



OUR FAIR CITY

A Comprehensive Blueprint for Gender and Sexual Justice in New York City

June 2014



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Department for the Aging

Support LGBTQ Elder Access to Culturally Sensitive Services

Many LGBTQ elders reside in community and long-term care settings that are not welcoming to their LGBTQ identities. Few eldercare service providers have undergone LGBTQ cultural competence training, few conduct outreach to the LGBTQ community, and few are prepared to address acts of discrimination aimed at LGBTQ elders. Fearful of mistreatment from peers and service providers, many LGBTQ elders avoid accessing the services they need. Though the NYC-funded SAGE Center provides a dedicated senior center space for LGBTQ elders, full on-site services are only available at its lower Manhattan location.

We recommend:

- Provide sufficient NYC funding to support LGBTQ-friendly senior center space and services in all five boroughs.
- Provide funding for cultural competency training to service providers so that there is “no wrong door” for LGBTQ older adults who access services in NYC.
- Require that all citywide agencies that support services for seniors - e.g., Department for the Aging (DFTA), Department of Health and Mental Hygiene (DOHMH), Human Resources Administration (HRA), Adult Protective Services (APS) - include LGBTQ cultural competence trainings as a standard component of their array of services.

Protect LGBTQ Elders from Elder Abuse

LGBTQ older people, who are highly isolated in many instances, are at greater risk for elder abuse (including financial abuse), yet are less likely to report this abuse for fear of backlash and discrimination. Because LGBTQ older people are less likely to have children and more likely to be single, their support networks are thinner and they have fewer advocates available when incidents of elder abuse occur.

We recommend:

- Provide funding for support services for specific populations at heightened risk for elder abuse (e.g. LGBTQ older adults).
- Provide funding to train service providers and city agencies on identifying and working with LGBTQ older adults at risk for elder abuse.
- Ensure that APS and all relevant city agencies prioritize LGBTQ older adults in their efforts to prevent and address elder abuse.

Ensure LGBTQ Elders’ Access to Nutritious Meals

Adequate nutrition is a major concern for low-income older adults. Senior centers are an important part of the solution since their services are used disproportionately by poor seniors. The CEO Poverty Measure estimated that in 2011 over 22% of New York City's elders were living in poverty. It is estimated that LGBTQ older adults face even higher levels of poverty, along with accompanying challenges with hunger and nutrition.

We recommend:

- Increase funding to support nutritious meals for LGBTQ older adults in all five boroughs.
- Mandate flexibility in NYC-funded senior meal programs to accommodate innovations in senior nutritional programming (e.g. off-site dining options).

Expand Housing for LGBTQ Elders

Due to higher levels of housing discrimination, financial insecurity and a general lack of affordable housing, many LGBTQ elders find that they cannot afford to continue living in the communities they have resided for many years. Others face discrimination or unwelcoming environments in elder housing and long-term care settings. In recent years, LGBTQ aging advocates have begun addressing these housing challenges through a variety of approaches, including developing LGBT-specific elder housing; working with local housing providers to increase their cultural competency with regard to LGBTQ older adults rights; informing LGBTQ elders about their fair housing rights; developing innovative programs such as “homesharing;” and connecting LGBTQ elders to LGBT-friendly services, including housing supports, in their distinctive geographic communities.

We recommend:

- Fund LGBTQ cultural competency training for housing providers throughout NYC.
- Fund the creation of affordable and affirming housing for LGBTQ older adults.
- Increase funding and access to LGBT-friendly support services in residential settings and NORC's (naturally occurring retirement communities).

Provide Resources to Support Services for Elders Living with or At Risk for HIV/AIDS

The number of older adults living with HIV/AIDS in NYC is growing rapidly. A 2010 report conducted by the Department of Mental Health and Hygiene found that 75% of PLWHA in New York City were over 40; 37% were 50 or older. This is due in part to advances in science and treatment of HIV. It is also due to the continued spread of HIV - newly infected older adults account for 16% of all new HIV diagnoses annually. Unfortunately, because many mistakenly assume older adults are sexually inactive, and because LGBTQ older adults often fear discrimination and therefore delay or avoid seeking services and care, many LGBTQ older adults aren't tested or diagnosed. As a

result, when LGBTQ older adults are finally tested, it is more often a dual diagnosis of HIV and AIDS.

We recommend:

- Increase funding for direct service provision to older adults living with HIV and/or AIDS.
- Provide funding for training to NYC providers on HIV and aging.

Support Training and Employment for LGBTQ Elder Workers

Finding and retaining a fulfilling job can be difficult for many people, but it is especially challenging for LGBTQ people as they enter their later years. Age discrimination in the workplace is a growing problem, even though it is illegal. For LGBTQ older people, the danger of age discrimination is exacerbated since they must often deal with the added barriers of LGBT-bias and discrimination. Given that LGBTQ older adults are at heightened risk for poverty and have lower levels of retirement savings than older people in general, the ability to secure employment during the later working years is critically important.

We recommend:

- Provide NYC funding for Workforce Development skills-building programs that focus on LGBTQ older adults.
- Fund outreach to employers to encourage them to employ LGBTQ older workers.
- Expand opportunities for older adults to engage in employment by increasing access to Title V programs.

Center for Innovation through Data Intelligence

Gather Data on Sexual and Intimate-Partner Violence

New York City should routinely gather data in order to properly allocate funding and resources for survivors of sexual and intimate partner violence and track progress on anti-violence initiatives. Surveys that are conducted by city agencies should not only collect information on sexual and intimate partner violence and harassment but the demographics that characterize them.

We recommend:

- All New York City surveys, reports and data about sexual and intimate partner violence, and all agencies funding or overseeing work on sexual and intimate partner violence in which demographic information is collected, should include questions about race, ethnicity, sexual orientation, age and gender identity.
- The New York City Department of Health and Mental Hygiene conducts a Community Health survey each year with 10,000 respondents from all five boroughs. This survey should include questions about sexual violence and intimate partner violence as well as demographic information about race, ethnicity, sexual orientation, age and gender identity. This survey should also collect information on the prevalence and impact of sexual harassment in the workplace, schools, and public space so that this information can be used to baseline progress.
- Enhance and improve automated data collection systems and data communication systems that link police, prosecutors, courts and victims service agencies. Specific examples include the Domestic Incident Report database, Order of Protection Registry, and Child Abuse Registry.
- Support community needs assessments that seek to identify members of underserved populations and victim needs currently not met through existing community-based programs including cultural specific programs that serve underserved populations; e.g. LGBTQ anti-violence organizations.
- Collect and publish information about the number of homeless domestic violence survivors, trafficking and sexual assault survivors using HRA and DHS shelters annually.

Mayor's Office to Combat Domestic Violence

Increase Access to Services for LGBTQ Survivors of Violence

According to the United States Centers for Disease Control and Prevention (CDC), lesbian, gay and bisexual people experience intimate partner violence at about the same or slightly higher rate than non-LGBTQ people. In the National Coalition of Anti-Violence Programs (NCAVP) 2012 report on intimate partner violence, transgender and gender non-conforming (TGNC) people, people of color and LGBTQ youth/young adults were the most impacted by intimate partner violence and rates of intimate partner violence were highest for LGBTQ people of color. However, services remain largely inaccessible to LGBTQ survivors of violence. A 2010 study with the National Center for Victims of Crime and NCAVP found that 94% of mainstream service providers did not have LGBTQ-specific services. In 2012, fewer than 5% of survivors reporting intimate partner violence sought domestic violence shelters or orders of protection and fewer than 20% reported this violence to the police. These findings clearly demonstrate the need for a comprehensive and culturally competent response to the needs of LGBTQ survivors of intimate partner violence.

