

## DC GOVERNMENT POLICY ISSUES

From: DC Mayoral Candidate Ernest Johnson

### **HOUSING**

**1. How would you direct the Department of Human Services to conduct monitoring of singles shelters to ensure that LGBTQ applicants are admitted to a shelter that corresponds to their gender identity and do not face discrimination while residing there, as required by law? Explain.**

Yes. Monitoring of singles shelters to ensure that LGBTQ applicants who are admitted to a shelter that corresponds to their gender identity and do not face discrimination could be ensured by requiring that records be maintained to enable DHS to identify any applicant denied admission to a shelter and to ascertain whether there has been any discrimination based on gender stereotypes for example by refusal to admit an applicant to a homeless shelter or telling an applicant housing is unavailable, when it is available. Periodic reports should be submitted to DHS to enable random checks to be made, and to assess the accuracy of reporting and compliance with Housing and Urban Development's (HUD) 2016 final rule entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs (CPD)." The final rule requires that recipients and sub-recipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program to grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner, that affords equal access to the individual's family.

A Rapid Response system could be established and publicized, so that those who feel aggrieved could file a complaint, expeditiously receive a response, and where discrimination found, obtain redress, while still in the process of looking for shelter – not weeks or months later. To inform the LGBTQ community of their rights and the complaint process, DHS could partner with community groups to host public events. Also, interviews with those in shelters shelter could be required to better understand their experiences and determine any need to reforms that would better protect the rights of LGBTQ applicants. Keeping an open line of communication can instill trust and lead to a better relationship with LGBTQ individuals and staff persons. Also, conducting training for staff persons on how to properly engage with LGBTQ individuals and how not to engage with them. This would could be a proactively step to increase the likelihood that LGBTQ individuals do not face discrimination while residing in a shelter.

### **HEALTH**

**2. How would you direct the Department of Health to work with a community advisory group and allocate necessary resources to ensure the annual completion and issuance of a trans-inclusive LGBT Health Report? Explain?**

Yes. A community advisory group could be the DH's direct link to primary stakeholders and their constituents. Partnering with a community advisory group through regularly scheduled meetings

would enable the DH to best understand the health needs of the community (a written and/or oral survey) and provide suggestions for the best way to respond to those needs. Information received from the community advisory group or would provide the basis for an annual trans-inclusive LGBTQ Health Report, and enable the DH to make informed decisions about allocation of resources to address the community health needs. Allocating the necessary resources to ensure the annual completion and issuance of a trans-inclusive LGBTQ Health Report would be important because the LGBTQ community should be treated in the same regard as nonmembers of the LGBTQ community when it comes to health.

According to a report by the National LGBTQ Health Education Center there is a long history of anti-LGBTQ bias in health care that continues to affect health-seeking behavior and access to care for LGBTQ individuals. Achieving the goal of transgender equality requires activism at the local, state and national levels. Communities can advocate for LGBT individuals by protesting, writing letters, and encouraging the DC Government to be inclusive and not leave out any individuals from obtaining the best care. It is important to have an annual LGBT health report because providing inclusive, high-quality health services to LGBT individuals allows them to achieve the highest possible level of health.

**3. How would you support budgets that target funds to address LGBTQ health disparities, including in mental health and substance abuse treatment, and mandate data collection on these populations across all programs? Explain?**

Yes, I would submit budgets that target funds to address LGBTQ health disparities by, among other things:

- Being an advocate for the LGBTQ community. This would give the LGBTQ community assurance that there is someone giving voice to their interest and concerns.
- Speaking directly to health care providers about the importance of health care for all individuals and make it clear that health care treatment should not be denied because someone identifies with the LGBT community.
- Providing funding for programs that are geared towards improving the health of LGBTQ individuals. This would be a great way for individuals to get the undivided attention they deserve without having to feel discriminated against because there will be programs that will help ensure the rights of each individual.

Supporting a budget that addresses LGBTQ health disparities would help assure that the LGBTQ community would be treated in the same regard as other individuals who do not identify as LGBTQ. According to Funders for LGTBQ Issues, LGBT people are at greater risk for mental and behavioral health challenges and for diseases such as cancer, heart disease, and HIV/AIDS. They are more likely than their straight people to lack health insurance, and they face other barriers to accessing healthcare – especially among those who are transgender, people of color, undocumented, or low-income.

