



REMARKS OF
COMMISSIONER CECILE NOEL
MAYOR'S OFFICE TO COMBAT DOMESTIC VIOLENCE

BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON
WOMEN'S ISSUES

June 27, 2017

Good morning Chairperson Cumbo and members of the City Council Committee on Women's Issues. I am Cecile Noel, Commissioner of the Mayor's Office to Combat Domestic Violence (OCDV). Thank you for the opportunity to speak with you about the Mayor's Domestic Violence Task Force, efforts to raise awareness and provide education about domestic violence and additional housing protections for survivors. I am pleased to be joined today by my colleagues at MOCJ, NYPD and DCA.

The Mayor's Office to Combat Domestic Violence (OCDV), which was established in 2001, oversees the citywide delivery of domestic violence services, creates innovative policies, develops crisis intervention and prevention based programs, and works to increase awareness through broad and diverse training and outreach efforts throughout New York City. OCDV also operates the City's five Family Justice Centers (FJCs) which provide comprehensive, multi-disciplinary and trauma-informed services for victims of intimate partner violence, sex trafficking and elder abuse in one location. Last year, the FJCs had over 62,000 client visits across the boroughs.

The NYC Family Justice Centers, the largest network of FJCs in the country, is just one successful initiative that this City has implemented to address domestic violence. New York City has historically, especially in the last 15 years, been a leader in our response to domestic violence through

ongoing and meaningful investments to address the issue.. In this administration alone we have, among other things, opened two new Family Justice Centers, expanded domestic violence shelter capacity and launched new initiatives focused on public housing and domestic violence, stalking, healthy relationship education for youth in foster care, increased access to mental health services for survivors and launched a new Policy and Training Institute within OCDV to expand domestic violence education for City agencies and community based organizations.

Yet, despite these achievements and marked decrease in many other crimes in the City, the rate and impact of domestic violence remains elevated. Domestic violence is a significant driver of violent crime with 19% of murders, 38% of rapes and 39% of felony assaults related to domestic violence citywide. Additionally, in 2016, there were over 83,000 calls to the NYC Domestic Violence Hotline for assistance. It is important to note that this data is just a snapshot of what domestic violence looks like in New York City, as underreporting significantly limits the ability to fully understand the scope of the issue.

The persistence of domestic violence even as the City has become safer overall led the Mayor to create the NYC Domestic Violence Task Force in November 2016. It was tasked with creating durable and effective

solutions to domestic violence by combining both criminal justice interventions and social services resources to ensure comprehensive and innovative recommendations. Co-chaired by First Lady Chirlane McCray and Police Commissioner James O’Neill, and co-led by the Mayor’s Office to Combat Domestic Violence and the Mayor’s Office of Criminal Justice, the Task Force brought together 120 experts and leaders from a broad spectrum of City agencies, elected officials, community organizations and survivors to look with fresh eyes at how New York City responds to domestic violence. The Task Force working groups maintained a victim-centered approach throughout the process, with a heightened focus on marginalized populations, including immigrants, communities of color, and LGBTQ people.

The result was a set of 27 recommendations released in April 2017, with a new \$7 million dollar investment, which aim to both hold abusers accountable and ensure that we are providing smart and effective pathways to safety, economic empowerment and trauma-informed services for survivors and their children.

The recommendations comprise 4 targeted areas that include: 1) expanding child and youth prevention and intervention, 2) enhancing criminal justice system responses, 3) strengthening New York City

communities, and 4) improving citywide coordination to maximize resources.

One funded recommendations that received resounding support from across the Task Force membership was for the Domestic Violence Task Force to continue its operations. I am pleased to share that we are currently in the process of hiring an Executive Director of the Task Force as well as a team of staff to, in collaboration with MOCJ, oversee implementation of the Task Force recommendations and set up tracking mechanisms to analyze and assess program data and outcomes, convene members to continue targeted discussions about specific challenges and areas for improvement, research current trends in the nationwide field to enhance services and interventions in the City for both survivors, children, youth and abusive partners, and develop additional recommendations to continue to move the needle forward in responding to domestic violence in New York City. We anticipate meeting on a regular basis with the Task Force membership to accomplish these goals and providing public progress updates on annual basis. Therefore the City supports the goals of Intro. 1496 and we look forward to discussing a version of the bill that is aligned with our existing plan to report on the progress of the City's implementation of the Domestic Violence Task Force's recommendations.

Several of the Task Force recommendations specifically focused on increased training for targeted City employees at the Department of Education (DOE), the Administration for Children's Services (ACS), the Fire Department (FDNY) and throughout ThriveNYC programming. The recommendations also included expanding access to healthy relationship education for DOE students and youth served through Department of Youth and Community Development (DYCD) programming.

OCDV, in collaboration with MOCJ, is eager to implement these new training initiatives with the leadership of OCDV's Policy and Training Institute (Institute), which was launched in 2016 to build awareness, skills and capacity around issues related to domestic violence throughout New York City. The Institute's training team provides education to city agency and community based organization staff to help them better understand, identify and address issues related to domestic violence. Since inception, the training team has trained over 5,000 individuals throughout the City including staff from DHS, NYPD, DOE, and DOP, as well as a diverse group of community based organizations. The Institute's training team often partners with experts in community based organizations and throughout City agencies to offer individualized trainings for targeted audiences.

The Institute also includes the NYC Healthy Relationship Training Academy, which provides interactive workshops on dating violence and healthy relationships that provide young people and parents with a meaningful opportunity to learn from trained peer educators. Training is also available for staff that works directly with young people. Since its inception in 2005, the Academy has conducted over 3,300 workshops with 60,000 youth participants.

In addition to a strong focus on in-depth and comprehensive training and policy work, OCDV also has dedicated staff that conducts outreach and training and information sessions with diverse communities, businesses, educational institutions and advocacy groups throughout New York City. Outreach is essential to the work of OCDV; we know that in order to effectively respond to the incidence of domestic violence in the City we must focus on raising awareness about domestic violence – not just during Domestic Violence Awareness Month, but every day of the year. In 2016, OCDV participated in 418 outreach events in all five boroughs. One of the industries OCDV has been focused on for several years and seeks to continue to expand our work with is salons and cosmetologists. From 2012 through 2015, OCDV conducted over 125 outreach events throughout the 5 boroughs focusing on hair and nail salons, eyebrow threading shops

and beauty supply stores. OCDV reached out to about 1,250 hair/nail/beauty businesses to raise awareness about domestic violence and trafficking and connect victims to services at the Family Justice Centers. While the New York Department of State, Division of Licensing Services oversees the licensing requirements for cosmetologists, barbers and beauticians, OCDV welcomes the opportunity and is committed to continuing outreach efforts and providing training to staff in this profession and is regularly seeking opportunities for collaboration. For example, later this year, OCDV will be participating in an Expo for professional cosmetologists through workshops, tabling and promotional activities to raise awareness about domestic violence for this population and provide information to create linkages to resources. We have an excellent working relationship with professional cosmetologists in the City and would have concerns about introducing a punitive element to that relationship. We believe that efforts to educate and inform cosmetologists about the signs of domestic violence and the resources available to victims are most effective when they are the result of voluntary collaboration and outreach, rather than regulatory mandates. In addition, the Department of Consumer Affairs (DCA) does not currently license or regulate cosmetologists and is not well situated to enforce a training requirement through the issuance of penalties

In addition to a focus on increased trainings, the Task Force also put forth recommendations to address the intersection of domestic violence and housing. We know that approximately 25% of New York City shelter admissions are due to domestic violence and that incidents of domestic violence can often directly impact a survivor's ability to maintain or remain in stable housing. At the time of the Mayor's announcement of the creation of the Task Force, there was also an announcement that the Family Justice Centers, in collaboration with the Human Resources Administration (HRA) and the Office of the Civil Justice Coordinator, were going to begin offering on-site housing legal assistance to help survivors maintain their current housing, prevent eviction and homelessness and address housing related financial issues and provide increased access to this critical service. One of the recommendations of the Task Force is for these housing legal services to continue to remain onsite at the FJCs and we are committed to ensuring that these essential services are part of the FJC service portfolio. We understand that in addition to ensuring survivors' ability to advocate for current legal housing remedies available, we also need to continue to explore legislative and procedural mechanisms to provide additional housing protections to help survivors remain in their homes. This is another recommendation of the

Task Force and we look forward to exploring this issue further with our partner agencies.

I have highlighted for you several recommendations from the DV Task Force that are particularly relevant for today's hearing. If you have not yet had an opportunity, I encourage you to review the 27 recommendations in their entirety and am happy to review in-depth any of the individual recommendations with you. Thank you for the opportunity to speak to this issue and I welcome any questions that this committee may have.



