

## A TRANSGENDER AND GENDER NON-CONFORMING POLICY BRIEF FOR NYC

*Starting in 2015, several community organizations, alongside transgender and gender non-conforming (TGNC) community members across the City, organized forums for TGNC people in each of the five boroughs of New York City, following encouragement from New York City Council Speaker Melissa Mark-Viverito, and the Lesbian, Gay, Bisexual, and Transgender (LGBT) Caucus of the New York City Council. Five forums were held over the course of a year and a half with 591 participants. While the City government has done much to support TGNC people, greater work and community consultation is needed to identify remaining problems and potential solutions.*

*This document is a summary of urgently needed policy solutions identified by the TGNC community. Community members, in the five borough forums, made recommendations to improve the lives of TGNC New Yorkers. The authors of this brief then organized those recommendations into policy, program, and budget formulations that are more specifically tailored to government officials.*

*A longer report will be issued in 2018, which will include other recommendations, deeper focus on State government issues, actions community members can take, and greater detail showing the pathway from how a recommendation was originally articulated to its more policymaker-focused final form. That said, the recommendations in this brief are directed toward, and presented to, policymakers in City—and in one instance, State—government. We also include, in this brief, a summary of the other issues in need of policy solutions and/or community action raised by forum participants.*

*With the exception of “general” recommendations, subject matter headings below follow from the breakout groups at each of the TGNC forums. Governmental agencies that would be responsible for implementation are in parenthesis at the end of each recommendation, unless the text itself mentions the agencies, or the recommendation targets a wide variety of agencies.*

### GENERAL

Through the course of writing this document, it has become clear that there are many programs and resources that the City offers for TGNC people that many community members do not know about (e.g., the TGNC-focused CareerAdvance employment program, or the LGBTQ health services at Woodhull). We call upon the City to advertise these programs and resources more effectively, via community forums, targeted advertising, and other means.

### EDUCATION

#### PROBLEMS:

TGNC people face barriers in education, including bullying, navigating transition within school bureaucracy, and lack of information about TGNC life in school curricula. A 2015 health and human services survey of the LGBTQ community found that **26.1%** of TGNC respondents in NYC reported being unfairly discouraged from pursuing education. Forum participants outlined the need for education about TGNC people in schools, recruiting TGNC educational staff, and signage at all schools that emphasizes a students’ right to use the bathroom of their gender identity or expression.

#### SOLUTIONS:

- We recognize the Department of Education’s (DOE) efforts to create LGBTQ-inclusive curricula across grade levels and subject areas. We urge prioritization of comprehensive, destigmatizing education in all public schools about TGNC life in history and health classes. We prioritize history, as students need to know the contributions that TGNC people have made in NYC. We prioritize health because there are disproportionate HIV/AIDS rates among TGNC people, among other health crises, and that calls forth the need to educate TGNC students and the broader student population on health disparities, matters related to sexuality, and resources available for TGNC people. LGBTQ curricular materials have thus far been made with the input of TGNC New Yorkers, and TGNC people and organizations should continue to have input on the creation of materials.
- In the spirit of the Young Men’s Initiative Men Teach campaign, there should be a concerted effort to recruit and train TGNC teachers, school staff, school and university administrators, and teachers of classes to attain High School Equivalency. (DOE, City University of New York [CUNY], Department of Youth and Community Development [DYCD])
- Require signage in gendered spaces (e.g., bathrooms and locker rooms) that the facilities are welcoming for any person who identifies with the designated gender. (DOE)
- Work with TGNC organizations and community members to explain and/or plan how new DOE programs benefitting TGNC people will be evaluated (e.g., DOE should demonstrate the extent to which new programs around anti-bullying and clubs benefit TGNC youth). (DOE)

**OTHER ISSUES:** Forum participants called for several items that have, since the forums, been announced as part of the NYC Unity Project or the DOE's 2017 TGNC Student Guidelines: providing more resources to teachers to combat bullying, laying groundwork for more Gender Sexuality Alliances (GSAs) in schools and more resources for GSAs, ensuring dress codes do not conflict with a student's preferred gender expression, and easing students' ability to have their preferred names and pronouns respected in school records. The community intends to hold DOE accountable for ensuring that these resources are utilized for and protect TGNC people.

## EMPLOYMENT

### PROBLEMS:

TGNC community members face a crisis of unemployment. The 2015 health and human services survey showed that **36.8%** of TGNC NYC respondents reported having been unfairly not hired, and **26.4%** reported being unfairly fired. **16.2%** of TGNC NYC respondents were neither employed nor in school, compared to **9.9%** of cisgender (non-transgender) LGB respondents. Nationwide, transgender people of color report five times the unemployment rate of the general US population. Forum participants called for initiatives to hire TGNC people, doubled-down efforts to end employment discrimination, and more.

