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**THE COUNCIL OF THE CITY OF NEW YORK**

***Committee Report of the JUSTICE DIVISION***

Jeffrey Baker, Legislative Director

Brian Crow, Deputy Director

**COMMITTEE ON CRIMINAL JUSTICE**

Hon. Keith Powers, Chair

**PROP. INT. NO. 1513-A** By Council Member Ayala, Rosenthal, and Kallos

**TITLE** A Local Law to amend the administrative code of the city of New York, in relation to mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals

**ADMIN. CODE** Amends § 9-157

**PROP. INT. NO. 1514-A** By Council Member Ayala, Rosenthal, and Kallos

**TITLE** A Local Law to amend the New York City Administrative Code, in relation to requiring access to substance abuse treatment for transgender, gender nonconforming, non-binary, and intersex individuals

**ADMIN. CODE** Amends § 9-107

**PROP. INT. NO. 1530-A** By Council Member Moya, Kallos, and Rosenthal

**TITLE** A Local Law to amend the administrative code of the city of New York, in relation to reporting on housing decisions made for transgender, gender nonconforming, and intersex individuals

**ADMIN. CODE** Adds § 9-157

**PROP. INT. NO. 1535-A** By Council Member Rosenthal and Kallos

**TITLE** A Local Law requiring the board of correction to convene a task force to address polices related to the treatment of transgender, gender nonconforming, and non-binary individuals in the department of correction

1. **INTRODUCTION:**

On June 26, 2019, the Committee on Criminal Justice, chaired by Council Member Powers, will be voting on Proposed Introduction Number 1513-A, a local law to amend the administrative code of the city of New York, in relation to mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals; Proposed Introduction Number 1514-A; a local law to amend the New York City Administrative Code, in relation to requiring access to substance abuse treatment for transgender, gender non-conforming, non-binary, and intersex individuals; Proposed Introduction Number 1530-A, a local law to amend the administrative code of the city of New York, in relation to reporting on housing decisions made for transgender, gender nonconforming, and intersex individuals; and Proposed Introduction Number 1535-A, a local law requiring the board of correction to convene a task force to address polices related to the treatment of transgender, gender non-conforming, and non-binary individuals in the department of correction. The Committee previously held a hearing on these bills on May 1, 2019 and received testimony from representatives of the Department of Correction (DOC) and Correctional Health Services (CHS), as well as advocates and other interested members of the public.

1. **BACKGROUND**

These bills aim to improve the conditions of transgender, gender non-conforming, non-binary, and intersex individuals in custody. These bills will ensure that individuals who are transgender, gender non-conforming, gender non-binary, and intersex (TGNCNBI) would have equal access to mental health and substance use treatment, and will create more transparency in policies related to the housing and treatment TGNCNBI individuals in custody.

1. **PROPOSED INTRODUCTION NO. 1513-A**

Section 1 of this bill amends section 9-107 of the administrative code of the city of New York to ensure that transgender, gender nonconforming, non-binary, and intersex individuals have access to the same quality and type of mental health treatment as cisgender and gender binary individuals. This legislation will ensure that such populations will not have to choose between receiving mental health treatment and being housed in an environment that is more appropriate and safe for their needs. Section 2 will make it take effect 90 days after becoming law.

1. **AMENDMENTS TO INT. NO. 1513**

 Since introduction, this bill was amended to include a requirement that all medical and substance abuse professionals working with transgender individuals receive specialized training on transgender and gender-affirming care conducted by an individual or organization with expertise in the subject.

1. **PROPOSED INTRODUCTION NO. 1514-A**

Section 1 of this bill amends Chapter 1 of title 9 of the administrative code of the city of New York by adding a new section 9-158 to ensure that individuals who are transgender, gender nonconforming, gender non-binary, and intersex have access to the same quality and type of substance abuse treatment as do cisgender and gender binary individuals. This legislation will ensure that these populations do not have to choose between receiving substance abuse treatment and being housed in an environment that is more appropriate and safe for their needs. Section 2 states the bill will take effect 90 days after becoming law.

1. **AMENDMENTS TO INT. NO. 1514**

 Since introduction, this bill has been amended to ensure that individuals who engage in substance use treatment only do so voluntarily. Additionally, it ensures that the administration of methadone, buprenorphine, and naltrexone are included as medication assisted treatment.