The Harry and Jeanette Weinberg Center
for Elder Abuse Prevention

at the Hebrew Home at Riverdale

Int. No. 1610

Chairperson Chin, Council Members Salamanca Jr. and Rosenthal, Members of the Committee on Women's Issues and the City Council, thank you for inviting the Harry and Jeanette Weinberg Center for Elder Abuse Prevention at the Hebrew Home at Riverdale (hereinafter "The Weinberg Center") to address you as you consider a law to amend the New York City Charter and Administrative Code of New York to mandate hairdressers to be trained on recognizing potential signs of domestic violence and to provide resources when appropriate.

The Weinberg Center, the first comprehensive elder abuse shelter in the nation, was launched at the Hebrew Home at Riverdale by RiverSpring Health in 2005 to provide emergency shelter for victims of elder abuse living in all five boroughs of New York City, to increase professional and public awareness and knowledge about elder abuse, and to build collaborative working networks in the community. All of our clients are acute elder abuse victims forced to leave their homes because they are unsafe due to ongoing or imminent danger. Many of our clients are in shelter because a professional saw signs of abuse and took affirmative action to help the victim get out of harm's way.

Elder abuse is a public health issue that has been characterized as a chronic health condition that affects 1 out of 10 older adults living in the community. Elder abuse has significant implications for the physical and financial health and well-being of older adults. Research has shown that, regardless of co-morbidities, victims of elder abuse have a 300% higher risk of death than those who have not been abused, even where the abuse is relatively mild. A victim of elder abuse is also more than twice as likely to use a hospital emergency room and twice as likely to be admitted to a nursing home than a counterpart who has not been the victim of abuse. Despite the dramatic health impact that elder abuse has on victims, health care systems and other systems serving older adults have done little to systematically identify and address elder abuse.

As a result, elder abuse victims are often hidden and isolated by their abusers, and without a trained community network, these frail adults remain invisible to most existing systems and providers. Similar to the 32BJ Building Service Employees, including doormen, and City Meals on Wheels volunteers the Weinberg Center team has trained to recognize signs of elder abuse, hairdressers are a resource in the community who may be one of the few, if not only, contacts older adults have outside their homes.

One of the most salient features of elder abuse is that victims are often isolated. Friends, family, and intimate partners pass away, children move for work or school, and older adults' mobility may be restricted from visiting loved ones. Cognitive impairment may also be a factor in the aging process which might affect an older adult's ability to make a disclosure or a report. Hairdressers are in unique position to identify elder abuse victims. Many people don't know about elder abuse so they may not think to pay attention to the signs or symptoms that they may normally pay attention to in younger victims.

Analogous to support groups, hair salons also become a safe space where women can sit among other women and have the opportunity to unburden themselves and confide about their lives as they get their hair done. Often hairdressers will hear anecdotes or comments that hint at abuse, or see a bruise in an unlikely spot. Without proper training, hairdressers may not feel comfortable or confident to provide resources or know what to say without being properly trained on domestic violence, or elder abuse specifically.

In the Weinberg Center's significant experience working with victims of elder abuse over the last decade, by the time victims come through our doors, they have passed through multiple systems and have usually been seen by a variety of professionals in the healthcare, legal, social services or law enforcement fields over an extended period of time. It is often the inaction of those professionals, as a result of privacy or liability concerns or lack of knowledge or training, that has allowed the situation to fester and escalate until the victim must take the drastic step of leaving home to seek safe shelter.

For these reasons it is of utmost importance to mandate at least one hour of training every two years to the hundreds of thousands of licensed cosmetologists in New York City. Hairdressers already give advice, a friendly ear, or suggestions to their clients. Considering 1 in 4 women experience violence in the hands of a partner in their lifetime,

it is probable that these victims have spent time talking with their hairdressers. If the survivor speaks up, hairdressers will be equipped with the skills and confidence to lend an ear and provide resources to empower their clients to make their own decision. With New York being the only state our country that has not yet implemented some kind of mandated reporting regime to ensure that certain professionals are legally required not to turn away when a vulnerable older person is in danger, hairdressers have an essential role in intervening when elder abuse is suspected as no one else is legally required to. Additionally, hairdressers can take the knowledge they obtained and look for signs of elder abuse outside the hair salon. Chicago, Illinois has already recognized the spirit of camaraderie that exists in hair salons, and have passed similar legislation, HB4264, on January 1st of this year that mandates cosmetologists to be trained on domestic violence and sexual assault once every two years without the fear of liability.

Thank you again for the opportunity to address this Committee. We look forward to continued improvements in the lives of our city's older adults through this important amendment. The Weinberg Center, in the spirit of supporting this initiative, would be interested in participating in the creation and development of the training as it relates to elder abuse.



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Testimony in relation to Int. No. 1610 & Res. No. 1292

Good morning, I am Josie Torielli, Assistant Director of Intervention & Best Care Programs at The New York City Alliance Against Sexual Assault (hereafter, the Alliance). Thank you to the Committee on Women's Issues for allowing us to address you on these important issues. The Alliance supports legislation that will reduce barriers that victims of intimate partner violence and sexual assault face when accessing the services they need and encourage you to consider how domestic and sexual violence intersect.

The Alliance supports the dissemination of information and the removal of obstacles that will allow more people to act in response to domestic abuse and sexual assault. Often, the link between intimate partner violence and sexual assault goes unaddressed. As the City Council considers these bills, the Alliance strongly urges you to consider the intersection of these issues. It is estimated that 25 – 55% of women in the US experiences physical domestic violence also experience sexual assault by the same partner.¹ Those experiencing these multiple forms of abuse are prone to longer lasting trauma, increased financial dependency on the perpetrator and safety issues.² They are even more likely to be killed.³ Furthermore, we ask that the council consider the research that disclosures of sexual assault are more likely to occur with informal support sources, especially if the perpetrator is known to the victim.⁴ Intimate partner sexual violence creates additional barriers to reporting given the many myths and misconceptions around this issue, creating a greater need for available resources. In cases of domestic violence, abusers may monitor their victim's daily activity and limit their movements. This creates a significant barrier to someone accessing the services they need to potentially escape the cycle of abuse. In cases of sexual assault, victims may feel more comfortable disclosing to a trusted source rather than a formal

¹ Bagwell-Gray, M. E., Messing, J. T., & Baldwin-White, A. (2015). Intimate partner sexual violence: A review of terms, definitions, and prevalence. *Trauma, Violence and Abuse*, 16(3), 316–335.

² Logan, T.K., Walker, R., & Cole, J. (2015). Silenced suffering: the need for a better understanding of partner sexual violence. *Trauma, Violence & Abuse*, 16(2), 111-135.

³ McOrmond-Plummer, L. (2009). Intimate partner sexual violence: Sexual assault in the context of domestic violence. Olympia, WA: Washington Coalition of Sexual Assault Programs.

⁴ Starzynski, L., Ullman, S., Filipas, H., Townsend, S. (2005) Correlates of Women's Sexual Assault Disclosures to Informal and Formal Support Sources, *Violence and victims*, 20(4), 417-432

structure. Visits to a salon may be one of the few places victims can find respite. Long-term relationships are established with these professionals, creating a safe atmosphere for conversations with people they trust. Therefore, we believe that the goal of supplying Appearance Enhancement Professionals (hereafter AEPs) with the tools and resources to adequately respond to disclosures of sexual assault and intimate partner violence is an extremely important one. These professionals could be a crucial link to services and support for people experiencing intimate partner violence.

For this reason, the Alliance is very supportive of Intro 1610 which would provide education and training for AEPs in order to adequately and positively respond to their clients who disclose. We ask the city council to consider this concept with thoughtfulness about implementation and impact. One consideration would be the financial burden on professionals who would be mandated to receive this training in order to maintain licensure. This may cause undue stress on this professional community. A second consideration would be in implementation; the Alliance would ask the council to include community based organizations for the resource and training portion of the process. CBOs are able to offer expertise and culturally relevant information related to this subject. They would also serve as a link within the professional and survivor's community and therefore be able to provide appropriate support. In addition, we ask the council to consider integration of this topic within existing educational programs and schools that train students to become AEPs.

Secondly the Alliance supports the City Council efforts to promote state legislation that would allow domestic violence victims to terminate leases before their expiration as articulated in Resolution Number 1292. The Alliance supports the City Council's objective of make this process quicker, easier and safer for survivors of domestic violence. Given the multiple barriers to the victims' safety and well-being, allowing the breaking of leases removes one obstacle and will lessen the impact on their financial security.

We thank the sponsors of these bills for addressing the crucial issue of intimate partner violence from multiple angles. We ask that you consider the intersections of domestic violence and sexual violence as you move forward with enacting these important pieces of legislation that could be the crucial connection that allows people in distress to break out of the cycle of violence.



