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COMMUNITY BOARD No. 2, MANHATTAN

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

CB2 Equity, Race & Justice Committee March 2023

Eric Adams
Mayor of the City of New York
City Hall
New York, NY 10007

Annabelle Palma
Commissioner
NYC Commission on Human Rights
22 Reade St.
New York, NY 10007

Ariel Palitz
Founding Director
NYC Office of Nightlife
1 Centre Street
New York, NY, 10007

Daryl J. Cochrane
Director, Manhattan Community Service Center
& LGBTQIA+ Communities Lead Advisor
Commission on Human Rights
22 Reade St.
New York, NY 10007

Dear Mayor Adams, Commissioner Palma, Director Cochrane, and Director Palitz,

At its Full Board meeting March 23, 2023, Community Board #2 Manhattan adopted the following resolutions:

#1 CB2 Resolution Supporting Enforcement, and Raising Awareness of Human Rights Law in Hospitality Businesses

1. **Whereas**, the [Civil Rights Act of 1964](#) prohibits discrimination on the basis of race, color, religion, sex or national origin in public accommodations; and
2. **Whereas**, while there are many eating, drinking and nightlife establishments within CB2 which are welcoming and serve as a home to many diverse communities, there is insurmountable evidence of incidents in which customers' perceived race or gender identity affected the way they were treated in hospitality environments in our district, particularly in relation to Asian and Black people, and LGBTQIA+ community members; and
3. **Whereas**, this perception, on the part of business owners and staff, has resulted in the delivery of inferior, inhospitable, and sometimes degrading service; and
4. **Whereas**, some examples of customer discrimination in hospitality establishments include:
 - a. Denial/refusal of service
 - b. Intentional "loss" of reservations
 - c. Excessive wait times for some/ being skipped for seating
 - d. Being forced to wait outside for seating - even in inclement weather
 - e. Uncomfortable, undesirable seating, [sitting 2 people in one chair](#)
 - f. Unpalatable/cold food
 - g. Codes words/terms for customers deemed undesirable

- h. Segregating customers by perceived race
 - i. Mandatory tipping (when not the business' usual practice)
 - j. Discriminatory dress codes targeted at specific demographics
 - k. Inequitable enforcement of dress codes
 - l. Pretense of a “private party” when there is none
 - m. Poor service and attitude
 - n. Verbal abuse/intimidation/harassment
 - o. Deliberate inattention and/or disrespect
 - p. Barred from restroom use
 - q. Weaponization of law enforcement against customers
 - r. Addressing some customers by first name and others by suffix/honorific title
5. **Whereas**, as in the case of the 1966 [Julius “Sip In”](#),¹ CB2 businesses have a history of denying service to LGBTQIA+ individuals and the “Sip In” precipitated a movement to promote positive change everywhere; and
 6. **Whereas**, in 2019, Following a CCHR investigation, the [Gansevoort Hotel paid \\$10,000 in damages to a customer who alleged race discrimination](#), and \$5,000 in civil penalties to the City of New York, as well as agreeing to conduct anti-discrimination training for all staff; and
 7. **Whereas**, [since 2012, the Greenwich Village Restaurant One If By Land, Two If By Sea has been accused of discriminating against Asian customers](#)² by giving them less desirable seating, [including a very public accusation as recently as November 2022](#)³; and
 8. **Whereas**, the use of dress codes is frequently targeted at Black customers, particularly ones barring clothing like sneakers, hats, “athletic wear” and Timberland boots, while white customers are allowed to dress as they choose⁴; and
 9. **Whereas**, patrons have been turned away from restaurants and nightclubs for wearing nearly identical ensembles as those who are already admitted or seated, and the color of a patron’s skin is the only distinguishing factor; and
 10. **Whereas**, the 311 Customer Service Center provides the public with access to non-emergency government services and information through the call center, 311 Online, 311 Facebook, 311 on Twitter, text messaging at 311-NYC (692), 311 mobile app and 311 TTY at (212) 504-4115
 11. **Whereas**, hospitality establishments are not required to post information about customer rights as they relate to discrimination like other [required informational signs](#); and
 12. **Whereas**, some online/mobile reservation platforms allow hospitality establishments to insert customer data, such as birth year, spend per visit, VIP status and other descriptive and distinguishing information that could be used inequitably;
- I. **Therefore be it resolved**, that CB2 urges the NYC Commission on Human Rights (CCHR) to create signage for hospitality establishments, e.g. restaurants, bars, hotels, that educate the public about their right to equal service and the remedies available to them as well as the penalties for businesses that violate NYC Human Rights Law, including a list of common forms of discrimination;
 - II. **Resolved**, that CB2 recommends an increase of funding for the CCHR for staff to aid in processing complaints, and to aid the Law Enforcement Bureau’s adjudication and investigative process;
 - III. **Resolved**, CB2 urges the NYC Commission on Human Rights (CCHR) to make the Human Rights cases and violations data public, and to publish a list of businesses that have verified Human Right Law violations, penalties or settlements;
 - IV. **Resolved**, CB2 urges the City of New York to require hospitality establishments to post a Human Rights letter grade similar to the Dept. of Health letter grade;

