

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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B E F O R E:
COREY D. JOHNSON
Chairperson

COUNCIL MEMBERS:
INEZ D. BARRON
JAMES G. VAN BRAMER
MARIA DEL CARMEN ARROYO
MATHIEU EUGENE
PETER A. KOO
RAFAEL L. ESPINAL, JR.
ROBERT E. CORNEGY, JR.
ROSIE MENDEZ

[gavel]

CHAIRPERSON JOHNSONPERSON JOHNSON: Good afternoon. I'm Corey Johnson, Chair of the New York City's Committee on Health. Today the Committee will be hearing Introduction number 491, a local law to create a new mechanism for amending the sex designation on birth records and introduction 492, a local law creating an advisory board to review the implementation of the gender marker change requirement and submit a report. Birth certificates are living documents that are used in many contexts to provide identity age and citizenship. They are often the only form of ID that low income New Yorkers have when applying for jobs or public benefits. Currently individuals must present proof of sex reassignment surgery to change their birth certificates presenting an insurmountable barrier to the vast majority of transgender native New Yorkers who do not undergo surgery and are therefore prevented from having accurate birth certificates. Introduction 491 removes the antiquated requirement for surgery and instead allows individuals to amend the gender marker on their birth certificates by having a medical or mental health professional fill out an affidavit or

1 affirmation attesting the change sex designation
2 more accurately reflects the applicant's gender
3 identity. By doing so it brings New York city in
4 line with New York state, the federal government,
5 and a handful of other states. But it also goes
6 further than others by providing for an expansive
7 pool of medical and mental health professionals who
8 can attest to an individual's gender and moves
9 beyond the idea that transgender people need
10 treatment in order to have basic rights. According
11 to the national transgender discrimination survey
12 40 percent of transgender people have faced
13 harassment when presenting identity documents that
14 did not match their gender identity or expression.
15 The mismatch makes them targets for discrimination,
16 accusations of fraud, denials of service and all
17 sorts of other administrative and logistical
18 problems. For example 15 percent of transgender
19 people report being denied entry or asked to leave
20 because of gender mismatches. And three percent
21 report facing physical assault due to mismatched
22 I.D. Without a birth certificate that accurately
23 reflects their gender identity transgender people
24 are routinely forced to disclose their transgender
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2 status resulting in increased difficulty accessing
3 critical services and opportunities from
4 employment, educational opportunities, and
5 financial services like lines of credit to medical
6 and life insurance policies, marriage licenses,
7 driver's licenses, social security benefits, and
8 other government benefits. The committee is also
9 hearing a companion bill, Introduction 492 that
10 will create an advisory board of transgender
11 advocates and other experts to review
12 implementation of this new gender marker change
13 requirement and submit a report of recommendations.
14 Having such a critical document that correctly
15 reflects your gender identity is a basic human
16 right that too many transgender people have been
17 denied for far too long. I am a proud, I am proud
18 to sponsor these two pieces of legislation. I am
19 also pleased to report that the city's board of
20 health is considering a mirror provision to amend
21 the new York city health code. These measures will
22 transform the lives of transgender individuals in
23 so many ways that other people take for granted.
24 From accessing government benefits and health
25 coverage to getting a job and use, and using

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2 appropriate facilities. With this legislation we'll
3 make a critical document accessible to a population
4 that has been terribly disenfranchised. Before I
5 close I want to express my gratitude to the
6 advocacy community for their critical input to the
7 council on this important legislation and also for
8 their dedication to this issue and for working so
9 hard to improve the lives of transgender people. I
10 know there were a lot of dashed hopes, pain, and
11 frustration in 2006, many of the folks that worked
12 on that in 2006 are here today and the folks that
13 were critical to getting us to this day today are
14 with us in the chambers and I sincerely thank you
15 all for your continued hard work and advocacy.
16 We're talking about people's basic and fundamental
17 civil and human rights. And no one should have to
18 wait for government to do the right thing. That
19 said I am hopeful that the council and the
20 Department of Health's leadership we will continue
21 to address the problems facing transgender New
22 Yorkers. I want to acknowledge my colleagues on the
23 health committee who have joined us. We're joined
24 by Council Member Mathieu Eugene from Brooklyn. I
25 also want to thank my Legislative Director, Louis

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2 Cholden-Brown, the Health Committee Council, Dan
3 Hafitz [sp?], the Policy Analyst for the Health
4 Committee Crystal Pond, and Carillion Francisco the
5 Finance Analyst for the Health Committee for their,
6 for their work in preparing for this hearing today.
7 So with that I want to call up folks from the
8 Department of Health and Mental Hygiene. We're
9 going to be joined by Gretchen Van Wye as well as
10 Steve Schwartz both from the Department of Health
11 and Mental Hygiene Vital Statistics Bureau I
12 believe to offer testimony today. And before you
13 testify if you would, I have to swear, I have to
14 swear you in. So if you'd please raise your right
15 hands. Do you affirm to tell the truth, the whole
16 truth, and nothing but the truth in your testimony
17 before this committee and to respond honestly to
18 council member questions? Thank you very much. So
19 please introduce yourself for the record and you
20 may begin your testimony. Make sure the red light's
21 on.

22 GRETCHEN VAN WYE: Okay great, thanks.
23 Good afternoon Chairman Johnson and members of the
24 health committee. My name is Gretchen Van Wye and I
25 am the Assistant Commissioner of the Bureau of

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2 Vital Statistics at the New York City Department of
3 Health and Mental Hygiene. I am joined today by
4 Steven Schwartz the New York City Registrar. On
5 behalf of Commissioner Bassett who regretfully
6 could not be here thank you for the opportunity to
7 testify on Introduction 491 and Introduction 492.
8 As you know the Health Department is currently
9 pursuing an amendment to the New York City Health
10 Code similar to this legislation and we are very
11 happy that the council and the administration share
12 the common goal of improving the birth certificate
13 gender marker change process for transgender
14 individuals. Currently in New York City transgender
15 individuals who want to change the gender marker on
16 their birth certificate must undergo convertive
17 surgery based on provisions of the health code
18 adopted in 1971. The administration strongly
19 supports Intro 491 which like our proposed health
20 code amendment what, for the first time allow
21 individuals to change the gender marker on their
22 birth certificate with an affirmation from a US
23 licensed physician or an affidavit from another
24 authorized health or mental health provider. The
25 authorized health or mental health provider must be

1 licensed and be one of the following practitioners;
2 a doctoral level psychologist in clinical or
3 counselling psychology, a social worker, a
4 physician assistant, a nurse practitioner, a
5 marriage and family therapist, a mental health
6 counsellor, or a midwife. The practitioner or
7 physician who is giving the attestation must
8 confirm that the revised designation accurately
9 reflects the individual's gender based on
10 contemporary expert standards regarding gender
11 identity. Once the new birth certificate is created
12 the original certificate will be placed under seal.
13 As I mentioned earlier this legislation mirrors an
14 amendment to the New York City health code that was
15 proposed at the October 7th Board of Health meeting
16 and will be voted on on December 9th. We proposed
17 this change because not all applicants with
18 incongruent gender assignment wished to undergo
19 surgery and the surgery requirement may present an
20 unnecessary burden. Furthermore documents that
21 accurately reflect a person's gender identity can
22 be critical to accessing health care, employment,
23 and other important services. This new amendment
24 which we are proud to be concurrently championing
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1 with the council will be the first major change in
2 New York City's transgender birth certificate
3 procedures in over 40 years. In light of the
4 importance of this change the department is
5 developing a robust outreach and implementation
6 strategy so that both the provider and the
7 transgender community are aware of the new
8 regulation and the process is transparent and
9 accessible. As the new policy will apply to all
10 individuals born in New York City regardless of
11 where they may reside now our plan will also
12 include outreach to non-New York City based
13 transgender friendly health care, mental health,
14 and social service organizations. Towards that end
15 we are developing a list of clinics, providers, and
16 organizations that can support and help provide the
17 documentation needed for individuals to change the
18 gender marker on their birth certificate. This list
19 will include providers who will deliver these
20 services at low or no cost and it will be easily
21 accessible and posted on the department's website.
22 We will engage these providers and organizations
23 through many channels and will host at least one
24 teleconference during which they may ask questions
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1 and discuss any concerns they have about providing
2 such services. The department welcomes and looks
3 forward to collaboration with the council and
4 advocates as we implement this outreach strategy
5 and work to spread the word about this important
6 change. To make the new process as easy as possible
7 for transgender applicants the department has
8 assigned a veteran staff member in our Office of
9 Vital Records to serve as the key point person.
10 This staff member Deputy Director Edna Timbers who
11 is here today has 15 years of experience with the
12 department and has served as the primary person
13 helping transgender individuals navigate the
14 process during that time. Ms. Timbers will be able
15 to answer questions and help applicants understand
16 the requirements and can also refer individuals to
17 other relevant healthcare resources. In summary we
18 are thrilled that the council and the
19 administration share the common goal of improving
20 the birth certificate gender marker change process
21 for transgender individuals. The department also
22 supports Intro 492, a complimentary bill which
23 would establish an advisory board to review the
24 implementation of Intro 491. We appreciate the
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2 council's interest in working collaboratively with
3 us and other organizations to support an efficient
4 and accessible operationalization of the new
5 protocol in a manner that best serves the
6 transgender community and we look forward to
7 working together on the advisory board. Updating
8 the gender marker change process for transgender
9 individuals is an important step in enabling people
10 to obtain official documents that accurately
11 reflect their gender identity. We are proud to
12 jointly support this long needed update with the
13 council and look forward to future collaboration as
14 we move ahead. Thank you for the opportunity to
15 testify today. We'd be happy to answer any
16 questions.

17 CHAIRPERSON JOHNSONPERSON JOHNSON:

18 Thank you Ms. Van Wye for being here today, Mr.
19 Schwartz we appreciate it and it's always nice when
20 there's a hearing on a bill that when the
21 administration testifies they say that they support
22 the legislation that's always actually very helpful
23 especially in this circumstance where uh I am
24 deeply grateful that within the first year of new
25 leadership at the Department of Health and Mental

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2 Hygiene and within City Hall we've seen a fully
3 engaged process with the Health Commissioner, her
4 top level staff, and with inside the Mayor's
5 Office. So that, that's great. And I look forward
6 to making this a reality very soon. So I wanted to
7 ask a few questions. I'm really happy that Ms.
8 Timbers is here with us today to listen to the
9 hearing and also hopefully about the experiences
10 from individuals who are going to testify today and
11 barriers that they have faced. I wanted to
12 understand how DOHMH will ensure that frontline
13 vital statistics employees are trained in this new
14 procedure once it becomes law.

15 GRETCHEN VAN WYE: Thank you for the
16 question. We've been spending a lot of time
17 thinking about the very best way that we can do
18 this. Ms. Timbers will be the lead person, point
19 person for transgender applicants. We've also
20 identified people to work with her and everybody on
21 our staff in the corrections unit is going to be
22 aware of the new procedures which are being
23 developed right now.

24 CHAIRPERSON JOHNSON: And, and what
25 would the process look like under this new piece of

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2 legislation, this, this policy change? Someone
3 comes, they try to get their birth certificate
4 amended to accurately reflect who they are, they
5 contact the Vital Statistics Bureau, what happens
6 when that happens? If you could walk me through
7 that.

8 GRETCHEN VAN WYE: Absolutely. So when
9 somebody is interested in making an application to
10 change the sex marker on their birth certificate
11 they can be put in touch with Ms. Timbers or they
12 can go to our website or speak to one of the many
13 organizations that will reach out and be instructed
14 the same, with the same information which is
15 essentially to submit a corrections application,
16 photo identification, and the check or money order
17 for the 40 dollar correction that it takes to make
18 the correction to the birth certificate and then a
19 15 dollar payment for the new birth certificate.

20 CHAIRPERSON JOHNSON: How is DOHMH
21 planning to reach out to health and mental health
22 providers to educate them on the affidavit
23 affirmation process?

24 GRETCHEN VAN WYE: Absolutely. So what
25 we're doing is we're developing a list of people

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2 across the country, of organizations across the
3 country for this purpose and we'd actually love to
4 share that list with you and others who are
5 interested in contributing it to it and reviewing,
6 reviewing it to add to it. We have about 92
7 organizations listed on that list right now. So
8 what we're planning to do is distribute the
9 materials and a template letter for the, the doctor
10 or mental health provider so that it's an easier
11 process for them to fill it out. And essentially
12 we'll widely disseminate the information, have a
13 conference call and, and really establish an
14 opening for communication.

15 CHAIRPERSON JOHNSON: That's great and I
16 would love for the council to work with you
17 collaboratively in supporting those efforts to do
18 further outreach to health and mental health
19 providers.

20 GRETCHEN VAN WYE: Thank you.

21 CHAIRPERSON JOHNSON: I also wanted to
22 see if there are any ideas from your end on how we
23 can get the word out to those who would like to
24 change their birth certificates. You know a lot of
25 people may not be following that this has been

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2 going on and how do we get word out there that this
3 is now going to be an option?

4 GRETCHEN VAN WYE: Well that's, that's a
5 great question. And I think this is where the
6 advocacy community plays a really important role
7 because we know that the organizations that are day
8 to day working with the transgender community are
9 going to be in a better position to do that type of
10 outreach. And so we'll ask them to help us in doing
11 that. And we're open to all different types of
12 ideas on the ways to maximize that.

13 CHAIRPERSON JOHNSON: Is there any way
14 to reach out to folks who may have been born here
15 but don't live in New York City anymore and who may
16 benefit from being able to take advantage of this?

17 GRETCHEN VAN WYE: That's a great
18 question. I think by reaching out to all of the
19 different transgender resources across the country
20 we'll do our best to be able to do that. We have
21 about 124 thousand births every year in New York
22 City so identifying which individuals might be
23 interested in pursuing this would be hard if we,
24 really impractical to kind of do a, something to
25 that entire community that's why we're focusing on

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2 the organizations across the country that serve the
3 community.