We recommend:

- Fund public awareness campaigns, focused on allies and bystanders, that raise awareness about violence faced by LGBTQ and HIV-affected communities highlighting resources throughout New York City to deal with the trauma of the violence and the aftermath.
- Fund the development of technology that allows LGBTQ and HIV-affected people to report the violence that they experience and find culturally specific and competent services and support in response to that violence.
- Require all city-funded domestic violence shelters to create and enforce non-discrimination protections that explicitly include sexual orientation and gender identity, similar to the 2013 reauthorization of the Violence Against Women Act and as required by Local Law 3, as a condition of receipt of grant funds.
- Direct the Office to Combat Domestic Violence to ensure that LGBTQ survivors are included in all prevention assessments, including homicide and lethality assessments, as well as coordinated community response models such as Family Justice Centers.
- Require and fund regular and consistent LGBTQ-specific training of all city agencies, such as the NYPD Sex Crime Unit and others, for all staff, including Commissioners, on the issues of working with LGBTQ and HIV-affected communities in a culturally competent way and in the unique dynamics of violence as it impacts these communities.
- Provide all non-profits funded by the city with free access to Language Line to allow critical crisis intervention, economic empowerment and safety support

services to be accessed by all New Yorkers to increase access to services.

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Mayor's Office of Contract Services

Develop City Policies on Labor Trafficking

Trafficking into most sectors of wage labor is grossly underreported and under-recognized. Trafficked individuals may come into contact with city agencies without their trafficked status becoming known. Furthermore, labor trafficking also may be found in sourcing through supply chains. Establishing City policies will help provide a more unified front against trafficking.

We recommend:

- Train City agencies to develop training and policies on labor trafficking.
- Develop City policy on not engaging with businesses that do not examine their supply chains for slave labor and human trafficking.

Department of Corrections

Implement A Transgender-Specific Housing Option in New York City Jails

Transgender-specific housing has consistently been a top demand of incarcerated transgender community members in New York City. Following the adoption of the Prison Rape Elimination Act (PREA) guidelines, the NYC Department of Corrections instituted a PREA compliance team to meet with LGBTQ advocates with regards to NYC Department of Correction's efforts to improve the treatment of and conditions for the LGBTQ population at Rikers Island. During these meetings, advocates were promised a transgender-specific pod as a means to comply with PREA's safety from sexual assault requirements. The transgender housing unit was intended to be an optional, potentially safe space available upon request by inmates. Approximately one year ago the DOC team promised that the proposal policy was "on the Commissioner's Desk." However, there have been no updates about its adoption and/or implementation.

We recommend:

- Instruct the Department of Corrections to renew its meetings with transgender advocates and clients.
- Adopt and implement the proposed transgender-specific housing policy.

End Collaboration with Immigration and Customs Enforcement (ICE) on Deportation and Detention

In the past ten years, the U.S. has massively expanded its deportation apparatus, achieving record-breaking numbers of deportations. The Obama administration has identified the "criminal alien" as the primary target and New York City as a key area of ICE activity. The government has increasingly used the criminal justice system—most notably the police and jails—to funnel people into an unjust mass detention and deportation system.

The weight of police/ICE collaboration falls hard on vulnerable immigrant populations. Programs like Secure Communities reinforce the fear and mistrust that community members have of the police. Undocumented survivors of domestic violence are discouraged from turning to law enforcement to seek assistance out of fears that they will be funneled into the detention and deportation system. Additionally, immigrants caught up in the criminal legal system face enormous pressure to accept pleas, which may have immigration consequences. For example, LGBTQ people, particularly transgender people, often suffer gender-related abuse in jail. The threat of this abuse creates additional pressure to take a plea in order to avoid incarceration, even though such pleas may put them at risk for detention and deportation.

Furthermore, the presence of ICE in the criminal legal system has significant fiscal impacts on the City, as the number of people and their length of stay in the City's jails

has grown significantly due to ICE interference in the system. Immigrants who have ICE detainers may choose to stay in jail to fight their cases, as paying bail will likely cause them to be turned over to ICE custody, often far from their families.

We recommend:

- End cooperation with all ICE detainer requests, including those with prior civil deportation orders, pending criminal charges, and prior convictions. We also recommend that the City not honor ICE requests for New Yorkers on “gang” and “terrorist” databases, given the well-documented problems with these databases—including over-inclusion, inaccuracy, and lack of mechanisms to challenge one’s inclusion in these databases.
- Refuse to allow ICE to conduct civil immigration interviews at police precincts or at Rikers Island.
- Revoke the City’s support for ICE’s “Criminal Alien Program” operations at Rikers Island, including removing ICE’s trailer office from Rikers Island.
- Refuse, at minimum, to collaborate with ICE without reimbursement.
- Prevent participation in any further collaborations between local law enforcement and immigration authorities.

Office of the Criminal Justice Coordinator

Expand Community-Based Alternatives to Incarceration and Policing

In addition to the already damaging effects of incarceration, incarcerated LGBTQ people are often targets of discrimination and abuse. After release, a criminal record often leads to devastating collateral effects that make the already difficult tasks of securing housing, employment, and healthcare nearly insurmountable. Furthermore, services for high-risk populations such as sex workers and undocumented survivors of domestic violence are tethered to arrests and participation in the criminal justice system, disincentivizing people from accessing the services they need. Programs like the Audre Lorde Project’s “Safe Neighborhood Campaign,” which works with small businesses, religious institutions, and organizations to build safety within Central Brooklyn neighborhoods without the use of policing, is one of many community-based models that the City should support and learn from.

We recommend:

- More citywide resources for building safe community spaces that utilize creative, non-policing, community-led strategies.
- Expand community courts to continue to divert individuals away from incarceration.
- Encourage access to services without arrests by creating alternatives to a criminal justice track for sex workers and survivors of human trafficking.
- Encourage law enforcement agencies to sign U & T non-immigrant visa certifications (special non-immigrant visas for undocumented survivors of domestic violence and survivors of trafficking) without extra cooperation requirements beyond what is required by law. Policies should be transparent and clear for those seeking a certification.

Address LGBTQ Youth Interaction with the Criminal Justice System

Many LGBTQ youth of color face daily profiling based on their race, gender, class, immigration status, and/or sexual orientation. LGBTQ youth of color who are homeless are particularly vulnerable. In searching for means of safety and survival they face increased risk of being targeted and interacting with police. The enforcement of quality of life laws – loitering, public urination, excessive noise, etc. – target those most directly in need of services and safety.

We recommend:

- Set up a task force to create new procedures to assess LGBTQ youth when arrested and address the underlying needs that contributed to their arrest.
- Ensure that the cases of LGBTQ youth who are arrested are reviewed to determine

- the mental health status of the arrested youth, and that mental health status is considered in determining sentencing and placement.
- Work with service providers and community organizations to determine effective community-based alternatives to detention.
- Where community-based alternatives are not an option, ensure that LGBTQ prisoners have a safe space in jail that does not isolate them for 23 hours a day.