¹ <https://www.nytimes.com/2016/04/21/nyregion/before-the-stonewall-riots-there-was-the-sip-in.html>

² <https://www.yelp.com/biz/one-if-by-land-two-if-by-sea-new-york?q=asian>

³ https://www.tiktok.com/@rokug4n/video/7161201204234554625?is_from_webapp=v1

⁴ <https://www.today.com/food/restaurant-dress-codes-t256077>

- V. **Resolved**, that CB2 urges the City of New York to prevent discrimination by requiring hospitality establishments to implement dress codes equally for all patrons regardless of race or sexual orientation, gender identity or preference, or to prohibit dress codes completely;
- VI. **Resolved**, that CB2 urges the City of New York to make it illegal for reservation systems to allow businesses to input information such as age, race or sexual orientation, gender identity or preference;
- VII. **Be it further resolved** that CB2 recommends making it easier to submit Human Rights Law violations and complaints by streamlining 311 processes, across all platforms.

Vote: Passed, with 43 Board members in favor, and 1 in opposition (R. Sanz).

#2 Resolution to Include and Weigh Human Rights Violations Data in the NYS SLA Licensing Process

1. **Whereas**, the [New York State Liquor Authority](#) requires prospective licensees, and their spouses, to report arrests, indictments, pending summonses, offenses, convictions, felonies and misdemeanors they've been involved with, including affidavits describing the details of each; and
2. **Whereas**, the New York State Liquor Authority requires prospective licensees to be ADA and Labor Law compliant, and to possess current workers' compensation and disability insurance; and
3. **Whereas**, the New York State Liquor Authority requires prospective licensees to report current and previous licenses, including the status of such licenses and any associated violations; and
4. **Whereas**, prohibits persons whose alcoholic beverage license was revoked within 2 years of application from holding a liquor license; and
5. **Whereas**, the New York State Liquor Authority does not require prospective licensees to report Human Rights litigation, violations, complaints or settlements; and
6. **Whereas**, the [Civil Rights Act of 1964](#) prohibits discrimination on the basis of race, color, religion, sex or national origin in public accommodations; and
7. **Whereas**, there is insurmountable evidence of incidents, and associated litigation, in which customers' perceived race or gender identity affected the way they were treated in hospitality environments, particularly in relation to Asian and Black people, and LGBTQIA+ individuals; and
8. **Whereas**, the NYC Human Rights Law prohibits unlawful discriminatory practice, and provides protections for members of protected classes; and
9. **Whereas**, individuals, businesses or their employees who violating human rights laws are operating unlawfully;

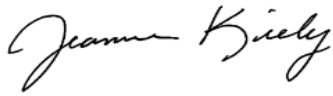
Therefore be it resolved, that CB2 strongly urges the NYS Liquor Authority to solicit Human Rights data regarding any and all prospective licenses, and to take that data into consideration prior to granting a license.

Be it further resolved, that CB2 requests the NYS Liquor Authority to direct license applicants to include any Human Rights complaints, violations, mediation or settlements with which they have been involved, past or present, to NYC community boards with any 30-day notice submission.

Vote: Passed, with 43 Board members in favor, and 1 in opposition (R. Sanz).

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Jeannine Kiely, Chair
Community Board #2, Manhattan



Mar Fitzgerald, Chair
Equity, Race & Justice Committee
Community Board #2, Manhattan

CCHR Slides Snapshot



- The display of “Pradamalia” resembled blackface, imagery that has been used to dehumanize Black people.
- In February 2020, Prada settled with the Commission over the merchandise line containing racist imagery.
- Prada has to invest in programs to combat anti-Black racism and promote diversity and inclusion in its business, advertising and products.

What Is the City Human Rights Law?

Prohibits discrimination in several areas:



- In most cases, the last incident of discrimination must have occurred **within the last year** to file a complaint with the Commission. For gender-based harassment, the time period to file has been extended to three years. Only covers incidents in NYC.
- Individuals may also file a claim in court up to three years after the last discriminatory act instead of going to the Law Enforcement Bureau.

