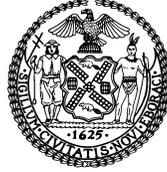


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THE COUNCIL OF THE CITY OF NEW YORK

**COMMITTEE REPORT OF THE
GOVERNMENTAL AFFAIRS DIVISION**

Matt Gewolb, Legislative Director
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COMMITTEE ON CIVIL RIGHTS

Hon. Darlene Mealy, Chair

June 19, 2017

PRECONSIDERED INTRO NO. : By The Speaker (Council Member Mark-Viverito)
and Council Member Dromm

TITLE: A Local Law to amend the administrative code of
the city of New York, in relation to prohibiting
conversion therapy

INTRO NO. 1186-2016: By Council Members Dromm, Chin, Mendez,
Johnson, Vacca, Menchaca, and Torres

TITLE: A Local Law to amend the administrative code of
the city of New York, in relation to amending the
definitions of sexual orientation and gender in the
New York city human rights law

RES. NO. 614-2015:

By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Chin, Constantinides, Gentile, Gibson, Lander, Levine, Palma, Richards, Rose, Rosenthal, Koslowitz, Rodriguez, Vacca, Cumbo, Lancman, Ferreras-Copeland, Levin, Reynoso, Salamanca, Espinal, Barron, Grodenchik, Perkins, Crowley, Maisel, Garodnick, Kallos, Treyger and Miller

TITLE:

Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.4558/S.61, which would prohibit discrimination on the basis of gender expression or identity and expand the State's hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity

RES. NO. 1287-2016:

By Council Members Dromm, Crowley, Menchaca, Chin, Constantinides and Rosenthal

TITLE:

Resolution calling on the United States Congress to pass and the President to sign H.R.3185/S.1858, the Equality Act, which would amend the Civil Rights Act of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing

I. Introduction

On June 19, 2017, the Committee on Civil Rights, chaired by Council Member Darlene Mealy, will hold a hearing on Preconsidered Introduction No. _____ (“Pre. Int. ____”), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting conversion therapy, Introduction No. 1186-2016 (“Int. 1186,”) a Local Law to amend the administrative code of the city of New York, in relation to amending the definitions of sexual orientation and gender in the New York city human rights law, Resolution No. 614-2015 (“Res.

614,”) calling on the New York State Legislature to pass and the Governor to sign into law A.4558/S.61, which would prohibit discrimination on the basis of gender expression or identity and expand the State’s hate crimes statute to include offenses committed against someone on the basis of his or her gender expression or identity, and Resolution No. 1287-2016 (“Res. 1287,”) calling on the United States Congress to pass and the President to sign H.R.3185/S.1858, the Equality Act, which would amend the Civil Rights Act of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing. The Committee has invited representatives from the New York City Commission of Human Rights and various advocates, stakeholders, and the public to testify.

II. Preconsidered Intro. No. _____

Background

In December 2014, a 17 year-old transgender girl named Leelah Alcorn committed suicide after her parents forced her to undergo conversion therapy.¹ In her suicide post, Leelah wrote that the therapists she saw reinforced the notion that being transgender was “wrong,” and that this, compounded by her parent’s negative reactions to her gender identity, made her feel isolated, hopeless, and alone, resigned to living her life “like a man in drag.”² Leelah’s is not the only reported case of conversion therapy having profoundly negative consequences on an individual—multiple accounts of LGBTQ persons who have been forced to undergo conversion therapy have emphasized similar, destructive outcomes including: suicidal ideation and

¹ *Obama Calls for End to ‘Conversion’ Therapies for Gay and Transgender Youth*, N.Y. Times, Apr. 8, 2015, https://www.nytimes.com/2015/04/09/us/politics/obama-to-call-for-end-to-conversion-therapies-for-gay-and-transgender-youth.html?_r=1.