Testimony of The Legal Aid Society

Hearing on Resolution 1292-2016

Amending the Real Property Law to allow victims of domestic violence to terminate leases upon written notice to landlords

June 27, 2017

New York City Council
Committee on Women's Issues

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On behalf of the Legal Aid Society, thank you to Chairperson Cumbo and the members of the Committee on Women’s Issues for the opportunity to testify regarding the proposed amendments to RPL 227-c. I’d also like to thank Councilmember Rosenthal for her leadership on this important issue. My name is Diane Johnston, and I am a Staff Attorney with The Legal Aid Society. My practice focuses on the intersection of domestic violence and consumer law.

The Legal Aid Society

The Legal Aid Society is the oldest and largest legal services provider for low-income families and individuals in the United States. Annually, the Society handles some 300,000 individual cases and legal matters for low-income New Yorkers with civil, criminal, and juvenile rights issues. In addition to individual assistance, The Legal Aid Society represents clients in law reform litigation, advocacy, and neighborhood initiatives, and provides extensive back up support and technical assistance for community organizations. Our law reform work benefits some 2 million low income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. Through a network of sixteen neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and special projects, the Society’s Civil Practice provides direct legal assistance to low-income New Yorkers, helping them to obtain or maintain the basic necessities of life – housing, healthcare, food, public benefits, safety, employment, and means of self-sufficiency.

As part of our Civil Practice, the Legal Aid Society’s Domestic Violence Project provides legal representation to hundreds of domestic violence survivors each year on a range of family law matters as well as immigration and economic justice issues. Through our Consumer Law Project, we also represent defendants in consumer debt and related actions in New York City’s civil, supreme and federal courts, including cases brought by landlords seeking rental arrears. My

practice was started in recognition of the intersection of these two areas and the unique financial issues domestic violence survivors face, particularly in the aftermath of financial abuse. An estimated 98% of domestic violence survivors have experienced financial abuse,¹ which can take many forms, including preventing the victim from working or sabotaging work opportunities; controlling how money is spent or access to money; withholding money for necessities like food and shelter; creating debt burdens in the name of the victim; or refusing to pay bills in the victim's name. I litigate these issues in the city's civil, supreme, and bankruptcy courts on behalf of survivors in all five boroughs.

Consequences of RPL 227-c's Deficiencies

RPL 227-c recognizes the need of domestic violence survivors to terminate their leases and vacate their apartments to seek safety. While well-intentioned, the current law is unduly burdensome and effectively bars countless survivors of domestic violence from obtaining the intended relief. Many survivors do not meet the current eligibility requirements of having an Order of Protection and/or being current on their rent. Even when a survivor does meet these requirements, the process of terminating a lease under RPL 227-c is long, confusing, difficult to navigate without an attorney, and carries what can be a very long continued obligation – one that is often impossible for survivors leaving abusive relationships with extremely limited resources.

The consequences of the law's failure can be devastating. If unable to terminate a lease, survivors may feel trapped and stay longer in an abusive, dangerous situation. Studies have found that survivors who return to their batterers often do so because they lack money or shelter.² For survivors who leave without being properly released from their remaining lease

¹ NATIONAL NETWORK TO END DOMESTIC VIOLENCE, *About Financial Abuse*, <http://nnedv.org/resources/ejresources/about-financial-abuse.html>.

² See, e.g., Michael A. Anderson et al, *Why Doesn't She Just Leave? A Descriptive Study of Victim Reported Impediments to Her Safety*, JOURNAL OF FAMILY VIOLENCE, June 2003.

obligation, continued liability can and often does lead to additional litigation, stress, re-traumatization, and an inability to secure safe, permanent housing.

In recent years, New York City has seen a significant increase in cases advocates have termed “broken lease” cases – rental arrears collection cases filed by landlords primarily in New York City’s civil courts. In Brooklyn, the Volunteer Lawyer For the Day program has handled 55 unique broken lease cases so far this year.³ Data from the Civil Legal Advice Resource Office’s (“CLARO”) consumer debt legal clinics in the Bronx, Manhattan, and Staten Island show an increase from one visitor with a broken lease case in 2009, to 95 in 2015 and 122 in 2016.⁴ Moreover, the amounts pursued are significant, averaging around \$10,428 in 2016, according to the same CLARO data. With landlords more frequently pursuing this remedy, survivors who were unable to meet the eligibility requirements and follow the procedures laid out in RPL 227-c are increasingly sued in these actions.

Coupled with ongoing issues of “sewer service” in non-consumer civil court actions, broken lease cases frequently result in default judgments against the defendants. Many of the survivors I work with are starting a new job when they learn of a judgment because their wages are garnished. Both the deprivation of income and the impact of a judgment on a survivor’s credit report are detrimental to the survivor’s ability to obtain or maintain an apartment, secure future credit and insurance, and start a new life free from abuse.

Client Stories

I’d like to share the stories of two clients who were unable to terminate their leases under RPL 227-c, and what has unfolded for them as a result.

³ Data provided by the Brooklyn Volunteer Lawyers Project, who administers VLFD in the borough.

⁴ Data provided by the Feerick Center for Social Justice at Fordham Law School, who administers the CLARO program in these boroughs.

Ms. V moved into an apartment with her then-partner, Mr. R, in 2009. Because Mr. R had poor credit, he convinced Ms. V to sign the lease in her name along with his friend. After moving, the physical abuse continued to escalate. Ms. V, as well as concerned neighbors, called the police every few months until Mr. R nearly killed her in March 2011. A concerned neighbor heard the commotion and entered the apartment, helping Ms. V flee to safety. Ms. V quickly obtained an Order of Protection from Criminal Court. She returned to the apartment only once, under police escort, and was given 15 minutes to collect whatever belongings she could. Mr. R was present at the time, making threats and requiring physical restraint by the officers. Ms. V stayed with a friend for a short time, moving into a domestic violence shelter after Mr. R violated the Order of Protection and tracked her down. She never attempted to speak with her landlord about the situation because she feared Mr. R might learn of her whereabouts as a result. Ms. V eventually moved into her own apartment, started a new job, and began to build back a life independent from Mr. R.

In 2014, Ms. V's employer informed her that her wages were being garnished. At the time Ms. V vacated her apartment, she had three months left on her lease - through the end of June 2011. Allegedly, her co-tenant and Mr. R stopped paying starting in June 2011 and remained in the apartment without making any rental payments through March 2012. Unbeknownst to Ms. V, in March 2014, the landlord filed a civil court action seeking \$8,400 in rental arrears. Because the landlord served her at an address she never lived at, Ms. V never knew about the lawsuit until after a default judgment was entered and the landlord sought to enforce that judgment. Although she did not pursue lease termination under RPL 227-c because she feared notifying her landlord and returning again to court would expose her to more violence by Mr. R, Ms. V's circumstances did not provide her with a defense to the action because she did

not follow the law's procedure. The Legal Aid Society represented her and is currently awaiting the court's decision as to whether Ms. V will have to pay thousands of dollars for months she did not live in an apartment she fled to save her own life.

Ms. B has a similar situation. After five years of increasing abuse from Mr. L, she escaped with her mother and three young children on a night that he had an accident at work requiring a hospital stay. In addition to physical violence, Ms. B experienced extreme financial abuse – Mr. L did not permit her to work or even leave the house without him. In the beginning of their relationship, Mr. L drained her savings, promising that he was about to get a promotion and would pay her back. She had no access to any money thereafter. When they moved in together, they both signed the lease since her credit was better but he was the only one with an income.

When Ms. B fled, she had only two months remaining on her lease but feared that they were already behind on rent. She contacted her landlord to explain her situation and ask if he would consider releasing her from her rental obligation and waiving her liability on the past due arrears. Ms. B was relieved when her landlord was sympathetic and verbally agreed to her requests over the phone. He never gave her anything in writing, but told her not to worry about it. It was not until Ms. B came to our office to review her financial situation that she learned her landlord had, in fact, filed a case against both her and Mr. L pursuing \$7,100 in rental arrears. Because he served her at the address she fled from, she never received notice of the action and a default judgment was entered against her. Unfortunately, RPL 227-c does not provide her with a defense to this action; she never went to court to terminate her lease after her landlord verbally agreed to release her from liability. Even if she had tried to go through the proper procedure, she

would not have qualified because she was not current on her rent and she does not have an Order of Protection.

These examples can help demonstrate how RPL 227-c, as currently written, plays out in the lives of our clients.

Amending RPL 227-c to Make It Work for Survivors

We commend the City Council's efforts to address some of the most problematic aspects of the current law. The proposed streamlining of the process from a court procedure to termination by written notice would bring this provision in line with the parallel RPL 227-a, which allows senior citizens with specific relocation needs to terminate their leases early, as well as the 26 jurisdictions⁵ in the country with similar provisions, none of which require court intervention for a survivor to terminate their lease. The process and eligibility requirements of the law should reflect (1) the urgency of domestic violence situations and specifically the danger involved at the time a survivor leaves, (2) the many ways that survivors choose to seek or abstain from various forms of assistance and services, and (3) the reality that nearly all survivors of domestic violence also experience financial abuse.

