



Proposal Plan Addressing the Safety, finance and Housing for Black Transgender Community in New York City

Summary:

Upon meeting with community members who work as street-based sex workers, we recognize that our community members represent many identities and ethnic backgrounds. We are Black, Indigenous, and migrants, among many other identities. Our organization has collaboratively created ways in which we can and intend to address the challenges the Black transgender sex workers community faces to protect our safety, including but not limited to housing and financial situations.

Education:

The main issue and theme is lack of access to education and appropriate services for the TGNCNB community. Our office is calling for an expansion of LGBT+ programming, more trainings for trans youth, an Office of Adult Workforce Education Development, and a taskforce to examine and implement access to special education programs for adults, and increasing access to adult education for TGNCNB people. Community members asked to investigate pervasive discrimination at schools.

Employment:

Disproportionate unemployment is the main issue and theme. Our office recommended launching a #HireTransNYC campaign with advocates, creating a Public Advocate Shadow Program and a Public Advocate Fellows Pathway Program to expose TGNCNB people to government by working with three departments in the Office. At the end of the program, they would receive access to interviews to other departments.

Criminal Justice/Public Safety:

Several topics in this field came up. We recommend investigating vice with the goal of defunding the unit, requiring NYPD to report on sting operations, and increase advocacy of mental health counselors in lieu of NYPD, decriminalizing sex work, banning solitary confinement, investigating bail and access to HIV/AIDS/hormone medication in city jails for TGNCNB people.

Foster Care System:

Advocates have asked that we investigate ACS and their transporting TGNCNB youth upstate, where their protections may decrease by virtue of them being outside of the jurisdiction of New York City. Community members asked to investigate TGNC

Community:

Community advocates have asked this office to address pockets of populations where discrimination may be more rampant and potent. Our office recommended the Office initiate ways to address toxic masculinity and faith-infused discrimination through local laws, initiatives, campaigns and visits to communities.

Identity:

TGNCNB people, by virtue of their identities, are subjected to instances of violence. Our office recommended re-igniting past anti-discrimination campaigns, developing ways to enforce GENDA in the city and working on new approaches to addressing hate violence in the city.

Healthcare:

Accountability for botched medical services, misgendering and deadnaming are all issues mentioned. Our recommendations include requiring medical residents to be trained in trans-affirming surgeries, revising the city's Patient Bill of Rights and posting signage on the legal rights of people to be referred to by their chosen gender pronouns and names.

Housing:

The main problem is confidentiality. We recommended a local law requiring HRA staff to document their interaction with landlords to better hold them accountable when they engage in discrimination based on source of income, gender identity, and other protected classes.

Overview:

On March 2, 2021 Black Trans Nation NY and other black TGNC organization demanded to address the lack of safety and protection for the Black Transgender woman and Gender-Non conforming femmes in New York City. The following paper is a response to the matters raised in its current administration, may address and support initiatives designed to protect and safeguard Black Trans Women and Non-Binary Femmes.

The overarching demands stemming emphasis on centering Black Trans Women in each initiative or support this office engages in, including ensuring that Black Trans Women are represented in all initiatives.

Education:

The overarching theme in this area is access (or lack thereof) to special education programs, funding and guides. More specifically:

- **Scholarship Opportunities:** Advocates specifically asked for more access to funding, and scholarship opportunities for Black Trans Women. We recommend creating a better pathway to scholarships currently available while advocating for more funding opportunities in the areas listed below.
- **GED / ACT / SAT Waiver for Test Takers:** Members of the roundtable expressed concerns around access to the NYS HSE tests through waivers. These waivers would pay for the incurred costs with taking the test. Currently, the state continues to offer GED/HSE examination at no cost. More research would be needed to examine whether there are entities charging examinees to take the test. We also recommend that GED / ACT / SAT preparation courses be free to Black TGNC students.
- **School Transition Guides:** As of Oct. 31, 2016, there were 2,902 guidance counselors and 1,275 social workers in the city's 1,800 public schools. That's 4,177 staffers total (in 2017). The recent 2019 budget negotiations between the Mayor and Speaker sought to increase this by hiring 110 social workers for high-need schools. Whether these staffers are equipped to address, identify and counsel trans youth is unclear. Social workers come from very differing schools, whose programs vary and may not mandate or even provide anything related to transgender youth. We recommend passing **LS** A local law requiring all DOE-employed guidance counselors, social workers and any employee promoting the social and emotional learning of children, to undergo specific evidence-informed training on counseling transgender and gender non-conforming youth. The LS would also mandate the Department of Education to report on how many staff have undergone this training.
- **Increased GED/HSE Programming:** In New York City, there are only few HSE programming accessible. This creates a barrier for those with differing schedules, and socio-economic disadvantages. Increased programming, specifically catering to the TGNCNB community through community partnerships is one way to address this. The Deputy Public Advocate for Education and Opportunity will work with community partners to increase outreach of HSE services to the TGNCNB community. Currently, The Door provides HSE services to LGBT

