NEW YORK STATE COMMUNITY COMMISSION ON REPARATIONS REMEDIES

Legal + Eligibility + Harm Frameworks

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What we'll cover today

- NYS Authorizing Legislation
- Legal Frameworks
  - Reparations Definitions
- Eligibility Frameworks
  - Various eligibility frameworks and why they matter
- Harm Definitions by Area
- Current Litigation

Duties of the Commission per NYS Authorizing Legislation (S1163—A)

- Examine the institution of slavery which existed within the State of New York and in the City of New York...
- Examine the extent to which the federal government, as well as the state and local governments of New York, supported the institution of slavery, including the extent to which such governments prevented, opposed, or restricted efforts of freed enslaved Africans to repatriate to their homeland.
- Examine how New York State engaged in the interstate transfer of enslaved Africans, and carried out federal policies in the furtherance of slavery.
- Examine the de jure and de facto discrimination against freed enslaved Africans, their descendants, and people of African descent, generally, at both the state and federal levels of government, during the period between the end of the Civil War and the present, including, but not limited to, economic, political, educational, and social discrimination.
- Examine the lingering negative effects of the institution of slavery and discrimination on living people of African descent and on society in the State of New York.
- Examine the current condition of living people of African descent in the State of New York, to the extent practicable, including, but not limited to, economic, political, educational, and social conditions.
- Recommend appropriate ways to educate the public of the commission's findings.
- Recommend appropriate remedies and reparations in consideration of the commission's findings on the matters described in paragraphs 1, 2, 3, 4, 5, and 6 of this subdivision to determine how the state of New York may provide for appropriate laws, policies, programs, projects, and other recommendations in order to reverse such injuries. Such remedies may include compensation, including but not limited to the amount of compensation and who should be eligible for such compensation.
- Examine the feasibility for the creation of a bureau to assist in the distribution and administration of remedies and reparations as recommended by the commission pursuant to paragraph 8 of this subdivision.

Legal Frameworks

- **Tort**
  - A **tort** is a wrong that causes harm to someone, creating a legal liability for the person or entity who caused it. Litigation
- **Human Rights Violations** (UN Basic Principles and Guidelines on Reparations)
  - This approach shifts reparations from a domestic personal injury dispute (like tort law) to a matter of international law and global moral obligation.
- **Criminal Law**
  - In standard criminal law, the state prosecutes a wrongdoer for violating public laws. Pros and Cons. Requires a Court .
- **Crimes Against Humanity**
  - "Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population . . . whether or not in violation of the domestic law of the country where perpetrated."
  - Pros and Cons
- **Legislative / Policy Frameworks**
  - Use of laws and rules enacted by legislative bodies to change systemic harms