Encourage Prosecutors to Consider Immigration Consequences during Plea Negotiations

Immigration consequences such as deportation, or lifetime bars to getting a green card, impose heavy, disproportionate penalties on noncitizen defendants in the criminal justice system.

For example, these consequences can have severe ramifications for women and LGBTQ defendants. Women facing deportation may be the primary caretaker for United States citizen children. Separating the child from her mother can have devastating consequences for the child left behind, as well as for the mother faced with the decision whether to leave her child in the United States, or to take her along to a country where mother and child may experience serious poverty, violence, and lack of educational opportunities, among other negative impacts.

LGBTQ defendants may have left their country of origin to escape extreme transphobic or homophobic discrimination or violence. Forced removal to that country may put them once again at risk for such discrimination or violence.

Precisely because such dire immigration consequences often play a more important role in the criminal case than the criminal justice sanctions, the United States Supreme Court has stated that “informed consideration” of immigration consequences benefits the prosecution as well as the immigrant defendant.

We recommend:

- Encourage District Attorneys to adopt policies reminding its prosecutors that the Supreme Court encourages the consideration of immigration consequences in the resolution of criminal cases, particularly since families can be torn apart when children born in the United States lose their parents through deportation. District Attorneys should be required to attempt, wherever possible and appropriate, to agree to immigration neutral pleas and sentences.

Ensure That Public Defenders and Appointed Counsel Have Resources to Advise Their Clients about the Immigration Consequences of Criminal Dispositions

Countless New York families lose loved ones to deportation, often as a result of a past conviction for which they have already completed their criminal sentence. The convictions range from the smallest to the most serious offenses and include offenses that the prosecutor and judge felt merited no time in jail. In many cases, the person had pled

guilty to a crime without understanding that it would have led to deportation. Then, days or years after the criminal case was over, they found themselves in immigration detention and facing deportation – often mandatory, with the conviction closing off all avenues to fight to remain here with their families.

In 2010, the U.S. Supreme Court recognized that it was a criminal defense attorneys’ constitutional obligation to provide affirmative, competent advice to their clients on the immigration consequences of their criminal cases. That same year, the New York City Office of the Criminal Justice Coordinator (CJC) offered a base level of funding to every institutional defender office to hire in-house immigration counsel to more fully integrate immigration advisals and mitigation strategies in their work. This funding is critical to ensure that defenders meet their ethical duty and that the City meets its constitutional obligations.

We recommend:

- Continue to fund immigration experts at the institutional defender offices to ensure that immigrants facing criminal charges in New York are advised of immigration consequences and have a defense that works to mitigate these consequences when possible.
- Ensure that counsel appointed under the “18-b” program have access to timely and accurate immigration advice for their clients.
- Fund the appellate defender offices to represent immigrants appealing their convictions and seeking post-conviction relief in cases where they pled guilty without being informed of immigration consequences by their attorneys, as required by *Padilla*.

Ensure Legal Representation for all New Yorkers Detained by ICE and Placed in Deportation Proceedings

New Yorkers in immigration proceedings face government-trained attorneys often without the representation of a lawyer, often with a language barrier, and no or limited financial resources - all while behind bars and separated from their loved ones. Data shows that only 3% of those who are detained and unrepresented prevail in their proceedings. But lawyers make a huge difference - the success rate jumps to 18% for those who are detained and represented.

Recently, the New York City Council allocated \$500,000 during this fiscal year to fund the nation’s first immigration representation pilot – the New York Immigration Family Unity Project (NYIFUP). The pilot will serve 190 out of the approximately 900 detained New Yorkers who will have their removal proceedings at the New York City Immigration Court this year.

Beyond the family unity toll, a recent study demonstrated that the economic costs that New York City and State bear as a result of deportations are substantial. Once fully implemented statewide, the NYIFUP will result in almost \$6 million of annual economic offsets to the city, state and to New York employers.

We recommend:

- Fully implement the NYIFUP at an annual cost of \$5.3 million to provide deportation defense to all New Yorkers who face removal in area immigration courts, including those who have hearings at the New York City Immigration Court, as well as those New Yorkers whose hearing are venued in nearby New Jersey immigration courts (Elizabeth and Newark).

Facilitate Access to Services for Trafficking Survivors

Trafficked people may be coerced or forced to work for little or no pay in a variety of conditions – as sex workers, domestic workers, restaurant workers, etc. Unfortunately, it is difficult to determine precise numbers on how many people in NYC and the US are trafficked as estimates may vary widely and have been judged by many advocacy groups to be unreliable. Nonetheless, within the US, NYC is considered a trafficking hub, given its large immigrant population, breadth of industries, and proximity to major international ports.

Survivors of human trafficking need substantial services and resources to leave and remain out of their trafficking situations. The City should deemphasize incarceration and deportation in favor of providing supportive services and resources. Services should empower survivors with the resources they need without passing judgment or denying their decision-making abilities.

We recommend the following principles and support deeper government engagement in the following areas:

We recommend:

- Devote resources for case management, shelter, and legal services to organizations with a demonstrated track record serving survivors of trafficking with a range of experiences.
- Encourage law enforcement agencies to sign U & T non-immigrant visa certifications for undocumented survivors of trafficking without requiring that the applicants testify or otherwise cooperate in criminal investigations or prosecutions. These demands for applicant cooperation undermine the visa programs' purpose of protecting survivors. Policies should be transparent and clear for those seeking a certification.
- Services for trafficked youth should be in the least restrictive setting to allow for case management, social support, and legal services. Access to job development and meaningful economic opportunities should be presented in a setting that encourages decision-making.
- All services for trafficking survivors should be non-discriminatory and open to all ages and genders.
- The Human Trafficking Intervention Courts should be open to survivors of all forms of human trafficking and all programs should be evaluated or meet a minimum standard.
- Root solutions in enhancing quality of and access to services and community-

based outreach and education rather than focusing on enhanced criminal penalties.

Department of Education

Address Sexual Harassment in Public Schools

Sexual harassment in New York City public schools is widespread and normalized. A 2008 study of 1,189 students (grades 6-12) from over 90 public schools and community-based organizations found that 67 % of students reported being sexually harassed and 70.5% of NYC public school students observed sexual teasing in their school. Students who had been sexually harassed reported feelings of depression, fear, insecurity, and violation.

Despite the prevalence of sexual harassment, schools are often ill-equipped to handle such incidents. NYC has only one Title IX administrator for more than 1 million students in over 1,700 public schools despite strongly worded federal law prohibiting sex discrimination (including sex and gender-based harassment) in public education. When asked if schools should provide more help for victims of sexual harassment, 89% of females and 76% of males said yes. Schools should adopt clear, supportive, and transparent sexual harassment policies that are inclusive of a wide range of identities, including male students and LGBTQ students.

We recommend:

- Provide workshops for students that cover what sexual harassment is and what their rights are if they are being harassed.
- Incorporate discussions about sexual harassment within the classroom setting.
- Provide education for school employees on how to recognize and respond to sexual harassment.
- Mandate that schools create a sexual harassment policy so there are clear guidelines on how to both prevent and deal with sexual harassment. The policy should include interventions by counseling staff and separate counseling for the perpetrator and victim of an infraction, if necessary.
- Ensure that sexual harassment policies are inclusive of a wide range of identities.
- Ensure that there is a Title IX coordinator at every public school whose information is listed on the school website. Through Title IX, there is existing federal law that ensures students have the right not to be sexually harassed at school. However, there is only one Title IX coordinator in the entire city.
- Update NYC Public School Discipline Code Levels 1 - 4 to encourage school employees to address sexually harassing behaviors. Currently, Level 4 is the only place in the code that school employees are instructed to address sexually harassing behaviors.