The lack of data on sexual orientation and gender identity deprives policymakers of an essential tool with which to craft policies that have the potential to significantly affect the lives and wellbeing of LGBT people and their families. Sexual orientation and gender identity, or SOGI, data are a critical component of accurately assessing the current problems that LGBT people experience, such as mental health and substance use disparities and barriers in access to health insurance coverage and health care, and developing effective policies and programs to address them.

To improve data collection surveys coordinated by the federal government are an essential source of data about the U.S. population that disparities related to sexual orientation and gender identity. Currently the Behavioral Risk Factor Surveillance System, or BRFSS, is the largest continuously conducted health survey system in the world. In 2013, the Centers for Disease Control and Prevention (CDC) developed a question module for BRFSS to collect data on sexual orientation and gender identity. This SOGI module follows the recommendations of the expert Sexual Minority Assessment and Research Team, or SMART, and the Gender Identity in U.S. Surveillance, or GenIUSS, Group about how to optimally design sexual orientation and gender identity questions.

Adding SOGI questions to health surveys, such as BRFSS, is critical for advocates, researchers, policymakers, and service providers who need comprehensive and accurate data on the LGBT population. To most effectively assess and address health disparities affecting the LGBT population, all states and territories should collect SOGI data using the CDC-approved module on their BRFSS questionnaires.

**4. How would you support legislation to boost public awareness of pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) as options to prevent HIV infections through the distribution of information in health settings in accordance with Department of Health guidelines? Explain?**

Supporting legislation to boost public awareness on PrEP and PEP can be done by spreading awareness on the benefits of these two solutions and educating more people about these options to prevent HIV. Also, contacting Congress and urging their support as well. According to the World Health Organization (WHO) the efficacy of oral PrEP has been shown in four randomized control trials and is high when the drug is used as directed. As of September 2015, WHO recommends that people at substantial risk of HIV infection should be offered PrEP as an additional prevention choice, as part of comprehensive prevention.

Bringing awareness among the general public could be by speaking with your healthcare provider about possible options and speaking with organizations that promote sexual awareness. Information about PrEP can be found online on the Centers for Disease Control and Prevention (CDC) website. Talking to a healthcare provider about options and risks is also a practical way to gain information.

## **JUDICIARY**

**5. Do you support Bill 22-0515, 'Reducing Criminalization to Improve Community Safety and Health Amendment Act of 2017', to improve community safety and health by removing criminal penalties for engaging in commercial sex? Explain?**

Yes. When sex workers interact with the justice system their experience is traumatizing and stigmatizing arrests and instances of harassment from police officers. Reducing Criminalization to Improve Community Safety and Health Amendment Act of 2017 would decriminalize commercial sex, and also “rid criminal penalties for consenting adults, decriminalizing buying and selling sex.”

This bill would benefit sex workers who are victims of crimes but are often not comfortable reporting them to authorities for fear of being arrested themselves. Activists contend that the bill would also make it easier for sex workers to find other jobs and housing because they would not have prostitution-related arrests on their records.

The American Civil Liberties Union of the District of Columbia (ACLU-DC) has long opposed the criminalization of consensual sex work. In addition, the ACLU-DC believes that any law that criminalizes consensual sex between adults is a violation of the right to individual privacy that should not be subject to government interference. The ACLU-DC is also a member of the Sex Worker Advocates Coalition.

Council Chairman Phil Mendelson is against the law. In a statement he said, “We have amended the current law over the years to recognize that sex workers are often the victims of trafficking. Moreover, the penalties for first-time offenders are minor. But there is a great deal of collateral crime associated with prostitution, and it often presents a public nuisance. Accordingly, the District should not legalize this activity.”<sup>1</sup>

Tina Frundt, Founder and Executive Director, of Courtney’s House, a program that helps young people escape their traffickers, believes the bill will make it easier for pimps to open brothels without fearing intervention from police. It is a criminal enterprise, and by decriminalizing it, making it easier for bad people to commit crimes. Frundt is also a survivor of domestic sex trafficking, and she dedicates her life to helping women and children heal from domestic sex trafficking and commercial sex exploitation.