Jurisdictional Applications- Legal Frameworks

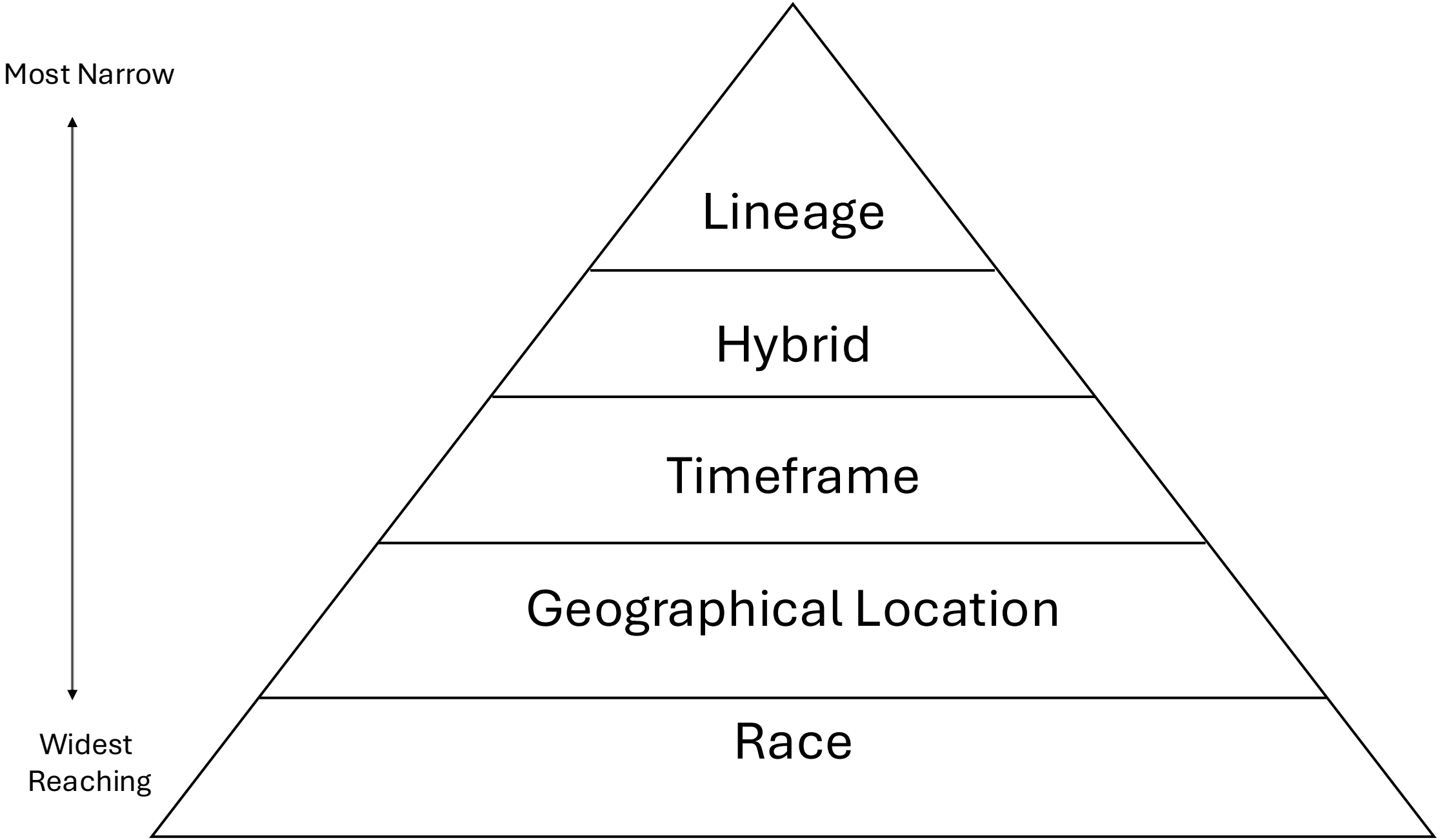
JURISDICTION	LEGAL FRAMEWORK
Evanston, Illinois (Municipal)	Human Rights Violations - National African American Reparations Commission (NAARC) which is modeled after the UN's Framework
California (Statewide)	*Hybrid:* Himan Rights Violations + Tort Style Economic Calculations - Tort like calculations to determine monetary damages based on specific categories of harm which were embedded in human rights framework
San Francisco, California (Municipal)	Human Rights Violations - UN definition of reparations is its founding operational mechanism to redress city-sanctioned human rights violations - Events based harm - *Compensation* and *Satisfaction*

Jurisdictional Applications

JURISDICTION	LEGAL FRAMEWORK
Japanese American Redress Movement	Hybrid: Legislative and Constitutional / Human Rights Violations - By pivoting away from strict traditional courts, the group successfully found redress in pressuring legislative bodies- Congress
Ashville, North Carolina	Human Rights Violations - National African American Reparations Commission (NAARC) which is modeled after the UN's Framework - *Satisfaction* and *Rehabilitation*

Eligibility Frameworks

- **Lineage**
  - a policy framework that restricts eligibility for direct financial compensation strictly to individuals who can prove they are the biological descendants of a specific group of historical victims; genealogy and ancestral lineage
- **Race**
  - anyone who currently checks the box as "Black" or "African American" in a jurisdiction would qualify for reparations. This would include recent Black immigrants from the Caribbean or African nations
- **Location / Residence based**
  - Instead of offering benefits to an entire demographic, geographical models require applicants to prove residency within a specific municipal border, neighborhood, or specific parcel of land.
- **Time/duration based**
  - Timeframe-based reparations restrict eligibility to a clearly defined window of history. This window always aligns with a specific period when a government entity passed, enforced, or failed to stop a discriminatory policy.
- **Tiered and Hybrid Approaches**
  - Layer concepts listed above to generate eligibility