End Bullying by Implementing the Dignity for All Students Act (DASA)

New York City students are protected from bullying and harassment in schools by both

Local Law 42 - a seven-year-old anti-bullying law - and the Dignity for All Students Act - a state-level law that took effect on July 1st, 2012. Neither of these laws has been adequately implemented in the New York City school system. The City must take concrete steps to ensure that DASA is implemented and functional at the student level.

We recommend:

- Require that school policies that address complaints of bullying and harassment focus on effective interventions and positive discipline alternatives over punishment and zero tolerance.
- Hire an anti-bullying coordinator and additional staff members trained to respond to complaints of bullying and harassment at each NYC school.
- Fund intensive training for all NYC school personnel, including teachers, administrators, and support staff on LGBTQ issues and DASA.
- Require that all NYC schools provide clear explanations to students about how to file complaints and the complaint process.
- Focus on preventative measures including LGBTQ-positive curricula and meaningful training on internet safety and responsibility.
- Utilize data analysis tools to report on bias-based incidents in a transparent manner.

Implement Comprehensive Sexual Education

Comprehensive sex education is an integral part of a well-rounded school curriculum and a young person's well-being. According to the Centers for Disease Control and Prevention, almost half of all new STD infections are among youth aged 15 to 24. Sexual education empowers youth to make medically informed sexual decisions that can help prevent STD infections and unwanted pregnancies. Sexual education is also an important opportunity to teach students about sexual and intimate partner violence in a safe learning environment.

We recommend:

- Create and adopt a set of universal standards for sexuality and sexual health instruction in NYC schools.
- Include curricula on dating violence, sexual assault, and harassment.
- Codify initiative to require one semester of sex education in both middle and high school.
- Commit additional resources to support and expand comprehensive, age-appropriate, medically accurate sex education.

Support Transgender and Gender Non-Conforming Students

Despite the legal protections in place with the Dignity for All Students Act, transgender and gender non-conforming students face particular challenges in the school

environment in relation to their gender presentation and identity.

We recommend:

- In partnership with experts in the field, develop and articulate a set of best practices for NYC schools to support transgender and gender non-conforming students, including using students' preferred names and gender pronouns, providing access to bathrooms and locker rooms that are consistent with a student's gender identity, ensuring equal access to sport teams and gym classes, and responding to gender-based bullying and harassment.
- Support additional training for all staff members on youth development, cultural sensitivity specific to gender identity and expression, and the privacy rights of LGBTQ youth.
- Provide resources to students about the rights of transgender and gender non-conforming students.

Department of Health and Mental Hygiene

Address HIV Stigma

Although some of the fear and scapegoating that were rampant in the early years of the epidemic have abated, PLWHA are still subject to stigmatizing behavior and attitudes. People living with HIV may be ostracized by their families, lose their homes, or be subject to intimate-partner violence, even murder. Furthermore, social rejection, disapproval, discrimination, and even the perception that stigma exists make an HIV-positive individual less likely to seek treatment, attend medical appointments, or adhere to a drug regimen. PLWHA who are highly concerned with stigma are three times less likely to adhere to their drug regimens. Stigma can also impede testing efforts. People who fear negative fallout from a positive HIV test often forego testing.

People living with HIV/AIDS also often encounter stigma at the doctor's office. Healthcare professionals can be insensitive to concerns about stigma and may not follow appropriate procedures for maintaining patient confidentiality or may lack such procedures altogether. Healthcare providers' own fear of infection may also result in diminished care and services. At its most extreme, discrimination by healthcare providers results in denial of treatment or access to health facilities. High levels of experienced stigma correlate with low access to care, negative mental health outcomes, and suboptimal adherence to drug therapies.

We recommend:

- Develop social marketing campaigns to address HIV stigma through the Commission on Human Rights and the Department of Health and Mental Hygiene.
- Provide funding for HIV stigma training for health care workers in city hospitals and clinics.

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We recommend:

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ethnicity, sexual orientation, age and gender identity. This survey should also collect information on the prevalence and impact of sexual harassment in the workplace, schools, and public space so that this information can be used to baseline progress.

Create Sexual Violence Public Campaign

It has been many years since the last NYC Sexual Assault campaign. It is one of the most unreported crimes and increasing awareness will increase reporting of this violence. The goal would be to raise awareness and encourage survivors to reach out for assistance.

We recommend:

- Create a subway and bus campaign through the New York City Department of Health and Mental Hygiene that addresses diverse communities in NYC with messaging that recognizes and responds to the needs of these communities.
- Work with advocates to tailor messages to specific communities for effective outreach.

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According to the United States Centers for Disease Control and Prevention (CDC), lesbian, gay and bisexual people experience intimate partner violence at about the same or slightly higher rate than non-LGBTQ people. In the National Coalition of Anti-Violence Programs (NCAVP) 2012 report on intimate partner violence, transgender and gender non-conforming (TGNC) people, people of color and LGBTQ youth/young adults were the most impacted by intimate partner violence and rates of intimate partner violence were highest for LGBTQ people of color. However, services remain largely inaccessible to LGBTQ survivors of violence. A 2010 study with the National Center for Victims of Crime and NCAVP found that 94% of mainstream service providers did not have LGBTQ-specific services. In 2012, fewer than 5% of survivors reporting intimate partner violence sought domestic violence shelters or orders of protection and fewer than 20% reported this violence to the police. These findings clearly demonstrate the need for a comprehensive and culturally competent response to the needs of LGBTQ survivors of intimate partner violence.

We recommend:

Fund public awareness campaigns, focused on allies and bystanders, that raise awareness about violence faced by LGBTQ and HIV-affected communities highlighting resources throughout New York City to deal with the trauma of the violence and the aftermath.

Facilitate Gender Changes on Public Identification Documents

The ability to change one's sex designation on identity documents is an important issue for many transgender people. Transgender persons face serious obstacles in accessing these

necessary identity documents without a birth certificate that accurately reflects their current gender. Incorrect gender identification may lead to bias, harassment, or discrimination, and makes it more difficult for government officials or agencies to accurately identify transgender people.

The New York State Department of Health, Vital Records Division has a policy providing for the change of sex designation on birth certificates upon the receipt of a completed application; a letter from the surgeon specifying date, place, and type of sex reassignment surgery performed; an operative report from the sex reassignment surgery; and additional medical documentation.

New York City has a vital records division separate from the State. New York City's current policy, which resulted from a 1965 report and was adopted in 1971, provides that a new birth certificate will be filed when the name of the person has been changed pursuant to court order and proof satisfactory to the New York City Department of Health and Mental Hygiene has been submitted that such person has undergone "convertive" surgery.

There are no practical medical or legal reasons for why gender change should be linked with sex reassignment surgery. A 2009 study estimated that fewer than 20% of transgender women and fewer than 5% of transgender men have undergone genital surgery, due to its severe limitations and associated medical risks. Many of those who do want surgery cannot afford it; New York State Medicaid does not cover gender transition related procedures. Relaxed gender change laws are unlikely to encourage identity fraud. Even without the sex reassignment surgery requirement, gender change will still require a number of procedural steps that make the potential for identity fraud unrealistic.