² *Leelah Alcorn’s Suicide: Conversion Therapy is Child Abuse*, TIME, Jan. 8, 2015, <http://time.com/3655718/leelah-alcorn-suicide-transgender-therapy/>.

tendencies,³ fear of intimacy and physical affection,⁴ anger, self-loathing,⁵ isolation, anxiety, and depression. One survivor of conversion therapy even stated, “we were no longer people at the end of the program.”⁶

Conversion therapy, also known as “reparative therapy,” “Ex-Gay therapy,” or “Sexual Orientation Change Efforts,” is a set of practices intending to change a person’s sexuality or gender identity to fit heterosexual or cisgender standards and expectations.⁷ In the past, these practices have included measures such as institutionalization, castration, and electroconvulsive shock therapy, though today “the techniques most commonly used include a variety of behavioral, cognitive, psychoanalytic and other practices that try to change or reduce same-sex attraction or alter a person’s gender identity.”⁸ In 2009, the American Psychological Association (“APA”) conducted a comprehensive study on these practices and concluded that they were not scientifically supported and that, in fact, “valid research indicate[s] that it is unlikely that individuals will be able to reduce same-sex attractions or increase other-sex attractions through [conversion therapy].”⁹ The evidence not only shows that conversion therapy does not achieve its stated goals, but also causes significant medical, psychological and other harms to LGBTQ people.¹⁰ In that same report, the APA concluded that the reported risks of the practice include:

³ *Leelah Alcorn’s Suicide: Conversion Therapy is Child Abuse*, TIME, Jan. 8, 2015, <http://time.com/3655718/leelah-alcorn-suicide-transgender-therapy/>.

⁴ *Conversion therapy is “torture”: LGBT survivors are fighting to ban “pray the gay away” camps*, Salon, Mar. 21, 2017, <http://www.salon.com/2017/03/21/conversion-therapy-is-torture-lgbt-survivors-are-fighting-to-ban-pray-the-gay-away-camps/>.

⁵ *Straight Talk: How Mathew Shurka and His Conversion Therapist Renounced the ‘Gay Cure’*, Huffington Post, Feb. 2, 2016, http://www.huffingtonpost.com/2013/06/25/mathew-shurka-conversion-therapy_n_3466943.html.

⁶ *A Survivor of Gay Conversion Therapy Shares His Chilling Story*, Huffington Post, Nov. 17, 2016, http://www.huffingtonpost.com/entry/realities-of-conversion-therapy_us_582b6cf2e4b01d8a014aea66.

⁷ *Id.*

⁸ *#BornPerfect: The Facts About Conversion Therapy*, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

⁹ *Id.*

¹⁰ *The Lies and Dangers of Efforts to change Sexual Orientation or Gender Identity*, Human Rights Campaign, <http://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy>.

“depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources.”¹¹

While conversion therapy has been largely discredited as ineffective and dangerous by all of the nation’s leading professional medical and mental health associations, including the American Medical Association, the American Psychological Association, the American Counseling Association and the American Psychiatric Association,¹² certain groups¹³ continue to endorse the practice and even encourage their members to consider additional conversion therapy techniques, including hypnosis, sex therapies and psychotropic medication.¹⁴ These groups, often religious in nature, offer conversion therapy in one-on-one and group therapy settings, including “boot camps” and “retreats,” to adults and minors alike.¹⁵

After Leelah’s tragic suicide, in April 2015, then-President Obama condemned the practice and called for an end to conversion and similar therapies aimed at “repairing” gay,

¹¹ *#BornPerfect: The Facts About Conversion Therapy*, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

¹² *Governor Cuomo Announces Executive Actions banning Coverage of Conversion Therapy*, New York State Governor’s Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-announces-executive-actions-banning-coverage-conversion-therapy>.

¹³ See e.g. the National Association for Research & Therapy of Homosexuality (NARTH).

¹⁴ *#BornPerfect: The Facts About Conversion Therapy*, National Center for Lesbian Rights, <http://www.nclrights.org/bornperfect-the-facts-about-conversion-therapy/>.

