

# *Our Fair City: A Comprehensive Blueprint for Gender and Sexual Justice in New York City*

## A Report by the Center for Gender & Sexuality Law at Columbia Law School

### Fast and Free:

#### 10 Policy Reforms Mayor de Blasio Can Make With a Stroke of the Pen

1. Issue a statement supporting further revisions of the NYPD Patrol Guide to prohibit the confiscation of condoms as evidence of all prostitution-related offenses. Recent changes to the NYPD Patrol Guide barring the use of condoms as evidence in some prostitution-related offenses did not go far enough insofar as the NYPD continues to treat condoms as evidence of criminal conduct in promoting and trafficking cases, thereby undermining important public health and safety programs undertaken by the City's Health Department.
2. Withdraw the New York City Housing Preservation and Development's October 4, 2013 proposed rule change that would substitute "spouse" for the broad definition of "family member" currently contained in the rule governing rights of succession to residential properties subject to the Mitchell-Lama program (a program that provides affordable rental and cooperative housing to moderate- and middle-income New Yorkers). Then, issue a statement expressing the administration's support for the existing functional definition of "family member" that recognizes the diversity of families in New York City.
3. Issue a statement reaffirming the ongoing importance of New York City's domestic partnership law for both same- and different-sex domestic partnerships, noting that domestic partnership remains an important way to give security and recognition to diverse forms of family in New York City even though same-sex couples have gained the right to marry.
4. Announce a new policy ceasing enforcement of PR 240.37(2), Loitering for the Purposes of Engaging in Prostitution, an unconstitutional law that makes it a sex crime to wear a short skirt or stand in an area where there isn't a bus stop, taxi stand, or open store. The loitering statute provides police officers with a vague and overbroad tool to arrest New Yorkers based on conduct that is not criminal. It has also given officers a capacity to profile, stop, frisk and arrest trans and gender non-conforming people disproportionately - often confiscating condoms as additional evidence of criminal behavior or intent to commit criminal behavior.
5. Announce a policy for gender identity on all identification documents over which the City has jurisdiction (including birth certificates and the new municipal identification cards) that eliminates the requirement that a person undergo invasive surgeries in order to change their legal gender. New York State and the federal government have modernized their rules relating to gender change on identification documents, no longer requiring documentation of genital surgery. NYC should bring its policy into conformance with these new standards.
6. Issue an executive order strongly encouraging law enforcement agencies to sign certifications for special non-immigrant visas (U and T visas) for undocumented survivors of domestic violence and/or human trafficking without requiring that applicants testify or otherwise cooperate in criminal investigations or prosecutions. These demands for applicant cooperation undermine the visa programs' purpose of protecting survivors.

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7. Issue an executive order strongly encouraging prosecutors to consider immigration consequences during plea negotiations, particularly since families can be torn apart when children born in the United States lose their parents through deportation.
8. Issue an executive order declaring that the elimination of LGBTQ elder abuse is a high priority of this administration and mandating that the Adult Protective Services program and all relevant city agencies include LGBTQ older adults in their elder abuse prevention efforts.
9. Issue an executive order explicitly prohibiting any form of sexual misconduct toward civilians by members of the NYPD and strongly urge the new NYPD inspector general to add this issue to his agenda. Direct the police commissioner to issue departmental directives and other guidance and training to implement this order.
10. Issue a statement announcing a recommitment to the NYC Department of Correction's efforts to improve the treatment of and conditions for the LGBTQ population at Rikers Island, including the resumption of the Prison Rape Elimination Act (PREA) compliance team meetings with LGBTQ advocates and the creation of a previously promised LGBTQ housing area option to comply with PREA guidelines regarding safety from sexual assault.

*Our Fair City: A Comprehensive Blueprint for Gender and Sexual Justice in New York City* documents everyday incidents of gender and sexual injustice that push already vulnerable New Yorkers to the margins of society. Written in close collaboration with dozens of advocacy and direct-service organizations, *Our Fair City* offers the de Blasio administration comprehensive analysis of the many ways city policies and practices perpetuate gender and sexual discrimination, as well as recommendations for immediate and near term actions to eliminate such injustices.

Read the full report at [web.law.columbia.edu/gender-sexuality/our-fair-city](http://web.law.columbia.edu/gender-sexuality/our-fair-city)

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The Center for Gender & Sexuality Law and the Sexuality and Gender Law Clinic have established Columbia Law School as the leading law school in the country for the study of gender and sexuality law and policy. Through our faculty's scholarship, our teaching, and our commitment to training lawyers to serve the public interest, we take seriously the role of the law in shaping and framing public values.