**6. What opportunities would you support through legislation to improve the lives of marginalized (citizens) who engage in commercial sex work? Explain?**

I would support legislation that decriminalizes prostitution by distinguishing between adult prostitution and non-consensual human trafficking. There is a difference between people who are forced to have transactional sex through trafficking and those who choose independently to have transactional sex. Legislation that recognizes this distinction would help protect currently vulnerable sex workers from the criminal justice system, abuse, disease, and possibly unfair wages. Decriminalization is the best means of decreasing harm and promoting agency amongst people in the sex trade. Poverty, gender inequality, inadequate education and lack of economically viable job options contribute to the reasons people enter into sex work, but these conditions are rarely mentioned in the public policy debate on sex work.

Comment [O1]:

Sex workers generally need what all people need to build better lives for themselves and their families: Access to education, language and literacy programs; programs that help them build businesses and manage their money; and peer support to end their isolation, could contribute to sex workers building better lives for themselves and their families .

I would support also legislation that incorporates a realistic and effective policy model on sex work to include:

- Enforcement of laws against assault, extortion and other human rights abuses committed against sex workers;
- Access to health care, job training, education, and opportunities to make a living wage for those who need them;
- Education on ways to prevent the spread of HIV/AIDS;
- Training to help sex workers identify and aid victims of human trafficking;
- Training in business and money management; and
- Reduction in social stigmas that often prohibit sex workers from moving into other forms of labor if they want to do so.

I would also support legislation that allows commercial sex workers to use criminal law to seek redress from acts of exploitation.

**7. What opportunities would you support through legislation to improve the lives of marginalized citizens who resort to sex work for survival? Explain?**

We must change public policy to provide opportunities that give people some control over their own lives. Survival sex is a non-financial transaction. Survival sex is, quite simply, exchanging one's body for basic subsistence needs, including clothing, food, and shelter. Clothing, food and shelter are the needs that compel trading one's body for subsistence needs. Therefore, I would support legislation that provides job training, education, and opportunities to make a living wage.

I support legislation to expand access to and availability because shelters and other housing because homelessness is the primary driver of survivor sex. Opportunities to be supported would include also soft skill development, interim financial assistance, mental health, and spiritual support to enable citizens who resort to sex work for survival to manage a successful future as a survivor – to the benefit of the individual, within their family, and within the community.

**8. Do you support a reintroduced Bill 20-63, the Police Monitoring Enhancement Amendment Act, to give the Office of Police Complaints unfettered access to information and supporting documentation of the covered law enforcement agencies? Explain?**

Yes. The Police Monitoring Enhancement Amendment Act would give the Office of Police Complaints access to information and supporting documentation of the covered law enforcement agencies to improve the monitoring and evaluation activities of the Police Complaints Board. The bill would expand the authority of the Police Complaints Board to monitor complaints filed with D.C. Police and Housing Authority cops. The reintroduced bill could reduce police abuse, improve the consequences for officers, and improve the way complaints are handled and ensure they are resolved.

To enable the Office of Police Complaints to conduct informed reviews, the Office should have full and unfettered access to the relevant record. Knowing details of how our police engage with the community members is key to maintain trust and improving relations between the police and those who are served, maintaining the integrity of and effective delivery of policing services. The Office of Police Complaints (OPC) currently has authority to address individual complaints against MPD officers, analyze trends based upon those complaints, and make policy recommendations to MPD when complaint trends point to a particular problem.

**9. Do you support legislation to develop an avenue for sealing court-ordered name and/or gender/sex change process? Explain?**

Yes. Sealing records of name and/or gender/sex change would balances a desire to free individuals from the burdens caused by information contained in state records, while maintaining the government's privilege to access this information when required. Record sealing would reduce the likelihood of potential discrimination against gender non-conforming and transgender people by employers, landlords, or anyone else who is able to see birth record changes in the public record.

In view of the fact that people move across state lines and the variation of legal protections by the state/city, the mobility of residents, legal protections for gender identity/expression would be best afforded by sealing records. This would safeguard the individual's access to employment, remove a potential barrier to finding working outside the underground economy, minimize harassment, foster an inclusive education environment and eliminate other acts of discrimination that could significantly impact a person's quality of life and ability to sustain themselves financially and emotionally. Moreover, if a person has undergone a process to change their name/and or gender/sex, they should have the right and the privacy to do so.