We recommend:

- Mandate the HRA commissioner to implement a policy for gender change on New York State benefits cards that does not require genital surgery.
- Compel DOHMH to update its gender marker change policy for transgender people who are born in New York City. The new policy should be consistent with Social Security Administration, United States Citizenship and Immigration Services, and State Department policies, which only require certification from a physician confirming that the individual has undergone appropriate clinical treatment for gender transition.

Department of Homeless Services

Expand Housing for LGBTQ Youth

Many LGBTQ youth have chosen to leave their homes of origin for safety reasons or because they experience transphobic or homophobic discrimination and violence. It is estimated that at least 40% of NYC's homeless youth are LGBTQ, and an uncounted number "couch surf" or are marginally-housed. The lack of domestic or familial stability in many LGBTQ young people's lives cite to high rates of unemployment and underemployment, school drop-outs, substance abuse, and other issues. Many homeless LGBTQ youth are forced to resort to sex work to survive, which studies have shown to be the strongest predictor of HIV risk in LGBTQ homeless youth. There are currently only 253 beds dedicated for LGBTQ youth in the shelter system. The most recent census taken by the New York City Council in 2008 estimated that there at least 3800 youth on the streets nightly. We applaud the Mayor for beginning to remedy this injustice by including funding for 24 additional beds in the final executive budget proposal for FY2015.

- Conduct accurate counts of homeless youth annually through the Department of Homeless Services. Undercounting homeless youth leads directly to the shortage of resources for them. DHS should work with service providers to determine appropriate strategies to conduct the count safely and effectively.

Gather Data on Sexual and Intimate-Partner Violence

New York City should routinely gather data in order to properly allocate funding and resources for survivors of sexual and intimate partner violence and track progress on anti-violence initiatives. Surveys that are conducted by city agencies should not only collect information on sexual and intimate partner violence and harassment but the demographics that characterize them.

We recommend:

- Collect and publish information about the number of homeless domestic violence survivors, trafficking and sexual assault survivors using HRA and DHS shelters annually.

Human Resources Administration

Expand Housing for People Living With HIV/AIDS

HIV and homelessness are intimately connected, and housing status is among the strongest predictors of health status for PLWHA. HIV prevalence among the homeless population is nearly nine times that of the general population. Homeless or marginally housed individuals are more likely to delay treatment, less likely to have regular access to care, less likely to receive optimal drug therapy, and less likely to adhere to their medication than are stably housed individuals – all of which increase the individual’s viral load and decrease health outcomes. Also, persons with declining housing status are more likely to exchange sex for money or other needed goods, whereas persons with improving housing status reduce their risk behaviors. Said differently, housing works: In a six-month longitudinal study of adherence to HAART (Highly Active Antiretroviral Treatment) regimens in New York City, residents in long-term housing were 16 times more likely to report strong adherence to their treatment regimens than were unstably housed participants.

We recommend:

- Scale up housing for all people living with HIV/AIDS and the recently incarcerated, who are at high risk for HIV.
- Scale up “low threshold,” “housing first” housing, which eliminates many of the onerous admissions requirements typical of public housing.

Increase Access to HASA Benefits

The HIV/AIDS Services Administration (HASA) provides essential benefits and services to people living with HIV/AIDS in New York City. Today, only people with an AIDS diagnosis (defined as individuals with a T-cell count of 200 or lower, or two opportunistic infections) are eligible for those benefits. That distinction has prompted some poor people to allow themselves to become sick just to qualify for benefits. The HASA for All Act, introduced in 2008 by Councilwoman Annabel Palma, would extend HASA benefits to *all* poor New Yorkers living with HIV. Advocates estimate that the HASA for all Act would help at least 7,000 people receive full HASA assistance, including critical housing assistance.

We recommend:

- Provide support for passage of the HASA for All Act.

Reform HASA Policies to Ensure Access to Affordable Housing

One of the most critical services HASA provides is assistance in securing affordable

housing. Yet two recent policies, adopted as cost-saving measures, have made this process even more difficult. Providing access to stable, affordable housing is critical in ensuring the well-being of people living with HIV/AIDS, as well as saving millions in future emergency housing and medical care costs.

In March 2011, HASA instituted a new policy to pay only 50% of brokers' fees on behalf of clients securing new housing. The vast majority of brokers are unwilling to accept this reduced fee, and have either stopped working with HASA clients, or have informally asked HASA clients to pay the other half themselves.⁶² Without brokers to provide that critical level of reassurance to new landlords, the stigma that so many HASA clients face in their housing search goes unmanaged.

Furthermore, recent HRA policy now requires HASA to pay landlords their security deposit in the form of a voucher, rather than a check. In order for landlords to collect on this voucher, they must submit extensive paperwork: documentation of damages, estimates for repair work, and receipts for work done. The prospect of such an onerous process is daunting, and disincentivizes landlords from accepting HASA clients.

We recommend:

- Reverse recent HASA policy that pays only 50% of broker fees.
- Reform HASA policy to pay landlords their security deposits via check and not voucher.

Provide Resources to Support Services for Elders Living with or At Risk for HIV/AIDS

The number of older adults living with HIV/AIDS in NYC is growing rapidly. A 2010 report conducted by the Department of Mental Health and Hygiene found that 75% of PLWHA in New York City were over 40; 37% were 50 or older. This is due in part to advances in science and treatment of HIV. It is also due to the continued spread of HIV - newly infected older adults account for 16% of all new HIV diagnoses annually. Unfortunately, because many mistakenly assume older adults are sexually inactive, and because LGBTQ older adults often fear discrimination and therefore delay or avoid seeking services and care, many LGBTQ older adults aren't tested or diagnosed. As a result, when LGBTQ older adults are finally tested, it is more often a dual diagnosis of HIV and AIDS.

We recommend:

- Increase funding for direct service provision to older adults living with HIV and/or AIDS.
- Provide funding for training to NYC providers on HIV and aging.

Increase Funding for Essential Supportive Services for PLWHA

People living with HIV/AIDS deserve the right to access an array of supportive services to ensure their health and well-being. These services are also potentially cost saving and

beneficial to the public health, helping to prevent future transmissions and emergency care.

We recommend:

- Develop food and nutrition programs for PLWHA, including in-home food delivery services and nutrition counseling. Nutrition services have been shown to slow disease progression, reduce complications associated with HIV treatment, and increase treatment adherence.
- Enhance mental health services for PLWHA, who are disproportionately likely to suffer from mental health conditions. Mental health interventions have the demonstrated potential to increase treatment adherence and to help reduce risk-taking behaviors, thereby slowing transmission of HIV.
- Provide funding for legal services for PLWHA. Legal services are necessary to assist PLWHA in guaranteeing and maintaining access to health care services, primarily by addressing legal issues that would otherwise compete with these priorities – housing, immigration, enforcement of legal rights, and benefits.
- Ensure that youth in foster care receive essential HIV prevention programming. Foster care youth are particularly vulnerable to contracting HIV. Efforts to improve prevention programming must be given by trained staff and with sensitivity to the range of sexual orientations and gender identities of young people in the foster care system.
- Provide funding for services that address the connection between HIV and intimate-partner violence (IPV). Regardless of gender, half of HIV-positive patients who seek treatment have been affected by intimate-partner violence or childhood sexual abuse. HHC should incorporate IPV screening into all health care and social work encounters with PLWHA and trans and gender non-conforming individuals, who are additionally at high risk. Staff must be trained to provide necessary referrals, resources, counseling, or strategies for safety planning.

