

**CAPA REGULATORY AGENDA FY 2019**  
**CITY COMMISSION ON HUMAN RIGHTS**

**1. SUBJECT: Gender**

- A. Reason: Local Law No. 3 of 2002 and Intro. No. 1186 of 2018 amended the administrative code of the City of New York with respect to the definition of ‘gender.’ Intro. No. 1186 defined the term “gender” to include actual or perceived sex, gender identity, and gender expression, including a person’s actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth. While we have seen increasing public awareness about the unique challenges that transgender people face with respect to discrimination, we continue to receive inquiries from the public regarding protections under the Human Rights Law as well as many complaints of gender-based discrimination. The Commission will propose rules related to discrimination based on gender identity and expression to ensure that the provisions of the Human Rights Law have maximum impact and deter discriminatory behavior directed towards transgender and gender nonconforming people.
- B. Anticipated contents: These rules will amend Chapter 2 of Title 47 of the Rules of the City of New York to define key terms and clarify the scope of existing protections – including obligations imposed upon covered entities and individuals – with respect to the Human Rights Law’s prohibition on discrimination based on gender, including gender identity and expression.
- C. Objectives: The objective of these rules is to ensure that the provisions of the Human Rights Law have maximum impact and deter discriminatory behavior directed towards transgender and gender nonconforming people.
- D. Legal basis: Authority to engage in rulemaking is vested in the Commission on Human Rights by Sections 905(e)(9) and 1043 of the New York City Charter.
- E. Other relevant laws: Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law.
- F. Types of individuals and entities likely to be affected: All individuals and entities subject to the New York City Human Rights Law.
- G. Approximate schedule: First quarter of FY 2019.

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**2. SUBJECT: Pregnancy, Childbirth & Related Medical Condition**

- A. Reason: The Human Rights Law prohibits unlawful discrimination in employment, public accommodations, and housing, based on pregnancy or perceived pregnancy, through its prohibitions on discrimination based on gender and pregnancy. It requires employers to reasonably accommodate the “needs of an employee for her pregnancy, childbirth, or related medical condition that will allow the employee to perform the essential requisites of the job, provided that such employee’s pregnancy, childbirth, or related medical condition is known or should have been known by the employer.” The rules will serve to clarify the scope of the

Human Rights Law's protections as they apply to discrimination and reasonable accommodations based on pregnancy, childbirth, or related medical condition.

- B. Anticipated contents: These rules will amend Chapter 2 of Title 47 of the Rules of the City of New York to define key terms and clarify the scope of existing protections – including obligations imposed upon covered entities and individuals – with respect to the Human Rights Law's prohibition on discrimination and requirement of reasonable accommodation based on pregnancy, childbirth or related medical condition.
- C. Objectives: The objective of these rules is to ensure that the provisions of the Human Rights Law have maximum impact and deter discriminatory behavior directed towards women based on pregnancy, childbirth, or related medical condition.
- D. Legal basis: Authority to engage in rulemaking is vested in the Commission on Human Rights by Sections 905(e)(9) and 1043 of the New York City Charter.
- E. Other relevant laws: Title VII of the Civil Rights Act of 1964, including the Pregnancy Discrimination Act, the Americans with Disabilities Act, the New York State Human Rights Law.
- F. Types of individuals and entities likely to be affected: All individuals and entities subject to the New York City Human Rights Law.
- G. Approximate schedule: First quarter of FY 2019.

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3. **SUBJECT**: Rules of Practice

- A. Reason: The Commission will propose to amend its Rules of Practice to provide clear guidance to the public about how claims being investigated and litigated by the Commission are processed and to ensure that parties understand important procedural requirements. Most Complainants who appear before the Commission do not have an attorney and the Commission seeks to ensure fairness and consistency across the board, at all stages of its adjudicative process.
- B. Anticipated contents: These rules will amend Chapter 1 of Title 47 of the Rules of the City of New York to define key terms, ensure that the rules accurately reflect institutional structures, procedures, and practices that may have changed since the current rules were first adopted, and promote transparency, fairness, and accessibility to the public and parties litigating claims before the Commission.
- C. Objectives: The objective of these rules is to update practices and procedures governing investigation and litigation practices at the Commission, increase transparency about those practices and procedures, and ensure that rights and obligations under the Human Rights Law are clearly defined and accessible to parties who are protected by the law or who have legal obligations pursuant to the law. The Commission is dedicated to ensuring that it serves as a venue for justice, especially for historically underserved communities that face high rates of discrimination and often lack the resources to hire an attorney to represent them when they

experience discrimination. The Commission believes that to do this well, the law must be clear and easy to understand and that any ambiguities must be resolved so that the public can adequately understand the law.

- D. Legal basis: Authority to engage in rulemaking is vested in the Commission on Human Rights by Sections 905(e)(9) and 1043 of the New York City Charter.
- E. Other relevant laws: N/A
- F. Types of individuals and entities likely to be affected: All individuals and entities subject to the New York City Human Rights Law.
- G. Approximate schedule: First quarter of FY 2019.

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