youth. This initiative should be expanded with more city and state funding. Additionally, this service should be expanded to include adults and be provided in more spaces in the city.

- **Special Education Programs for TGNC People:** Members also petitioned for trans-affirming special education programs. Currently, all students with disabilities who require special education services have Individualized Education Programs (IEPs). The IEP contains information about a student's interests, strengths, needs, goals, and educational program. Those who advocated for this initiative, however, are adults. Further research indicates that special education programs for adults are non-existent or limited. In the Bloomberg administration, there was the Office of Adult Education, which later merged with the NYC Workforce Investment to create the Office of Human Capital Development. Later, this office transformed into what we now know as the uncodified Mayor's Office of Workforce and Economic Development. Additionally, the Department of Citywide Administrative Services has a Human Capital Division. Neither of these offices deliberately and explicitly invest in special education programs for adults in general, much less than for the transgender community.
- **LS:** We recommend this office submit legislation, (1) requiring the establishment of the Office of Adult Workforce and Education; (2) creating a taskforce within the Office of Adult Workforce and Education to examine and implement access to special education for adults and access to adult education for transgender and gender non-conforming individuals. We also recommend calling on the Mayor, City Council's Committee on Education and the Speaker to fund more adult education programs for underrepresented communities. We also recommend calling on the Department of Education's Office of Adult Learning to explicitly provide special education classes for TGNC people for those in need.

Employment

Advocates also expressed that this office must be more intentional with centering black transgender women in its hiring processes. In addition to that, the following recommendations would seek to not only empower the TGNCNB community, but provide a pathway through networking and access to be in more spaces in local government.

- **Campaign: #HireTransNYC:** Collaborate with community partners to launch the #HireTransNYC Campaign, a campaign recruiting employers and organizations committed to ending transgender discrimination and commit to being a transgender-friendly organization (similar to the current LGBT Safe zone program and campaign). The campaign shifts the focus from TGNC people being unemployed to employers not hiring/accommodating TGNC folks. This campaign originated in San Francisco, and would require collaboration and meeting with their Office of Transgender Initiatives.
- **Public Advocate Shadow Program:** Following a similar model to NYTAG's shadow program, this is a program designed to empower TGNCNB people by virtue of learning from elected officials and their team. This program would fund two individuals (or however many can be allowed) to shadow the Public Advocate or First Deputy Public Advocates, to introduce them to the life of the Public Servitude.
- Another option presented to us is evaluating the implementation of an employment survey, served to guide employers on becoming effective and safe spaces for the TGNC community.

Criminal Justice/Public Safety

- **Investigating/abolish Vice:** Per the NYPD website, Vice Enforcement Division identifies persons or organizations that are involved in human trafficking, prostitution, and internet crimes against children, focusing on victim-based crimes. Earlier this year, lawmakers called for an investigation into this division, citing instances of corruption and malpractice. This letter, urging the Department of Investigation to take action, posits that officers in the vice enforcement division has, for decades, “solicited sex for a fee, took advantage of unsuspecting sex workers, engaged in sexual activity, and then radioed in their squad to make arrests.” Activists have called for the defunding of Vice, particularly Cecilia Gentili, for its targeting of sex workers and transgender people. Ironically, numerous Vice Enforcement Units, charged with addressing prostitution-related charges, have been caught leading prostitution rings of up to \$2M. The Legal Aid Society has highlighted the gray areas with sex work enforcement and sting operations. No protocol exists that bars officers from having sex to completion before arresting people suspected of sex work. Testimonies from sex workers have documented several police departments having sex to completion, and once they take the money, sex workers are arrested.