4 CHAIRPERSON JOHNSON: That's great and
5 I, I do think that the advocates that are here
6 today and who participated in getting us to where
7 we are today probably have some insight on how to
8 best get the information out there to folks that
9 actually could participate and take advantage of
10 this. Are there any hurdles or obstacles or things
11 that you think may be difficult in actually
12 implementing this once the law would go into
13 effect, the Board of Health change and the
14 legislative action?

15 GRETCHEN VAN WYE: Well I think the,
16 the, the unknown is always the thing that can be
17 the, the derailing factor in any of the types of
18 these situations. And so what we're doing is we're
19 creating an internal infrastructure to review the
20 applications that we have on a regular basis and so
21 that if there are any issues that people have as
22 they go through the process we can immediately
23 remediate those issues and improve our process.

24 CHAIRPERSON JOHNSON: And, and currently
25 if someone wants to get their birth certificate

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2 amended and changed and they identify as
3 transgender and they do not fulfil the requirements
4 from 1971, the convertive surgery what happens?

5 GRETCHEN VAN WYE: So currently the,
6 under the current regulation those individuals who
7 are, have in the past not had convertive surgery we
8 wouldn't, we were not able to make the change.
9 However we do have a list now of 22 people who
10 would not under the current policy actually be able
11 to make the change but we're, we're doing a mailing
12 to those individuals to let them know that the,
13 we're hoping that the policy is changing as early
14 as January. So we're planning to actually directly
15 engage that group of people.

16 CHAIRPERSON JOHNSON: That's great. So
17 these are folks that had come in some time in the
18 last few years didn't meet the current requirements
19 and now you're going to go back to them and say
20 once this change goes through you should try to
21 come to us and maybe we can make it happen this
22 time.

23 GRETCHEN VAN WYE: Right. And so this is
24 an application pool of people who, whose
25 applications are sitting with Ms. Timbers right now

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2 so, in her office so this is a group that we feel
3 very confident that we can make sure our, at the
4 very first, receive those very first new birth
5 certificates in January.

6 CHAIRPERSON JOHNSON: Thank you. We've
7 also been joined by Council Member Inez Barron from
8 Brooklyn who's a member of this committee. Yeah, go
9 ahead. Council Member Barron.

10 COUNCIL MEMBER BARRON: Thank you Mr.
11 Chair. I didn't hear your testimony but I do have
12 it and I will be sure to read it. Just one
13 question, will there be any impact on recording of
14 the vital statistics and the bureau, the census
15 bureau for the years that these persons were born
16 that would in any way change?

17 GRETHEN: That's a great question. We
18 actually have two separate data sets that we
19 maintain for our vital records so we have a
20 statistical file that we close at the, at the end
21 of each year and we send to the National Center for
22 Health Statistics. We also have a registration file
23 which is a living and breathing file that changes
24 throughout a person's lifetime so it will not.

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2 CHAIRPERSON JOHNSON: And, and I have
3 just one more question. You said that you will put
4 together a list of providers who will actually
5 deliver this service. How are you planning on
6 building that list and do you plan on working with
7 advocates to identify providers.

8 GRETCHEN VAN WYE: We absolutely do. We
9 would love to share that list. We have about 92
10 organizations currently listed and we'd like to
11 send that list to you as early as this afternoon so
12 that we can have additions to it.

13 CHAIRPERSON JOHNSON: Thank you very
14 much.

15 GRETCHEN VAN WYE: Mm-hmm.

16 CHAIRPERSON JOHNSON: So I think that's
17 all we have for you today. I'm really grateful that
18 you're here. I'm grateful for all of the hard work
19 that you've put in over the past many months and
20 bringing us to today. And please send my thanks and
21 regards to Dr. Bassett.

22 GRETCHEN VAN WYE: We will. She regrets
23 not being able to be here today. Thank you very
24 much.

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2 CHAIRPERSON JOHNSON: We'll see her
3 soon.

4 GRETCHEN VAN WYE: Yes.

5 CHAIRPERSON JOHNSON: Thank you very
6 much. We're going to call up next before we get to
7 the panels I want to recognize a dear friend of
8 mine, a tremendous leader on issues related to
9 outlawing discrimination in New York state, one of
10 the leaders just all across the state and chair of
11 the assembly's Committee on Health he and I share
12 overlapping districts. He's been a mentor and a
13 friend of mine. Assembly Member Richard Gottfried
14 is here and I want to invite him up to testify. And
15 if Assembly Member Gottfried if, if after you're
16 done testifying and anyone else here that wants to
17 testify folks are required to just fill out a form
18 identifying that they were here today. So if you
19 want to testify please make sure you fill out a
20 form with the sergeant. Thank you very much and you
21 may begin.

22 ASSEMBLY MEMBER GOTTFRIED: Well thank
23 you very much Mr. Chairman. It's particularly
24 delightful to be able to be testifying before you
25 in your capacity as Chair of the City Council

1 Health Committee. We've worked together on a lot of
2 things and we have been and will continue to work
3 together on, on health issues confronting the city
4 and state including this one. You know for many
5 transgender New Yorkers a major obstacle to fully
6 exercising their personhood is the inability to
7 obtain official documentation; birth certificates,
8 driver's license, passport, etcetera reflecting
9 their gender. Lacking official documentation of a
10 person's gender can among other things effectively
11 block access to appropriate healthcare and, and
12 gainful employment. You know the birth certificate
13 while we don't commonly carry our birth certificate
14 around with us is a, a critically important
15 foundational document and the, the legal key to
16 other documents and, and to any number of things in
17 life that are dependent on your gender including
18 various forms of, of health care lack of
19 inappropriate birth certificate has been an
20 obstacle to many people seeking coverage for
21 services under their, their health plan because the
22 health plan says those hormones are for women and
23 it says on your birth certificate you're a man or
24 vice versa. And, and this has been a problem in
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2 the, in the state's Medicaid program as well as in
3 private insurance. And so the, simplifying the
4 process for changing the birth certificate spends
5 out to, to having benefits all across an
6 individual's life and so I... you know I'm, so I'm,
7 I'm here today to express my, my strong support for
8 Intro 490, 491 that you have introduced Mr.
9 Chairman to eliminate the onerous and clinically
10 inappropriate requirements for corrective surgery
11 for transgender persons seeking to amend the gender
12 marker on, on their birth certificate issued by New
13 York City. This follows a similar decision by New
14 York State in June which allows birth certificates
15 issued outside of New York City to be amended after
16 demonstrating quote 'an appropriate medical
17 treatment' unquote. The new policy is in line with
18 the most recent guidelines issued by the American
19 Medical Association which explicitly state that
20 transgender people should not need to have surgery
21 in order to obtain a, a corrective, to obtain
22 corrected documentation? Of course New York City
23 people often ask why is it that New York City
24 issues its own, issues its own birth certificates
25 and the answer basically is that New York City had

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2 a Health Department and, and vital records probably
3 about I don't know 50 to 100 years before New York
4 state did. The bill is somewhat different from the
5 state policy I think in an, in an important good
6 way in that it does not refer to specifically to
7 medical treatment but rather would have the
8 healthcare the, the professional certified that the
9 identity is, is in accordance with appropriate
10 current professional standards. And in some cases
11 that may involve what might be called medical
12 treatment, in some cases it may not. And so I think
13 the, the policy reflected in the, in the bill would
14 be a significant and important step ahead even from
15 where the state is. One fairly minor maybe
16 nitpicking suggestion that I would make and of
17 course there are a lot of people that say oh, it's
18 Gottfried there must be a nitpicking suggestion.
19 And, and I, I, I take that as a point to pride and,
20 and that is that I would add at some point in the,
21 in the litany of, of professionals that are
22 referred to reference that they be acting within
23 their lawful scope of practice. So I would just
24 conclude by saying that I applaud, applaud Mayor de
25 Blasio and Commissioner Bassett and you Mr.

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2 Chairman for helping to ensure that transgender
3 people, gender people who were or, or are in the
4 future born in New York City will have the same
5 opportunity indeed a, an enhanced opportunity for
6 the more full life that others born in New York
7 state now have available to them by creating a, a,
8 a, a, a simple and appropriate route to a, to a
9 corrected birth certificate which in turn is the
10 foundation for any number of things that are
11 critically important. So thank you for the
12 legislation, thanks to the Mayor and the Health
13 Department for what they are doing
14 administratively. And I appreciate you holding this
15 hearing and giving me the opportunity to testify.

16 CHAIRPERSON JOHNSON: Thank you Mr.
17 Chairman. It's a real honor that you are here today
18 after many years and decades of being a leader on
19 this issue and on so many other issues that are
20 important to this committee and to this council so
21 I really appreciate the fact that you're here today
22 and that you and I get to work on so many good
23 things together. I want to recognize my colleague
24 Council Member Robert Cornegy from Brooklyn and I
25 believe he also has a question.

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2 COUNCIL MEMBER CORNEGY: Actually my
3 question is for the administration. Sorry I, I can
4 wait but it is great to know that there are so many
5 advocates who are focused on this particular issue
6 and I want to thank you for your testimony.

7 ASSEMBLY MEMBER GOTTFRIED: Thank you.

8 COUNCIL MEMBER CORNEGY: And, and I want
9 to know how you beat me in here. I just saw you
10 outside. I don't know...

11 ASSEMBLY MEMBER GOTTFRIED: I, I don't
12 know. Can't be length of stride.

13 [laughter]

14 CHAIRPERSON JOHNSON: Thank you Mr.
15 Chair for being here today and for testifying.

16 ASSEMBLY MEMBER GOTTFRIED: Thanks, bye
17 bye.

18 CHAIRPERSON JOHNSON: Thank you. We are
19 going to call up our first panel and... So we are
20 going to... The first panel's going to be, and I
21 apologize if I mispronounce your name, I don't
22 apologize if you have bad handwriting; so Marco
23 Wylie, Michael Silverman, is it I, I can't, it's
24 something, is it something Harrington, Patricia
25 Harrington, is okay, and Naz Seenauth all from the

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2 Transgender Legal Defense and Education Fund. So
3 before you all testify I want to recognize that we
4 have been joined by Council Member Peter Koo a
5 member of this committee from Queens and Council
6 Member Cornegy has a question for the
7 administration. He wants to just pose it on the
8 record and I want to give him the opportunity to do
9 that. Council Member Cornegy.

10 COUNCIL MEMBER CORNEGY: So I, I do just
11 want to say that, to give this some context I had
12 the opportunity early on in my career to be an
13 intake specialist at, on Riker's Island and also as
14 a substance abuse professional doing intake in
15 treatment facilities and I remember the difficulty
16 as an intake specialist and confusion that it would
17 cause when there was no way to really facilitate
18 intake appropriately because there was no real
19 determination. And I remember you know sitting many
20 times as an intake specialist and having to call a
21 supervisor to make an executive decision because
22 there wasn't a standard across the, the board
23 policy and how difficult. And I remember thinking
24 if I were in that situation how traumatic that must
25 be. Whether it was going into the correctional

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2 system or whether it was seeking help within,
3 within treatment, healthcare or substance abuse or
4 psychiatric care. And so anything that could assist
5 an individual I think in that process. So really
6 what I wanted to say was I guess this particular
7 legislation is a long time coming, that was 20
8 years ago that I held, I worked in those
9 capacities. And I just remember thinking how
10 difficult it is, you coming, seeking treatment and
11 expecting to be able to receive it. And you know
12 any slow, any slowing down in our process made
13 things even more difficult so this, this is, this
14 is a good piece.

15 CHAIRPERSON JOHNSON: Thank you. Thank
16 you Council Member Cornegy. I really appreciate
17 that. So I want to turn it over to you all. You may
18 go in whatever order you would like. We are going
19 to... Sergeant if you could put three minutes on the
20 clock. We're going to limit folks to three minutes
21 because there's a lot of people that are going to
22 testify today. So if you're not up at the table yet
23 try to figure out how to make your testimony fit
24 within three minutes if that's possible and Michael
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2 Silverman you may start. Just please introduce
3 yourself for the record.

4 MICHAEL SILVERMAN: Good afternoon
5 Council Member Johnson, Council Members. Thank you
6 very much for the work that you've done on Intro
7 491 which we wholeheartedly support. My name is
8 Michael Silverman. I am Executive Director of the
9 Transgender legal defense and education fund. I am
10 joined by Patricia Harrington, Marco Wylie, and Naz
11 Seenauth. I'll tell you about them in a moment and
12 they'll tell you about themselves. I have liberally
13 edited my comments based on what people have
14 already said so as not to repeat things. I'd also
15 like to refer you to our submitted written comments
16 which are much more in depth than, than what I'll
17 mention here. Transgender Legal Defense is a non-
18 profit law office located here in New York City and
19 we work to end discrimination based on gender
20 identity and expression. We bring test case
21 litigation around the country designed to advance
22 the rights of the transgender community. One such
23 case is a lawsuit that we brought in 2011 on behalf
24 of Patricia, Marco, Naz, and others challenging New
25 York City's requirement that transgender people

1
2 undergo surgery before it will agree to correct
3 their birth certificates. That lawsuit continues in
4 New York County Supreme Court and of course the
5 claims that Patricia, Naz, and Marco have put forth
6 will be resolved by this legislation and by the
7 Department of Health actions. So we thank you for
8 that. We also provide direct services to
9 transgender New York City residents through our
10 name change project which provides free legal name
11 change services to transgender community members.
12 To date we have served over 1,600 community members
13 through the project and we have had the good
14 fortune to collect data on the community members we
15 serve. The data on their lives is stark. They are
16 overwhelmingly poor with nearly two-thirds
17 receiving Medicaid or another form of public
18 assistance. Two, two-thirds of our project
19 participants record an annual income of less than
20 10,000 dollars per year with most of those having
21 no identifiable sources of income what's so ever.
22 84 percent of the clients we serve report an income
23 of less than 20 thousand dollars a year. Next to
24 none of our clients have had the surgery required
25 by current New York City policy to amend a birth

1
2 certificate. And while we would not claim that all
3 of the discrimination that they face and that the
4 stark statistics that we see are due solely to
5 their inability to update their birth certificates
6 there can be no doubt that current New York City
7 policy leaves our clients to face harassment and
8 discrimination whenever they need to show their
9 inaccurate birth certificates. I do want to say
10 just one thing based on the city's testimony that
11 we heard a moment ago and that is that I would
12 simply urge the council and the Department of
13 Health to reach out to advocates early and often
14 before any policy changes are made. It would be, I
15 can tell you conjecturally that we get tons of
16 calls from community members who were born in New
17 York City who are seeking to change their birth
18 certificates. And I could easily see a rush of
19 people trying to change their birth certificates
20 when this becomes a law, assuming that it does. The
21 better prepared we are the more materials that we
22 have ready for community members including template
23 letters and things like that which would make the
24 process go smoother for community members and for
25 the city the better it will be for everyone. So

1
2 thank you again. We wholeheartedly support intros
3 491 and 492. I'm going to turn it over to Plaintiff
4 Patricia Harrington.