### SOLUTIONS:

- City funding should support an employment initiative for TGNC people that results in careers. Create workforce pipelines for TGNC people, with jobs available across industries. This programming would be separate from the Human Resources Administration's (HRA) CareerAdvance program for TGNC people. (HRA)
- An employment initiative for TGNC people should function in conjunction with an effort to hire more TGNC people in City government, requiring collaboration with the Department of Citywide Administrative Services (DCAS).
- The advertising and service funding levels should be high for all workforce programs benefitting TGNC people (i.e. comparable in per-participant funding to the most well-funded workforce programs), including the CareerAdvance TGNC-focused employment program.
- All workforce programs should be made available to undocumented people.
- Provide competitive funding for non-profits to conduct training and technical assistance to employers, medical providers, and other institutions on TGNC issues and to ensure that those institutions are TGNC affirming and inclusive. These programs should employ TGNC people, especially TGNC people of color, as paid trainers. Furthermore, these programs should utilize a "train the trainer" model to build trainers' skills, ensure consistency of training, and offer more opportunities for TGNC employment. This is effectively a means of reinforcing the work of the City Commission on Human Rights (CCHR) while building the capacity of TGNC people and organizations to further civil rights work in their own community. (Department of Youth and Community Development [DYCD]).

**OTHER ISSUES:** Forum participants also discussed the need to provide more funding to TGNC-led agencies (ideally resulting in the employment of more TGNC people in community advocacy), and some platform whereby TGNC people can rate employers for TGNC inclusivity, among other ideas.

## HEALTHCARE

### PROBLEMS:

TGNC New Yorkers experience significant barriers when accessing quality, affirming, and affordable healthcare. In the 2015 health and human services survey, **15.8%** of TGNC NYC respondents reported fair or poor health compared with **9.6%** of cisgender LGB respondents, and **25%** of TGNC NYC respondents reported probable depression compared to **15.7%** of cisgender LGB respondents. While insurance carriers are required to cover transition-related care in New York State, TGNC people can still experience unjust denials, restrictions, and discrimination when seeking care. In other words, TGNC people are still having trouble attaining full coverage for transition-related care. Forum participants spoke about consistently encountering medical professionals who lack cultural competency in working with TGNC people (a problem in both public and private healthcare systems), and their frustrations navigating healthcare bureaucracies, among other issues.

### SOLUTIONS:

- Create TGNC-specific Care Review Boards composed of community members to oversee TGNC health care in public and private health systems. These boards can be created through both the City's Health and Hospitals Corporation (HHC) system and the State Department of Health (DOH), and could review TGNC-affirming care procedures, incidents in which TGNC people have complained about care, and other needs. This could build off of the current Advisory Council system currently established by HHC. It is vital to note that TGNC people are impacted by cancer, diabetes, and countless conditions that are not TGNC-specific. TGNC people need input in these issues, too, which would be part of a Review Board's purview.

- Create a TGNC Healthcare Liaison program, run as a collaboration between the Department of Health and Mental Hygiene (DOHMH) and HHC. While HHC has Gender Equity staff who assist patients in the HHC system, community members seek TGNC-specific staff who can help them navigate complex insurance companies and healthcare providers within public and private health systems. The TGNC Healthcare Liaison program could be modeled after the DOHMH's Navigator Program Network.
- Following from City Council's work around comprehensive sexual education, City-funded community-based organizations (CBOs) and other agencies that engage in reproductive health work should undergo training on TGNC reproductive health issues. (DOHMH)

**OTHER ISSUES:** Community members have also identified the need for TGNC-specific healthcare clinics to serve particularly underserved populations (e.g., undocumented people), need for holistic mental health support for low-income TGNC people, mentorship for TGNC people who want to become healthcare professionals, and evaluation of TGNC competency in Emergency Care facilities (recognizing that HHC is working on training its medical professionals).

## HOUSING

### PROBLEMS:

Housing insecurity and injustice affects TGNC people in a myriad of ways, from TGNC youth being thrown out of their homes, to inability to afford housing. TGNC people, as with many New Yorkers, are priced out of rapidly gentrifying neighborhoods. The 2015 health and human services survey showed that **29.4%** of TGNC NYC respondents reported ever having been homeless, compared to **16.2%** of cisgender LGB respondents. Community members highlighted the need for more affordable housing overall, fewer strictures in current housing programs (e.g., housing programs for people who are vulnerable but HIV negative), safer housing, and TGNC-specific shelter supports.