So far, our office has sent an inquiry to the Commissioner on Vice operations. Their response is pending. Additionally, we recommend introducing a local law requiring the NYPD to report and publish to the Public Advocate, the Mayor, the city council and to publish on their websites sting operations conducted by Vice Enforcement units, disaggregated by people arrested and their age, race, gender identity and sexuality, charges for each arrest, precinct and number of officers

- **Increasing community Counselor/Therapy Presence On The Street:** The Public Advocate released a mental health report advocating for implementation of increased social workers to handle calls and instances of people experiencing mental health issues. This report is coupled with incoming bills that will see to the implementation of this recommendation. More engagement, once the bills have been introduced will be needed for its enactment.
- **Solitary Confinement Advocacy:** Advocates from the Sylvia Rivera Law Project and Martha P Johnson Institute have called for the abolition of solitary confinement at the state and city level, particularly for the TGNC community. The Public Advocate has called for a complete ban on solitary confinement at the city and state level. In several testimonies, the Office has expressed a complete ban on solitary confinement, and emphasizes the implementation of mental health expansion as a way to address instances of violence.
- **Decriminalize Sex Work:** The PA is the prime sponsor for the Sex Workers Bill of Rights bill to be introduced in the coming months. The Office currently engages with advocates from DecrimNY, Decriminalise Sex Work and other organizations who will on this.
- **Examining NYPD’s LGBT Department:** The roundtable requested that we inquire on the programming for NYPD’s LGBTQ Department and their engagement with the community.

As we have the capacity to do this, this office recommends writing a letter inquiring on their programming. Said letter would have to be more specific in our inquiry.

- **Investigating Bail:** The State Legislature passed and the Governor signed a bill removing cash bail for certain offenses. The Post published an article stating that approximately 900 people eligible for release under the new state laws would be released early. The new law is retroactive, so those currently behind bars are able to apply to have their bail lifted and be released. The state's court officials estimate that 16% of the city's pre-trial inmates – about 880 inmates – would be eligible for release under the state's new reform. The state's Office of Court Administration, however, is developing a plan “to stagger the release of defendants starting in mid-December” in an attempt to keep the office from being overwhelmed by applications come January. As an incentive for court dates, the City, with the Criminal Justice Agency, offers free gift cards and tickets--there is a 91% rate in court attendance in the city for those under the Supervised Release Program. Currently, the Governor has denied knowing anything about this early release program. Our office has inquired and received responses on how the City is preparing for bail and discovery reform, and have since engaged in community partners' pressers to raise awareness. The Office recommends organizing a presser, centering the experiences of Black TGNCNB people, dispelling the myths around bail reform.
- **Access to HIV/AIDs medication in City Jails:** Advocates mentioned this particular issue. Inquiring on the medical health of people incarcerated can prove difficult with the Correctional Health Services, who have historically cited HIPAA against our inquiries. We also recommend drafting a letter inquiring on the process through which HIV/AIDs medications are allocated at the beginning of an arrest, and whether NYPD officers inquire or report on the medical needs of people in holdings.
- **Housing to Prison Pipeline:** There was not a specific mention on the pipeline per se, but this office is currently exploring the concept of “home sharing,” which is particularly common in the LGBTGNC community. This office is particularly interested in funding leaders in the ballroom community who have contributed to curbing LGBTGNC youth homelessness with no funding or contribution from the City. We recommend **(LS)** A local law requiring the Human Resources Administration and the Department of Consumer Affairs and Workers Protection to establish a homeshare program tasked with allocating funds to certified homesharers providing services for the unsheltered population.