5 CHAIRPERSON JOHNSON: Thank you Marco
6 and I, I just want to say that any opportunity
7 where we can work with you all and the Department
8 can work with you all we look forward to that. You
9 all are the experts and the folks that are doing
10 this work day in and day out and interacting with
11 individuals who do need accurate birth certificates
12 so I know that Ms. Van Wye and Mr. Schwartz would
13 be happy to take your information and work with
14 you. Thank you.

15 PATRICIA HARRINGTON: Hi, thank you for
16 having me and hearing my testimony. My name is
17 Patricia Harrington and I am a plaintiff in the
18 Transgender Legal Education, Legal Defense and
19 Education Funds Lawsuit challenging the current New
20 York City requirement that transgender people
21 undergo surgery in order to update their birth
22 certificates. I'm a transgender woman who was born
23 and raised in Queens. Growing up in the 1950s I
24 learned early on that I was at risk for simply
25 being myself. When I was five years old I was sent

1
2 to a summer day camp. When they told the girls to
3 go to one group and the boys to go to another I
4 went with the girls. The camp counsellors came and
5 dragged me over to the boys. They proceeded to
6 severely harass me in front of everybody. I ended
7 up being subjected to such bullying that my arm
8 became infected from one of the boys repeatedly
9 [sic], repeatedly giving me a friction burn. When
10 my family saw my arm they pulled me out of the
11 camp. I learned that it was dangerous to be who I
12 am so I spent the next 40 years hiding who I was.
13 When that eventually became unbearable I started
14 exploring the option of transitioning. I undertook
15 the appropriate medical and legal steps and have
16 been happily living as myself for the past 13
17 years. In 2010 I moved to New Jersey and had to get
18 a new driver's license. I had had a female New York
19 driver's license for the prior decade but when I
20 tried to get a female New Jersey driver's license I
21 was turned away. That happened because I had to
22 present my New York City birth certificate which I
23 have been unable to get corrected because of its
24 discriminatory surgery requirement. I then had to
25 jump through hoops and get my doctor to fill out a

1
2 special form which I then had to take back to the
3 New Jersey DMV. While I was able to get my license
4 it was a frustrating and unnecessary experience
5 that makes me think twice about ever moving again.
6 It's been a long journey for me to be able to be
7 myself and not to worry about what other people
8 think. While I'm proud to be a transgender woman I
9 should be able to live my life just like everyone
10 else and not to have to face these challenges for
11 the rest of my life. I transitioned 13 years ago
12 but incidents like this bring back all the memories
13 of continually being told there's nothing wrong
14 with who I am, there's something wrong with who I
15 am sorry, there's nothing wrong with who I am. I
16 would just like my birth certificate to reflect
17 that. I hope the city council will pass Intro 491
18 and change this harmful policy once and for all.
19 Doing so will improve the lives of transgender
20 people. Thank you.

21 CHAIRPERSON JOHNSON: Thank you Ms.
22 Harrington for testifying today and I'm sorry you
23 had to go through that experience.

24 MARCO WYLIE: Good afternoon. My name is
25 Marco Wylie and I am a plaintiff in Transgender

1 Legal Defense and Education Funds Lawsuit
2 challenging the current New York City requirement
3 that transgender people undergo surgery in order to
4 update their birth certificates. I would like to
5 ask all of you to picture the most personal thing
6 about yourself, something that perhaps you feel
7 terrified to disclose, something you would be
8 scared to tell someone for fear of rejection or
9 embarrassment. Now I want you to imagine writing it
10 down in big bold letters and posting it on the
11 walls of your workplace, in an email sent to
12 everyone you know, and on a tee-shirt for everybody
13 to see. That is a glimpse into what my life often
14 feels like as a transgender person. Transitioning
15 is not, is one of the most private things a person
16 can go through. Trans people do not have the luxury
17 of hiding away during this process. Instead
18 everyone you know gets to watch. I was born May
19 11th, 1985 in New York City and labeled female at
20 birth. I went to an all-girls school right here in
21 the city for ten years during which time I was
22 taunted, teased, and harassed in many ways by my
23 peers as well as some of the faculty. As a child I
24 wore short hair and gender neutral clothes when I
25

1
2 wasn't in my uniform made of a tunic and puffy
3 sleeved blouse. Just being gay at that school was
4 bad enough. People on the street would assume I was
5 a boy until I reached a certain age where it became
6 apparent I was not. Strangers would stare and
7 taunt. Some would even resort to violence. Friends
8 wouldn't hang out with me let alone even hold my
9 hand for fear of what others might think of them. I
10 was a very depressed child as a result and still
11 struggle with depression to this day. At an early
12 age I saw a lot of therapists and doctors mostly
13 out of my school's request. I was diagnosed with
14 gender identity at the age of eight and yet nobody
15 spoke to me about it or knew what to do with that
16 label. When I was growing up I didn't know any
17 trans people, I didn't even know many gay people.
18 It was only until I went to college that I first
19 learned the word transgender and had a friend who
20 had already transitioned. It terrified me because I
21 felt so similar. I knew that this was something
22 that hit very close to home and I chose to ignore
23 it out of fear. Growing up it was so ingrained in
24 my mind that girls who dress like boys and boys who
25 dress like girls were somehow shameful and sick. In

1 college I grew my hair long and began wearing push
2 up bras and feminine clothes. I tried desperately
3 to be a woman and even tried to convince myself
4 that I desired men. That's denying myself of who I
5 really was. It was only a few years after I
6 graduated that I realized my depression was rooted
7 in my horrible childhood experiences. I began
8 therapy for the first time on my own and on the
9 first day sat down on the couch and said through
10 tears I'm worried I'm trans and I don't want to be.
11 It took a long time for me to accept myself and
12 become the strong person I am today. Transitioning
13 is by no means a walk in the park. A lot of trans
14 people experience loss of their family and friends,
15 get fired from their jobs, evicted from their
16 homes, and threatened at times to the point of
17 death. Having this law changed for trans people
18 would be a major step for human rights. It doesn't
19 make sense that you can change your gender and name
20 on every single form of identification but not on
21 your birth certificate. People need congruency. Not
22 letting this law pass will definitely continue the
23 abuse trans people experience. You can change so
24 many lives by changing this law. Requiring people
25

1
2 like me to have what is called bottom surgery in
3 order to change their gender on their birth
4 certificates is an unjust thing to ask of anybody.
5 I don't want or need that surgery as part of my
6 transition. And moreover many trans people cannot
7 afford this surgery let alone even pay for therapy
8 or hormones. To request this is unjust and it
9 furthers the discriminatory mindset that leads
10 people to harm the trans community. Being who you
11 are is a human right. And much like how people
12 treated the lesbian and gay community in past
13 decades trans people experience much of the same
14 treatment today. Not allowing people to fully
15 transition by changing all of their documents
16 furthers the injustice that promotes violence and
17 hatred towards us. I hope that my story and the
18 factual information I've discussed will help sway
19 you to understand why this is necessary for people.
20 I just want to make sure that nobody has to go
21 through the humiliation and cruelty that I endured.
22 And passing this law will make a huge difference in
23 making that a reality. Thank you.

24 CHAIRPERSON JOHNSON: Thank you Mr.
25 Wylie for that very moving testimony in hearing

1
2 about your personal experience. I really appreciate
3 that you're here today.

4 MARCO WYLIE: Absolutely. Thank you.

5 NAZ: Good afternoon. My name is Naz
6 Seenauth. I am 20 years old, a college student, and
7 a transgender man. I'm a plaintiff in the
8 Transgender Legal Defense and Education Funds
9 Lawsuit challenging the current New York City
10 requirement that transgender people undergo surgery
11 in order to update their birth certificates. I was
12 born in Queens Village, New York. My parents are
13 immigrants from Ghana [sp?]. They wanted their
14 children to have opportunities that they didn't
15 have. They made sure my siblings and I were
16 clothed, fed, and had a roof over our heads. They
17 also made it possible for us to get an education.
18 They worked hard to provide for us and they
19 succeeded. In just one year I'll be a first
20 generation college graduate with a dual bachelor's
21 degree and on my way to a master's program. I spent
22 a long time trying to be who I am. Once I was ready
23 I faced challenges. I came out to a conservative
24 Muslim family and I shared it with, shared with
25 many people my true identity. Transitioning was a

1 challenge to me socially and I lost some people in
2 my life but I also gained many people in my life. I
3 started my first shot of testosterone on November
4 29th, 2012. After the first shot I was able to
5 start living my truth and got closer to being and
6 feeling like a whole person and has been quite an
7 experience, often challenging but definitely worth
8 the process. After a few months on testosterone I
9 decided to change my name to fit my gender identity
10 and along with the name change or, I was able to
11 receive a letter stating that I had undergone
12 intervention to transition to male. This letter
13 allowed me to change my gender identity on many of
14 my documents. Problematically though many of the
15 places that I went to to change my gender marker
16 were not completely sure of protocol. For example
17 at the DMV I gave the letter to a teller and they
18 had to call over a supervisor and another person to
19 figure out what to do. At school I had to go to the
20 Director of Registrar's office to get my gender
21 marker changed. After many uncomfortable talks I
22 was able to get my correct gender on each of my IDs
23 except for my birth certificate. And although we do
24 not use our birth certificate every day as we do
25

1
2 our photo IDs, when it comes to certain employment
3 opportunities we have to present our birth
4 certificates. And that brings forth uncomfortable
5 and unwanted conversations with future employers.
6 There is a forced outing that feels unsafe at
7 times. Many of, many of the awkward conversations
8 that I had such as the ones at DMV, Social
9 Security, and at school could be avoided if my
10 birth certificate matched my gender identity. No
11 one should have to live in fear of harassment and
12 discrimination. That is why I'm asking you to
13 change the discriminatory birth certificate policy.
14 Your actions will make life easier for transgender
15 people like me and countless other transgender
16 people who are born in New York City. Our quality
17 of life depends on it, thank you.

18 CHAIRPERSON JOHNSON: Thank you very
19 much. Congratulations on your college degree and on
20 your master's program. So Michael I, I have a, a
21 couple of questions for you and the rest of the
22 panel is more than welcome to weigh in as well. So
23 what do you think currently are some of the
24 greatest barriers facing transgender people related
25 to government issued documents? Do you think that

1
2 this ranks up there and this is the route of many
3 of the other problems that are faced when it comes
4 to interfacing with government and getting
5 documents?

6 MICHAEL SILVERMAN: Absolutely. I think
7 it's important to recognize that things like birth
8 certificates don't impact everyone in the community
9 in exactly the same way. Of course everyone in the
10 community wants to have a birth certificate that
11 matches who they are. Some people in the community
12 desperately need a birth certificate that matches
13 who they are to do simple everyday things like
14 getting jobs. The higher up the income scale people
15 move the more options they have. So we routinely
16 tell people for example if you are able to do
17 something like get a passport which costs a whole
18 lot of money for people who don't have a lot of
19 money we tell them to get one. Then you can for
20 example use your passport where the federal
21 government has already done away with the surgery
22 requirement to for example qualify for an I9 which
23 is the document that everyone needs to fill out to
24 prove that they're eligible to work in the USA. For
25 our clients who are lower down the income scale

1
2 they don't access to things like passports and so
3 they desperately need accurate birth certificates
4 which they carry with them and use as day to day
5 identification on the regular basis. So for things
6 like getting jobs, getting healthcare, qualifying
7 for public benefits our clients who I described to
8 you in a, in a sort of great deal of detail in
9 terms of the data with two-thirds earning less than
10 10 thousand dollars a year. This is absolute,
11 desperately needed legislation.

12 CHAIRPERSON JOHNSON: Thank you. That's
13 very helpful. Does anyone else want to weigh in on
14 that?

15 PATRITIA HARRINGTON: I, I just want to
16 make a comment about...

17 CHAIRPERSON JOHNSON: If you could just
18 give us your name again for the record.

19 PATRICIA HARRINGTON: I'm Patricia
20 Harrington. I'd just like to make a comment about
21 the passports. Also a passport's only good for 10
22 years and has to be renewed and then the fee has to
23 be paid again. And people do go up and down the
24 income scale whereas if they had an accurate birth
25

1
2 certificate that they paid for once that would be
3 very helpful.

4 CHAIRPERSON JOHNSON: Thank you. Michael
5 at the beginning of your testimony you had
6 mentioned that it would be important for us to all
7 collaborate together on getting the word out there
8 both to individuals who may want to take advantage
9 of this and to providers who may be interacting
10 with folks that may need an attestation or an
11 affirmation and also to people who may have moved
12 out of the state of New York may have been born
13 here and need to get an updated birth certificate.
14 What do you think is the best way to actually start
15 this type of outreach across the spectrum, people
16 that may use it and providers to get word out
17 there?

18 MICHAEL SILVERMAN: I, I, I think when
19 the administration testified they talked about the
20 creation of forms and documents related to updating
21 people's birth certificates. I think that's
22 absolutely essential we hear from providers who
23 will ask us for example for a template or sample
24 forms for helping people for example to update
25 their birth certificates and other jurisdictions

1 where this is already allowed or in the rest of New
2 York state where this is already the law. Providers
3 will be anxious if they don't have clear guidance.
4 Community members will be anxious about how the
5 process will go if they don't have clear guidance
6 which will of course leave advocates in the middle
7 sort of juggling both sets of concerns. So I think
8 the single most important thing is to ensure a
9 streamlined process and to get input from providers
10 to get input from the community members and
11 advocates as that process is being finalized. So as
12 we go from the big picture of legislation to the
13 work a day details of how this is actually rolled
14 out it would be great to actually have meetings
15 convened and to have buy in from the people who
16 actually know where the hiccups along the way are
17 going to be.