First, as the Resolution notes, leaving is often the most dangerous time for a survivor of domestic violence. The current law requires a survivor to provide ten days' notice of intent to terminate to the survivor's landlord and any co-tenants, including a co-tenant who is the abuser. The landlord and co-tenants are provided the opportunity to be heard by the court and oppose the survivor's termination. Following this process can create grave danger for a survivor. The law essentially requires a survivor to notify the abuser of his or her intent to leave the relationship, which can lead to escalation of abuse as the abuser attempts keep the survivor from leaving.

⁵ 25 states and the District of Columbia have a provision allowing survivors of domestic violence to break their lease early, including New York's neighboring states of New Jersey and Connecticut, and states with large cities with tight rental markets, like California and Illinois.

Furthermore, providing an abusive partner who is a co-tenant with the opportunity to be heard gives the abuser a platform to attempt reasserting power and control over the victim.

In addition, the lengthy timeline for lease termination under the current law does not account for the urgency of domestic violence situations, and hinders a survivor's ability to move forward. Requiring survivors to remain liable on their lease for a minimum of 30 days and as long as 150 days means that the survivor must either stay in an unsafe living situation for that time, or, more often, will have a prolonged shelter stay until they are able to start paying rent on a new lease. This situation is detrimental to both individual domestic violence survivors as well as New York City's already overburdened shelter system. Further, the prolonged period of liability can result in larger rental arrears collection cases against the survivor down the line.

Second, we support the Resolution's recognition that obtaining an Order of Protection is not always the best route for a survivor. Seeking protection from the courts can often expose a survivor to further harm and notify the abuser of the survivor's whereabouts. For survivors who have fled to a safe, confidential location, it is often preferable to avoid court proceedings if possible. We support adding the option of a law enforcement report to serve as documentation that the terminating tenant is a victim of domestic violence. However, we urge expanding this to include additional forms of documentation. As the Resolution notes, the U.S. Department of Justice estimates that nearly half of domestic violence incidents go unreported to police. While these survivors may not seek protection from the courts or from law enforcement, they may seek other forms of assistance and services for domestic violence survivors – whether from medical providers, mental health professionals, social workers, legal services advocates, victim's services offices, and/or social service providers. We respectfully suggest that New York considers following the lead of nine other jurisdictions in the country that allow survivors of domestic

violence to provide a certification from a qualified third party service provider. This would provide relief to the many survivors who could benefit from terminating their leases but who, in assessing their own situation, choose not to report their situation to the police.

Third, amendments to RPL 227-c should reflect the reality that almost all survivors of domestic violence have experienced financial abuse. Financial abuse comes in many forms. One frequent form of financial abuse is for an abuser to refuse to pay bills, like rent and utilities, or to deny the victim access to funds for necessities. As a result, many survivors of domestic violence do not have control over whether their rent is paid in full and on time, if at all. We strongly urge the City Council and the State Legislature to remove the requirement in RPL 227-c of being current on rent. Again, this change would bring the law in line with New York's parallel senior citizen provision, RPL 227-a, and with 25 other jurisdictions in the country.⁶ Landlords would retain the right to pursue past due rent, but a survivor should not be barred from terminating the lease and seeking a safe relocation because of rent owed.

Conclusion

The Legal Aid Society strongly supports the City Council's Resolution calling on the state legislature to amend RPL 227-c. The law seeks to provide essential relief to domestic violence survivors, but in practice has failed to provide its intended relief. We believe that the changes proposed by this Resolution, together with the suggestions we provide in this testimony, would allow more survivors of domestic violence to leave dangerous situations and build new lives for themselves free from abuse. The Society commends Chairperson Cumbo and the committee members for focusing on this important issue.

⁶ Utah is the only other jurisdiction that requires a domestic violence survivors to be current on rent in order to terminate. Some states also waive the survivor's liability for past rent due at the time of termination.

Good afternoon, my name is Sharlena and I am a survivor of domestic violence. I would like to emphasize survivor as I am fortunate to be standing here before you to speak with you today. There are many victims who unnecessarily met a tragic fate. I am a member of the Voices of Women (VOW), a grassroots organization of survivors of domestic violence who organize to improve the systems that abused victims rely on for safety and justice.

There are many systems whose response to survivors of domestic violence can stand to be improved however; I am here to advocate for the passage Intro 1610 for OCDV to provide training to cosmetologist on the signs of domestic violence and available resources for its victims/their clients.

It is important for us to acknowledge the crucial role that hairstylist can play in a victims life. They can notice signs of abuse like bald spots where hair once grew or bruises covered by make-up. For many, a hairstylist is a confidante and individuals may disclose their abusive relationship.

It is important that cosmetologist receive the proper training on the effects of abuse, its cycles and engaging a victim so that they are able to provide them with information on where to go for help. The information provided to survivors should be clear on next steps as navigating New York City's domestic violence response systems can be extremely confusing. In furtherance, we recommend that all trainings provided by OCDV include survivors of domestic violence to provide participants in the trainings with a comprehensive understanding what it means to be a victim of domestic violence, its cycles and how to effectively engage victims of domestic violence from a survivors' perspective.

Lastly, every survivor's story is different. Every circumstance surrounding that story is uniquely written. Therefore, we can not have a one size fit all solution to such complex problems. It is crucial to continue to explore ways of clearing the pathway to safety for survivors of domestic violence. We thank Council Members Salamanca and

Rosenthal for sponsoring this important legislation. Thank you for listening.



Legal Education and Advocacy Program

**Testimony of the Domestic Violence Early Lease Termination Subcommittee of the
DV and Consumer Law Working Group**

Hearing on Resolution 1292-2016

Amending the Real Property Law to allow victims of domestic violence to terminate
leases upon written notice to landlords

June 27, 2017

New York City Council
Committee on Women's Issues

Prepared: Jae Young Kim, Esq.
Supervising Attorney
Domestic Violence Legal Education and Advocacy Program
Urban Resource Institute

Kevitt Adler, Esq.
Staff Attorney
Sanctuary for Families
Center for Battered Women's Legal Services

On behalf of the Domestic Violence Early Lease Termination Subcommittee of the Domestic Violence and Consumer Debt Working Group, I would like to thank Chairperson Cumbo and the members of the Committee on Women's Issues for the opportunity to testify regarding the proposed amendments to RPL 227-c. I'd also like to thank Councilmember Rosenthal for taking the initiative of this important issue. My name is Jae Young Kim and I am the supervising attorney at the Domestic Violence Legal and Education Advocacy Program at the Urban Resource Institute. My practice focuses on the myriad of legal issues that domestic violence survivors face when they enter the Urban Resource Institute's domestic violence shelters, with a primary focus on immigration law issues. I am a member of a group of social and legal service providers that are working to address financial barriers survivors of domestic violence face when attempting to leave an abusive relationship.

Urban Resource Institute

Founded in Brooklyn, New York in 1980, the Urban Resource Institute, hereinafter referred to as URI, is a nonprofit organization with the mission of quality, compassionate, and innovative client-centered services to survivors of domestic violence and other vulnerable populations so that they may lead the safest and fullest lives possible. Services include domestic violence programs, homeless shelter programs,

services for the developmentally disabled, and advocacy initiatives to raise awareness of domestic violence and best practice interventions in our focus areas. Safe housing, educational support, employment training and mental health services are core components of URI's programs, which annually serve approximately 1,800 individuals living in New York City's poorest communities.

Our Domestic Violence Programs Department operates five emergency domestic violence shelters and one transitional domestic violence shelter throughout New York City, serving approximately 1,600 adults and children annually. Recognizing that residents have multiple and complex social service and legal needs which are critical for their safety, in May of 2006, URI established the Domestic Violence Legal Education and Advocacy Program, hereinafter referred to as LEAP, to educate shelter residents about their legal rights, to provide specialized direct legal services to residents in need and to provide technical assistance to shelter staff. LEAP is managed by the supervising attorney who has an on-site presence at the shelters. The attorney offers legal advice, brief services, advocacy, referrals and education involving family and matrimonial law, consumer law and credit, public benefits and criminal justice matters. The attorney also provides direct representation to residents on immigration cases including Violence Against Women Act (VAWA) self-petitions, battered spouse waivers, U nonimmigrant status, employment authorization petitions and adjustment petitions.

Domestic Violence and Consumer Law Working Group

We are a group of social and legal service providers who have come together to address the unique financial issues frequently facing survivors of domestic violence,

including economic abuse, inadequate financial literacy, the accumulation of consumer debt, and identity theft. We engage in trainings, fact-finding, including surveys, resource development, and policy and legislative advocacy to address the gap in expertise and resources of domestic violence service providers to provide assistance on the above-mentioned consumer law issues. Since 2010, the working group has also launched the DV-CLARO Project which consists of legal advice clinics for domestic violence survivors with consumer debt and credit reporting issues. The working group's current co-chairs are Theodora Galacatos, Esq. of Fordham Law School Feerick Center for Social Justice and Matthew Schedler, Esq. of CAMBA Legal Services. Our subcommittee, comprised of domestic violence and housing attorneys from the Urban Resource Institute, Sanctuary for Families, Northern Manhattan Improvement Corporation, Her Justice, and The Legal Aid Society, convened to examine how RPL 227-c could be improved to provide relief to a wider range of domestic violence survivors.