Identity

- **Hate Crimes/Violence:** The transgender community more and more becomes susceptible to hate violence. Several problems as to how hate violence exists in NYC. First, there is not a citywide robust way or database documenting instances of hate violence, particularly in pocket communities. Second, many survivors of hate violence are conflicted to report these instances due to (a) not wanting the person to be persecuted and detained at Rikers Island and (b) not believing in the current ways in which the city, through state laws, address hate violence--very few crimes are handled as hate crimes.
- **Enforcing GENDA 2019:** Organizations took 17 years to pass the Gender Expression Non-Discrimination Act (GENDA), a 2019 New York law which added gender identity and

gender expression to the state's human rights and hate crimes laws as protected classes; banned discrimination in employment, housing, and public accommodations based on gender identity and gender expression; and provided enhanced penalties for bias-motivated crimes. The problem noted by advocates is the enforcement piece and lack thereof. There is not a wide understanding of the bill and its enforcement. In response, the New York Transgender Advocacy Group instituted a training, a campaign, a video series and a one pager. We recommend collaborating with NYTAG to bolster their materials, and for the Public Advocate to partake in the video series encouraging people to become aware. We also recommend calling on the Commission for Human Rights to re-launch their anti-discrimination campaign.

Foster-Care System

- Investigating ACS (sending people upstate and TGNC work): Partners specifically asked to examine ACS and their work with the TGNC community. As this is an investigative request, we recommend writing a letter requesting information and the opportunity to respond to critics from community partners.

Community

- Toxic Masculinity: The participants of the round-table highlighted the fact that transgender women are dying at the hands of black men. Theories have included how men react to their attraction with black transgender women. Afterwards, they rationalize their decision and their sexual involvements with women, which often leads them to question their masculinity, and as a response, use violence as a defense mechanism to regain dominance, control, and gain a psychological sense of wholeness. This allows them to subdue their attraction for trans women and return to a very strict idea of gender norms. Toxic masculinity, in this manner, is harmful to the humanity of black transgender women. This Office recommends the following:
 - **Healthy Manhood: A Call to Address Toxic Masculinity:** A campaign raising awareness on the nuances of toxic masculinity and how it manifests using the #RealMenNYC. Partners would include: Heal Haus, A Call to Men, Healthy Masculinity Action Project
 - **Williams' Book Club:** Using reading to address masculinity by engaging with host institutions interested in having a conversation
 - **Legislation:** A local law requiring the Department for Citywide Administrative Services and the Department of Health and Mental Hygiene to create and conduct annual trainings on healthy manhood and toxic masculinity in the office to all employers that conduct sexual harassment training.
- **Faith-based and Clergy Outreach Initiatives:** Advocates called for more engagement with faith-based communities around the existence of TGNC people. NYTAG has identified trans-affirming places of worship, but in recognizing the impact of these spaces, would like to conduct more outreach. This Office recommends working with the Office's LGBT Advocate, Faith and Clergy Advocate and NYTAG to design a tour conducting these training and meeting with faith leaders to develop more trans-affirming spaces. One advocate stated to enact a local law requiring the Commission for Human Rights and Department for

Citywide Administrative Services to create and conduct a training on the intersection of faith and the transgender community.

Healthcare

- **Accountability for Medically Trained Staff:** Medical staff still misgender and deadname their patients. Current medical documents do not accommodate gender identity. One recommendation is to enact **(LS)**A local law requiring DOHMH/Health and Hospitals to report on how many staff has received medical training on caring for transgender and gender non-conforming patients. Particularly in the medical field, the Transgender Gender Non conforming community faces constant misgendering and deadnaming. Official health documents do not accommodate the gender variance. The current patients' Bill of Rights does not explicitly mention the right to be addressed by the name and gender pronouns a patient chooses. Current policy does protect intentional misgendering, but victims do not have the necessary tools to assert their rights or even know they can. We recommend calling on Health and Hospitals to explicitly state in the Patients Bill of Rights that every patient has the right to be referred to as their name and gender pronouns by choice. We also recommend hospitals conspicuously post signage in all 23 facilities informing patients of their rights to be referred to as the name and gender they choose and information on how to take legal action against medical personnel deliberately misgendering and/or deadnaming their patients. Whether this can be mandated in private medical spaces is still being researched.
- **Ageing Out of the Trans Mental Health Care:** One community partner expressed their concern with access to mental health care as a transgender person. In particular, trans folks often experience losing their access to mental health care through aging. Through an investigative approach, we recommend this office examine the mental health services provided and funded by the City of New York, and call for an expansion of said services. We also recommend working with community partners to bolster existing mental health services specifically centering TGNC people. We also recommend encouraging the governor and CUNY to institute a pathway to therapy program, employing and serving TGNC folks interested in the medical field to partake in a pathways program geared towards providing representation and mental health care. We recommend creating a more streamlined process in identifying trans-affirming mental health care by creating a unified mental health tracking system, or working to combine those that already exist.