19 CHAIRPERSON JOHNSON: I look forward to
20 doing that and it's, I, that's part of the reason
21 why we put companion bill together on the advisory
22 board to actually have an accountable body to be
23 making recommendations on how this could be
24 improved and what we need to do to make it better.
25 I want to recognize we've been joined by Council

1
2 Member Rafael Espinal from Brooklyn and Council
3 Member Robert Cornegy has a statement.

4 COUNCIL MEMBER CORNEGY: I just briefly
5 wanted to say you know thank you so much for coming
6 and sharing those intimate details of your life. I
7 think it's important for everybody to know,
8 especially those of us who will ultimately weigh in
9 on this legislation. I, I appreciate hearing that.

10 MICHAEL SILVERMAN: Thank you.

11 CHAIRPERSON JOHNSON: Thank you. So
12 thank you all very much.

13 MICHAEL SILVERMAN: Thank you so much
14 again.

15 CHAIRPERSON JOHNSON: I look forward to
16 working together.

17 MICHAEL SILVERMAN: Thank... [cross-talk]

18 CHAIRPERSON JOHNSON: And thank you for
19 your bravery and telling your stories for speaking
20 up for folks that may not be able to be here today
21 but you're speaking on their behalf. I really
22 appreciate it and I look forward to passing this
23 legislation and you know... As an aside, a quick
24 story, I was in Province Town earlier this year
25 speaking at an event where I was telling my own

1 coming out story I identify you know as gay. And at
2 that forum there was this remarkable transgender
3 woman who told her remarkable story. And at the end
4 of it she said that one of the most moving things
5 for her after many years of actually transitioning
6 and living her life in the way that she wanted to.
7 A key milestone in her journey was getting an
8 accurate birth certificate. That, until she got
9 that document that she felt like accurately
10 reflected who she was she didn't entirely feel safe
11 or comfortable. And that, hearing that the
12 beginning of this year really was helpful to me in
13 understanding how vital this is, not just for the
14 ability to access government services which
15 everyone should have but also psychologically for
16 transgender people being able to have something
17 that accurately reflects who they are. And so I
18 look forward to you all being able to take
19 advantage of that and for the city council to make
20 a great step towards a more just New York City.
21 Thank you very much.

22 [cross-talk]

23 CHAIRPERSON JOHNSON: Yeah. So before we
24 call up the next panel I want to have the Committee
25

1
2 Council Dan Hafitz reading some short testimony
3 from a colleague and a friend of mine, state
4 senator Brad Hoylman. He and I share overlapping
5 districts on the west side of Manhattan. He's been
6 a very big champion on LGBT issues and he submitted
7 testimony today that the Committee Council will
8 read into the record.

9 COMMITTEE COUNCIL: Dan Hafitz, Council
10 to the Committee on Health New York City Council
11 reading testimony of State Senator Brad Hoylman on
12 the New York City Council's proposed legislation
13 relating to sex designations on birth records.
14 November 10th, 2014. Thank you for the opportunity
15 to comment on legislation being considered by the
16 New York City Council Health Committee relating to
17 amending sex designation on birth records and
18 establishing an advisory board on gender marker
19 change requirements. I commend Council Member Corey
20 Johnson and his fellow co-sponsors for introducing
21 this important legislation. Under existing city
22 policy transgender New Yorkers who wish to amend
23 the gender markers on their birth certificates must
24 have undergone specific surgical procedures and are
25 required to provide extensive medical and

1
2 psychological records. Under Council Member
3 Johnson's legislation those who wish to amend the
4 gender markers on their birth certificates will
5 simply be required to provide certification from
6 license, from a licensed health or mental, mental
7 health professional that the applicant's sex
8 designation on their birth certificate does not
9 match or align with the applicant's affirmed sex or
10 gender identity. The proposed legislation being
11 discussed today will alleviate an arbitrary,
12 costly, and intrusive burden on transgender New
13 Yorkers and bring New York City policy into the
14 21st century. I strongly support its passage and,
15 and urge New York state to adopt a corresponding
16 policy. Thank you again for the opportunity to
17 share my comments and for the city council's
18 continuing commitment to equality for all New York
19 City residents.

20 CHAIRPERSON JOHNSON: Thank you Dan. So
21 next up we are going to have Carrie Davis from the
22 LGBT Community Center, Tiffany Matthew also from
23 the center and Claire Yuhn [sp?] also from the
24 center. And on deck, up next will be Emily Foot
25 [sp?], Scott Kramer [sp?], Frank Proscia, Patricia

1
2 Burkhart [sp?], and Aaden Harrington [sp?]. So you
3 may start in whatever order you'd like. Please just
4 identify yourself for the record when you begin
5 your testimony. And I just also before this panel
6 testifies I want to, there are a lot of people to
7 thank today but Carrie Davis from the center has
8 been really instrumental for me personally in going
9 to with questions along the way and I am deeply
10 grateful that she's here today and all that she has
11 done to lead us to this moment over the past many
12 months but also over the past many years. I
13 consider her a friend and I'm really glad that
14 she's here today. So you may start in whatever
15 order you'd like.

16 CARRIE DAVIS: So I'm going to have the
17 real experts, our peers here start off our
18 testimony. Claire do you want to start?

19 CLAIRE YUHN: Yeah that's fine. Thank
20 you. Okay I'm going to, my speech is going to be a
21 little long so I'm going to skip the introduction
22 and saying good afternoon. My name is Claire Yuhn.
23 I serve on the Board of the New York City Chapters
24 of PFLAG, PFLAG stands for parents, families, and
25 friends of lesbian, gay, bisexual, and transgender

1
2 people. And our mission is to support and educate
3 and advocate for our loved ones and create better
4 future for them. I am the proud mother of a
5 transgender son. My son is 19 years old and he is a
6 sophomore in college. My husband and I have
7 supported my son, my son's transition for the last
8 four years and we are so proud of him. He has
9 overcome and continues to overcome the many
10 challenges of being a transgender person in a
11 society that often discriminates... transgender
12 community. This year I heard a wonderful news, that
13 the New York state had updated its birth
14 certificate correction policy making it easier for
15 transgender people to do to change their gender
16 record without requiring surgery. However I was
17 told that New York City is excluded because it has
18 its own policy. As a mother of a transgender son
19 who was born in New York City I was heartbroken and
20 angry. It felt like a slap in the face. My son came
21 out as a boy when he was still in high school. His
22 transition to live as a male had a social, medical,
23 and legal confidence. His social transition from a
24 girl to a boy included asking teachers and
25 classmates to use his new male name and male

1
2 pronoun, changing how he dressed, and using the
3 men's washroom. His medical transition included
4 hormone therapy and breast removal surgery. His
5 legal transition included changing his legal name
6 on his birth certificate and getting a new
7 passport, driver's license with his new legal name
8 and correct gender marker. My husband and I
9 supported my son's transition through all the steps
10 which it took lots of our time, energy, and money.
11 We went through hoops and hurdles and sometimes
12 enlisted support from organizations that served the
13 transgender community. We did all this because my
14 son is a man. He has every right to feel
15 comfortable in his body and self and to live his
16 life as a man that he is without fear of being
17 questioned without having to be misconstrued as
18 female. Today my son introduces himself and moves
19 through the world as man. There are only three
20 places where my son is still listed as a female,
21 his K to 12th school record, his medical record,
22 and his birth certificate from New York City.
23 Without correcting these records I always fear my
24 son will get into situation where he has to explain
25 his trans history. As a transgender person my son

1
2 is at risk of humiliation, discrimination, and/or
3 worse physical danger or violation. My sons trans
4 history should be allowed to stay private if he so
5 wishes not broadcast to everybody on his birth
6 certificate. The current policy on New York City
7 birth certificate correction requires my son to
8 provide proof of... surgery. As a parent my husband
9 and I will support my son as he considers for the
10 medical procedures to help him feel comfortable
11 with his body. However this should be my son's
12 decision based on his personal wishes not because
13 the surgery... required to correct his birth
14 certificate. For now my son has a valid passport
15 and driver license with a correct male gender
16 marker to get by. The New York City birth
17 certificate that still shows my son as a female
18 invalidates and essentially mocks my son's
19 existence as a person in this society. Throughout
20 his life my son will have to avoid showing his
21 birth certificate to others since it clearly does
22 not match with the gender he is. Essentially my
23 son does not have birth certificate unless he goes
24 through surgery just to get his gender marker
25 corrected. How absurd is that. I would also like to

1 highlight there are many parents like us want to
2 see the changes occur in policy. In addition to
3 enabling transgender people to obtain proper
4 identification easily changes to this current
5 policy will also reduce stress, fear, anxiety of
6 parents, especially those who have young
7 transgender children as young as three to four
8 years old. In addition it would help improve
9 society's perception on transgender paper by
10 removing the focus on genders from the birth
11 certificate correction requirements. Finally it
12 would give hope to many transgender people and
13 their families that progress is being made and that
14 the world would be safer place for them. The
15 current birth certificate correction policy must be
16 changed so that my son and others like my son can
17 have proper identification for their safety and
18 live the life of dignity and pride. My courageous
19 and fabulous son has to, has a right to live life
20 without a fear of being discriminated against and
21 accused of being a fraud. Lifting the surgical
22 requirement for birth certificate correction is a
23 right thing to do and I ask you to do the right
24 thing to benefit many transgender individuals like
25

1
2 my son who proudly call New York City their place
3 of birth. Thank you.

4 CHAIRPERSON JOHNSON: Ms. Yuhn you're
5 awesome.

6 CLAIRE YUHN: Thank you.

7 CHAIRPERSON JOHNSON: All young people
8 should have moms like you.

9 CLAIRE YUHN: Yes.

10 CHAIRPERSON JOHNSON: My mom is a PFLAG
11 mom in Massachusetts and it's really moving to have
12 you here today on behalf of your son and every
13 young person deserves unconditional love from their
14 parents. And you being here today is a real
15 testament to the love between the two of you. And
16 you also speaking on behalf of other parents who
17 may not be able to be here today. So I'm deeply
18 grateful that you came to testify today. Thank you
19 very much.

20 TIFFANY MATTHEW: Good afternoon. My
21 name is Tiffany Matthew. I was born in 1983. I was
22 young when I came to realize who I was. I was born
23 and raised in Coney Island. As a child I was very
24 feminine and my teachers told my mother I have
25 problems al through high school. At 16 I decided

1
2 that my gender assigned to me at birth wasn't
3 adequate. My family did not approve and were
4 incredulous about me because of my gender identity.
5 Over the years my family began to understand this
6 was opening up a new world for me. I started going
7 to the center and when I became homeless as it was
8 one of the few places that offered support services
9 for trans people at the time. Because I've been
10 working on my life goals before transitioning my
11 goals were always short term and I've accomplished
12 most of them. As a woman and transgender advocate
13 my long term plans includes pursuing higher
14 education to gain stable employment and financial
15 stability. Being connected to the gender, gender
16 identity project has given me a sense of hope, that
17 these goals are within my arm's reach. I've even
18 become a role model for other women in this
19 process. When you have an identity document such as
20 a birth certificate that does not match who you are
21 you become a target for discrimination, accusation
22 of fraud, denies of service, and many other
23 problems. Four out of 10 transgender people report
24 being harassed when presenting identity documents
25 that did not match. The statistics includes me.

1
2 Vital records has been relentless in their demands
3 for a doctor's letter confirming sex reassignment
4 surgery. This has made it extremely difficult for
5 me to get proper services from government agencies.
6 Medicaid has terminated and denied my healthcare
7 coverage and welfare refuses to provide me with
8 benefits because they said my gender marker on my
9 birth certificate did not match my ID. Many of the
10 receptionists of these offices refuse to call me
11 Tiffany, my name, which is not only disrespectful
12 but puts me in a grave danger once I leave the
13 office and see others who sat with when my
14 incorrect name was called for everyone to hear. The
15 constant feeling of exclusion and fear make it
16 arduous to try to have a normal life. Truthfully I
17 was even scared about coming into this building
18 today. I have aspirations to travel. I don't have a
19 passport because my birth certificate does not
20 match my other documentations and I'm gravely
21 concerned about this application process. I'm also
22 afraid of the ramifications that would have on me
23 while traveling abroad. Not having the gender
24 marker restricts me from pursuing a decent career.
25 I get scrutinized and deliberately placed into

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2 situations that are uncomfortable and confounding
3 when I apply for jobs. I want to thank all my
4 supports including counsellors of the gender
5 identity project, some of who are not licensed
6 clinical social workers and are more than qualified
7 to submit an assertion [sic], sorry attestation
8 of my gender. Asking this privatized is process in
9 a way that may prevent many trans people from
10 obtaining services. It also limits nonprofits, some
11 of whom that are leaders in the trans care and may
12 not have the funds to hire only licensed clinical
13 social workers. Suggestions for the city council;
14 allowing amending sex designations on birth
15 certificates in New York City to reflect the
16 person's gender, allow licensed master social
17 workers to author letters. Tiffany Matthew was born
18 in the current resident of New York City.

19 CHAIRPERSON JOHNSON: Thank you Ms.
20 Matthew for your very articulate and helpful
21 testimony today in understanding the obstacles that
22 transgender people face. And you know it's
23 important to say that this bill is not, and the
24 Board of Health Change is not a panacea and is not
25 going to take care of everything we need to do to

1
2 make New York City a better place for gender
3 nonconforming and transgender New Yorkers but it's
4 a step in the right direction. We still a huge
5 amount of violence and hate crimes directed at the
6 trans community. Three weeks ago in Bushwick I
7 believe we saw the most recent incident. It has
8 been constant and unabated and so this is a great
9 step. But we still have a lot to do to deal with
10 sexism, classism, racism, transphobia, in New York
11 City. And I appreciate the fact that you're here
12 today as a lifelong New Yorker to talk about your
13 own experience and I look forward to you being able
14 to get a correct birth certificate.