¹⁵ See e.g. HuffPost, Newsweek, ABC ‘20/20’ Reports Expose Abuse, Torture of Gay Youths And Troubled Teens, March 12, 2017, http://www.huffingtonpost.com/entry/cover-up-in-alabama-newsweek-abc-2020-reports-expose_us_58c35449e4b0c3276fb78505.

lesbian, and transgender youth.¹⁶ In April 2017, Senator Patty Murray introduced S.928, the Therapeutic Fraud Prevention Act of 2017, a bill that would “prohibit, as an unfair or deceptive act or practice, commercial sexual orientation conversion therapy.”¹⁷ Further, many states and municipalities have passed legislation banning the practice.¹⁸ These states and municipalities have used multiple approaches to target and restrict conversion therapy practices: they have banned state-licensed mental health professionals from engaging in these practices, banned insurance providers from covering such therapy, and a New Jersey Superior Court has ruled that conversion therapy constitutes consumer fraud, in violation of state consumer fraud protections.¹⁹

In February 2016, Governor Cuomo announced a series of regulations prohibiting public and private health insurers from covering conversion therapy practices in New York State and prohibiting facilities under the jurisdiction of the New York State Office of Mental Health from providing conversion therapy to minors.²⁰ While these regulations significantly restrict the

¹⁶ *Obama Calls for End to ‘Conversion’ Therapies for Gay and Transgender Youth*, N.Y. Times, Apr. 8, 2015, https://www.nytimes.com/2015/04/09/us/politics/obama-to-call-for-end-to-conversion-therapies-for-gay-and-transgender-youth.html?_r=1.

¹⁷ S.928, Therapeutic Fraud Prevention Act of 2017, 115th Congress, Apr. 25, 2017, <https://www.congress.gov/bill/115th-congress/senate-bill/928/text>.

¹⁸ See Movement Advancement Project, Conversion Therapy Laws, http://www.lgbtmap.org/equality-maps/conversion_therapy. See also Washington Blade, Pittsburgh votes to ban ‘conversion’ therapy, December 16, 2016, <http://www.washingtonblade.com/2016/12/16/pittsburgh-votes-ban-conversion-therapy/>. The States jurisdictions that have prohibited conversion therapy include the District of Columbia and the following states: California, Oregon, Nevada, New Jersey, Connecticut, New Mexico, Illinois, and Vermont. The following municipalities have passed similar legislation: Cincinnati, Seattle, and five South Florida cities/towns (Miami Beach, West Palm Beach, Bay Harbor Islands, Wilton Manors, North Bay Village, and Miami).

¹⁹ *N.J. gay conversion therapy group to close following fraud conviction*, NJ.com, Dec. 18, 2015, http://www.nj.com/politics/index.ssf/2015/12/nj_gay-to-straight_conversion_therapy_practice_agr.html. The legislation prohibiting conversion therapy passed in Illinois did so both by prohibiting state-licensed mental health professionals from engaging in this practice, and by making advertising or offering conversion therapy services unlawful under its Consumer Fraud and Deceptive Business Practices Act. See Illinois General Assembly, Public Act 099-0411, <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0411>.

²⁰ *Governor Cuomo Announces Executive Actions banning Coverage of Conversion Therapy*, New York State Governor’s Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-announces-executive-actions-banning-coverage-conversion-therapy>.

practice of conversion therapy, they do not prohibit mental health professionals from practicing conversion therapy on minors in every instance, and do not cover adults.²¹

By prohibiting any person in New York City from offering or performing conversion therapy for a fee, New York City would not only protect consumers from fraudulent practices, but also protect its LGBTQ community and all New Yorkers, not just minors, from the potentially dangerous consequences of conversion therapy.

Analysis of Legislation

Section 1 of Preconsidered Int. _____ amends chapter 5 of Title 20 of the administrative code, which consists of laws regulating unfair trade practices, including the City's Consumer Protection Law, adding a new subchapter 19 to prohibit charging consumers for conversion therapy services. Each instance a person is found to have practiced conversion therapy for a fee would result in a penalty of up to \$1,000.