Gather Data on Sexual and Intimate-Partner Violence

New York City should routinely gather data in order to properly allocate funding and resources for survivors of sexual and intimate partner violence and track progress on anti-violence initiatives. Surveys that are conducted by city agencies should not only collect information on sexual and intimate partner violence and harassment but the demographics that characterize them.

We recommend:

- Collect and publish information about the number of homeless domestic violence survivors, trafficking and sexual assault survivors using HRA and DHS shelters annually.

Address HRA Discriminatory Practices

In 2010, the Audre Lorde Project, Housing Works, and the Sylvia Rivera Law Project led the Welfare Justice Campaign resulting in Human Resources Administration creating new policy that would ensure that HRA provided quality care without regard to a person's gender, race or sexual identity. Despite this, community organizations are hearing about more and more cases of HRA discriminatory practices, especially against trans women of color.⁷⁴

We recommend:

- Issue a statement emphasizing the importance of the non-discrimination policy and insisting on its enforcement.
- Evaluate HRA's non-discrimination policy to be sure that trans and gender non-conforming clients of the HRA are receiving non-discriminatory services.
- Develop new and better training of relevant actors at HRA to assure compliance with the agency's non-discrimination policy.
- Require appropriate managers for each HRA unit to report bi-annually on compliance with non-discrimination policies.

Facilitate Gender Changes on Public Identification Documents

The ability to change one's sex designation on identity documents is an important issue for many transgender people. Transgender persons face serious obstacles in accessing these necessary identity documents without a birth certificate that accurately reflects their current gender. Incorrect gender identification may lead to bias, harassment, or discrimination, and makes it more difficult for government officials or agencies to accurately identify transgender people.

The New York State Department of Health, Vital Records Division has a policy providing for the change of sex designation on birth certificates upon the receipt of a completed application; a letter from the surgeon specifying date, place, and type of sex reassignment surgery performed; an operative report from the sex reassignment surgery; and additional medical documentation.

New York City has a vital records division separate from the State. New York City's current policy, which resulted from a 1965 report and was adopted in 1971, provides that a new birth certificate will be filed when the name of the person has been changed pursuant to court order and proof satisfactory to the New York City Department of Health and Mental Hygiene has been submitted that such person has undergone "convertive" surgery.

There are no practical medical or legal reasons for why gender change should be linked with sex reassignment surgery. A 2009 study estimated that fewer than 20% of transgender women and fewer than 5% of transgender men have undergone genital surgery, due to its severe limitations and associated medical risks.⁷⁵ Many of those who do want surgery cannot afford it; New York State Medicaid does not cover gender transition related procedures. Relaxed gender change laws are unlikely to encourage identity fraud. Even without the sex reassignment surgery requirement, gender change will still require a number of procedural steps that make the potential for identity fraud unrealistic.

We recommend:

- Mandate the HRA commissioner to implement a policy for gender change on New York State benefits cards that does not require genital surgery.
- Compel DOHMH to update its gender marker change policy for transgender people who are born in New York City. The new policy should be consistent with Social Security Administration, United States Citizenship and Immigration Services, and State Department policies, which only require certification from a physician confirming that the individual has undergone appropriate clinical treatment for gender transition.

Human Rights Commission

Address Gender Wage and Employment Discrimination

According to the latest CEO Poverty report, women in New York City are more likely to live in poverty than men. The poverty rate in 2012 for women was 22.3%, compared with 20.5% for men. Furthermore, the poverty rate for single-mother headed households was 35.9%. It is estimated that New York City women are paid 85 cents for every dollar paid to men; the yearly wage gap between full-time working men and women amounts to over \$8000. With women heading over 1 million households in the city, combating wage discrimination and strengthening the economic power of women is critical to supporting New York families.

We recommend:

- Fully fund and staff the Human Rights Commission to ensure enforcement of workplace legal protections like the Pregnant Workers Fairness Act, particularly for all vendors awarded city contracts.

Department of Housing Preservation and Development

Reaffirm the Functional Definition of “Family Member” Contained in Various HPD Regulations and Programs

HPD’s current definition of “family member” recognizes the range of family forms to be found in a city as culturally diverse as New York. It embraces a conception of “family member” that turns on the nature and quality of the relationship and the emotional and economic interdependency of the parties, not a formulaic or facile resort to a narrow legal status. On October 4, 2013, RuthAnne Visnauskas, Commissioner of the New York City Department of Housing Preservation and Development (HPD), announced a proposed rule change that would, among other things, substitute “spouse” for the broad definition of family member currently contained in the rules governing rights of succession to residential properties subject to the City’s Mitchell-Lama program. The proposed amendment narrowing the definition of “family member” is not justified by any change in law or policy related to persons otherwise eligible for succession rights to Mitchell-Lama properties, nor has the broad diversity of family forms present in New York City changed in such a way as to justify the regression to such a narrow interpretation of family.

We recommend:

- Withdraw the October 4, 2013, proposed rule change and issuing a statement expressing the administration’s support for the existing functional definition of “family member” contained in the current regulations and law.

Expand Housing for Survivors of Intimate-Partner Violence

Intimate-partner violence is a primary cause of homelessness in New York City. At least 1/3 of families using the family shelter system are survivors of domestic violence. Studies of the prevalence of sexual assault among homeless women found 43% reported sexual abuse in childhood as opposed to 20% of women in the general population. In addition, women who are homeless report a rate of recent sexual assault that is about 10 times that of non-homeless women. Secure housing is vital to the long-term safety and independence of survivors. It also prevents sexual assault. Yet, options for permanent housing are extremely limited. 80% of domestic violence shelter residents who left the emergency shelter system in 2011 were unable to secure permanent housing or transfer to a transitional shelter, leaving them with no safe place to go. Sadly, the lack of housing too often forces low-income survivors to reunite with their abusers.

We recommend:

- Create a rent subsidy program to provide permanent housing for low-income survivors of sexual assault, including trafficking, and intimate partner violence survivors.

- Extend existing HPD Section 8 and homelessness resources to survivors of sexual assault and intimate partner violence.
- Streamline and expedite the application process for NYCHA’s domestic violence priority for public housing.
- Fund services that help low-income victims secure and maintain jobs so that they can achieve financial independence and afford housing on their own.
- Designate a City agency to fund domestic violence and sexual assault supportive services in permanent housing so that building developers can take advantage of capital funding to build more supportive housing for survivors.
- Ensure that domestic violence shelters are LGBTQ-inclusive to increase access to emergency shelter for LGBTQ survivors of intimate partner violence.

Expand Housing for LGBTQ Elders

Due to higher levels of housing discrimination, financial insecurity and a general lack of affordable housing, many LGBTQ elders find that they cannot afford to continue living in the communities they have resided for many years. Others face discrimination or unwelcoming environments in elder housing and long-term care settings. In recent years, LGBTQ aging advocates have begun addressing these housing challenges through a variety of approaches, including developing LGBT-specific elder housing; working with local housing providers to increase their cultural competency with regard to LGBTQ older adults rights; informing LGBTQ elders about their fair housing rights; developing innovative programs such as “homesharing;” and connecting LGBTQ elders to LGBT-friendly services, including housing supports, in their distinctive geographic communities.