15 TIFFANY MATTHEW: Thank you.

16 CARRIE DAVIS: Good afternoon Mr.
17 Chairman. Thank you for a chance to speak today. My
18 name's Carrie Davis and I'm the Chief Programs and
19 Policy Officer in New York City's LGBT Community
20 Center where I've worked since 1998. I've been very
21 fortunate over these last 16 years to collaborate
22 with the city as it struggled step by step to
23 address the basic needs of transgender New Yorkers.
24 And since 2004 I've worked in coalition with
25 advocates, the Board of Health, and now the City

1 Council to allow trans people born in this city
2 access to accurate and affirming birth records.
3 While some trans people have a safe and healthy
4 journey to self-sufficiency and future employment
5 others are placed at risk by substantial stigma and
6 disruptions. This often cascades to lifelong
7 difficulties with health, education, and
8 employment. Despite the work that's been done so
9 far this invidious stigma still labels trans people
10 as mentally ill, deviant, fraudulent, and as
11 predators. This forcefully clashes with our...
12 experiences and negatively impacts our lives at
13 almost every turn. Only one in five trans people
14 has ID that matches their current identity. And
15 trans people have twice the unemployment rate
16 compared to the average. Nearly all report
17 harassment and discrimination on the job. And as a
18 consequence trans people are nearly four times more
19 likely to have an annual income of under 10
20 thousand dollars a year in the general population.
21 All of this significantly increases the contact and
22 associated cost trans people have with the
23 homeless, medical, and legal systems. Birth
24 certificates are a foundational tool as we seek to
25

1 address this negative cascade. The national
2 association of public health statistics notes birth
3 certificate breeds all others; social security
4 cards, school records, driver's licenses,
5 passports, and employment records. It means
6 citizenship. Having a birth certificate that shows
7 the wrong gender can make doing any of those things
8 difficult or even impossible. To that end the trans
9 people we deny citizenship to, those who are unable
10 to present accurate ID when needed will undoubtedly
11 continue to be harmed. It's not difficult to
12 imagine the resources that will continue to be
13 wasted in this process if we don't grasp an
14 opportunity like today's. Along with the
15 responsibility to document births is the city's
16 duty to document them accurately. It's in the best
17 interest of New York and its trans citizens to have
18 access to accurate birth records. This should never
19 become a barrier to anyone's participation to
20 society. To allow trans people to amend their birth
21 certificates without requiring the undergoing
22 what's inaccurately termed sex reassignment is a
23 positive action to address some of the challenges
24 faced by trans New Yorkers as they seek the same
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1 privileges and rights that others already enjoy.

2 This long overdue change enhances the social and
3 economic opportunities for trans New Yorkers. It's
4 neither radical nor unique and it's a common sense
5 step for us to bring our city in line with modern
6 standards.
7

8 CHAIRPERSON JOHNSON: You may, Carrie
9 take your time. You may finish your testimony.

10 CARRIE DAVIS: One more paragraph. Our
11 mayor has said he is committed to building a city
12 where New Yorkers from all five boroughs can start
13 businesses, raise their families, and afford to
14 live in their own neighborhoods. Our transgender
15 citizens wish to do the same thing. Thank you.

16 CHAIRPERSON JOHNSON: Thank you very
17 much. I really appreciate the fact that you all are
18 here today. And I look forward to, for folks that
19 want to get birth certificates that accurately
20 reflect who they are but also to work together on
21 the many other things we have to do to make our
22 city a better place for all people. So thank you
23 very much for being here today, thank you. We're
24 actually going to go a little bit out of order. So
25 the folks that I said were on deck before they'll

1
2 be on deck for this next one. First up I want to
3 call Melissa Sklarz, Matthew McMorro [sp?], and
4 Brian Ellicott [sp?]. So you may proceed in any
5 order that you would like. It's rare to have three
6 good friends on one panel before you at a committee
7 hearing. So it's great to see all of you. Thank you
8 for being here. Thank you for all of the hard work
9 you've done to get us to this point. And you may
10 start in whatever order you'd like.

11 Thank you Mr. Chairman. I want to thank
12 you. I want to thank Speaker Melissa Mark-Viverito
13 and the Health Committee for doing this today.
14 Forgive me if any of this is redundant. My name is
15 Melissa Sklarz. I'm Director of New York Trans
16 Rights Organization collector of New, collection of
17 New York trans advocates from Buffalo to
18 Brookhaven. I'm also a transgender transsexual
19 woman born here in New York City in the last
20 century. You'll hear from experts they talk about
21 trans men who do not get genital surgery to
22 complete their transition. You'll hear about the
23 prohibitive cost of genital surgery for many trans
24 women. You'll hear about the profound change in the
25 science and culture and how outdated birth

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2 certificates hurt transgender children as they
3 mature into adulthood. My story is simple. I've
4 been living and working and paying taxes as Melissa
5 for 20 years. All of my documentation is clearly
6 and simply stated as Melissa and female except for
7 my birth certificate and sadly my passport. In pre-
8 September 11th America while complicated to change
9 documentation it was possible. And the more
10 acclimated to our society the less complicated
11 these procedures become. Because of federal
12 regulations and my outdated birth certificate I
13 have not had a passport in 25 years. 2010 President
14 Obama changed the regulations to allow passport sex
15 designation to change without surgery. The process
16 is thorough and complicated. There are seven steps
17 including legal name change documentation... letter
18 from one's doctor. My doctor changed his letterhead
19 to accommodate me in my search for passport, to
20 ensure every word and letter were perfect. But the
21 key was the birth certificate. I tried online to
22 get a formal copy but the new name and old name
23 problem crashed the online system. Although they
24 did take my money twice. The only way to get a
25 birth certificate is to go downtown to the... of

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2 Records which I did. Now with my outdated birth
3 certificate my doctor's note, more money, and the
4 other necessary documentation I submitted the
5 entire package to the clerks. They got the
6 situation and after their approval off it went to
7 the passport creators in North Carolina. When the
8 passport returned I got everything right except for
9 the gender marker still designated as male. I was
10 very upset over was obviously a clerical mistake
11 and so I tried to fix it with a heartfelt sincere
12 letter pointing out their obvious confusion. Not
13 only was my appeal rejected the letter was
14 addressed to Mr. Sklarz, a designation I have not
15 heard in 20 years. My only option it appears is to
16 start over again from scratch but now apply for an
17 amended passport using the same obsolete birth
18 certificate and hope the papers are processed
19 correctly without additional information for me.
20 You will not find a transsexual person in New York
21 more politically involved and aware than myself. I
22 have been advising on trans issues the last three
23 governors, the last three mayors, and this city
24 council since the 1990s. If an outdated birth
25 certificate can stop me from completing a

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2 transaction that, a transition that effectively
3 ended years ago what happens to other people not as
4 involved in policy as me. Most New Yorkers are
5 proud to consider the home of, New York the home of
6 progressive thought and policy. But for trans
7 people with outdated regulations at these, our
8 journeys are confronted by an uncaring and
9 unyielding bureaucracy. I'm thrilled at this
10 though. Thank you Corey Johnson. I was part of the
11 birth certificate team in 2006. Never occurred to
12 me it'd take another eight years to have this
13 hearing with the council. So thank you.

14 CHAIRPERSON JOHNSON: Thank you Melissa
15 for all that you do all across New York state and
16 city. There is no one more active than you in the
17 trans community and we're very lucky for that.

18 BRIAN ELLICOTT: Hi my name's Brian
19 Ellicott and I'm a transgender New Yorker. I was
20 born in Staten Island University Hospital on July
21 1st, 1989 at 6:15 a.m. to Deborah Ellicott and
22 Brian Ellicott. My parents raised me in Staten
23 Island and I lived in New York City all my life.
24 That's the first time they misgendered me and there
25 was nothing I can do about it. I did however cry

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2 for 24 hours that day. Your, the first time they
3 cisgender you will lead what they call you for the
4 rest of your life, which line you stand in
5 elementary school, which locker room you go to in
6 middle school during gym class or whether you wear
7 white or maroon on high school graduation. As an
8 adult your birth certificate holds the power to get
9 your dream job or even your dream internship. I
10 fully support Intro 491 and 492 and am pleased to
11 see that members of the council has co-sponsored
12 this pieces of legislation that drastically change
13 the lives of transgender people who were born in
14 New York City. It is vital to the lives of
15 transgender people that our documents match who we
16 see ourselves to be and who everyone else sees us
17 to be. This piece of trans, of legislation allows
18 transgender people born in New York City to change
19 their gender markers without the need for gender
20 reassignment surgery. This... means the world to many
21 of us because these surgeries can range from a
22 little over 19 thousand dollars to 21 thousand
23 dollars. The total cost of transition can range
24 even higher and that's not including the price of
25 hormones. Many of us can't afford these surgeries.

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2 It took me close to two and half years to raise
3 money for a surgery that the Department of Health
4 at its current moment doesn't see as a require, as
5 a requirement for gender marker change. It was
6 however the most important to me. Thank you.

7 CHAIRPERSON JOHNSON: Thank you Brian.

8 It's so great to have you hear. And I want to,
9 before Matt testifies I want to say that we've been
10 joined by Council Member Carlos Menchaca from
11 Brooklyn, a friend of all's as well and a member of
12 the LGBT caucus and someone who has been a real
13 leader in working with me on this issue. So I'm
14 grateful that he's here today.

15 MATTHEW MCMORO: Good afternoon Chairman
16 Johnson, Council Member Menchaca, and members of
17 the City Council Health Committee. My name is
18 Matthew McMorro. I am the Manager of Government
19 Affairs for the Empire State Pride Agenda, New York
20 statewide LGBT Civil Rights and Advocacy
21 Organization. And I'm here to express our support
22 for these two bills. I'd like to first of all thank
23 you for convening this, this hearing and
24 specifically to thank the chairman for introducing
25 these two very important pieces of legislation.

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2 Many of us in the... gender community take for
3 granted the, the fact that the gender markers on
4 our birth certificates accurately reflect our
5 gender expressions and identities. When we apply
6 for a driver's license, a passport, a job, or
7 housing we know exactly which gender box to check
8 and rarely does anyone reading our application
9 question it. This is not the case for transgender
10 people the vast majority of whom have inaccurate
11 birth certificates. When you have an identity
12 document that does not match who you are you become
13 a target for discrimination. Many are harassed,
14 accused of fraud, denied service, or even verbally
15 or physically assaulted due to mismatched IDs. In
16 New York City and until very recently in New York
17 state to change gender markers transgender New
18 Yorkers were, are required to provide extensive and
19 very private medical records. Many transgender
20 people for financial, health, or other personal
21 reasons choose not to undergo surgery or hormone
22 therapy. And for those who do the physical
23 transition process can take years to complete
24 leaving them without a matching identification
25 documents for a very long time. The Pride Agenda in

1 partnership with many of the other organizations
2 presenting here today has been advocating for this
3 policy change for several years. On the state level
4 we worked closely with Governor Andrew Cuomo's
5 Office to make it a reality. And as of June of this
6 year the New York state Department of Health no
7 longer requires proof of gender reassignment
8 surgery or hormonal treatments in order to change
9 one's gender markers on a state issued birth
10 certificate. As administrators of the New York
11 state LGBT Health and Human Services Network the
12 Pride Agenda is close, is in close contact with
13 dozens of organizations across the state which are
14 helping transgender clients navigate the new
15 updated policy. And feedback has been universally
16 positive. One transgender man from Ithaca who has
17 taken advantage of the new state policy for
18 correcting his birth certificate told us having to
19 present a birth certificate with one's former
20 gender can be terrifying. It can open oneself up to
21 potential ridicule, unwarranted and unjust
22 scrutiny, prying and inappropriate question of,
23 personal questions, denial of service, or worse.
24 The new policy helps preserve our dignity as well
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2 as the privacy of our medical status. Unfortunately
3 this policy change does not apply to transgender
4 people born in New York City which is, issues its
5 own birth certificates and still requires proof of
6 surgery or hormone therapy. New York state
7 historically is several steps behind New York City
8 on important civil rights issues now has a more
9 progressive policy on this particular issue than
10 New York City. Transgender New Yorkers already face
11 disproportionate levels of family rejection,
12 homelessness, discrimination, and assault. Some of
13 this is due to transphobic discrimination within
14 our society. But some is due to institutional
15 barriers such as the current law under
16 consideration. The unnecessarily disadvantages
17 transgender New Yorkers it is time to remove this
18 unnecessary barrier. I want to thank Speaker Mark-
19 Viverito and Mayor Bill de Blasio for expressing
20 their support for, for these bills and I applaud
21 Council Member Johnson for introducing them. I
22 respectfully urge the committee to vote for it.
23 Thank you.

24 CHAIRPERSON JOHNSON: Thank you all very
25 much for being here. It's great to see you on that

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2 side of the table. And thanks for all that you've
3 done again leading up to today. But you guys do a
4 lot more than just advocating on this and I really
5 appreciate the fact that you're here this, this
6 afternoon. Thank you. And I want to, I want to turn
7 it over to my colleague and friend Council Member
8 Carlos Menchaca.

9 COUNCIL MEMBER MENCHACA: Thank you
10 Chair and thank you for testifying. You all each
11 represent the hard work of this incredible
12 community either as a resident, someone with
13 experience, or in your political organizational
14 rolls. And so to you and to everyone else that's
15 testifying today I, I just applaud the work that
16 you're doing and, and we're going to continue to
17 do. The games continue to change for us on, in
18 advocacy but having, having Chair Johnson at the
19 helm of the Health Committee today and I have to
20 tell you this, these things have been in the works
21 for obviously a while and I know you've heard from
22 the Chair. And, and all of this is being integrated
23 into all of the things we're doing in the city
24 including the municipal identification card and
25 we're, we're all linked in, in this, this council

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2 but also with this administration to, to, to get
3 there. And this is just one piece of so many. So I
4 just want to say thank you to the chair who
5 continues to, to pressure all of us to be on there,
6 be there with him and, and thank you for all your,
7 your hard work. It, it continues to be an
8 inspiration to us all and as we continue to think
9 about the holistic approach that the city needs to
10 take I'm proud to be standing with you. Thank you.

