

As the year comes to an end and a newly-elected (but scarcely changed) City Council is about to take office, a series of civil rights bills that have been kicking around City Hall for a while now are finally getting their first hearings. Council sponsors are expecting action on them either this month or when the new Council is seated in January.

### FAIR HOUSING

Mayor Mike Bloomberg introduced a bill, [Intro 417](#), earlier this year in an attempt to make the City's human rights law "substantially equivalent" to the federal Fair Housing Act. The City Commission on Human Rights desired the change because they want, in this era of drastic budget cuts, to make themselves eligible for money from Washington to investigate fair housing cases.

Disability rights groups, including [Disabled in Action](#), [Eastern Paralyzed Veterans Association](#), and the New York Lawyers for the [Public Interest](#), testified at an October hearing before the General Welfare Committee that the proposed legislation would considerably weaken protections for the disabled currently available under the city law. At that hearing, the administration withdrew support for the bill in its current forum.

Craig Gurian, who is now heading the Anti-Discrimination Center of Metro New York, offered an analysis of the problems with [417](#) (In PDF Format) and a substitute [bill](#) (In PDF Format) was drafted that would achieve the administration's goal of "equivalence" without weakening city protections for the disabled. The substitute has yet to be introduced. Gurian was the principal drafter for the Human Rights Commission of the comprehensive 1991 amendments to strengthen the human rights law.

### POSTING SUMMARY OF HUMAN RIGHTS LAW IN PUBLIC PLACES

The Human Rights Law Posting Bill, Intro 353, had its first hearing in General Welfare in October and was received favorably, according to civil rights activist Tom Smith who is the prime mover behind the idea of requiring that a summary of the City Human Rights Law be

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posted in every place of employment, housing, and public accommodation. "I firmly believe that the best way for people to prevent discrimination is for people to understand what their rights are and for employers and landlords to understand what the law is," said Smith. The chief sponsor of the legislation is Councilmember Alan Gerson of Lower Manhattan. Smith is hopeful that the bill will pass before the end of the year or early in 2004.

### HOUSING AND DOMESTIC VIOLENCE

A [bill](#) that would cover survivors of domestic violence from housing and employment discrimination under the City Human Rights Law, Intro 107, also had its first hearing. The Council in 2001 banned workplace discrimination against domestic partner survivors. Councilmember [David Yassky](#) of Brooklyn, the chief sponsor of the new bill, said that it "would extend coverage to survivors of sex offenses and stalking and grant all three groups further protection against discrimination in housing and public accommodation. Additionally, it would require employers and landlords to make reasonable accommodations for special needs of these survivors."

### "Local Civil Rights Restoration Act"

Councilmember Gale Brewer has introduced the [Local Civil Rights Restoration Act](#), Intro 439, that would strengthen the City Human Rights Law by making more allowances for precedent-setting cases, give attorneys more motivation for representing complainants by permitting them to recover fees in administrative cases, and make clear that the category of "marital status" in the law means not just that discrimination against single or married individuals is illegal, but that it is discriminatory to favor a single person over a married couple or vice-versa. The proposed changes were heard before the General Welfare Committee. "The administration doesn't love our bill," Brewer said, "but we're going to plow ahead. I'm working to expand the coalition and hope to pass it early next year."

### EQUAL BENEFITS

The Equal Benefits Bill, Intro 271, introduced by Councilmember Christine Quinn of Chelsea, had its first hearing before the Contracts Committee on November 13. It would require those with [city contracts](#) of more than \$100,000 to treat the domestic partners of their employees the

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same as the spouses of workers.

Despite anticipated opposition from conservative religious contractors that oppose homosexuality, the only ones to show up to testify against the bill were two representatives of the Bloomberg administration who were unprepared to answer questions from the committee about their legal objections. Terri Matthews of Deputy Mayor Marc Shaw's office testified that "the general municipal law prohibits social policy restrictions on municipal contracting" and that a city charter change would also be required. The counsel to the committee, Rob Newman, challenged both assertions.

The committee also heard from Cynthia Goldstein who administers the 1997 law in San Francisco that was the model for New York's bill. She claimed that the bill did not drive up contracting costs, was agreeable to most religious contractors including the Catholic Archdiocese, and reduced city spending on the uninsured.