Financial Barriers to Independence for Survivors of Domestic Violence

An estimated 98% of domestic violence survivors have experienced financial abuse. Surveys of survivors have also found one of the top reasons that survivors stayed or returned to their batterers was the need for their financial support to care for their families.¹ Financial abuse can take many forms, such as withholding or controlling money, forbidding or sabotaging work opportunities for survivors, not allowing access to bank accounts or job training, committing identity theft, racking up debt or failing to pay

¹ NATIONAL NETWORK TO END DOMESTIC VIOLENCE, *About Financial Abuse*, <http://nnedv.org/resources/ejresources/about-financial-abuse.html>.

child support. Financial abuse can be devastating because of its impact on survivors' ability to start a life independent from their abusers.

The prevalence of financial barriers to independence is reflected in the homeless population of New York City. At least 1/3 of the families using New York City's family shelter system are homeless due to domestic violence² and in New York City, domestic violence is the second leading cause of homelessness.³ One key element to housing stability is economic stability. Although New York City has started various housing voucher programs to assist survivors of domestic violence in their search for permanent housing, good credit history is still a prerequisite to obtaining housing in New York City's competitive rental market. I have spoken with many residents at our six domestic violence shelters who have been unable to obtain permanent housing because of their poor credit history.

Survivors who flee their apartments without terminating their lease are at risk of damaging their credit, as landlords may pursue judgments for unpaid rent in either housing or civil court. These judgments have an adverse effect on survivors' credit histories, thereby impacting their ability to obtain permanent housing.

Safety Concerns

LEAP provides legal consultations for survivors of domestic violence during their stay at our emergency and transitional domestic violence shelters. When LEAP meets with residents, we provide a comprehensive legal and safety assessment after they have fled their abusive relationships. For many survivors, pursuing a family court order of

² NYC Consolidated Plan 2010.

³ NYC Independent Budget Office Fiscal Brief, November 2014.

protection in particular may raise serious safety concerns because: continuous contact with an abuser is necessary to litigate a family offense petition; filing a court case exposes the survivor to the risk of the abuser filing additional cases, such as a visitation or custody petition and complying with a visitation order would then require continuous contact with an abuser; pursuing legal action could provoke the abuser and lead to retaliation; and fear of contact with immigration law enforcement due to increased ICE presence around the courts. With the current RPL 227-c, survivors must then weigh the risk to their personal safety against the need to obtain an order of protection to terminate their lease, knowing the impact it may have on their ability to obtain permanent housing in the near future.

Client Story

To illustrate the safety concerns mentioned above, I would like to provide you with a client story. Ms. A had been in an abusive relationship with her partner, Mr. N. She was living in an apartment with Mr. N. for a year. However, when Mr. N's abuse grew more violent, she reached out her landlord to attempt to get out of the lease in June 2016, informing the landlord that she was a domestic violence victim. The landlord however said he would not let her out of the lease and told Ms. A she would have to go to court, as he was aware of Real Property Law 227-c. However, Ms. A. feared for her safety and knew she could no longer stay in the home so she entered into domestic violence shelter in September 2016. She asked the landlord again after entering into shelter if he would take her off the lease and he again refused.

She reached out to my office because she wanted an order of protection for protection and to terminate her lease. However, when she discovered that filing for an order of protection in family court would require several court appearances and many months of litigation as well as contact with her abuser, she was fearful and discouraged. She had curtailed the amount of work she was taking as a tutor, and avoided use of her work car and work garage because the abuser knew both where her work garage was and what her work car looked like.

Ms. A. felt frustrated because she knew that she would be unable to terminate her lease under the current law without seeking judicial intervention but she also felt that she would be unsafe if she pursued a family court order of protection. Ms. A. mentioned that she now knew that her abuser had several orders of protections issued on behalf of his ex-partners and she acknowledged that she wasn't even sure if the order of protection would deter him or make her more safe.

Ms. A. was unsure if her abuser would stay in the apartment and continue to pay rent and she was afraid the landlord would come after her for unpaid rent. She is concerned about the impact this will have on her credit history and her ability to find permanent housing. Her income was already reduced due to her safety concerns with her workplace and she knew bad credit would be another hurdle in her search for a new apartment. If she were able to terminate her lease, she would be able to focus her attention on her own safety and saving money for a new apartment.

EXPERIENCE WITH RPL 227-C FROM THE HOUSING PRACTICE OF

SANCTUARY FOR FAMILIES

Sanctuary for Families is a leading New York service provider and advocate for survivors of domestic violence, sex trafficking, and related forms of gender violence. Sanctuary serves over 15,000 survivors every year. Several years ago, Sanctuary expanded its services into housing court as a response to the increasing needs of our clients and to address the impact of financial abuse on their lives. I currently represent survivors in housing court and other housing-related proceedings.

Litigating 227-c petitions in New York City's criminal court takes substantial advocacy.

RPL 227-c requires that a domestic violence survivor have an order of protection, and that she make the termination request with the court that issued the order. One such court is criminal court. In my experience, litigating 227-c motions in New York City Criminal Court takes substantial advocacy with court staff. I have personally brought approximately five petitions under the law in the past two years, each before a different judge, and in each I had to explain in depth first to a court clerk, then to a court attorney, then to a judge how the law worked. The clerk's office in criminal court simply does not expect to receive motions from non-defendants, and even attorneys attempting to do so are treated with suspicion; a petitioner approaching the office pro se would likely be turned away.

The first time I filed an order to show cause under 227-c I spent several days and substantial correspondence convincing the clerk it was a legitimate request, before they agreed to submit the order to a judge. That judge refused to sign and told us to go to housing court, a court that lacks jurisdiction to hear these petitions under the law. It took

landlord appeared and requested an adjournment to prepare opposition papers, and the case was adjourned to a court date more than a month away. In that time, she had already fled the apartment for her safety and started paying rent elsewhere. Unfortunately, her finances were such that she was unable to pay rent on two apartments. Even if the court were to sign the order on the next appearance date, Ms. S could not remain current on her rent on that apartment through the 30-day period following the order. Because of that, she was not able to obtain a lease termination.

Conclusion

In addition to the changes proposed in the Resolution, we respectfully suggest that the City Council and the State Legislature also make the following amendments to RPL 227-c: (1) remove the requirement that a survivor is current on rent in order to terminate the lease; and (2) allow additional forms of documentation to include a certification from a qualified third party service provider, to expand access to survivors who refrain from seeking assistance from the courts and/or law enforcement.

We as a working group strongly support the City Council's Resolution calling on the state legislature to amend RPL 227-c. Although the law attempts to assist survivors fleeing domestic violence, it is unduly burdensome and its termination process creates serious safety concerns. We believe this Resolution and our additional proposed changes will provide survivors a safer and more streamlined process for terminating their leases and establishing themselves in permanent housing. We believe this Resolution, together with the changes we have suggested in this testimony, will allow survivors of domestic violence to take the next steps in establishing their independence.



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Founded in 1984 • Cecilia M. Gaston, MPA - Executive Director

**Written Comments of Cecilia Gastón, Executive Director of Violence Intervention Program
New York City Council Committee on Women's Issues
Hearing re: Intro 1610**

**June 27, 2017
10:00 a.m.**

My name is Cecilia Gastón, Executive Director of Violence Intervention Program, and I am excited to be here today to pledge my support for Intro 1610. The creative and strategic thinking behind this legislation aligns with the approaches we know to be successful at VIP. For years, we have been conducting grassroots and non-traditional outreach to places such as churches, nightclubs, and beauty salons as a way to reach those victims and survivors who may not otherwise have been able to access information about domestic violence and available services. Many clients are referred to our program by word-of-mouth and undoubtedly, hairdressers are among the people making those referrals. By providing formal domestic violence training and resource information to hairdressers throughout NYC, this legislation can effectively engage thousands of people, many of whom already play a supportive role in the life of a victim or survivor, to play a meaningful role in the anti-domestic violence movement.

In addition to voicing my support for this legislation, however, I am also here to urge the committee to consider giving culturally proficient non-profits, as opposed to city employees, the resources and responsibility to provide these trainings. I say this with the utmost respect for city employees and with years of experience in the anti-domestic violence movement here in New York City—these trainings should be facilitated by the people doing work around domestic violence within the communities where the hair salons are located. The hairdressers in the neighborhoods where we work have deep ties to the local community and to be able to tap into their network and build relationships with them would be invaluable to service providers, advocates, victims and survivors alike. If there is one thing I have learned all these years it is that the most effective social justice strategies are grassroots and community-led. Through this legislation, the City has a real opportunity to invest in an approach to combating DV that promotes the community solidarity necessary to bring DV out of the private sphere and into the light to be treated as the PUBLIC health issue that it is. I thank you for your consideration.