11 CHAIRPERSON JOHNSON: Thank you.

12 COUNCIL MEMBER MENCHACA: Thank you.

13 CHAIRPERSON JOHNSON: So we are going to
14 now be joined by Emily Foot, Scott Kramer, Doctor
15 Frank Proscia, Patricia Burkhart, and Aaden
16 Harrington. So before this panel testifies I want
17 to mention to you all that are here today, a piece
18 of important information, that for those that have
19 comments on recommendations on the Board of
20 Health's policy which is a mirror policy to this
21 legislation you should make sure to either submit
22 comments which you can do by email or you can
23 testify at the Board of Health hearing which is
24 next Monday, November 17th at 10:00 a.m. in Long
25 Island City. If you need information on the exact

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2 address we'd be happy to get that to you. You can
3 address and, you can address comment information on
4 the DOHMH website and you can email Resolution
5 Comments, Resolution Comments, all one word, at
6 health dot NYC dot gov. And if you would like to
7 mail your comments you can mail it to NYCDOHMH
8 Gotham Center 42-09 28th Street CN31 Long Island
9 City in New York. If you need that information
10 again you may get it from the Health Committee. It
11 would be wonderful and I think important for the
12 folks that testified today on their own personal
13 experiences to submit their testimony that they
14 gave today to the Board of Health hearing on Monday
15 that would be very helpful I believe. So I want to
16 turn it over to you all. If you could please
17 identify yourself for the record and you may begin.

18 EMILY FOOT: Good afternoon my name is
19 Emily Foot. I'm a social worker with the National
20 Association of Social workers. I'm first going to
21 read into the record if it's okay the testimony of
22 Scott Kramer?

23 CHAIRPERSON JOHNSON: Sure.

24 EMILY FOOT: Hello members of the City
25 Council my name is Scott A Kramer and I am a

1 licensed clinical social worker in the state of New
2 York, the Chairperson of the Lesbian, Gay,
3 Bisexual, and Transgender Committee at the National
4 Association of Social Workers in New York City, and
5 a psychotherapist in private practice working with
6 the LGBT community. I am here today to testify
7 regarding a proposed legislation to allow licensed
8 master social workers to attest to an individual's
9 gender identity. There are many people living in
10 New York whose gender identity does not match the
11 gender identity with which they were born. For
12 example a person who was born male may now identify
13 as female and vice versa. In the past it has been
14 extremely difficult to get gender markers on an
15 individual's birth certificate changed. This can be
16 devastating and may lead to many mental health
17 issues such as depression, anxiety, low self-
18 esteem, and the feeling that not only are they in a
19 body that doesn't match their gender identity but
20 also that their documents do not match their gender
21 identity. It can be traumatizing and each time a
22 person sees that gender identity on their birth
23 certificate which may be their only form of
24 identification the traumatizing reinforcement can
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2 happen again. When people experience depression and
3 anxiety they may not be as energetic as they can be
4 not being able to go to work or school. They may
5 not be able to concentrate and they may not have
6 the opportunity to be the productive members of
7 society we would all like each person in New York
8 City to be. According to the New York state
9 Department of Education Office of the Professions
10 for Social Work as of the end of 2013 there were
11 approximately 35,595 licensed social workers in the
12 state. Of those 22,862 were LMSWs and 12,733 were
13 LCSWs. Allowing LMSWs to attest to a person's
14 gender identity on their birth certificate would
15 provide another option for people. And this is what
16 we as social workers help our clients with,
17 options. Why would we want to limit people. As
18 stated on the State Education Department Office of
19 the Professions website to be licensed as a
20 licensed master social worker in New York state you
21 must be of good moral character as determined by
22 the department, be at least 21 years of age, meet
23 education requirements, meet examination
24 requirements, and complete coursework or training
25 in the identification and reporting of child abuse

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2 offered by a New York state approved provider. As
3 you can see all LMSWs have already been vetted by
4 the state of New York to provide services. There is
5 no reason LMSWs cannot or should not be allowed to
6 attest to an individual's gender identity on their
7 birth certificate. With LMSWs being able to attest
8 to ones gender identity on their birth certificate
9 positive outcomes may include decreases in
10 depression, anxiety, and social isolation. This may
11 lead to less people accessing social and financial
12 assistance programs, more people receiving
13 education and being able to thrive in the work
14 force. It is my opinion as the chairperson of the
15 NASW NYC LGBT Committee and Psychotherapist in
16 private practice that LMSWs be allowed to attest to
17 one's gender identity on their birth certificate.
18 Thank you.

19 CHAIRPERSON JOHNSON: Thank you. And now
20 you may begin your testimony.

21 EMILY FOOT: Thank you. Good afternoon
22 Chairman Johnson, members, and guests. I would like
23 to thank the health committee for giving me the
24 opportunity to testify here today. My name is Emily
25 Foot and I'm speaking on behalf of the New York

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2 City Chapter of the National Association of Social
3 Workers, the primary professional organization for
4 social workers. There are approximately 20,000
5 licensed social workers in our city working across
6 many sectors and in every community. We estimate
7 about 10,000 New York City social workers possess
8 the LCSW and an additional 10,000 are working with
9 an LMSW. There are also a significant number of
10 social workers with a master's degree who either do
11 not require a license for their practice or are in
12 the process of obtaining licensure. Professional
13 social workers serve New Yorkers struggling with
14 life's greatest challenges. We help individuals,
15 families, groups, and communities identify and
16 develop capacities, resources, and opportunities in
17 the face of such difficulties as illness addiction,
18 childhood abuse, underemployment, inadequate
19 housing, death, and bereavement, trauma, and sudden
20 shifts in life circumstances. Social workers are
21 employed directly by the city and the state as well
22 as through contracts with nonprofit agencies and
23 every type of social service including child
24 welfare, disabilities, behavioral health, aging,
25 and end of life care, domestic violence, schools,

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2 immigrant services, juvenile and adult justice, and
3 more. Our interventions range from clinical
4 services to assistance in navigating the myriad
5 social systems that impinge on people's lives based
6 on assessments that identify critical areas where
7 change is likely to occur. The results frequently
8 prevent more acute need for services and can alter
9 the course of people's lives. Under many
10 circumstances this avoids the need for high cost
11 programs and services. NASW NYC strongly supports
12 this legislation and its proposed change to the
13 city's administrative code enabling individuals who
14 are transgender to change the sex designation on
15 their birth record to match their gender identity.
16 Further we believe both LCSWs and LMSWs should be
17 included on the list of providers qualified to
18 attest to the individual's gender identity. In
19 addition to the fact that no medical diagnosis is
20 necessary for section attestation, inclusion of
21 both LCSWs and LMSWs will ensure greater
22 accessibility for these often vulnerable and
23 certainly disenfranchised individuals. The LMSW is
24 in many ways the primary license for the social
25 work profession in New York State. It often

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2 represents a very sophisticated capacity through
3 education experience and specialization to perform
4 complex psychosocial assessments. Social workers
5 with LMSWs are often among the most capable case
6 managers and social services and care coordinators
7 in hospitals where issues related to an
8 individual's gender identity are likely to come up.
9 NASW NYC recommends that upon passage of this
10 legislation it'd be communicated to licensed social
11 workers that these attestations now officially fall
12 within their scope of practice. There are several
13 ways in which to do this effectively including
14 through the New York State Office of the
15 Professions, the various schools of social work
16 throughout the city and state and through the city
17 agencies themselves. Thank you for your attention
18 to this important issue which will improve the
19 lives of countless New Yorkers who are, who are
20 transgender or who for any other reason do not
21 identify with the sex designation listed on their
22 birth record.

23 CHAIRPERSON JOHNSON: Thank you Ms.

24 Foot.

25

1
2 AADEN HARRINGTON: Hello my name is
3 Aaden Harrington. May I offer the testimony for
4 Patricia Burkhart first before... [cross-talk]

5 CHAIRPERSON JOHNSON: Yes.

6 AADEN HARRINGTON: ...doing my own? Thank
7 you. The New York State Association of licensed
8 midwives is pleased that this Committee of the New
9 York City Council has chosen to consider the two
10 issues of sex designation on birth records and
11 gender marker changes and to be given the
12 opportunity to contribute to the information and
13 wisdom you are gathering in these areas. For
14 purposes of today's testimony we'll primarily focus
15 on gender marker changes while presenting some of
16 the crossover implications of the two realities.
17 I've edited out some of the duplicate testimony as
18 we already agree with many of the other items.
19 Midwives understand that an individual's gender
20 identity is not determined by a person's biological
21 sex. It may not always fall into the gender binary
22 of female and male. Although many transgender and
23 gender nonconforming people strongly identify as
24 being a man or woman and choose to conform to
25 conventional gender rolls others identify their

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2 gender as sliding along a spectrum of masculine and
3 feminine that is unique to them. For these persons
4 who identify as having a gender outside of the
5 binary they may describe themselves as being both a
6 man and a woman, at times one, and at other times
7 the other, a blend of masculine and feminine,
8 neither man nor woman, multiply gendered,
9 androgynous, or genderless. As is clear from this
10 description gender is complex reality and often a
11 changing one. When a person's sex hormones, primary
12 and secondary sex characteristics, gender roll, a
13 social cultural idea of expression and expectations
14 in gender identity a self-identity. When these
15 things match a person is considered cisgender,
16 another way to define a cisgender is someone whose
17 gender is considered universally valid, that is no
18 one would ever contradict his or her gender
19 identity because it correlates with what is
20 expected by mainstream society. When a person's sex
21 gender roll and I, gender identity do not match he,
22 she, z, or they is considered transgender gender
23 variant or gender nonconforming. Trans people share
24 the experience of having their gender identity
25 considered as not universally valid. When a person

1
2 has a condition involving anomalies of the sex
3 chromosomes, gonads, reproductive ducts, or
4 genitalia they are considered intersex like those
5 with typical male and female genitalia intersex
6 people are usually assigned a gender role at birth,
7 girl or boy, which may or may not turn out to match
8 their gender identity as it evolves. Some intersex
9 people identify as transgender but most do not.
10 There are many many conditions that can be
11 considered on that an you can find out more
12 information about that with intersex society of
13 North America. As present a transgender person
14 undergoing medical transition is able to change
15 their passport and driver's license to another
16 binary gender designation. However only a surgical
17 procedure will satisfy the requirements to
18 correlate the sex designation on birth... Although
19 some trans people may choose a surgery to affirm a
20 binary gender identity it is not appropriate for or
21 desired by all persons. As such even trans people
22 for whom a, binary identity fits may find it
23 impossible to correct their documentation.
24 Additionally for trans people for whom a binary
25 gender identity is not affirming there are

1
2 currently no third gender options for designation
3 on documentation therefore trans and gender
4 nonconforming persons do not have an option for
5 appropriately representing their gender identity on
6 legal documentation. Although this may seem trivial
7 to some mismatching documents can be a source of
8 humiliation, shame, and ridicule, and as well may
9 cause unnecessary legal and security issues
10 throughout life. Given the complexity of possible
11 gender identities and the relation to sex
12 designation we encourage the committee on health to
13 create a third option for gender identity that is
14 outside the binary. We applaud the committee's plan
15 to consult with transgender, gender variant, and
16 gender nonconforming communities to determine the
17 best term and processes. This will be a challenging
18 ongoing process that is critically needed in our
19 society. Thank you.

20 CHAIRPERSON JOHNSON: Thank you.

21 AADEN HARRINGTON: In a society that
22 fails to recognize gender that is outside of the
23 binary of woman and man even while we know that
24 nature allows for a variance with those called
25 intersex these issues are specific to gender

1 nonconforming persons is often overlooked. I am
2 here to represent midwives but also as a person of
3 gender nonconforming experience.. that would, I, ooh
4 god I'm so sorry. I'm here in support of a third
5 gender marker designation that would allow a more
6 affirming option for identification to remove
7 obstacles a discrimination face due to mismatching
8 documentation and pave the way towards a more
9 inclusive marker. I'm someone who was born female
10 but never felt like girl fit. I transitioned to a
11 masculine identity, changed all of my documentation
12 over to male, took hormones for almost two years
13 but found that boy didn't quite fit either.
14 Although I present as feminine to the council today
15 it is not a complete representation of who I am as
16 a person. At present there are no documentation
17 that will ever match me. My legal DMV and passport
18 say male. My birth certificate says female. They
19 don't match. If I ever go through anything I can,
20 although I can change my DMV and passport to go
21 back to female I feel it is unaffirming. It will
22 invalidate who I am as a person and my journey and
23 I very much am in strong support with midwives
24

1
2 behind me that you consider both of these
3 legislation. Thank you.

4 CHAIRPERSON JOHNSON: Thank you very
5 much for your testimony. Doctor Proscia.

6 DOCTOR PROSCIA: Thank you. Good
7 afternoon Chairman Johnson and members of the
8 Health Committee. My name is Doctor Frank Proscia
9 and I am the President of Doctors Council SEIU
10 which represents thousands of doctors in the New
11 York City area including every... facility in New
12 York City, Department of Health, Education, and
13 other New York City agencies. Thank you for the
14 opportunity to testify today. Doctors Council SEIU
15 is here today in support of Intros 491 and 492
16 relating to allowing individuals to amend the
17 gender marker on their birth certificates and for
18 the oversight and the implementation of this
19 requirement. We believe that current medical
20 consensus suggests that surgery is neither
21 appropriate nor necessary for many transgender
22 people and such a requirement therefore imposes an
23 unreasonable and unwarranted burden on transgender
24 individuals. In June the New York State Department
25 of Health announced it no longer requires proof of

1
2 gender reassignment surgery or hormone treatment in
3 order to change one's gender marker on a birth
4 certificate. Many transgender people for financial
5 health or other personal reasons choose not to
6 undergo surgery or hormone therapy. For those who
7 do the physical transition process can take years
8 to complete leaving them without matching
9 identification documents for a very long time.
10 Recently the AMA rejected gender affirmation
11 surgery as the guiding requirement for changing
12 birth, for changing birth certificates and
13 cooperating inconsistent with current medical
14 standards. The new AMA policy also supports that
15 any change of sex, sex determination on an
16 individual's birth certificate must not hinder
17 access to medically appropriate preventive care.
18 Medical options for transgender people include a
19 medically appropriate combination of mental health
20 care, social transition hormone therapy, in
21 addition to the option of sex reassignment surgery.
22 Policy updates on gender markers will be crucial to
23 the lives and wellbeing of transgender individuals
24 in New York City. These are significant quality of
25 life issues at stake including the intrinsic value

1
2 of having a birth certificate that corresponds to
3 one's identity. Transgender people may have a
4 strong need to change their gender marker on their
5 birth certificate for many critical reasons related
6 to employment, travel, schooling, as well as social
7 recognition of their gender. It is critical that
8 they be able to obtain without unnecessary
9 obstacles, essential documentation from the city to
10 accurately reflect their identity. As doctors in
11 the public hospital system we intersect with
12 transgender New Yorkers every day who seek our
13 care, our council, and our guidance. By not
14 requiring clinical or surgical treatment for a
15 gender marker change the city of New York's forward
16 thinking policy will be more in line with how
17 transgender people live their lives and with the
18 medical community's consensus on when a person's
19 gender should be recognized. As a union of doctors
20 and a voice for patients we strongly support the
21 rights of transgender individuals to live their
22 lives as all New Yorkers do and to receive quality
23 affordable healthcare that we believe is a right
24 for all New Yorkers. Thank you again for the
25

1
2 opportunity to testify here today in support of
3 both of these intros, thank you.