## **HUMAN RIGHTS**

**10. While the unemployment rate in the District is 6.6%, approximately half of transgender people in DC report being unemployed. What steps will you take to address this persisting economic disparity in a timely and sustainable manner? Explain?**

The persistent economic disparity of employment among transgender can be addressed by increasing awareness within the transgender community of their legal protections and how to seek legal help in making a claim of discrimination. Also, there should be strict accountability for employers found to have engaged in discrimination. Training should be required for all employers to ensure they understand and consistently follow the law.

Under the laws of the U.S. Equal Employment Opportunity Commission (EEOC), it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. To see if employers are being truthful on reasons they hire, decline, interview, or decline to interview there should be records of demographics that each employer should have that will give a good estimate as to what type of candidate was more likely, or not likely, given a fair chance at a position.

A publicity campaign using all media should be undertaken to heighten community awareness of the transgender community's equal protection under the law. Town hall meetings could be held to inform the public of DC laws and to solicit feedback from the community about measures that could be implemented to better protect their rights. Regularly scheduled Job Fairs could bring together employers and prospective employees from the transgender community.

## **YOUTH**

**11. How could you ensure improved services and treatment for homeless LGBTQ youth, including transitional housing? Explain?**

I would pursue increased budgets and advocate for programs that specifically seek to improve services and treatment for homeless LGBTQ youth. I would work to replicate and enhance programs such as Sasha Bruce Youthwork (SBY) that currently leads the campaign to prevent youth homelessness in the Washington, D.C area. They work to improve the lives of runaway, homeless, abused, and neglected at-risk youth and their families. All of their programs offer counseling and classes that can lead young people back to a more stable and supportive family situation, or on a path to true independence and

self-sufficiency. From March 2015 to March 2016, 89% exited to stable housing and 100% exited with an income. SBY also offers programs that provide health education, prevention, and a Workforce Development Program that provides academic training toward a GED. This includes vocational classroom and on-site training, as well as job placement in a variety of high-demand fields. Approximately 73 percent of young people who enrolled as trainees in the workforce development program in 2015 earned a General Equivalency Diploma or a Certification in the construction trades.

Making programs more inviting to youth could improve how youth respond to the programs. Having programs that are geared towards their interest, sports, arts, social media, etc. could possibly increase youth interaction. Confidential, nonjudgmental street-based outreach services to homeless, runaway and street-involved youth would improve youth participation and provide youth with the help and assistance they need to meet daily needs, obtain housing, and access other services. Youth must be met where they are (physically, such as city streets, as well as mentally and emotionally), and building trusting relationships with those youth.

StandUp For Kids, a nationally recognized non-profit charity that works directly with thousands of homeless youth across the country, is also a model that I would seek to expand in DC. They empower homeless and at-risk youth toward lifelong personal growth, and help them create a sincere belief in themselves through open, straightforward counseling, mentoring, and life-skills training.

## **SENIORS**

### **12. Will you ensure improved services and treatment for LGBTQ seniors, including affirming senior housing? Explain?**

Yes. To ensure that LGBTQ seniors are being treated properly, I would support programs that provide for frequent visits by nurses or other social service/health professionals. To ensure that seniors aren't being treated unfairly by workers, I support a code of conduct for workers that would include information concerning whether they are seen or have been reported being unfair to a LGBTQ senior. There should be meaningful repercussions for violation of the code to encourage compliance.

Enforcing strict policies that prohibit any form of discrimination against LGBTQ seniors. There are different ways that these laws could be enforced, such as contacting police, filing complaints and initiating legal action. I will support measures to enforce the Fair Housing Act prohibits discrimination in most private and public housing on the basis of race, color, national origin, religion, sex, familial status or handicap. The FHA makes it illegal to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services.

### **13. LGBT seniors are more likely to age alone, and face higher levels of economic insecurity and discrimination than non-LGBT seniors. Will you provide funding for congregate meals and other services that specifically aim to keep LGBT seniors engaged in the community? Explain?**

Yes. According to The National Council on Aging, Studies suggest that LGBT older adults have higher rates of chronic conditions and other health problems, such as obesity, high blood pressure, high cholesterol, arthritis, cardiovascular disease, and diabetes, because many LGBT older adults have faced discrimination in health care. Latest research shows, 59 percent of LGBT older adults report that they lack companionship, and 53% feel isolated and this impacts physical health and cognitive well-being. I would support budgets that provide for services and programs that are focused on inclusiveness in the senior community. There should be activities that are welcoming to all seniors that are focused on

improving social, physical, and mental health. Seniors should not be suffering in silence or discriminated against, nor should they be neglected due to sexual orientation or sexual identify.