### SOLUTIONS:

- Safe, affordable housing, including affordable housing for TGNC people, must be created and preserved through a variety of mechanisms, including:
- Reformulating the Mayor's Housing New York plan to place greater emphasis on creating and preserving housing for New Yorkers making less than approximately \$25,000 a year (0-30% of Area Median Income). (Housing Preservation and Development [HPD])
- Create a designated/priority housing status for TGNC people that would be utilized for attainment of permanent supportive housing, NYC Housing Authority (NYCHA) housing, Rental Assistance, and other housing programs, following from TGNC peoples' historically high rates of homelessness. (HRA and HPD)
- Reform Rental Assistance programs, such as the Living in Communities (LINC) program (utilized by TGNC New Yorkers) to be permanent sources of housing subsidy (HRA and Department of Homeless Services [DHS])
- Ensure those in HIV/AIDS Services Administration (HASA) housing have safe housing and TGNC-sensitive supports, via enforcement of HRA rules that all staff, including HASA staff, receive training in TGNC issues, and that staff who violate non-discrimination rules are subject to disciplinary action. (HRA)
- TGNC people feel unsafe across the shelter system in NYC, and many community members also report not feeling safe in LGBTQ spaces. Therefore, CBOs with TGNC competency and City Council Members should join forces to create more TGNC-focused shelters or alternatives throughout the City. (DHS)

**OTHER ISSUES:** Other recommendations include, but are not limited to, increasing funding to hire more TGNC-focused staff (which would ideally include TGNC people themselves) in the Department of Social Services (DSS) system (which includes DHS and HRA), and increased enforcement against landlords and brokers who discriminate against TGNC people.

## IMMIGRATION

### PROBLEMS:

Under the Trump Administration, immigrant communities, including TGNC people, face increased amounts of both state violence and private violence. Even in 2015, the U.S. Trans Survey showed that **45%** of respondents held in immigration detention reported mistreatment (e.g., physical or sexual assault). Community members at forums spoke of the need for more immigration lawyers who are experts in attaining visas for TGNC immigrants, and the need to protect undocumented TGNC people from being detained by federal Immigrations and Customs Enforcement (ICE) agents

### SOLUTIONS:

- Provide funding for non-profits to conduct training, geared for immigration attorneys, that educates about the means of attaining specialized visas (e.g., U Visas, which are for survivors of crimes that inflicted physical or mental abuse) that are most useful in helping undocumented TGNC people maintain safe residence in the US. (Mayor's Office of Immigrant Affairs [MOIA])

- Provide funding for non-profits to hire more attorneys citywide that can specialize in the aforementioned TGNC-sensitive immigration law. (MOIA and HRA)
- Require that all City agencies protect undocumented people from being targeted by ICE in any utilization of City services.

**OTHER ISSUES:** Forum participants also spoke to the need for more employment and housing opportunities for undocumented TGNC people, ending solitary confinement for TGNC people (something also discussed in “Police and Violence” discussion at the forums), and ending the police targeting of transgender women of color.

## POLICE AND VIOLENCE

### PROBLEMS:

TGNC people endure both interpersonal and systemic violence, and experience negative relations with police. A 2012 national survey from Lambda Legal about discrimination by various criminal justice institutions against LGBT and HIV-affected people in the US reported, “Transgender survey respondents who sought out police when they were the victims of crimes disproportionately reported that police did not adequately respond.” Forum participants discussed the importance of increasing transparency from the New York City Police Department (NYPD), and the interplay between sex work and arrests of TGNC people (insofar as some TGNC people engage in sex work as a means of survival, and other TGNC people are profiled by police as sex workers), among many other items.

The recommendations around policing and violence reflect a range of strategies, including work within the criminal justice system and without. These different strategies are in recognition of the different kinds of work around the criminal justice system engaged in by the organizations authoring this brief.

### SOLUTIONS:

- City Council should pass and the Mayor should sign the Right to Know Act, which requires police to identify themselves in non-emergency encounters, and ends unconstitutional searches.
- While the Penal Code making sex work illegal is on the State level, there is precedent for the City being less stringent than the State Penal Code outlines. Accordingly, the City must use its discretion over what it polices to end the criminalization of sex work (e.g., police should not arrest people engaging in sex work, and not profile TGNC people as sex workers). (Office of the Mayor and NYPD).
- LGBTQ organizations previously took part in trainings on LGBTQ issues for NYPD officers. LGBTQ organizations should once again take part in the training process, with the following steps taken to increase TGNC community involvement:
- TGNC-led organizations should be given the opportunity to review the training and make changes as soon as is practicable;
- Funding should be provided for an evaluation of the NYPD training on LGBTQ issues, with TGNC-led organizations taking a major role in the evaluation process;
- The training should be modified based on the findings of the evaluation.
- An evaluation should be undertaken, with TGNC-led organizations taking a major role in the process, to determine the extent to which the Patrol Guide matches police practice (e.g., the extent to which police respect TGNC and language access rules as outlined in the Patrol Guide). (NYPD)

**OTHER ISSUES:** Forum participants discussed the needs to end solitary confinement for transgender people in state prisons, to end criminalization of people in shelters and public housing, for investment in rehabilitative programs, for TGNC-focused Know Your Rights literature to be distributed in several languages, and more.



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ACKNOWLEDGEMENTS ARE ON THE WEBSITE FOR THIS BRIEF AT

[AVP.ORG/SOLUTIONS](http://AVP.ORG/SOLUTIONS)

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