Housing

- **HASA Case Workers and Confidentiality:** At the roundtable, one person expressed concerns on HRA staff breaching confidentiality between them and their clients. In particular, they expressed that a caseworker revealed to a landlord the individual's gender identity (following the landlord asking "is this person trans?"). Without thinking, the caseworker told the landlord of the individual's identity. (We are not sure whether this ultimately led to them not getting the apartment.) We recommend **(LS)** A local law requiring HRA staff to document every interaction with landlords in the city via an online recording system, an email confirmation or other viable documentation. This will aid in holding case

workers accountable, but will aid in identifying discriminatory landlords targeting source of income, gender identity and other classes protected under NYC human rights law.

Legislative Requests Summary

Legislative requests are requests for bills that could one day be law in NYC.

1. **(LS):** A local law requiring all DOE-employed guidance counselors, social workers and any employee promoting the social and emotional learning of children, to undergo specific evidence-informed training on counseling transgender and gender non-conforming youth. The LS would also mandate the Department of Education to report on how many staff have undergone this training.

Background: As of Oct. 31, 2016, there were 2,902 guidance counselors and 1,275 social workers in the city's 1,800 public schools. That's 4,177 staffers total (in 2017). The recent 2019 budget negotiations between the Mayor and Speaker sought to increase this by hiring 110 social workers for high-need schools. Whether these staffers are equipped to address, identify and counsel trans youth is unclear. Social workers come from very differing schools, whose programs vary and may not mandate or even provide anything related to transgender youth.

<https://www.schools.nyc.gov/careers/job-opportunities/contentdetails/school-social-worker-vacancy-no-25-dece-2019-2020-reposted>

<https://www.advocatesforchildren.org/node/1354>

2. **(LS):** A local law (1) codifying the Office of Adult Workforce and Education; (2) establishing a taskforce within the Office of Adult Workforce and Education to examine and implement access to special education for adults and access to adult education for transgender and gender non-conforming individuals.

Background: Research indicates that special education programs for adults is non-existent or limited. In the Bloomberg administration, there was the Office of Adult Education, which later merged with the NYC Workforce Investment to create the Office of Human Capital Development. Later, this office transformed into what we now know as the uncoded Mayor's Office of Workforce and Economic Development. Additionally, the Department of Citywide Administrative Services has a Human Capital Division. Neither of these offices deliberately invest in special education programs for adults in general, much less than for the transgender community. Notably, the Mayor has released a local plan to improve pathways to employment. Currently, this plan makes no mention of the TGNC community, who is disproportionately in need of these specifically-focused pathway programs. Additionally this plan will last until 2020. This LS codifies the office, but ensures that there is specific and intentional programming for disadvantaged communities.

https://avp.org/wp-content/uploads/2018/12/AVP_EmploymentDiscrimination.pdf

<https://www1.nyc.gov/html/ohcd/downloads/pdf/Local-Plan-Complete.pdf>

3. **(LS):** A local law requiring the NYPD to report and publish to the Public Advocate, the Mayor, the city council and to publish on their websites sting operations conducted by Vice Enforcement units, disaggregated by people arrested and their age, race, gender identity and sexuality, charges for each arrest, precinct and number of officers.

Background: Per the NYPD website, Vice Enforcement Division identifies persons or organizations that are involved in human trafficking, prostitution, and internet crimes against children, focusing on victim-based crimes. Earlier this year, lawmakers called for an investigation into this division, citing instances of corruption and malpractice. This letter, urging the Department of Investigation to take action, posits that officers in the vice enforcement division has, for decades, “solicited sex for a fee, took advantage of unsuspecting sex workers, engaged in sexual activity, and then radioed in their squad to make arrests.” Numerous Vice Enforcement Units, charged with addressing prostitution-related charges, have been caught leading prostitution rings of up to \$2M. The Legal Aid Society has highlighted the gray areas with sex work enforcement and sting operations. No protocol exists that bars officers from having sex to completion before arresting people suspected of sex work. Testimonies from sex workers have documented several police departments having sex to completion, and once they take the money, sex workers are arrested.