Partnering with local organizations who would be willing to provide opportunities for seniors to use their facilities for free or at a discounted rate, so that seniors would be able to engage with others. There are restaurants that offer a 10 percent discount to seniors and seniors who are AARP members. Seniors could come together and socialize at these restaurants.

## **CONSUMERS AND BUSINESSES**

### **14. To fight the District's notorious 'pay-to-play' reputation, will you support legislation that combines the best elements of Bills 22-8, 22-47, and 22-51? Explain?**

Yes. "Pay-to-play politics" is generally used to describe a culture in which donations to politicians garner something of value in return, such as financial benefits, access to politicians, and undue influence in our politics. I support legislation to ensure honesty and accountability including Bills 22-8, 22-47, and 22-51 that are currently under Council review.

Bill 22-8, the Campaign Finance Transparency and Accountability Amendment Act of 2017 is designed to end the practice and perception of pay-to-play politics; to make political donations transparent; and create a "bright line" between candidates and Political Action Committees (PACs). This campaign-finance bill, if enacted, would prevent donors from engaging in large business contracts, major grants, and receiving significant tax breaks with the District for two years.

B22-0047, the Government Contractor Pay-to-Play Prevention Amendment Act of 2017, would prohibit District government contracts valued at \$100,000 or more with businesses and individuals that have made contributions to District elected officials. The prohibition would be for one year and begin on the date of the contribution as reported to the Office of Campaign Finance.

Bill 22-0051, the Comprehensive Campaign Finance Reform Amendment Act Of 2017 would establish restrictions on the practice of bundled contributions. It establishes disclosure requirements for certain contractors, their agents and relatives; prohibits contractual agreements with certain contractors that seek or hold contracts with a cumulative value of \$250,000 or more who have solicited or made a political contribution to certain prohibited recipients within certain time frames identified in the legislation.

### **15. What steps will you take to ensure a transparent and equitable bidding process for city contracts? Explain?**

I support full disclosure of contracts and political contributions, which can increase the public's trust, and improve public services, simultaneously saving cities money and save staff time. According to the Sunlight Foundation and Open Contracting Partnership, open contracting transforms public spending by making documents and data 'open by default' across the entire chain of public contracting.

I support disclosure of details about the government's decisions. They should be published, stipulating the winner, price, and reasons for contracting with a particular vendor. Before selecting a vendor, the City's interim recommendations should be published online and provide a period of time for challenges to be filed. This ensures competitors who have been ruled out can examine the proposed decision before it becomes irrevocable. Also, contracts being issued on a sole-source basis should be disclosed to give other potential vendors an opportunity to offer equivalent services at competitive rates.

If suspicions arise about persons who win contracts and political contributions, an investigation can be initiated to determine whether any misconduct has taken place.

Information about new contract offers should be shared about with potential vendors, including information about the good/service to be purchased, the value of the procurement, and any accompanying documents that justify or explain exemptions from regular procedures and requirements (such as sole source contracts). A variety of solicitations should be disclosed, including potential contracts small enough that they are not subject to its “formal” procurement process. I support pay to play restrictions to foster fair and open competition in the contracting process to eliminate corruption. Significant restrictions should be placed on political contributions. I support prohibitions that include a broad scope of politicians and government officials, beyond those at the senior level.

I would endeavor to secure legislation that would end the “nod and wink” exchanging of city contracts and real estate development approvals, as well as other benefits in return for political contributions. In keeping with this view, I support “look-back” provisions to include contributions made within a specific period before/after award of the contract. To aid monitoring of any potential conflict, I believe that contractors should be required to register their contracts and file periodic disclosure.

Violations of pay to play must result in disqualified bids, cancelled contracts, financial penalties, and if appropriate referral for criminal charges. I also support a ban (2 years seem fair) for those found to have made or solicited prohibited contributions. Because an effective compliance program can reduce the possibility of pay to play, I support programs that include training and periodic reminders to the public, contractors, and those responsible for monitoring compliance.

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<sup>i</sup> <https://www.theblaze.com/news/2017/10/13/prostitution-decriminalization-bill-introduced-in-the-name-of-protecting-human-rights>