4 CHAIRPERSON JOHNSON: Thank you Dr.
5 Proscia for being here today. Thank you to both of
6 you as well for coming. I just had a couple of
7 questions given that you all are testifying from
8 the provider side which is really helpful and I'm
9 glad you're here to give your expertise. So what do
10 you think can and should be done to educate health,
11 health and mental health providers on the
12 attestation/affirmation process that we hope to
13 implement. What, what do you think we need to do to
14 actually ensure that providers have the information
15 they need to understand the process?

16 DOCTOR PROSCIA: I just want to mention
17 communication and education is the primary thing
18 to, you know to have the Board of Health have all...
19 sorry I have a sore throat, to have all advocates
20 you know participate in communicating with all
21 their members, with all their you know providers.
22 As a doctors union delegate I will make sure all
23 our members are aware of this here in New York
24 State and throughout the United States. And I'll
25 get my labor partners thank you very much to also

1
2 you know do this. There are many people who were
3 born here in New York City and are totally unaware
4 that when this change does occur... At least this way
5 these people can come back to New York City and
6 have their birth certificates change and that may
7 very well you know be key to changing their lives.

8 EMILY FOOT: As far as social workers
9 are concerned there are a number of very effective
10 ways to communicate with them. The city agencies
11 employ thousands of social workers and could I
12 assume that a directive or request could be made of
13 them by the council to inform the social workers
14 who work for them. Additionally my organization
15 National Association of Social Workers represents
16 close to 10,000 social workers here in the city and
17 we certainly communicate with them on a regular
18 basis. We'd be happy to undertake an additional
19 sort of awareness raising campaign. There are nine
20 or ten schools of social work with master degree
21 programs in New York City who could communicate the
22 changes in policy. And finally the Office of the
23 Professions in Albany, part of the New York State
24 Department of Education has I believe the email
25 addresses for every licensed social worker in the

1
2 state and they could divide it by zip code or
3 jurisdiction.

4 CHAIRPERSON JOHNSON: Thank you.

5 AADEN HARRINGTON: As far as licensed
6 midwives... is the New York affiliate that works very
7 closely with, with ACNM the American College of
8 Nurse Midwives. We are in constant contact and can,
9 we have a policy statement that's already in place
10 speaking about the importance of reaching out to
11 transgender and gender variant persons in providing
12 care that is within our scope. And so we would
13 further push out more statements and, and education
14 to midwives.

15 CHAIRPERSON JOHNSON: Thank you very
16 much. Yes Doctor Proscia?

17 DOCTOR PROSCIA: There is you know one
18 other thing. New York state mandates certain
19 classes for all licensed providers you know such as
20 you know the child abuse class. This may be very
21 well something that could be you know mandated in
22 terms of you know maintaining your licensure that
23 has to be done at least one time.

24 CHAIRPERSON JOHNSON: That's helpful. So
25 thank you. And, and I would just implore you all to

1
2 please connect with Ms. Van Wye and Mr. Schwartz
3 and the folks at DOHMH Ms. Timbers who are going to
4 be doing this type of outreach and relying on
5 outside organizations to help them carry through
6 this policy. So thank you very much. Next up we're
7 going to be joined by Bobby Hotchen [sic] Hodgson,
8 Ash McGovern, and Kathy Bowman. So you may again go
9 in whatever order that you may like. Please
10 identify yourself for the record. But before you
11 testify I do want to single out Bobby for his
12 incredible organizational skills and keeping a
13 coalition together over these last many months
14 getting us to today getting us to the introduction
15 of this over a month ago, having us all work
16 together collaboratively and being a resource for
17 the council staff, for myself, and for other folks
18 that needed guidance on how to best proceed and you
19 did it adeptly and thoughtfu8lly and I really
20 appreciate that and I'm glad you're here today for
21 this moment.

22 ASH MCGOVERN: Thank you Chairman
23 Johnson and members of the Committee on Health for
24 spearheading this, these important pieces of
25 legislation. My name is Ash McGovern and on behalf

1 of the New York Legal Assistance Group and its
2 LGBTQ Law Project we offer our strongest support
3 for the proposed amendments today. The LGBTQ Law
4 Project at New York Legal Assistance Group provides
5 free legal services to low income lesbian, gay,
6 bisexual, transgender, and queer communities
7 throughout New York City particularly in the areas
8 of employment and housing discrimination, public
9 assistance, legal name changes, family law, and
10 healthcare access. Every day our transgender and
11 gender non-conforming clients face discrimination,
12 harassment, and mistreatment in trying to access
13 stable employment, safe health care, secure
14 housing, and economic survival simply for being who
15 they are. As you likely know and have heard
16 personal testimony to today this is an
17 overwhelmingly common experience for the vast
18 majority of transgender and gender nonconforming
19 people. Having inaccurate or mismatch, mismatched
20 identity documents significantly increases the
21 likelihood that transgender and gender
22 nonconforming people will be forced to out
23 themselves to potential employers, landlords,
24 health care providers, or government workers
25

1 exposing them to discrimination. At NYLAG every day
2 we see clients who have been evicted from their
3 homes, forced to live in homeless shelters or on
4 the street, harassed at school, denied medical
5 care, and fired from work simply for being
6 transgender or gender nonconforming. For example
7 one of our clients recently went to the emergency
8 room because of a painful and potentially life
9 threatening infection. Because her identity
10 documents did not match with the hospital system
11 she was harassed by staff, told she must be a man
12 because of one of her identity documents and it had
13 a male gender marker and told that they would not
14 admit her into the main intake area because it
15 might make other patients feel uncomfortable. The
16 workers demanded that she answer a series of
17 invasive and medically unrelated questions about
18 whether or not she had ever had surgery. When she
19 asserted to the workers that they call her by the
20 correct name and the gender marker that she had
21 been using for decades they called security and
22 refused to admit her into the hospital despite the
23 fact that she was in excruciating pain. This is
24 only one example. In addition to protecting
25

1
2 transgender and gender nonconforming people from
3 discrimination the proposed amendments will bring
4 New York City into line with many other
5 jurisdictions across the country who have
6 modernized their birth certificate record
7 procedures to be in conformity with overwhelming
8 medical consensus around gender identity and
9 medical interventions. Having undergone a
10 particular medical intervention is not the
11 appropriate way to determine any person's gender
12 identity both because for many transgender people
13 surgery is not medically necessary and for many
14 others it is not physically or financially
15 possible. As a result it does not make sense for
16 any person to be forced to have surgery before
17 changing their legal documents. And this view has
18 been overwhelmingly confirmed by our country's
19 leading medical experts including the American
20 Medical Association with which you've heard about.
21 This also places an unjust burden on low income New
22 Yorkers in particular. All of our clients at NYLAG
23 are low income folks and almost exclusively get
24 their health insurance through Medicaid. As you may
25 know New York Medicaid does not provide transition

1
2 related surgery for folks who are on Medicaid so
3 even if our clients wanted to have the surgical
4 procedures that are required which many do they
5 cannot because Medicaid will not provide them with
6 this type of healthcare. This puts them in an
7 impossible situation. We hope that New York City
8 will be the next jurisdiction to change their, to
9 amend the records. Transgender and gender
10 nonconforming New Yorkers are among the most
11 vulnerable residents of the city and the
12 desperately need access to accurate identification
13 documents in order to decrease the likelihood that
14 they will experience discrimination. NYLAG applauds
15 the city council for taking this critical step
16 towards modernizing the city's code to ensure that
17 transgender and gender nonconforming community
18 members are able to access stable employment, safe
19 healthcare, secure housing, and economic survival.
20 Thank you.

21 CHAIRPERSON JOHNSON: Thank you Ash.

22 BOBBY HODGSON: Hi, my name is Bobby
23 Hodgson. I'm an attorney at the New York Civil
24 Liberties Union and I'd like to thank you Mr.
25 Chairman for your amazing leadership on this issue

1
2 and the Committee on Health for inviting the NYCLU
3 to provide testimony today in support of the
4 proposed legislation. Also thanks as well to
5 everyone on the council who's been working so hard
6 on this bill, these bills. In light of the NYCLU's
7 long history of vigorously defending the rights and
8 liberties of transgender and gender nonconforming
9 individuals we're pleased to testify in strong
10 support of the bill. And briefly I'll echo previous
11 comments detailing how the proposed changes are
12 certainly in keeping with other modern policies
13 that have removed outdated surgery requirements
14 which we go into in depth in our written testimony.
15 I'll also echo the, the moving testimony that we've
16 heard about how as a fundamental identity document,
17 an accurate birth certificate is critical to equal
18 participation in society. I'll use my testimony
19 time today to speak briefly as well about how the
20 current policy is in tension with the New York City
21 Human Rights Law and the Federal Constitution which
22 is of particular interest to the NYCLU. The
23 insurmountable barriers that are created by the
24 current policy bar access to accurate
25 identification for the large percentage of

1
2 transgender New Yorkers for whom surgery is not
3 available or isn't desired. This effectively
4 freezes an entire class of people out of a vital
5 set of benefits based solely on their gender
6 identity. The New York City Human Rights Law
7 however prohibits discrimination on the basis of
8 gender identity. So due to the grave implications
9 of a city policy that denies important benefits to
10 New Yorkers on the basis of their gender identity
11 the NYCLU strongly supports the passage of this
12 bill and the removal of those barriers to accessing
13 accurate identification. Further courts have held
14 that individuals have a constitutional right to
15 privacy regarding their transgender identity. And
16 the current policy obviously places a significant
17 burden on that right. In a case called Powell vs.
18 Schriver, the second circuit, which is the federal
19 appellate court with jurisdiction over New York
20 held that the constitution does indeed protect the
21 right to maintain the confidentiality of one's
22 transgender status because the current policy leads
23 to transgender individuals being forced to out
24 themselves every time they must present
25 identification it threatens to violate their

1 constitutional rights. Accordingly the council's
2 proposed bill will be particularly welcome in light
3 of the increased privacy that it will provide to
4 transgender New Yorkers. Further I'll briefly
5 mention that the NYCLU strongly supports the bill's
6 broad inclusive list of licensed professionals who
7 can attest to an applicant's gender identity or
8 affirm sex in support of the application to correct
9 a birth certificate. We believe that this inclusive
10 list of qualified professionals is vital to
11 ensuring the success of the bill. In conclusion we
12 applaud you Chairman Johnson, bill's sponsors in
13 the council, and the Department of Health and
14 Mental Hygiene for your recognition of the need to
15 address this important issue. We support the common
16 sense improvements that the bill proposes to bring
17 New York City in line with other jurisdictions. And
18 it is the opinion and testimony of the NYCLU that
19 this legislation is necessary, long overdue, and
20 will greatly improve the city's ability to respect
21 and safeguard the rights of its transgender
22 residents. Thank you.

23
24 CHAIRPERSON JOHNSON: Thank you Bobby
25 again.

1
2 KATHY BOWMAN: Good afternoon. My name
3 is Kathy Bowman and I'm the Director of the
4 LGBTNHIV unit at South Brooklyn Legal Services. And
5 before we start I'd like to say it's very
6 refreshing to see people from the Department of
7 Health still here. In my experience the agency is
8 testifying can't fly out fast enough before people
9 from the community testify. So it's actually very
10 heartening to see people from the Department of
11 Health here listening to people from the community.
12 So as the Director of the LGBT and HIV unit I
13 regularly witness problems faced by low income
14 transgender New Yorkers whose identification
15 documents do not match their actual genders. The
16 ability to correct one's birth certificate is a
17 powerful asset for transgender individuals seeking
18 to obtain accurate identification particularly from
19 those governmental agencies that continue to make
20 it difficult for people to change their gender
21 markers. Unfortunately one of those agencies is
22 still the New York City Human Resources
23 Administration which at this point appears to be...
24 in their attempts to allow clients to change their
25 gender markers on their identification cards by the

1
2 New York State Department of Health and the New
3 York State Office of Temporary and Disability
4 Assistance. These agencies which have a substantial
5 impact on the lives of low income people throughout
6 the state have resisted allowing transgender
7 clients to change their gender markers and continue
8 to require both an amended birth certificate and
9 proof of gender reassignment surgery. This policy
10 results in many low income transgender people being
11 forced to use identification cards showing a sex
12 designation that does not match their actual gender
13 in order to seek cash, medical care, and SNAP
14 benefits putting them at risk of harassment and
15 violence. There is hope that the amendments before
16 the council today coupled with the recent changes
17 in New York state's birth certificate amendment
18 process could act as a catalyst for the Department
19 of Health and OTDA to allow changes to gender
20 markers based on similar requirements. The very
21 attempt to change gender markers at governmental
22 agencies often create situations in which
23 transgender folks are forced to deal with verbal
24 abuse and harassment regarding their gender. Two
25 years ago Legal Services NYC brought two separate

1
2 transgender discrimination cases against the Human
3 Resources Administration on behalf of individuals
4 who had experienced demeaning and humiliating
5 treatment when they attempted to correct the gender
6 marker on their identification cards. In one of
7 these cases Doe vs the City of New York the State
8 Supreme Court and New York County found that the
9 barriers faced by a transgender woman while
10 accessing her benefits threatened her continual
11 receipt of the benefits themselves and that while
12 HRA's policy may appear to be equal on its face its
13 practical impact for the transgender community is
14 obviously, if there's... impact on the transgender
15 community. The current requirements for amending
16 birth certificates in New York City are outdated
17 and do not reflect the current understanding of
18 gender identity I just want to reiterate, I think
19 we heard a lot of individual instances today of
20 people facing discrimination based on this and I
21 just... Our, our low income transgender folks, I
22 think that's just multiplied many times because
23 they have to answer to bureaucracies and to all
24 sorts of systems that other people aren't always
25 caught up in. And I think examples like Ash's of

1
2 trying to medical care and being unable to get
3 medical care because people are arguing about
4 whether you're a man or a woman when you need
5 medical care and, and those are, are a daily
6 reality. So I think passing this, these bills will
7 make a huge difference in the lives of New Yorkers
8 and I'm very happy to be testifying on this subject
9 today. Thank you.