We recommend:

- Fund the creation of affordable and affirming housing for LGBTQ older adults.

New York City Housing Authority

Expand Housing for Survivors of Intimate-Partner Violence

Intimate-partner violence is a primary cause of homelessness in New York City. At least 1/3 of families using the family shelter system are survivors of domestic violence. Studies of the prevalence of sexual assault among homeless women found 43% reported sexual abuse in childhood as opposed to 20% of women in the general population. In addition, women who are homeless report a rate of recent sexual assault that is about 10 times that of non-homeless women. Secure housing is vital to the long-term safety and independence of survivors. It also prevents sexual assault. Yet, options for permanent housing are extremely limited. 80% of domestic violence shelter residents who left the emergency shelter system in 2011 were unable to secure permanent housing or transfer to a transitional shelter, leaving them with no safe place to go. Sadly, the lack of housing too often forces low-income survivors to reunite with their abusers.

We recommend:

- Streamline and expedite the application process for NYCHA's domestic violence priority for public housing.

NYPD

Prohibit NYPD Practice of Using Condoms as Evidence for Prostitution-Related Offenses

Despite widespread public efforts to promote safe sex practices, New York is home to a policy that compromises the health of New Yorkers and punishes them. NYPD officers routinely confiscate and count condoms as evidence of criminal wrong-doing in prostitution-related cases, and prosecutors routinely cite seized condoms as evidence of a prostitution-related offense in criminal court complaints.¹ The widespread practice creates a strong disincentive for all New Yorkers to carrying condoms for fear of police harassment or that they will be used to justify arrest and criminal charges, particularly among women and LGBTQ people of color who are routinely profiled as being engaged in prostitution-related offenses. Furthermore, this criminal justice policy collides with the New York City Department of Health’s campaign to protect public health and enhance access to contraception by distributing annually nearly 40 million NYC-branded condoms. Possession of condoms is not a crime, nor should it be treated as evidence of a crime. The current policy runs afoul of both established public health measures and rights secured under the Fourth Amendment to the U.S. Constitution.

We recommend:

- Issue an executive order prohibiting the NYPD from seizing or using condoms found in a person’s possession as evidence of promoting prostitution or sex trafficking.
- Direct the police commissioner to issue departmental directives and any necessary guidance on implementation.
- Support legislation prohibiting the use of condoms as evidence of prostitution-related offenses.

Implement the *Floyd v. City of New York* Ruling

Many LGBTQ people of color have been routinely stopped and frisked during the Bloomberg administration. The recent decision in *Floyd v. City of New York* provides an opportunity to end such discriminatory policing practices. We applaud the Mayor’s Office for withdrawing the City’s legal challenge to *Floyd* and are encouraged to see its continued efforts towards ending discriminatory policing.

We recommend:

- Work with the federal monitor and other parties to revise policies, training, monitoring, supervision, and discipline systems related to stop-and-frisk practices.
- Engage in good faith in a process of developing and implementing further reforms

- in collaboration with communities directly impacted by discriminatory policing.
- Support the creation of a formalized and sustained role for impacted communities in the implementation, monitoring, and evaluation of the joint remedies.

Address Sexual Misconduct of Members of the Public by NYPD Officers

The NYPD does not have an official policy prohibiting police officers from engaging in sexual misconduct toward civilians, nor is there even adequate training on this issue at the police academy. Sexual misconduct includes extorting sexual favors for leniency, rape of suspects in police facilities, and sexually assaulting civilians when they request police assistance.

Sexual misconduct towards women and LGBTQ New Yorkers of color is an all too frequent, yet often invisible, characteristic of the NYPD's discriminatory stop-and-frisk practices, and takes place with alarming frequency in other contexts. In fact, in many circumstances the actions taken by NYPD officers as part of the aggressive stop-and-frisk program amount to no less than legalized sexual assault.

We recommend:

- Issue an executive order explicitly prohibiting sexual harassment and assault of members of the public by NYPD officers and instituting a program of training, monitoring, and discipline with respect to sexual misconduct by law enforcement officers consistent with the Executive Guidance issued by the International Association of Chiefs of Police.
- Direct the police commissioner to issue departmental directives and any necessary guidance on implementation of the executive order on sexual harassment by NYPD officers.
- Instruct the new NYPD inspector general to add this issue to his agenda.

Cease Enforcement of PL 240.37(2), Loitering for the Purposes of Engaging in Prostitution

Over time, various criminal loitering laws have been found to violate the Constitution insofar as they criminalize otherwise constitutional behavior and are both arbitrary and discriminatory. New York City, nevertheless, continues to enforce a similarly unconstitutional criminal statute PL 240.37(2), *Loitering for the Purposes of Engaging in Prostitution*. Similar loitering laws in other jurisdictions have been found to be unconstitutional as overbroad and vague. Indeed, while another New York statute criminalizes prostitution itself, 30% of prostitution-related arrests in 2013 were brought under the loitering statute rather than the underlying criminal prostitution statute. The evidence upon which those arrests typically rely include engaging in conversation with passersby, wearing short skirts, standing in an area where there wasn't a bus stop, taxi stand, or open stores. The vagueness and overbreadth of these laws, as well as the discretion they afford arresting officers, creates a troubling record of arrests that are unconstitutional and discriminatory. In 2013, just 12% of those arrested for loitering

with an intent to engage in prostitution were white, while 61% were Black and 25% were Latino. These figures are strikingly similar to the data demonstrating the racial bias inherent in the stop-and-frisk policy.

We recommend:

- Issue an executive order that prohibits NYPD officers from making arrests under PL 240.37(2).
- Direct the police commissioner to issue departmental directives and any necessary guidance on implementation of the executive order with respect to PL 240.37(2) arrests.
- Take appropriate steps to vacate previous arrests and convictions under PL 240.37(2).

Enforce the Community Safety Act Bills

The End Discriminatory Profiling Act made history by creating an enforceable ban against profiling and discriminatory policing based on sexual orientation and gender identity in addition to race, religion, age, ability, HIV status, immigration status, and housing status. Effective implementation of this landmark legislation, along with the NYPD Oversight Act, is critical to promoting the safety of LGBTQ people and people of color who experience profiling and discriminatory policing on multiple fronts, including sexual orientation and gender identity. We commend the Mayor's Office for withdrawing the legal challenge to the End Discriminatory Profiling Act and look forward to the implementation and enforcement of this historic legislation.

We recommend:

- Implement and enforce Discriminatory Profiling Act and NYPD Oversight Act.

Increase Criminal Justice Agencies' Sensitivity to Sexual and Intimate-Partner Violence

In the experience of many advocates and survivors of intimate-partner violence, NYPD officers responding to sexual violence can be insensitive to survivors. NYPD officers may not always take survivors' complaints seriously, and sometimes neglect to investigate claims or even file domestic incident reports. Survivors with limited English proficiency (LEP) are particularly at risk, as they may be denied access to life-saving services due to language barriers. In 2013, Legal Aid filed a lawsuit, *Padilla Torres v. City of New York*, challenging the NYPD's widespread practice of denying interpreters to LEP individuals who need them, despite written policy requiring interpreter services.⁹

We recommend:

- Designate high-level personnel in the NYPD to oversee crimes involving sexual assault and intimate-partner violence to ensure high-quality investigations and sensitivity to survivors.