FOR THE RECORD



Queer Detainee Empowerment Project

About the Queer Detainee Empowerment Project (QDEP)

The Queer Detainee Empowerment Project assists folks coming out of immigration detention in securing structural, health/wellness, educational, legal, and emotional support and services. We work to organize around the structural barriers and state violence that LGBTQI detainee/undocumented folks face related to their immigration status, race, sexuality, and gender expression/ identity.

We are committed to assisting folks in building lives outside of detention, to breaking down the barriers that prevent folks from building fulfilling and strong lives, and to keeping queer families together by demanding an end to deportations/ detention/ policing. We believe in creating a narrative of thriving, not just surviving.

Our Mission

The Queer Detainee Empowerment Project (QDEP) is a post- release support, detention center visitation, direct service, and community organizing project that works with Lesbian, Gay, Bisexual, Queer, Two Spirit, Trans, Gender Non- Conforming, and HIV+ immigrant prisoners and their families currently in detention centers, those that are recently released from detention centers, and those at risk at entering immigration detention in New York City.

Our Vision

QDEP works to create a world where Lesbian, Gay, Bisexual, queer, Two Spirit, Trans, Gender Non-Conforming, and HIV+ detainees/undocumented/immigrant folks can pursue what their own vision and dreams of success is in their lives without fear of structural violence or violence due to their race, status, sexual orientation and or Gender Identity/Gender Expression.

The Issues

Lesbian, queer, bisexual, femme and transgender woman migrant prisoners experience elevated levels of sexual violence, segregation and solitary confinement while in jails, such as Rikers, prisons, and immigration prison (detention). These same women and femme folks experience elevated levels of violence at the hands of the NYPD, as well as amongst the broader civilian community of NYC, as they are especially vulnerable, as Black, Brown, Muslim and LBQT/ femme migrants. Women and femmes of this community are often in precarious immigration statuses, and frequently are forced into incredibly

deplorable employment situations, against their will, and/ or, in order to maintain housing and avoid street homelessness for themselves and their children, or the NYC Department of Homeless Services housing.

QDEP has been cited in multiple position and white papers in recent years, specifically for this testimony, the United Nations High Commissioner for Refugees (UNHCR) and the International Detention Coalition (IDC) will be cited. To this, I will directly quote the impact of our work from these papers.

Per the IDC's report on LGBTI Person in Detention, "All people are susceptible to human rights abuses in detention. However, LGBTI persons are at a heightened risk of abuse and exploitation, including:

- physical and sexual violence
- verbal and psychological abuse
- physical isolation and solitary confinement
- lack of legal recognition of LGBTI persons' identity
- inadequate vulnerability screening
- non-gender appropriate searches or forced nudity
- lack of access to medical care" ²

"Within detention facilities, there is usually a strict hierarchy, and those at the bottom of this hierarchy, such as children, the elderly, persons with disabilities and diseases, gay, lesbian, bisexual and trans-gender persons, suffer double or triple discrimination".²

As cited by the IDC, "The Queer Detainee Empowerment Project (QDEP) is a community-based care and support programme for LGBTI and HIV positive former immigrant detainees in New York City.²⁰⁶ In an effort to assist LGBTI migrants and their families transition to life outside of detention, QDEP provides case management support and referrals for housing, education, food, travel, employment, health care, legal advocacy and mental health services. They also provide a range of community support services including English classes, translation services, group therapy, financial literacy classes, and reproductive health education".²

QDEP's current policy focus:

Halt the use of administrative segregation/solitary confinement as a housing option for lesbian, queer, bisexual, femme and transgender women migrant prisoners. Rather, if women and femme folks will not be immediately released into community-based alternative to detention programs (not programs funded or directly associated with Immigration Customs and Enforcement), which said language has been co-opted by Immigration Customs and Enforcement (ICE), prioritize housing people based on gender identity, rather than biological sex. Solitary confinement is not a housing option and does not uphold international human rights standards, and thus, should be eliminated by ICE. New York City Council can lead the way in this fight, by shifting local city policy, and discontinuing segregative and solitary confinement as forms of incarceration, and ensuring that Transgender women housing exists, that is separate from male housing units.

As cited from the International Detention Coalition position paper on LGBTI detention, "Detention has many harmful effects, undermining dignity and causing unnecessary physical and mental suffering. For vulnerable populations, detention is especially harmful. The Beyond Detention strategy therefore requires prioritizing "community arrangements" for vulnerable groups, in particular for children and families. Lesbian, gay, bisexual, transgender, and intersex ("LGBTI") individuals have also been recognized as a

vulnerable population by that UNHCR, U.S. Immigration and Customs Enforcement (ICE), and the U.S. State Department's Bureau of Population, Refugees, and Migration, among others. In fact, since 2010, UNHCR has issued numerous guidelines, discussion papers, and other documents specifically addressing LGBTI asylum seekers and refugees".¹

QDEP works to build, and has been cited for Best Practices for Community-Based Alternatives to Detention. "Based on information obtained through the individual interviews, site visits, and roundtable, this section describes best practices in designing a community-based ATD program for LGBTI asylum seekers. This section also draws on the Best Practice Guide published by the LGBTI Freedom Asylum Network (LGBTI-FAN) in October 2015, as well as recommendations previously made by various organizations about best practices in ATD programs".¹

Building strong partnerships among community-based organizations is critical, as well as local, state and federal government through policy reform and abolition of violent policies. "Rarely can one organization meet all of the participants' needs. Mapping available services within the community, building trust with partners, and developing effective ways to collaborate in order to provide holistic care is therefore essential".¹ Meeting with partners, including collaboration with local government, like New York City Council, at the beginning of policy building and reform, can establish a common vision, define objectives, and clarify the partner's role can help prevent future misunderstandings or unrealistic expectations.

Hiring likely to comply with program requirements and see the asylum process through to the end. Hiring former asylum seekers or detainees who have been granted legal status as staff members is one way to both improve the organization's understanding of participants' experiences and foster leadership development.

Require thorough trainings for staff, management, and all partners

All staff and management, as well as all community partners, should receive in-depth training in a number of areas, including but not limited to: the asylum process; ICE policies and directives; reporting requirements; issues and laws relevant to LGBTI asylum seekers; cultural competency; sensitivity to the diversity of people included under the LGBTI umbrella; working with survivors of trauma, persecution, and torture; recognizing and addressing implicit bias; empowerment and leadership development; managing burnout; and active listening. Training should not be a one-time event but should be provided in an ongoing fashion to ensure that staff and management continue to deepen their own knowledge and understanding.

Provide comprehensive and coordinated care

One of the advantages of the case management provided QDEP, through our community-based model, is that services can be tailored to each woman/ femmes participant's individual needs and goals. The types of services generally needed to provide holistic care to detained immigrants, which will "include: housing assistance; transportation; legal services, including access to pro bono or low cost representation; medical care; mental health care and counseling; support groups; ESL classes; financial literacy classes; and job training and placement".¹

Provide an accessible and safe office location is imperative for programs like, QDEP to function. We need funding from city council to build out space infrastructure to build a location for meeting and check-ins that are safe for women, especially transgender women, and femme folks. The area must be a safe area where LGBTI individuals do not feel at risk, including by the NYPD. The office should also be easily

accessible by public transportation, since many asylum seekers either do not drive or do not have access to a car. QDEP facilitates travel to the office, as this promotes compliance and removes the risk of missed ICE appointments, and the possibility of recidivism in the ICE industrialized prison complex. QDEP has created a culturally aware program, where efforts are made to reassure LGBTQI/ HIV+ participants are welcome and will be treated in a respectful, dignified manner.

To lead the way for LGBTQI understanding, we must collect, analyze, and report data

QDEP collects data, but needs funding from city council to fund and assist in creating a model in NYC, that carefully collects data is critical in order to accurately measure compliance rates and evaluate the success of such programs. New York City Council should partner with QDEP and similar organizations, to create an example and set a standard of how to work with LBTQ/ HIV+ femme and women for a national shift on how to work with the community. Systems should be in place to collect and report all relevant data. This information that is collected and “analyzed should include: (1) data on compliance with check-ins, attendance at court hearings, case outcomes, and compliance with final orders of removal or voluntary departure; (2) data on the demographics of the participants themselves, including their age, nationality, gender identity, and sexual orientation; (3) data on the types of services provided, including whether the participant had legal representation, what types of services the participant received, and whether participant’s needs and goals were met; (4) data on the number of cases per case manager, wait times, and evaluations of individual case managers by participants and management; (5) data on the number and nature of grievances filed; and (6) data on cost. This data should be publicly reported”.