<https://www.nbcnewyork.com/news/local/Ex-NYPD-Vice-Detective-Sentenced-for-Running-Prostitution-Ring-New-York-City-Police-513159281.html>

<https://www1.nyc.gov/site/nypd/bureaus/investigative/detectives.page>

<https://gothamist.com/news/lawmakers-say-nypd-vice-squad-is-a-hotbed-of-corruption-and-sexual-abuse>

4. **(LS):** A local law requiring the Human Resources Administration and the Department of Consumer Affairs and Workers Protection to establish a homeshare program tasked with allocating funds to certified homesharers providing services for the unsheltered population

Background: Globally, homesharer programs are being used to curb homelessness in the respective jurisdictions. For example, Toronto HomeShare is a City of Toronto program matching older adults aged 55+ with a spare room in their home with a post-secondary student seeking affordable housing. In exchange for reduced rent (\$400-600 per month), the student provides up to seven hours per week of companionship and light help with household tasks. Two Sydney councils have helped launched an initiative that brings together ageing home owners and younger community members, with the aim of reducing social isolation for seniors and delaying the move into residential care.

<https://www.australianageingagenda.com.au/2019/03/09/sydney-councils-launch-homeshare-initiative/>

<https://www.rgptoronto.ca/older-adults-sharing-homes-with-students-learn-more-on-july-19-2/>

5. **(LS):** A local law requiring the Commission for Human Rights and Department for Citywide Administrative Services to create and conduct a training on the intersection of faith and the transgender community.

Background: The Human Rights Commission issued a report around improving training for faith-based communities as it relates to the transgender community. This blueprint supports the importance on why this is important.

<https://assets2.hrc.org/files/assets/resources/Gender-Identity-and-our-Faith-Communities-2008-12.pdf?ga=2.135964017.1349434468.1573168846-970532420.1572897549>

6. **(LS):**A local law requiring DOHMH/Health and Hospitals to report on how many staff has received medical training on caring for transgender and gender non-conforming patients. This local law would also require DOHMH/Health and Hospitals to conspicuously post signage advising patients on their right to be referred to by their gender identity and name.
Background: Most primary care physicians in the U.S. are willing to provide routine care to transgender individuals, but that doesn't mean they are well prepared to do so, a small study suggests. Overall, 86 percent of doctors who responded were willing to provide routine care to transgender patients and 79 percent were willing to give Pap tests to transgender men to screen for cervical cancer, according to the results reported in Annals of Family Medicine. Many physicians, however, reported a lack of familiarity with transgender transition care guidelines, lack of training in transgender-specific care, lack of exposure to transgender patients, and lack of knowledge about transgender patients among office staff, medical assistants or nursing staff. These barriers suggest that willingness is not necessarily equivalent to competence. Further, many people of trans experience have reported being misgendered and deadnamed upon seeking medical care.
<https://www.reuters.com/article/us-health-transgender/u-s-doctors-asked-how-they-feel-about-caring-for-transgender-patients-idUSKBN1021VN>
7. **(LS)** A local law requiring HRA staff to document every interaction with landlords in the city via an online recording system, an email confirmation or other viable documentation. This will aid in holding case workers accountable, but will aid in identifying discriminatory landlords targeting source of income, gender identity and other classes protected under NYC human rights law.
Background: Our constituents have expressed concerns on HRA staff breaching confidentiality between them and their clients. In particular, they expressed that a caseworker revealed to a landlord the individual's gender identity (following the landlord asking "is this person trans?"). Without thinking, the caseworker told the landlord of the individual's identity. This bill would hold caseworkers accountable, but will aid in identifying discriminatory landlords targeting source of income, gender identity and other classes protected under NYC human rights law. One in five transgender people in the United States has been discriminated when seeking a home, and more than one in ten have been evicted from their homes, because of their gender identity.
<https://thinkprogress.org/new-york-city-transgender-gender-nonconforming-employment-discrimination-44eacfe060bf/>
<https://transequality.org/issues/housing-homelessness>

