

ONE CENTRE STREET, 5TH FLOOR
NEW YORK, NY 10007



JENNA M. ADAMS
STATE LEGISLATIVE COUNSEL

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

MEMORANDUM IN SUPPORT

LEGISLATION S195B by Senator Squadron
 A4226B by Member of the Assembly Gottfried

TITLE

An act to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on gender identity or expression.

SUMMARY OF PROVISIONS

Adds new subdivision 35 to section 292 of the Executive Law, defining of "gender identity or expression, and adds "gender identity or expression" to the list of factors that prohibit discrimination and the list of factors that can make a "hate crime".

JUSTIFICATION

For over a decade, the New York City Human Rights law has prohibited discrimination in housing, employment, and public accommodations on the basis of gender identity. More than 150 other local governments across the state of New York have passed similar non-discrimination laws and implemented them successfully. But when it comes to transgender rights, New York State is lagging behind. Since the Gender Expression Non-Discrimination Act (GENDA) was first introduced in Albany in 2003, 18 other states, the District of Columbia, and Puerto Rico have enacted non-discrimination laws that protect transgender and gender non-conforming people from discrimination.

The need for this protection is real. In 2011, a national survey of transgender and gender non-conforming people by the National Center for Transgender Equality (NCTE) and the National Gay and Lesbian Task Force (NGLTF) found 90 percent of respondents had experienced harassment or mistreatment in the workplace or had taken actions to avoid it, 53 percent of respondents experienced verbal harassment or disrespect in a place of public accommodation, and 26 percent of respondents reported having lost a job due to being transgender or gender non-conforming.

Without GENDA, people in many cities and towns in New York State can be fired from their jobs, denied housing, and mistreated in the workplace simply on account of their appearance or gender identity. In fact, around 40 percent of New Yorkers live in municipalities that provide no such protection. The right to be free from discrimination should not depend on a person's ZIP code. All New Yorkers must be guaranteed equal rights and protections under the law.

Accordingly, the Office of the New York City Comptroller strongly supports enactment of this legislation.

Respectfully submitted,

JENNA M. ADAMS
Legislative Counsel