Housing of immigrant prisoners

Prohibit the use of administrative segregation/solitary confinement as a housing option for LBQTI/ HIV+ women and femme immigrant prisoners and prioritize housing people based on gender identity rather than biological sex. The use of solitary confinement as a housing option does not comply with human rights principles and should be eliminated by ICE.

As cited from the IDC, “Under no circumstances should LGBTI persons be subjected to the practice of solitary confinement for purposes of regular immigration and border governance. The placement of LGBTI persons in ‘protective’ solitary confinement, whether temporarily or for prolonged periods, is recognised as physically and psychologically destructive and can lead to permanent mental and physical health issues. Instead, States should prioritise the implementation of LGBTI-sensitive alternatives as a matter of priority”.²

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**Testimony of New Destiny Housing Corporation
Committee on Women's Issues
June 27, 2017**

**Submitted by
Carol Corden, Executive Director**

New Destiny Housing Corporation, a nonprofit established in 1994, is dedicated to the long term safety and stability of survivors of domestic violence and others at risk of homelessness. Among our programs is Project HOME, a partnership with the Mayor's Office to Combat Domestic Violence that helps survivors of domestic violence to find safe, affordable housing.

New Destiny supports New York City Council's Intro 1610, which requires the Mayor's Office to Combat Domestic Violence to offer resources and trainings to hairdressers to help them recognize potential signs of domestic violence in their clients and offer resources to survivors. Since domestic violence is primarily (though not exclusively) a crime against women, this bill, by bringing resources to hair salons, gives victims yet another way to get critical information about available help. By encouraging professionals such as hairdressers to understand and recognize domestic violence, this bill will be a valuable addition to the ways in which domestic violence victims are reached.

All too often, the stigma associated with domestic violence and the fear of violence keeps victims from reaching out for help. According to the National Coalition Against Domestic Violence, only 34 percent seek medical treatment and only 25 percent report the incident to police. By offering information and resources in an informal, non-stigmatized setting, this bill will encourage more victims of domestic violence to get the help they need.

Contact: Carol Corden, Executive Director
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June 22, 2017

Chairperson Lauri A. Cumbo
250 Broadway Suite 1792
New York, NY 10007

Chairperson Cumbo and Members of the Committee on Women's Issues:

On behalf of the Professional Beauty Association, I would like to show our support for Intro 1610 and urge its passage. Intro 1610 requires the Mayor's Office to Combat Domestic Violence to offer resources and trainings to hairdressers to help them recognize potential signs of domestic violence in their clients and offer resources to survivors.

We know that 1 in 3 women and 1 in 4 men in the United States have experienced rape or domestic violence in their lifetime. That means on average, 24 people per minute are victims of these crimes—totaling 12 million people over the course of one year. Locally, recent city statistics show that intimate partner homicides spiked 20 percent last year, even while other serious crimes continue to decline.

The trust that often exists between professional hair stylists and their clients creates an opportunity to connect victims of domestic abuse with information about local services and resources. These professionals can serve a helpful role in spotting signs of abuse and connecting victims that wish to seek out services with the appropriate resources.

Specifically, any cosmetologist practicing in the city would be required to complete a free training focused on recognizing signs of domestic violence every two years. The professionals at the Mayor's Office to Combat Domestic Violence will provide the free training sessions.

Additionally, the passage of Intro 1610 is particularly important in immigrant communities, where escalated fears surrounding immigration status and potential deportation have resulted in a drop in domestic violence reporting.

For these reasons, the Professional Beauty Association urges your support of Intro 1610. If you have any questions regarding this matter, please do not hesitate to contact me.

Regards,



Bridget Sharpe
Government Affairs Manager
Professional Beauty Association
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June 22, 2017

Chairperson Lauri A. Cumbo
250 Broadway Suite 1792
New York, NY 10007

Chairperson Cumbo and Members of the Committee on Women's Issues:

I would like to show support for Intro 1610 and urge its' passage. One of the things that Intro 1610 requires is for the Mayor's Office to Combat Domestic Violence by offering resources and trainings to hairdressers in order to help them recognize potential signs of domestic violence in their clients. As the owner of five salon locations in Manhattan and Brooklyn, I believe this legislation will be beneficial to my 220 employees and the 30,000 + clients they serve. The trust that often exists between professional hair stylists and their clients creates an opportunity to connect victims of domestic abuse with information about local services and resources. These professionals can serve a helpful role in spotting signs of abuse and connecting victims that wish to seek out services with the appropriate resources.

I have been a licensed hairdresser for 35 years and currently serve as a board member for the Professional Beauty Association (PBA), the largest national trade association representing manufacturers, distributors, salon owners and licensed professionals. PBA has supported similar efforts via CUT IT OUT: Salons Against Domestic Abuse. CUT IT OUT is dedicated to mobilizing salon professionals and others to fight the epidemic of domestic abuse in communities across the U.S. by building awareness and training salon professionals to recognize warning signs and safely refer clients, colleagues, friends and family to local resources.

We know that 1 in 3 women and 1 in 4 men in the United States have experienced rape or domestic violence in their lifetime. That means on average, 24 people per minute are victims of these crimes—totaling 12 million people over the course of one year. Locally, recent city statistics show that intimate partner homicides spiked 20 percent last year, even while other serious crimes continue to decline.

As a New York City resident and business owner, I am proud to support the efforts behind Intro 1610. I urge your support of Intro 1610. If you have any questions regarding this matter, please do not hesitate to contact me.

Regards,

Scott Buchanan
Owner, Scott J. Aveda Salons
scott@scottj.com

**New York City Council
Committee on Women's Issues
Council Member Helen Rosenthal, Chair
June 26, 2017**

LiveOn NY thanks Committee on Women's Issues Chair Helen Rosenthal for holding this hearing on the important issue of education, reporting, awareness and prevention of domestic violence.

Elder Abuse Initiative (EAI) and Domestic Violence Issues facing Older New Yorkers

With generous grant funding from the New York Women's Foundation, LiveOn NY developed the Elder Abuse Initiative (EAI) to advocate for systemic policy changes that would improve elder abuse victims' and prevention services, as well as the handling of elder abuse cases by institutions such as the New York City Police Department (NYPD) and financial institutions. LiveOn NY also advocates for city and state funding for elder abuse victim and prevention services. LiveOn NY also works with domestic violence (DV) organizations to ensure elder abuse is specifically addressed in the context of domestic violence and understood.

One major part of the EAI is to support the community based organizations, all of which are LiveOn NY members, that are contracted through the Department for the Aging (DFTA) to provide elder abuse victim and prevention services throughout the five boroughs. These multi-service organizations work tirelessly to provide vital services throughout New York City.

LiveOn NY stands by the commitment to ensure that women can live free from violence and exploitation throughout their later years. Specifically, the data reveals that the substantial majority of elder abuse victims are women. By raising awareness, paying attention to cultural diversity and focusing on low income women, LiveOn NY is making an immediate and systemic impact on the quality of life and wellbeing of women.

The impact of the EAI is to systemically change the conversation so that elder abuse is as recognized and supported in the city's efforts to combat domestic violence. We know that those who experience a deeper level of marginalization through poverty, race, ethnicity, language, disability, immigration and other systemic factors have the greatest needs. It is often women who are barely able to support themselves financially who are at the greatest risk. Too often they are the sole financial and housing support for their children or grandchildren and do not want to report abuse that would expose their relatives to criminalization. Our work, together with the NYWF, aims to change the system to ensure that women are protected in later life.

LiveOn NY's Collaborative work with the New York City Police Department (NYPD)

LiveOn NY commends the work of the NYPD on their efforts to ensure elder abuse victims and issues are addressed in their work on domestic violence cases. Over the past 5 years, LiveOn NY has developed a strong working relationship with the NYPD on addressing elder abuse. The NYPD Training Division requested that LiveOn NY to help develop a training video on Elder Abuse, which will be shown during Roll Call and other NYPD trainings to officers. LiveOn NY convened a working group of our elder abuse victims service provider members to develop the content for this video, which is nearing completion.

LiveOn NY also sits on Deputy Commissioner Susan Herman's Crime Victims' Advocates Task Force, which meets quarterly to gather input on how the NYPD can better serve crime victims. LiveOn NY is the voice for the elder abuse community.

One recent development that came through these efforts is the NYPD rollout of the Crime Victims Assistance Program (CVAP). This program places 2 victims' advocates in each precinct, one of which will focus on



Making New York a better place to age

domestic violence and elder abuse and the other covering all crimes. The program is currently rolling out in a number of precincts, and will eventually cover the entire city. This will be the largest victims' advocates program in the nation, and will be an important service to help make precincts more welcoming to elder abuse and crime victims.

LiveOn NY's Collaborative work with the Mayor's Task Force to Combat Domestic Violence

LiveOn NY was proud to serve on the recently convened Mayor's Task Force to Combat Domestic Violence, along with DFTA Commissioner Donna Corrado, and other elder abuse service providers and leaders. LiveOn NY commends the work the city continues to do to focus on domestic violence as well as ensuring that elder abuse is part of those discussions. LiveOn NY has also met with the Mayor's Office to Combat Domestic Violence Commissioner Cecile Noel and has appreciated the openness of the office to work on these issues.