Who Is Protected?

It is illegal to threaten, intimidate or discriminate based on:

- Age
- Color
- Disability
- Gender
- Gender identity
- Immigration or citizenship status
- Marital status and partnership status
- National origin
- Pregnancy
- Race
- Religion/Creed
- Sexual orientation
- Uniformed service (military status)



Gansevoort Hotel Case (2019)

[Gansevoort Hotel Agrees To Pay a Black Customer Who Alleged Race Discrimination \\$10,000 in Damages and \\$5,000 in Civil Penalties to the City of New York](#)

A Black customer filed a complaint with the NYC Commission on Human Rights because they were denied entry to a hotel bar, despite their white friends been previously allowed in. Complainant alleged race discrimination. Following an investigation by the agency, the hotel agreed to pay \$10,000 to the customer, \$5,000 in civil penalties to the City of New York, and

Remedies and Penalties Under NYC Human Rights Law

- Complainants may get payment for lost wages and emotional harm, and other remedies, including, but not limited to ordering: mandated training; an accommodation; and/or other out of pocket expenses related to the discrimination.
- The Commission can impose \$125,000 in civil penalties for violations, and up to \$250,000 for violations that are the result of willful, wanton, or malicious conduct.

Retaliation

- It is an additional violation of the law for an employer, housing or public accommodation provider to retaliate against employees, tenants or patrons who:
 - Oppose discrimination;
 - Report or file a complaint of discrimination internally or externally; or
 - Cooperate, assist or participate in an investigation, proceeding, or hearing related to actions prohibited under the Human Rights Law.

Contact the NYC Commission on Human Rights

- Call **311** and ask for the Commission on Human Rights or call our Infoline at 212-416-0197.
- See our website for more information: nyc.gov/humanrights

• We also offer free training at: <https://www1.nyc.gov/site/cchr/community/request-a-workshop.page>

Meeting Links

NYC Commission on Human Rights: <https://www.nyc.gov/site/cchr/index.page>

CCHR 2019 Settlement Highlights: <https://www.nyc.gov/site/cchr/enforcement/2019-settlements.page>

The "Sip-In" at Julius' Bar in 1966: <https://www.nps.gov/articles/julius-bar-1966.htm>

Greenwich Village Restaurant One If By Land, Two If By Sea was publicly accused of discriminating against Asian customers:

<https://ny.eater.com/2022/11/10/23449094/one-if-by-land-two-if-by-sea-racism-accusation>

Lawsuit Against New York City Restaurant Alleges Discrimination on the Basis of Gender Identity or Gender Expression:

<https://www.newyorkemploymentattorney-blog.com/lawsuit-against-new-york-city-restaurant-alleges-discrimination-on-the-basis-of-gender-identity-or-gender-expression/>

Harvard Business School How Racial Bias Taints Customer Service: Evidence from 6,000 Hotels: <https://hbswk.hbs.edu/item/how-racial-bias-taints-customer-service>

The Civil Rights Act of 1964: <https://www.loc.gov/exhibits/civil-rights-act/civil-rights-act-of-1964.html>

c: Hon. Kathleen Hochul, Governor
Hon. Daniel Goldman, Congressman
Hon. Brad Hoylman-Sigal, Senator
Hon. Brian Kavanaugh, Senator
Hon. Deborah Glick, Assembly Member
Hon. Grace Lee, Assembly Member
Hon. Christopher Marte, Council Member
Hon. Carlina Rivera, Council Member
Hon. Erik Bottcher, Council Member
Hon. Mark Levine, Manhattan Borough President
Hon. Brad Lander, NYC Comptroller
Hon. Jumaane Williams, NYC Public Advocate
Hon. Nantasha Williams, Chair, Committee on Civil and Human Rights, NY City Council
Ya-Ting Liu, Chief Public Realm Officer, Deputy Mayor for Operations, NYC Office of the Mayor
Robin Forst, Manhattan Borough Director, Mayor's Office of Community Affairs
Tiffany Townsend, Executive Vice President, Global Communications, New York & Company
Ed Janoff, Acting Executive Director, Union Square Partnership
Samara Karasyk, President & CEO, Hudson Square BID
Evan Sweet, Director of Neighborhood Planning & Operations, Meatpacking BID
Jeffrey LeFrancoise, Executive Director, Meatpacking BID
Wellington Chen, Executive Director, Chinatown Partnership/BID
Scott Hobbs, Executive Director, Village Alliance
Cordelia Persen, Executive Director, NoHo BID
Marc Dicus, Executive Director, SoHo Broadway Initiative