Preconsidered Int. _____ would take effect 120 days after it becomes law.

III. Int. 1186

Background

Since the definitions of sexual orientation and gender in the City's human rights law were drafted, society's understanding of sexual orientation, gender, and gender identity has evolved. According to the American Psychological Association, "research over several decades has demonstrated that sexual orientation ranges along a continuum, from exclusive attraction to the

²¹ Rhode Island's House of Representatives unanimously approved a bill which would do the same, and Massachusetts legislators have heard similar bills. *See R.I. House OKs ban of 'conversion therapy' for LGBTQ youth*, Providence Journal, May 30, 2017, <http://www.providencejournal.com/news/20170530/ri-house-oks-ban-of-conversion-therapy-for-lgbtq-youth>; *see also Mass. Legislators hear testimony on proposed 'conversion therapy' ban*, Telegram.com, June 7, 2017, <http://www.telegram.com/news/20170607/mass-legislators-hear-testimony-on-proposed-conversion-therapy-ban>.

other sex to exclusive attraction to the same sex.”²² Moreover, new research has challenged the common assumption that every individual possesses some type or category of sexual attraction. Asexuality is an emerging identity category, and one prominent study has suggested that up to one percent of the population reports feeling no sexual attraction to others.²³

Int. 1186 would update the language in the Human Rights Law, to better capture the current understanding of sexual orientation, gender identity, and gender expression.

Analysis of Legislation

Section one of Int. 1186 amends subdivision 20 of section 8-102 of the Administrative Code, which defines certain terms used in the Human Rights Law, by amending the definitions for the terms “sexual orientation” and “gender.”

Int. 1186 would take effect 120 days after it becomes law.

IV. Res. No. 614 and Res. No. 1287

Background

The 1964 Civil Rights Act (“Civil Rights Act”) and the Fair Housing Act (“FHA”) do not explicitly protect homosexual or transgender individuals from discrimination in employment, housing, or public accommodations. While some federal courts have held that homosexual workers are protected from job discrimination by the Civil Rights Act, others have reached the opposite conclusion.²⁴ In April 2017, a federal judge ruled, for the first time, that the FHA protects LGBT individuals.²⁵ Although the Supreme Court found laws prohibiting same-sex

²² *Sexual Orientation & Homosexuality*, American Psychological Association, <http://www.apa.org/topics/lgbt/orientation.aspx>.

²³ Elizabeth F. Emens, *Compulsory Sexuality*, 66 Stan. L. Rev. 303, 312 (2014).

²⁴ *Civil Rights Act Protects Gay Workers, Court Rules*, New York Times, Apr. 4, 2017, <https://www.nytimes.com/2017/04/04/us/civil-rights-act-gay-workers-appeals-court.html>.

²⁵ *Federal fair housing law protects LGBT couples, court rules for first time*, The Washington Post, Apr. 6, 2017, https://www.washingtonpost.com/news/morning-mix/wp/2017/04/06/federal-fair-housing-law-protects-lgbt-couples-court-rules-for-first-time/?utm_term=.aaeae5804236.

marriage to be unconstitutional, “many other protections, including those related to employment and housing, have not been extended at all levels to gay people,” and gay rights advocates have expressed concern about the potential rollback of protections under President Trump’s administration.²⁶

While several municipalities in New York have passed ordinances or laws prohibiting harassment or discrimination on the basis of a person’s gender identity or expression, many municipalities do not guarantee these protections, and there is no statewide ban on discrimination or harassment for individuals not employed by the state.²⁷ In October 2015, Governor Cuomo introduced regulations, through the New York State Human Rights Law, affirming that all transgender individuals are protected from discrimination under the law. The state human rights law’s text, however, still does not explicitly protect transgender individuals;²⁸ these protections are therefore vulnerable should a subsequent governor wish to rescind them.