10 CHAIRPERSON JOHNSON: I'm, I'm happy
11 you're here as well and I'm grateful for all the
12 work that all of you do day in and day out across
13 the city in helping those who need representation
14 and who need help accessing government in the right
15 way. And so I appreciate your leadership on this
16 and thank you for being here.

17 KATHY BOWMAN: Thank you.

18 CHAIRPERSON JOHNSON: Thank you. And our
19 last panel. Jay Laudato from Callen-Lorde Community
20 Health Center, John Skwiersky from Sylvia Rivera
21 Law Project, Clayton Brooks from the Ali Forney
22 Center, and I apologize for pronouncing your name
23 wrong, Bahar Akyrithu [sic]? No? Close? What is it?
24 Akyurtlu, oh good great from Make the Road New
25 York. So again you may proceed in whatever order

1
2 you would like if you could just please identify
3 yourself for the record that would be great. Thank
4 you. Do you want to start Jay?

5 JAY LAUDATO: Hi, my name is Jay
6 Laudato. I'm from the Callen-Lorde Community Health
7 Center. I have sent, I had given out the, our
8 testimony. It's, I, we're, we're dittoing
9 everything everyone else has said. I just want to
10 raise two points. The first is how pervasive the
11 use of sex markers and or gender markers are in
12 health care? Everything from prescriptions,
13 laboratory ordering, x-ray reports, everything we
14 do has that marker in it. And it, the barriers that
15 people of trans experience have in healthcare on
16 all levels is profound. And the ability to be able
17 to interact with the healthcare system with your
18 appropriate gender marker could be lifesaving. We
19 have argued with health plans about mammograms for
20 transmen, prostate exams for trans women, and this,
21 the change in the birth certificate will save
22 lives. The second is that while we serve about 26
23 hundred people of trans experience at Callen-Lorde
24 many other providers who are going to be able to
25 make the certification do not have the level of

1
2 education that we have about, about the, about
3 trans health issues. And I'm really applaud your
4 creation of a panel because we believe that it will
5 be extremely important for there to be very clear
6 guidance to providers who all have limited
7 experience and very objective criteria that will be
8 used in order for these providers to make this
9 change. We shouldn't underestimate you know how few
10 providers carry a panel of trans patients and they
11 may be searching for guidance and we would hate to
12 make this law available only for patients not to be
13 able to access it rapidly and without further
14 discrimination. Thank you.

15 CHAIRPERSON JOHNSON: Thank you Jay for
16 all that you guys do at Callen-Lorde.

17 CLAYTON BROOKS: Good afternoon Mr.
18 Chairman. My name's Clayton Brooks. I'm the
19 Director of Advocacy at the Ali Forney Center.
20 Chairman Johnson you're familiar with our
21 organization. We offer a full range of services to
22 homeless LGBT youth in New York City. Slightly over
23 22 percent of the young people we serve identify as
24 transgender allowing us to see firsthand the
25 difficulty many of our clients have achieving the,

1
2 the proper identification to help seek employment
3 and housing. We're committed to helping our young
4 people achieve safety and independence and often it
5 is achieving this documentation that stands in
6 their way. I provided the council testimony from
7 two of our front line staff and just wanted to
8 offer two pieces of that testimony today. From
9 Penny Farmer our intensive case manager who is also
10 an LMSW, the first story offers a story of a client
11 with whom Penny worked who had a photo ID matching
12 her gender identity but not an updated birth
13 record. Penny writes; I had a transgender female
14 client working to apply to a GED program with
15 accommodations for students with disabilities.
16 Because of her unique learning needs she required
17 access to records from her old school system to
18 prove her eligibility for the accommodations. All
19 of the documents that the school produced were in
20 her previous name and gender marker as a male.
21 Although she had a current photo ID with her new
22 name and gender marker she found it extremely
23 challenging to prove her previous identity due to
24 her homeless status and inability to reproduce old
25 IDs and documents. Maintaining personal records are

1 challenges many people who are homeless face
2 regardless of their circumstances. The delay caused
3 by this process largely contributed to her being
4 unsuccessful in her attempt to enroll in the
5 program. And adding insult to injury she
6 unfortunately aged out of the program by the time
7 she actually received the proper documentation. I
8 want to offer one further story from Penny and this
9 sort of peaks to the question of whether or not an
10 LMSW is, is sort of an adequate expert to attest to
11 a, a letter of attestation. Penny tells a story of
12 another client at Ali Forney. I had a transgender
13 female client who was in housing and working to
14 fulfil the requirements to move into transitional
15 housing. In order to keep her current housing spot
16 and to get accepted into the next housing level it
17 was mandatory that she be applying to jobs which
18 required current IDs. This was also a requirement
19 for the transitional housing program. The doctor
20 who was authorized to write the letter that allowed
21 her to officially change her name and gender marker
22 was at a location that would force her to pay for
23 transit to and from the office which she was unable
24 to do because of her limited resources. The
25

1
2 clinician at AFC was an LMSW would have been the
3 ideal person in the situation to write the letter
4 because she was already, the client was already at
5 the center receiving services, shelter, and meals.
6 Giving the social worker authorization would have
7 allowed this client's IDs to change much sooner and
8 could have expedited this client's process into
9 transitional housing. In the end the letter was
10 only received due to the clinician's efforts to
11 reach out to the doctor directly and to convince
12 their office to fax the letter over. Essentially
13 the social worker did a lot of the work required
14 anyway and it could have been much more useful had
15 the social worker had the authorization to begin
16 with. Thank you Mr. Chairman.

17 CHAIRPERSON JOHNSON: Thank you Mr.
18 Brooks.

19 BAHAR AKYURTLU: Hello, my name is Bahar
20 Akyurtlu. I am a transgender woman, a graduate
21 student at Cornell University, Current staff member
22 at the Queer Detainee Empowerment Project here in
23 New York City and an active member of Make the Road
24 New York for whom I am testifying today. Dear
25 members of the city council thank you for allowing

1
2 me time today to speak with you about this
3 important issue. First I would like to say that I'm
4 very excited that the council is taking positive
5 steps to address this longstanding problem for the
6 transgender community I sincerely hope that you
7 will buck the trends of prior commissions that
8 allowed unfounded fears and misconceptions about
9 transgender people to trump needed civil rights.
10 The requirement of surgical interventions that was
11 instituted the last time this issue was heard by
12 the council is one that identification granting
13 agencies in many states including New York state
14 and the federal government have seen fit to remove
15 over the last decade. Surgical interventions are
16 extremely expensive, not readily accessible in most
17 parts of the country including New York State and
18 are intensely physically demanding processes which
19 makes surgery wholly unreasonable as a mandatory
20 bureaucratic procedure. In addition all the major
21 national and international medical organizations
22 such as the AMA, APA, WHO, and WPATH the World
23 Professional Association for Transgender Healthcare
24 which sets the accepted standards of care have
25 agreed that surgery is while absolutely critical

1
2 for some are not desired by all transgender people
3 and are not strictly necessary to identify and live
4 as a transgender person. Surgeries are personal
5 medical decisions and should not in any way be
6 taken as a sign of a person's sincerity about their
7 identity. Furthermore to even require a person to
8 prove their intentions in such an invasive way only
9 serves to enshrine as a matter of law deeply
10 pernicious stereotypes of transgender people as
11 untrustworthy, deceitful, and therefore needing
12 constant supervision and surveillance so as to
13 maintain the safety of others. As a transgender
14 woman who lives in New York City I have many
15 friends close to me who are born here in the city
16 who would be affected by this change. Being unable
17 to obtain consistent documentation is a common
18 problem that contributes many difficulties to
19 transgender peoples' lives. Many landlords and
20 employers run background checks on prospective
21 tenants and employees and inconsistencies can open
22 up transgender individuals to discrimination on the
23 basis of their identities. It can also lead to
24 problems securing proper identification for
25 transgender people born in New York City but now

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2 residing in other states. In addition to the same
3 problems as previously mentioned many of the states
4 that have issued new restrictions on identification
5 for voting purposes are also states that lack even
6 minimal legal protections for transgender people
7 which leaves their right to vote in an extremely
8 tenuous position. While it might seem like a small
9 thing to others being recognized for who we are has
10 enormous personal value and gives a small modicum
11 of control in a world that is all too ready to
12 judge us. I thank you for your time listening to me
13 while considering this issue and I hope that you'll
14 uphold New York's strong progressive tradition by
15 eliminating this burdensome requirement that
16 creates difficulties for so many already vulnerable
17 citizens.

18 CHAIRPERSON JOHNSON: Thank you very
19 much.

20 JOHN SKWIERSKY: Sorry I'm also fighting
21 a sore throat. My name is John Skwiersky. I'm an
22 attorney with the Sylvia Rivera Law Project. We
23 provide legal services and community support
24 transgender, intersex, and gender nonconforming
25 people who are low income or people of color in, in

1 New York City. I've been volunteering with them on
2 and off for about four years and the very first
3 thing I did with them was as an intern was sue the
4 Department of Health and Mental Hygiene over
5 getting access, one client's access to an amended
6 birth certificate who had actually done all of the
7 surgical steps but was still not able to prove it
8 with... documentation. So I'm, I'm glad to see that
9 this is moving forward. The proposed legislation to
10 remove the surgical, surgical requirement for
11 transgender New Yorkers to change the gender
12 markers on their birth certificates would provide
13 measurable good for our clients and community
14 members. This would replace the current policy
15 which is outdated as it was written in 1971 and has
16 not been amended since then. Although within living
17 memory 1971 was a lifetime ago in terms of legal,
18 scientific, and sociological research. The World
19 Professional Association for Transgender People
20 formerly the Harry Benjamin Association has long
21 since, since moved from... surgical standard is the
22 measuring stick for transgender people to live
23 their lives and obtain congruent identity
24 documentation. Fully eight out of every 10
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1 transgender women and nine out of every 10
2 transgender men have not had the surgeries required
3 by the current 1971 enacted policy. These surgeries
4 are not accessible to the vast majority of
5 transgender people due to health conditions,
6 discriminatory health insurance occlusions, or
7 other personal reasons. I have a list of about six
8 or seven clients that have been on the back burner
9 with our organization for years. They came to
10 suggest to change their gender marker on their
11 birth certificates and they've been unable to do so
12 in all this time. Moreover in an age of increased
13 identification and surveillance it is all the more
14 important for New Yorkers, particularly those who
15 are the most marginalized to have matching
16 documentation. The birth certificate is a key
17 document that unlocks access to a number of other
18 IDs including passports, HRA benefits cards,
19 driver's licenses, and non-driver IDs. Moreover for
20 many low income New Yorkers the birth certificate
21 is the only form of ID that they have available to
22 them and thus they must show it when proving their
23 identity when engaging in any number of necessary
24 activities including applying for health insurance,
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2 applying for jobs, or enrolling in school. The lack
3 of congruence can result in a slew of
4 discrimination and negative consequences for
5 transgender people including denial of services,
6 outing them so as to put them at risk for violence
7 or being passed over for discriminatory reasons.
8 Allegations of fraud or identity theft or simply
9 hold ups wherein the person in question is caught
10 in administrative limbo due to red tape resulting
11 in them having to jump through more hoops to access
12 the same resources that non-transgender individuals
13 can access without a second thought. New York and
14 other states have long recognized that the birth
15 certificate is a living document which is why
16 people have long since been able to change their
17 name on their birth certificate with a court
18 ordered name change or as a result of other life
19 matters like adoption. As outdated as the 1971
20 policy it is it too recognized that the, the fact
21 that the birth certificates can and should adapt in
22 order to provide congruence to the individual's
23 life. This proposal would bring New York City's
24 birth certificate policy in line with several other
25 jurisdictions including New York state as a whole

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2 for driver's license, non-driver IDs and birth
3 certificates for those born outside of the five
4 boroughs. The federal government for passports, all
5 immigration documents, and social security in other
6 states including California, Vermont, or again in
7 Washington that have already modernized their
8 policies. This legislation is a simple reasonable
9 step that will help many people and so I and the
10 Sylvia Rivera Law Project encourage this to be
11 adopted as quickly as possible. Thank you for your
12 time.

13 CHAIRPERSON JOHNSON: Thank you very
14 much John for being here. Thank you all. I really
15 appreciate the fact that you all came to testify
16 today and stuck around to hear everyone else's
17 testimony. I want to just let folks know that
18 today's hearing I think was wonderful. I'm really
19 grateful that the Department of Health and Mental
20 Hygiene spent the entire time here at the hearing
21 today listening to the personal stories and how
22 this change of policy will beneficially impact
23 people who really need to get accurate documents.
24 And I look forward to working with all of you. I'm
25 hopeful that we will be able to adopt this measure

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COMMITTEE ON HEALTH

before the end of the year. So there's still some
work to do and I look forward to doing it with all
of you. So with that and my thanks this hearing is
now adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 13, 2014