Most Narrow
Lineage
Hybrid
Timeframe
Geographical Location
Race
Widest Reaching

Jurisdictional Applications- Eligibility

JURISDICTION	ELIGIBILITY FRAMEWORK
Evanston, Illinois (Municipal)	Hybrid: Race + Geographic Location + Timeframe - To qualify for the Restorative Housing Program, applicants must identify as Black/African American AND have lived within the city limits of Evanston as an adult during the strict timeframe of 1919 to 1969 (or be a direct descendant of someone who did
California (Statewide)	Lineage Based - The California Reparations Task Force voted 5-4 to adopt a strict lineage requirement for monetary repair. To qualify, an individual must prove they are a biological descendant of a chattel enslaved person in the United States, OR a descendant of a free Black person living in the U.S. prior to 1900
San Francisco, California (Municipal)	Hybrid: Race + Geographic Location + Timeframe / Alternate Hardships - Requires applicants to identify as Black/African American on official documents for at least 10 years, plus meet two secondary criteria from a menu of options.

Jurisdictional Applications

JURISDICTION	ELIGIBILITY FRAMEWORK
Ashville, North Carolina	Hybrid: Race + Geographic Location - Rather than tracing individual bloodlines or offering direct cash, Asheville targets its municipal investments directly toward its Black residents harmed by historical urban renewal zones. Eligibility focuses on community-wide redress for neighborhoods and business districts that were physically dismantled by legacy city zoning
Japanese	Hybrid: Timeframe + Lineage Variant (Living Survivors Only) - Eligibility was strictly limited to individuals of Japanese ancestry who were forcibly relocated or interned by the U.S. government between December 7, 1941, and June 30, 1946. Critically, applicants had to be alive on the date the bill was signed into law (August 10, 1988) to receive the $20,000, eliminating claims from heirs or descendants

Harm Areas

- Housing
- Education
- Criminal Law
- Health and Wellness
- Environmental Justice
- Voting rights
- Wealth Gap
- Employment

Jurisdictional Applications - Harms

JURISDICTION	Housing Discrimination & Property Takings	Criminal Legal System and Mass Incarceration	Health and Medical Disparities
California	Formally identified housing segregation and redlining (1933–2020) as a primary harm	Decades spent enduring over-policing and mass incarceration during the national "War on Drugs"	Identified enerational racism, medical neglect, and environmental racism
Evanston, IL	Exclusive Focus	N/A	N/A
San Francisco, CA	Urban Renewal	localized harm of disproportionate Black arrest rates, police surveillance, and systemic bias	Identified disproportionate maternal mortality rates, systemic hospital bias, and environmental hazards in Black neighborhoods
Ashville, NC	Urban renewal and City Zoning	N/A	Indirect through Community Development
Japanese American Redress	Indirectly addressed through payout for partial compensation of severe economic property loss.	Directly addressed state enforced mass incarceration	Indirectly addressed through payout

JURISDICTION	Education & Apology	Business Devaluation & Stolen Labor	Voting Rights, Environmental Justice, Employment, Pupil Education
California	passed formal resolution for apology public education or memory initiatives	Documented the "stolen labor and hindered opportunity" of chattel slavery alongside the ongoing suppression of Black-owned business	N/A
Evanston, IL	passed formal resolution for apology public education or memory initiatives	N/A	N/A
San Francisco, CA	passed formal resolution for apology public education or memory initiatives	Outlined historical economic exclusion	N/A
Ashville, NC	passed formal resolution for apology public education or memory initiatives	Urban renewal which destroyed Black businesses	N/A
Japanese American Redress	Presidential apology and public education fund to prevent future occurrences	Indirectly addressed through payout	N/A

Current Litigation: Flinn et al. v. City of Evanston *(N.D. Ill., No. 24-cv-4269)*

- In May 2024, six non-Black descendants of Evanston residents filed a class action lawsuit challenging the city's Restorative Housing Program, which provides $25,000 payments to Black residents and their descendants who lived in Evanston between 1919 and 1969.
- In March 2026, the court denied the city's motion to dismiss, allowing the case to proceed.
- June 2026, the Trump administration's DOJ moved to intervene, arguing the program violates both the Equal Protection Clause and the Fair Housing Act; escalating what had been a private civil suit into a federal constitutional challenge.
- The City of Evanston has maintained that the program is lawful, with Mayor Daniel Biss stating the city remains confident it will withstand judicial scrutiny. The DOJ's motion to intervene remains pending.

New York's Approach

- Legal Framework will ultimately be the one that is most defensible and supports the fullest extent of redress for impacted people.
- Eligibility will be informed by the authorizing legislation and findings from research
- Harms will be informed by Categories of Harm Identified by Participants in Public Hearings and findings from research