Meanwhile, the number of reported hate crimes against lesbian, gay, bisexual and transgender individuals has been steadily increasing.²⁹ Of 5,462 “single-bias incidents” (hate-crime incidents with one motivation) in the FBI’s 2014 hate crime statistics database, 1,115, about one fifth, were motivated by bias against a sexual orientation or gender identity.³⁰ In New York City, by April 2017, the NYPD had already investigated 17 anti-gay hate crimes, up from

²⁶ *Civil Rights Act Protects Gay Workers, Court Rules*, New York Times, Apr. 4, 2017, <https://www.nytimes.com/2017/04/04/us/civil-rights-act-gay-workers-appeals-court.html>.

²⁷ *Governor Cuomo Introduces Regulations to Protect Transgender New Yorkers from Unlawful Discrimination*, New York State Governor’s Press Office, Feb. 6, 2016, <https://www.governor.ny.gov/news/governor-cuomo-introduces-regulations-protect-transgender-new-yorkers-unlawful-discrimination>.

²⁸ See N.Y. Exec. Law § 296 (McKinney).

²⁹ *New York Attorney General Discusses Increase in Hate Crimes Against LGBTQ Community*, Human Rights Campaign, Nov. 18, 2016, <http://www.hrc.org/blog/new-york-attorney-general-discusses-increase-in-hate-crimes-against-lgbtq-c>.

³⁰ *Hate Crimes Against LGBT People Are Sadly Common*, FiveThirtyEight, June 14, 2016, <https://fivethirtyeight.com/features/hate-crimes-against-lgbt-people-are-sadly-common/>.

15 in 2016.³¹ Despite this, New York State's hate crime statute currently does not include gender identity or expression in its list of protected categories.

New York Assembly bill A.4558/S.61 would explicitly prohibit discrimination on the basis of gender expression or identity, and expand New York's hate crimes statute to include offenses committed against someone on the basis of their gender expression or identity.

Analysis of Legislation

Res. 614

Res. 614 notes that, according to the New York State Department of Health, approximately 300,000 individuals living in the State of New York self-identify as transgender.

The Resolution also states that, according to a 2011 report by the National Gay and Lesbian Taskforce, and the National Center for Transgender Equality, 90% of those surveyed had experienced discrimination at work for reasons related to their gender identity or expression, and 24% had lost their jobs, 19% had been refused an apartment, and 11% had been evicted for the same reason.

Res. 614 declares that A.4558/S.61, if passed, would amend the Executive Law, Civil Rights Law, and Education Law to prohibit discrimination on the basis of gender identity or expression in housing, employment, public accommodation, and other areas.

Res. 614 also notes that 14% of victims or survivors of hate violence in the United States in 2009 were transgender men and women, and that if passed, A. 4558/S.61 would amend the Penal Law to include gender identity or expression in the list of categories that are currently protected under the state's hate crimes statute.

³¹ *Man Punched on C Train in Apparent Anti-Gay Attack*, CBS New York, Apr. 2, 2017, <http://newyork.cbslocal.com/2017/04/02/c-train-assault/>.

Finally, Res. 614 calls on the New York State Legislature to pass and the Governor to sign into law A.4558/61.

Res. No. 1287

Res. 1287 notes that the lesbian, gay, bisexual, and transgender community are not included as protected classes in the Civil Rights Act or FHA, and that according to the ACLU, 29 states permit workplace discrimination on the basis of sexual orientation, 38 states permit workplace discrimination on the basis of gender identity, 29 states permit housing discrimination on the basis of sexual orientation, 38 states permit housing discrimination on the basis gender identity, 29 states permit discrimination in places of public accommodation on the basis of sexual orientation, and 32 states permit discrimination in places of public accommodation on the basis of gender identity.

Res. 1287 states that, despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States still suffer employment and housing discrimination, and are denied the equal use of public accommodations.

Res. 1287 also notes that H.R.3185/S.1858, also known as The Equality Act, would amend the Civil Rights Act and the Fair Housing Act to include sexual orientation and gender identity among the prohibited categories of discrimination or segregation in employment, places of public accommodation and housing.