1. **PROPOSED INTRODUCTION NO. 1530-A**

Section 1 of this bill amends subdivision c of section 9-157 of the administrative code of the city of New York by adding a new paragraph 6 to require the DOC to report on housing decisions made for transgender, gender nonconforming, and intersex individuals. It will require the department to issue an incident-level report to the Council and to the Board of Correction (BOC) on housing requests made related to gender-identity on a biannual basis, and to issue an aggregate report to the public on an annual basis. This legislation will bring greater transparency into the application and appeals process for those who seek housing within the DOC that is responsive to their gender identity. Section 2 states the bill will take effect immediately.

1. **AMENDMENTS TO INT. NO. 1530**

Since introduction, Intro 1530 was amended to include additional categories, including whether applicants filed appeals and the length of time between submitting an application and receiving a decision. Additionally, the legislation provides additional protections to avoid the distribution of personal identifiers.

1. **PROPOSED INTRODUCTION NO. 1535-A**

 Section 1 of this bill requires the BOC to convene a task force to address polices related to the treatment of transgender, gender non-conforming, non-binary, and intersex individuals in the department of correction. The task force would consist of a representative from the department of correction, a representative from correctional health services, a representative from the commission on human rights, a representative from NYC Unity, the Mayor’s Office to End Gender-based Violence, the Council, and at least six representatives in the following categories: people formerly and currently incarcerated in the transgender housing unit, service providers that address transgender, gender non-conforming, and non-binary individuals in custody, and local and national experts in issues related to transgender policy. Section 2 would make it take effect immediately after becoming law.

1. **AMENDMENTS TO INT. NO. 1535**

 Since Introduction, 1535 has been amended to include additional agencies on the taskforce. It also has been amended to terminate upon decision by the Board of Correction, and to allow the Board of Correction to reconvene the taskforce upon opening of new facilities.

Proposed Int. No. 1513-A

By Council Member Ayala

A LOCAL LAW

T..Title

TTo amend the administrative code of the city of New York, in relation to mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-158 to read as follows:

§ 9-158 Mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals The department shall ensure that any housing unit where transgender, gender nonconforming, non-binary, and intersex individuals are housed has access to the same mental health treatment as units housing other incarcerated individuals.

§ 2. Subdivision a of section 9-145 of the administrative code of the city of New York is amended by adding a new definition of “correctional health services” in alphabetical order to read as follows:

Correctional health services. The term “correctional health services” means the entity responsible for the delivery of health and mental health services to incarcerated individuals in the custody of the department.

§ 3. Section 9-145 of the administrative code of the city of New York, as added by local law number 123 for the year 2016, is amended by adding a new subdivision e to read as follows:

e. Transgender care*.* Correctional health services shall ensure that all medical and substance abuse professionals working with transgender individuals receive specialized training on transgender and gender-affirming care conducted by an individual or organization with expertise in the subject.

§ 4. This local law takes effect 90 days after it becomes law.

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Proposed Int. No. 1514-A

By Council Members Ayala, Rosenthal and Kallos

A LOCAL LAW

..Title

TTTo amend the administrative code of the city of New York, in relation to requiring access to substance abuse treatment for transgender, gender nonconforming, non-binary, and intersex individuals

..Body

Be it enacted by the Council as follows:

Section 1. Section 9-107 of the administrative code of the city of New York is amended to read as follows:

  § 9-107 Narcotics treatment program. a. [The commissioner of correction] Correctional health services, or any entity with which the department of correction or the department of health and mental hygiene contracts to provide healthcare for incarcerated individuals, shall establish a program for the treatment of [heroin addicts] substance abuse through the use of [methadone hydrochloride therapy] medication assisted treatment, including the administration of methadone, buprenorphine, and naltrexone. The program shall be available on a voluntary basis only to such [inmates] incarcerated individuals as apply, subject to a medical evaluation, before acceptance, of their need for such treatment.

b. [The commissioner of correction shall provide for the continuance of such treatment by establishing parole procedures and after-care evaluation and implementation after the incarceration has terminated, during the period of parole.] The commissioner of correction shall ensure that any housing unit in which transgender, intersex, non-binary, or gender nonconforming individuals are housed has access to the same substance abuse treatment as other incarcerated individuals. Such treatment shall only be given voluntarily and based on the exercise of professional medical judgment of a medical provider following consultation between such medical provider and the incarcerated person.