Quinn's bill was backed by an 80-group coalition and has 37 sponsors, a veto-proof majority. She expects passage in December. If the mayor vetoes the bill, a promised override vote might have to wait until January.

### **HOW WILL THE SAME-SEX MARRIAGE DEBATE PLAY OUT IN NEW YORK?**

The [decision](#) of the Supreme Judicial Court of Massachusetts to open marriage to same-sex couples has once again put the spotlight on New York State's political leaders as to how they will address the issue here. Few are tipping their hands.

Same-sex couples have already returned from neighboring Vermont with civil unions and Ontario with marriage licenses and are slowly gaining recognition of their bonds from their local governments, employers, and others, but Massachusetts will actually be the first state in this country to issue marriage licenses to gay and lesbian couples. Their court has given the Massachusetts state legislature until May 2004 to implement the order. This is when, lawyers for the plaintiffs say, the state must have begun letting same-sex couples marry. Massachusetts Governor Mitt Romney and legislative leaders in the state are trying to comply with the order by developing a civil union plan like Vermont's, but the court is not expected to accept anything less than full marriage rights.

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New York is one of thirteen states that has not passed a law banning recognition of same-sex marriages from other jurisdictions. The federal government enacted the Defense of Marriage Act in 1996 in anticipation of Hawaii opening marriage to gay couples (even though the state ultimately never did), banning federal recognition of same-sex marriage and allowing the states an exemption from the full faith and credit clause of the constitution if they didn't want to honor gay marriages performed in other states. Thirty-seven states have done so.

There has been a state Defense of Marriage Act in Albany since 1996 and neither house of the legislature has acted to pass it into law. A bill to end sex discrimination in marriage was first introduced in the State Senate in 1999 and in the Assembly in 2002. Again, no action in either house.

Most same-sex partner recognition in New York State has come through the courts, with the state's Court of Appeals allowing two-parent adoptions for same-sex couples and succession rights in rent regulated apartments as early as the 1980s.

Governor Mario Cuomo extended domestic partner benefits to state employees in the early 1990s and Governor George Pataki, while publicly opposed to same-sex marriage, continued that program and has been allowing incremental gay partner rights since, especially after 9/11. The state's Crime Victims Board now recognizes same-sex partners when compensating victims of violent crime.

No same-sex married couple from Canada has started a court case for recognition in New York, but a Nassau man with a civil union is suing St. Vincent's hospital in Manhattan for the wrongful death of his "spouse," a word the Nassau County judge in the [case](#) accepted in granting him standing to sue earlier this year.

In the wake of the Massachusetts developments, Pataki is sticking with a statement that he is "comfortable" with the way the marriage laws in New York are. Senate Majority Leader Joe Bruno, an upstate Republican, said, "I don't believe people of the same sex need or ought to be legalized in marriage," though he has not vowed legislative action to prevent it. And Assembly Speaker Sheldon Silver (D-Lower East Side) has remained mum on what his chamber will do to address the issue and refuses to state his own position on same-sex marriage, despite a recent resolution by the state Democratic Party endorsing it.

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New York City has gone about as far as it can go in granting partner rights to gay couples, save for the contractors' bill described above. Mayor Ed Koch was the first to extend hospital visitation rights and bereavement leave to domestic partners in 1989. Mayor David Dinkins established a domestic partners [registry](#) and settled a case granting all city employees equal benefits for their domestic partners in 1993. (More than 72 percent of the city's registered domestic partners are in heterosexual couples.) Mayor Rudy Giuliani codified that settlement into law in 1998. And Mayor Mike Bloomberg signed into law a 2002 Council bill whereby the city recognizes domestic partnerships, civil unions, and same-sex marriages performed elsewhere. Council Speaker Gifford Miller (D-East Side) greeted the Massachusetts decision on same-sex marriage with a press conference supporting it.

*Andy Humm is a former member of the City Commission on Human Rights. He is co-host of the weekly "Gay USA" on Manhattan Neighborhood Network (34 on Time-Warner; 107 on RCN) on Thursdays at 11 PM.*

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