Res. 1287 recommends that, to cover the full spectrum of sexual orientations, The Equality Act should define sexual orientation as an immutable, enduring, emotional, romantic, or

sexual attraction to other people. Finally, Res. 1287 calls on the United States Congress to pass and the President to sign H.R. 3185/S.1858.

V. Conclusion

The Committee looks forward to discussing the aforementioned proposed legislation and resolutions, which relate to issues of vital importance to the rights of New Yorkers.

1 interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such
2 counseling does not seek to change an individual's sexual orientation or gender identity.

3 § 20-825 Prohibited conduct. It is unlawful for any person to practice conversion therapy.

4 § 20-826 Enforcement. Any person who violates section 20-825 of this subchapter or any
5 of the regulations promulgated thereunder is liable for a civil penalty not to exceed \$1,000 for
6 each violation. For purposes of this section, each instance a person is found to have practiced
7 conversion therapy shall be considered a separate violation.

8 § 20-827 Rules and regulations. The department is authorized to promulgate such rules
9 and regulations as it deems necessary to implement and enforce the provisions of this subchapter.

10 §2. This local law shall take effect 120 days after it becomes law.

ZH
LS 9612/2017
05/25/2017

By Council Members Dromm, Chin, Mendez, Johnson, Vacca, Menchaca and Torres

A Local Law to amend the administrative code of the city of New York, in relation to amending the definitions of sexual orientation and gender in the New York city human rights law.

Be it enacted by the Council as follows:

Section 1. Subdivision 20 of Section 8-102 of Title 8 of the administrative code of the city of New York is amended to read as follows:

20. The term "sexual orientation" means actual or perceived sexual, physical, emotional, or romantic attraction or attachment, or lack thereof, to another person(s) or partner(s), regardless of gender, or being perceived as having an orientation for such attachment, or lack thereof.
[heterosexuality, homosexuality, or bisexuality]

§ 2. Subdivision 23 of Section 8-102 of Title 8 of the administrative code of the city of New York is amended to read as follows:

23. The term "gender" shall include actual, [or] perceived or purported sex and shall also include a person's gender identity, self-image, appearance, physical characteristics, operative status, behavior or expression, whether or not [that] their gender identity, self-image, appearance, physical characteristics, operative status, behavior or expression is different from that traditionally associated with either the legal sex assigned to that person at birth, their chromosomal sex or their physical anatomy.

§ 3. This local law takes effect 120 days after it becomes law.

LS #5628
DA
5/11/2016

1 Res. No. 614

2
3 Resolution calling on the New York State Legislature to pass and the Governor to sign into law
4 A.4558/S.61, which would prohibit discrimination on the basis of gender expression or identity
5 and expand the State's hate crimes statute to include offenses committed against someone on the
6 basis of his or her gender expression or identity.
7

8 By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Chin,
9 Constantinides, Gentile, Gibson, Lander, Levine, Palma, Richards, Rose, Rosenthal, Koslowitz,
10 Rodriguez, Vacca, Cumbo, Lancman, Ferreras-Copeland, Levin, Reynoso, Salamanca, Espinal,
11 Barron, Grodenchik, Perkins, Crowley, Maisel, Garodnick, Kallos, Treyger and Miller

12
13 Whereas, According to the New York State Department of Health, approximately
14 300,000 individuals living in the state of New York self-identify as transgender; and

15 Whereas, Despite the progressive reputations of our city and state, transgender
16 individuals continue to endure discrimination and threats to their physical well-being; and

17 Whereas, According to a 2010 report by the National Coalition of Anti-Violence
18 Programs, 14 percent of victims or survivors of hate violence in the United States in 2009 were
19 transgender men and women; and

20 Whereas, In New York City, approximately 13 percent of the reports of hate violence
21 received by the New York City Anti-Violence Project in 2009 came from transgender men and
22 women; and