- Increase cultural competency of all NYPD officers, including the Domestic Violence Police Officers and the Special Victims Unit, for survivors who face additional barriers because of race, ethnicity, immigration status, language barriers, disability status, sexual orientation and/or gender identity.
- Encourage law enforcement agencies to sign certifications for special non-immigrant visas (U and T visas) for undocumented survivors of domestic violence without requiring that the applicants testify or otherwise cooperate in criminal investigations or prosecutions. Demands for applicant cooperation undermine the visa programs' purpose of protecting survivors.
- Adequately staff the Special Victims Unit so it can handle the increased caseload of misdemeanor and felony cases and investigate sexual assault cases adequately.
- Clarify the policy for, and improve police response to, sexual assault cases in hospital emergency rooms.
- Continue the LGBT Advisory Committee to the Police Commissioner and consider issue-specific advisory committees such as a Sexual Violence Advisory Committee and/or an Intimate-Partner Violence Advisory Committee.
- Enhance Evidence Collection in domestic violence cases.
- Address reoccurring domestic violence where an arrest is not made.

Address Gender Wage and Employment Discrimination

According to the latest CEO Poverty report, women in New York City are more likely to live in poverty than men. The poverty rate in 2012 for women was 22.3%, compared with 20.5% for men. Furthermore, the poverty rate for single-mother headed households was 35.9%. It is estimated that New York City women are paid 85 cents for every dollar paid to men; the yearly wage gap between full-time working men and women amounts to over \$8000. With women heading over 1 million households in the city, combating wage discrimination and strengthening the economic power of women is critical to supporting New York families.

We recommend:

- Settle the School Safety Agents of Teamsters Local 237's equal pay lawsuit, which would bring the wages of 5000 School Safety Agents, predominantly female, in line with those with other peace officers, who are predominantly male. Currently, School Safety Agents are paid on average \$7000 less than other peace officers.

Mayor's Office of Operations

Address Gender Wage and Employment Discrimination

According to the latest CEO Poverty report, women in New York City are more likely to live in poverty than men. The poverty rate in 2012 for women was 22.3%, compared with 20.5% for men. Furthermore, the poverty rate for single-mother headed households was 35.9%. It is estimated that New York City women are paid 85 cents for every dollar paid to men; the yearly wage gap between full-time working men and women amounts to over \$8000. With women heading over 1 million households in the city, combating wage discrimination and strengthening the economic power of women is critical to supporting New York families.

We recommend:

- Proactively evaluate and address existing gender wage gaps among city employees.

Department of Small Business Services

Address Gender Wage and Employment Discrimination

According to the latest CEO Poverty report, women in New York City are more likely to live in poverty than men. The poverty rate in 2012 for women was 22.3%, compared with 20.5% for men. Furthermore, the poverty rate for single-mother headed households was 35.9%. It is estimated that New York City women are paid 85 cents for every dollar paid to men; the yearly wage gap between full-time working men and women amounts to over \$8000. With women heading over 1 million households in the city, combating wage discrimination and strengthening the economic power of women is critical to supporting New York families.

We recommend:

Expand opportunities for minority- and women-owned business enterprises. The city's current M/WBE program has consistently failed to meet goals for women-owned business participation in city contracts.

Office of Workforce Development

Create Programs to Develop Financial Independence for Survivors of Sexual and Intimate-Partner Violence

Violence can impoverish people through increased medical bills and missed work days necessary to cope with the trauma of a violent incident. For intimate-partner violence survivors, economic abuse and dependence on the abusive partner create significant, often insurmountable, barriers to leaving an abusive relationship. A sustainable income, at a living wage, is critical to help survivors of violence escape and live safely.

We recommend:

- Create and provide funding to programs that assist sexual and intimate-partner violence survivors with economic sustainability, including public benefits, employment training and development, long term counseling, job readiness, and job training.
- Provide specific focus on underserved populations, including immigrants, non-English speakers, people with disabilities, and LGBTQ survivors.

Support Training and Employment for LGBTQ Elder Workers

Finding and retaining a fulfilling job can be difficult for many people, but it is especially challenging for LGBTQ people as they enter their later years. Age discrimination in the workplace is a growing problem, even though it is illegal. For LGBTQ older people, the danger of age discrimination is exacerbated since they must often deal with the added barriers of LGBT-bias and discrimination. Given that LGBTQ older adults are at heightened risk for poverty and have lower levels of retirement savings than older people in general, the ability to secure employment during the later working years is critically important.

We recommend:

- Provide NYC funding for Workforce Development skills-building programs that focus on LGBTQ older adults.
- Fund outreach to employers to encourage them to employ LGBTQ older workers.
- Expand opportunities for older adults to engage in employment by increasing access to Title V programs.

Department of Youth and Community Development

Expand Housing for LGBTQ Youth

Many LGBTQ youth have chosen to leave their homes of origin for safety reasons or because they experience transphobic or homophobic discrimination and violence. It is estimated that at least 40% of NYC's homeless youth are LGBTQ, and an uncounted number "couch surf" or are marginally-housed. The lack of domestic or familial stability in many LGBTQ young people's lives cite to high rates of unemployment and underemployment, school drop-outs, substance abuse, and other issues. Many homeless LGBTQ youth are forced to resort to sex work to survive, which studies have shown to be the strongest predictor of HIV risk in LGBTQ homeless youth. There are currently only 253 beds dedicated for LGBTQ youth in the shelter system. The most recent census taken by the New York City Council in 2008 estimated that there at least 3800 youth on the streets nightly. We applaud the Mayor for beginning to remedy this injustice by including funding for 24 additional beds in the final executive budget proposal for FY2015.

We recommend:

- Increase the number of regulated shelter beds for LGBTQ homeless youth and young adults ages 16 to 24 by at least 200 over the next five years.
- Support the "Campaign for Youth Shelter," which calls on city and state budgets to dedicate adequate funding to runaway and homeless youth.
- Conduct additional outreach and develop drop-in center services to reach LGBTQ homeless youth who are less connected to services.

Address LGBTQ Youth Unemployment

While youth currently have the highest unemployment rate among all age groups in the City - 19% for young people ages 16 to 21 - the job development programs are inadequately funded to deal with this crisis. In 2013 there were approximately 30,000 slots available in City youth job development programs with a staggering 131,000 applications. In addition, the program was shortened from seven weeks to six. In NYC, where the youth employment is nearly 20%, LGBTQ youth face even steeper obstacles to finding work since they are vulnerable to discrimination on the basis of sexual orientation and gender identity. Nationally, 21% of LGBTQ respondents in a PEW study reported being discriminated against in hiring, pay, or promotions. Employment discrimination against transgender workers in New York State results in costs of \$1.5 to \$7 million in Medicaid and housing expenditures each year.

We recommend:

- Increase the number of slots available for youth in job development programs.

- Ensure that all slots have adopted non-discrimination policies to protect LGBTQ youth.
- Advertise employment opportunities available to youth by creating a dedicated website that consolidates the job programs, employment services and training opportunities that the City and State provide, developing an advertising campaign including online, TV, subway and bus ads, and targeting outreach to at risk youth by working collaboratively with outreach centers, shelters, and transitional living shelters.
- Support the capacity of worksite assignments in various job development programs to be able to adequately support LGBTQ youth whom they employ to avoid workplace discrimination.

