resistance; that the struggle for civil rights must constantly be renewed; and that the struggle for the rights of one group is indivisible from the struggle for the rights of all other groups. The new human rights bill gives us the legal tools we need today to continue the fight. I'm counting on the Commission and the Law Department to use these tools to make sure that meritorious claims of discrimination are promptly and vigorously prosecuted.

Introductory 465-A affects all the people of New York, of course, but none so much as our children. We need to be able to

(more)

say to them: "If you work hard, you will be permitted to succeed; you will get the job you have earned; you will be able to live where you like; this is as much your city as it is anyone else's."

I will first turn to the bill's prime sponsor, Chairman Sam Horwitz;

next, to any other elected officials who wish to speak.

Now, I will turn to the general audience.

Is there anyone in the general audience to be heard in opposition?

Is there anyone in the general audience to be heard in support?

There being no one else to be heard, and for the reasons previously stated, I will now sign the bill.