23 Whereas, According to a 2011 report by the National Gay and Lesbian Taskforce and the
24 National Center for Transgender Equality ("the report"), 90 percent of those surveyed had
25 experienced discrimination at work for reasons related to their gender identity or expression, and
26 24 percent had lost their jobs for the same reason; and

1 Whereas, The report also disclosed that 19 percent of respondents had been refused a
2 home or apartment, and 11 percent had been evicted, because of their gender identity or
3 expression; and

4 Whereas, Transgender individuals are also not safe from anti-trans bias in places of
5 public accommodation, where, according to the report, 53 percent of respondents had
6 experienced harassment and discrimination; and

7 Whereas, In 2002, the New York City Council passed Local Law 3, which amended the
8 Human Rights Law to define gender as "actual or perceived sex and a person's gender identity,
9 self-image, appearance, behavior or expression, whether or not traditionally associated with the
10 legal sex assigned to that person at birth," thereby including transgender individuals in the class
11 of people to be protected from bias-related harassment and discrimination in housing,
12 employment and public accommodations; and

13 Whereas, Although New York City extends many protections to transgender individuals,
14 those living in the rest of the State are not guaranteed the same treatment; and

15 Whereas, If passed, A.4558/S.61 (Gottfried/Squadron) would address this disparity at the
16 state level by amending the Executive Law, Civil Rights Law and Education Law to prohibit
17 discrimination on the basis of gender identity or expression in housing, employment, public
18 accommodation and other areas; and

19 Whereas, The legislation would also amend the Penal Law to include gender identity or
20 expression in the list of categories that are currently protected under the State's hate crimes
21 statute; and

22 Whereas, Eighteen states and the District of Columbia have already enacted laws
23 protecting transgender individuals from discrimination, as well as several cities and counties in

1 New York State, and the United States Department of Education has provided guidance that the
2 federal Title IX law prohibiting discrimination also applies to transgender students; and

3 Whereas, Without protection from bias-related harassment and discrimination,
4 transgender individuals are placed at a severe disadvantage in every facet of their lives; and

5 Whereas, It is imperative that the state of New York protect all of its marginalized
6 communities, including the transgender community; now, therefore, be it

7 Resolved, That the Council of the City of New York calls on the New York State
8 Legislature to pass and the Governor to sign into law A.4558/S.61, which would prohibit
9 discrimination on the basis of gender expression or identity and expand the state's hate crimes
10 statute to include offenses committed against someone on the basis of his or her gender
11 expression or identity.

12

13 IM
14 Res
15 LS 888/2014
16 02/23/2015

Res. No. 1287

Resolution calling on the United States Congress to pass and the President to sign H.R.3185/S.1858, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

By Council Members Dromm, Crowley, Menchaca, Chin, Constantinides and Rosenthal

Whereas, Title VII of the Civil Rights Act of 1964 and other federal statutes prohibit employers of 15 or more employees from engaging in workplace discrimination on the basis of “race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information;” and

Whereas, Title II of the Civil Rights Act of 1964 prohibits certain places of public accommodation from discriminating on the basis of “race, color, religion, or national origin;” and

Whereas, The Civil Rights Act of 1968, also known as the Fair Housing Act, prohibits individuals from engaging in housing discrimination on the basis of “race, color, national origin, religion, sex, disability, and the presence of children;” and

Whereas, Absent from this list of protected classes in the Civil Rights Act is the lesbian, gay, bisexual, and transgender (LGBT) community; and

Whereas, According to the American Civil Liberties Union (ACLU), 29 states permit workplace discrimination on the basis of sexual orientation, and 38 permit workplace discrimination on the basis of gender identity; and

Whereas, The ACLU further reports that twenty-nine states permit discrimination in places of public accommodation on the basis of sexual orientation, and thirty-two states permit discrimination in places of public accommodation on the basis of gender identity ; and

Whereas, Finally, the ACLU notes that twenty-nine states permit housing discrimination on the basis of sexual orientation, and 38 permit housing discrimination on the basis of gender identity ; and