§ 2. This local law takes effect 90 days after it becomes law.

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6/18/19 5:11 PM

Proposed Int. No. 1535-A

By Council Member Rosenthal

A LOCAL LAW

..Title

A Local Law requiring the board of correction to convene a task force to address policies related to the treatment of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction

..Body

Be it enacted by the Council as follows:

Section 1. a. The board of correction shall convene a task force to review the department of correction’s policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction’s custody.

b. Such task force shall consist of a representative from each of the following who shall serve at the pleasure of the appointing agency: the department of correction, correctional health services, the commission on human rights, the mayor’s office to end domestic and gender-based violence, the nyc unity project or similar organization, and the council. Such task force shall also include at least one representative from each of the following categories, appointed by the board of correction (i) formerly incarcerated individuals; (ii) individuals formerly or currently incarcerated in the transgender housing unit, to the extent practicable; (iii) service providers that address transgender, gender nonconforming, non-binary, and intersex individuals in custody; and (iv) local and national organizations that address issues related to transgender, gender nonconforming, non-binary, and intersex individuals.

c. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. All members shall be appointed to the task force within 60 days of the effective date of this local law.

d. Members of the task force shall serve without compensation and shall meet no less often than on a quarterly basis.

e. Within one year of the formation of the task force, such task force shall submit a report containing recommendations regarding policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction’s custody, and a summary of key findings to the department of correction, mayor and the speaker of the council. Within 90 days of receiving such report, the department of correction shall provide a written response to the board of correction, the mayor, and the council. Each such written report shall be posted on the department of correction and the board of correction's websites in a format that is searchable and downloadable and that facilitates printing no later than 10 days after it is delivered to the mayor and the council. The task force shall continue to submit yearly reports thereafter until its termination.

f. The task force shall terminate by determination of the board of correction, but no earlier than one year after the issuance of a final yearly report, to be submitted in the year 2024. Any time a new correctional facility is built, the board of correction shall have the option to reconvene the taskforce for the purpose of reviewing implementation of policies related to the treatment of transgender, gender nonconforming, non-binary, and intersex individuals in such facilities.

§ 2. This local law takes effect immediately.

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Proposed Int. No. 1530-A

By Council Member Moya

A LOCAL LAW

..Title

ToTo amend the administrative code of the city of New York, in relation to reporting on housing decisions made for transgender, gender nonconforming, and intersex individuals

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-157 to read as follows:

§ 9-157 Housing requests related to gender identity.­

a. On or before January 1, 2020, the department shall issue an incident level report to the speaker of the council and the board of correction on applications for housing in dedicated housing units that includes transgender, gender non-binary, and intersex individuals made during the six-month period preceding the date of issuance of such report. Such report shall include the following information for each such application: the outcome of such request; the length of time between such application and a decision on such application; if such request was denied, the reason for such denial in categories defined by the department; if an appeal was filed, the outcome of such appeal and the length of time between the filing of such appeal and the response to such appeal. Before submitting such reports, the department shall remove all personal identifiers. Any individually identifiable information contained in such reports shall not be publicly disclosed except as required by law or with the written consent of the person who is the subject of the information, or that person’s authorized representative. Notwithstanding any other provision of law, the reports required by this subdivision are not required to be transmitted in electronic format to the department of records and information services, or its successor agency, and are not required to be made available to the public on or through the department of records and information services' web site, or its successor's web site.

b. On or before January 1, 2020, the department shall publish on its website a report on applications for housing in a dedicated housing unit that includes transgender, gender non-binary, and intersex individuals made during the six-month period preceding the date of issuance of such report. Such report shall include the number of such applications, the number of such applications that were granted, and the number of applications denied, the number of such applications that were appealed, and the outcomes of such appeals. Such report shall be submitted in a machine readable format, compared to the previous four reporting periods, and stored permanently on the department's website.

§ 2. This local law takes effect immediately.

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