LiveOn NY NYC Elder Abuse Roadmap Process

In late 2015, LiveOn NY convened over 50 thought leaders and key stakeholders, including leaders from City Council, DFTA, NYPD, the Mayor's Office to Combat Domestic Violence and others, for a two-part facilitated discussion with the goal of localizing the issue of elder abuse and building broad based consensus for practical, attainable goals and policies in New York City.

Participants included leaders from multiple disciplines including government, law enforcement, legal community, direct and social services, foundations, domestic violence, financial industry, healthcare and others. Participants engaged in an energetic and synergistic exchange of ideas, and identified key challenges and recommendations to address specific issues relating to elder abuse. The final report titled *NYC Responds: Shared Responsibility: Joint Action Developing a NYC Roadmap to Address Elder Abuse* provides concrete action steps to address issues such as financial exploitation and fraud.

LiveOn NY Recommendations

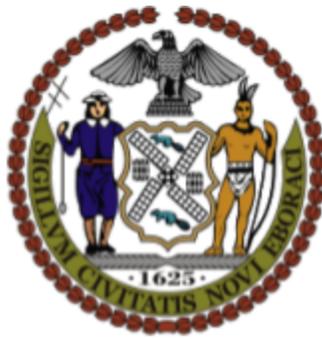
While LiveOn NY does not take a position on Int. No. 1496, 1610 or Res. 1292 at this time, we commend City Council for discussing these issues. LiveOn NY recommends that policies and efforts to address domestic violence continue to address the unique needs and situations older victims face, such as those that relate to family dynamics and recognizing the unique signs of elder abuse, among others, to ensure elder abuse is recognized and supported in the city's efforts to combat domestic violence. LiveOn NY also recommends that the city continue to include input from older adults, the community of aging service providers, particularly the elder abuse victims service providers contracted through DFTA, organizations representing immigrant communities and other aging advocates.

LiveOn NY thanks Chair Rosenthal, the Committee on Women's Issues and City Council for holding this hearing and for the opportunity to testify on these issues. LiveOn NY looks forward to working with City Council and the Administration to make New York a better place to age.

About LiveOn NY: LiveOn NY's mission is to champion the rights of older adults to make New York a better place to live. Founded in 1979, we are at the forefront of shaping the future of aging by developing new ideas that take the form of advocacy, policy and program development. We have a membership base of over 100 organizations that provide more than 600 community based programs which range from individual community based centers to elder abuse prevention and victims' service providers to large multi-service organizations. Our policy, advocacy and research focus on issues critical to older adults and the direct services we provide have an immediate impact on those in need. We also support community programs by providing capacity building assistance, educational opportunities and serving as an incubator where aging services can come together to share information and exchange ideas. Our goal is to help all New Yorkers age with confidence, grace and vitality.

**RAFAEL SALAMANCA, JR.
17TH DISTRICT, BRONX**

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**Sponsor Testimony for Int. 1610-2017
June 27, 2017**

Chair Cumbo and Members of the Committee,

I'm pleased to be joined by Council Member Rosenthal in sponsoring what I believe could provide additional opportunities to identify and ultimately gain assistance for victims of domestic violence here in our city. As we all know, cosmetologists can often be stalwart and trusted members of a community, with many of us - myself included - frequenting the same barber, hair stylist or nail salon for years on end, creating relationships with these individuals who help us look our best.

This sense of familiarity and trust is what we are trying to harness through Intro 1610. With instances of undetected domestic violence unfortunately ticking upward in many parts of the city, this legislation could possibly provide another outlet for victims to seek help. Specifically, providing cosmetologists with the training needed to identify potential signs of domestic violence is a sensible way to connect those in need with city resources more quickly.

While a creative idea, New York City would not be the first municipality to enact an initiative like proposed Intro 1610. Numerous other cities, including Chicago, have already successfully implemented domestic violence training for local cosmetologists that aims to connect potential victims with the resources they may need.

Additionally, my office as well as Council Member Rosenthal's have been working diligently to garner input from national, state and local industry associations, domestic violence prevention organizations and local cosmetologists, some of which you will hear from today. As we move forward, we will certainly be welcoming their input to make the bill better if necessary. Intro 1610 I believe could be another strong tool presented by this Council in the ongoing fight against domestic violence. Along with the DOVE initiative, the other legislation presented today and really the great work being done by Chair Cumbo and the Women's Issues committee, we are on the right path.

With that said, in my community in particular, which is comprised of a large immigrant community who may be afraid to report instances of domestic violence in what is a politically charged environment that seems to be stacked against both immigrants and people of color, their cosmetologist could be their last hope. That's why I will be fighting strongly to pass this bill into law before the end of this session.

I thank the Chair today and look forward to continued debate on this bill.

Thank you.

Good afternoon, my name is Sharlena and I am a survivor of domestic violence. I would like to emphasize survivor as I am fortunate to be standing here before you to speak with you today. There are many victims who unnecessarily met a tragic fate. I am a member of the Voices of Women (VOW), a grassroots organization of survivors of domestic violence who organize to improve the systems that abused victims rely on for safety and justice.

There are many systems whose response to survivors of domestic violence can stand to be improved however; I am here to advocate for the passage Intro 1610 for OCDV to provide training to cosmetologist on the signs of domestic violence and available resources for its victims/their clients.

It is important for us to acknowledge the crucial role that hairstylist can play in a victims life. They can notice signs of abuse like bald spots where hair once grew or bruises covered by make-up. For many, a hairstylist is a confidante and individuals may disclose their abusive relationship.

It is important that cosmetologist receive the proper training on the effects of abuse, its cycles and engaging a victim so that they are able to provide them with information on where to go for help. The information provided to survivors should be clear on next steps as navigating New York City's domestic violence response systems can be extremely confusing. In furtherance, we recommend that all trainings provided by OCDV include survivors of domestic violence to provide participants in the trainings with a comprehensive understanding what it means to be a victim of domestic violence, its cycles and how to effectively engage victims of domestic violence from a survivors' perspective.

Lastly, every survivor's story is different. Every circumstance surrounding that story is uniquely written. Therefore, we can not have a one size fit all solution to such complex problems. It is crucial to continue to explore ways of clearing the pathway to safety for survivors of domestic violence. We thank Council Members Salamanca and

Rosenthal for sponsoring this important legislation. Thank you for listening.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1496 Res. No. _____

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Jamila Hammami

Address: 335 e 94th at #4 NY, NY 10128

I represent: Queer Detainee Empowerment Project (QDEP)

Address: 521 W. 126th St NY, NY 10027

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1610 Res. No. 1292

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Josie Torielli

Address: 32 Broadway Suite 1101 NY NY 10004

I represent: New York City Alliance Against
sexual assault

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1292-2016

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Diane Johnston

Address: 153-01 Jamaica Ave, Ste. 202, Jamaica NY

I represent: The Legal Aid Society

Address: same as above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1292-2016
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jae Young Kim
Address: URI, 75 Broad Street, Ste 505, New York
I represent: Urban Resource Institute NY
Address: DH Consumer Law Working Group 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 6/30/11

(PLEASE PRINT)

Name: Alex Chernyavsky - NYPD Director of Legislative Affairs
Address: _____
I represent: NYPD
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1610 Res. No. _____
 in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Marlene Riguelme
Address: 531 W. 211th St., #32B, New York, NY 10036
I represent: The Harry and Jeanette Weinstock Center for Elder Abuse Prevention at the Hebrew Home at Riverdale
Address: 5901 Palisade Ave, Riverdale, NY 10471

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Chief Martin Morales - Commanding Officer

Address: Domestic Violence Unit

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/27/19

(PLEASE PRINT)

Name: Cory Adams

Address: 42 Broadway

I represent: NYC Dep't Consumer Affairs

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: COMMISSIONER CELE NOEL

Address: _____

I represent: MAYOR'S OFFICE TO COMBAT DOMESTIC VIOLENCE

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Alex Crohn

Address: General Counsel

I represent: Mayor's Office of Criminal Justice

Address: 1 Centre Street NY, NY

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1610 Res. No. _____

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Cecilia Gaston

Address: City

I represent: Violence Intervention Program

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Quenia Abreu

Address: 157 West 82nd St.

I represent: NY Women's Chamber of Commerce

Address: 1524 Amsterdam Ave.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1610 Res. No. _____

in favor in opposition

Date: 6/27/17

(PLEASE PRINT)

Name: Sharlena Powell

Address: 3405 Gates Place, Apt. 1F Bronx,

I represent: Voices of Women New York 10467

Address: Organizing Project - Non Profit.
(confidential)

Please complete this card and return to the Sergeant-at-Arms