Whereas, According to a 2013 Pew Research Center study, 21% of LGBT respondents stated they were discriminated against in hiring, pay, or promotion, and in a 2011 Pew Research Center survey, 78% of transgender respondents stated they were harassed or mistreated at their workplace due to their gender identity ; and

Whereas, According to a 2011 National Center for Transgender Equality report, 53% of transgender and gender-nonconforming respondents stated they were verbally harassed in a place of public accommodation; and

Whereas, According to a 2011 National Gay and Lesbian Task Force and National Center for Transgender Equality joint study, 19% of transgender individuals were denied housing and 11% were evicted from their homes because they were transgender ; and

Whereas, Despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States still suffer employment discrimination, are denied the equal utilization and access of public accommodation, and are denied access to housing because of their sexual orientation or gender identity; and

Whereas, H.R.3185/S.1858, also known as The Equality Act, would amend the Civil Rights Act of 1964 and the Fair Housing Act to include sexual orientation and gender identity among the prohibited categories of discrimination or segregation in employment, places of public accommodation and housing; and

Whereas, The Equality Act would also expand the categories of public accommodation that may not deny equal utilization or deny admission on the basis of “sex, sexual orientation, or

gender identity” to include a greater range of places, goods and services, such as transportation;
and

Whereas, The current language of the Act defines sexual orientation as “homosexuality, heterosexuality, and bisexuality” but to cover other orientations, should instead define sexual orientation as an immutable, enduring, emotional, romantic or sexual attraction to other people;
and

Whereas, In a nation whose independence was premised on the notion that all citizens are created equal, it is unconscionable that a specific population does not enjoy the same workplace protections, equal utilization of public accommodation and access to housing as its peers simply because of the sexual orientation or gender identity of its members; now, therefore, be it

Resolved, That the Council of City of New York calls on the United States Congress to pass and the President to sign H.R.3185/S.1858, the Equality Act, which would amend the Civil Rights Acts of 1964 and 1968 to include sexual orientation and gender identity as prohibited categories of discrimination or segregation with respect to employment, public accommodation and housing.

LS 8896
Date 8-25-2016
Time 4:03pm
I.M.

CURRENT INTRODUCTION NUMBER:

Not assigned yet

PRIME SPONSORS:

The Speaker (Council Member Mark-Viverito) and Council Member Dromm

TITLE:

To amend the administrative code of the city of New York, in relation to prohibiting conversion therapy

BILL SUMMARY:

This plain language summary is for informational purposes only and does not substitute for legal counsel. For more information, you should review the full text of the bill, which is available online at legistar.council.nyc.gov.

This bill would prohibit any person from offering or performing conversion therapy for a fee. It would prohibit charging consumers for services designed to change a person's sexual orientation or gender identity.

CODE SECTIONS AFFECTED:

- Amends Chapter 5 of Title 20 of the Administrative Code, adding a new subchapter 19.

EFFECTIVE DATE:

One hundred twenty days after it becomes law

NOTE: In the full bill text online at legistar.council.nyc.gov, language in proposed consolidated laws that is enclosed by [brackets] would be deleted, and language that is underlined would be new. Language in proposed unconsolidated laws, in contrast, will not have brackets or underlining because it would be entirely new. Consolidation means that the law is placed in the New York City Charter or Administrative Code.

LEGISLATIVE IMPACT:

Please select any of the following which apply to this legislation.

- Agency Rulemaking Required:** Is City agency rulemaking required?
- Report Required:** Is a report due to Council required?
- Oversight:** Are there seemingly clear points for City agency oversight and/or evaluation?
- Sunset Date Included:** Does the legislation have a sunset date?
- Grace Period Applies:** In the case of fines or other penalties, is a grace period established?
- Council Appointment Required:** Is an appointment by the Council required?
- Other Appointment Required:** Are other appointments not by the Council required?
- Council Operations:** Might this law affect the Council's own operations?