Legislation Details (With Text)

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Title: A Local Law to amend the New York city charter, in relation to the collection of gender pronoun information

Sponsors: Rosie Mendez, Daniel Dromm, Carlos Menchaca, Ritchie J. Torres, James G. Van Bramer, Corey D. Johnson, James Vacca, Laurie A. Cumbo, Bill Perkins, Helen K. Rosenthal, Costa G. Constantinides, Rafael Salamanca, Jr., Annabel Palma, Stephen T. Levin, Margaret S. Chin, Jumaane D. Williams, Donovan J. Richards, Mark Levine, Antonio Reynoso, Karen Koslowitz, Ben Kallos, Elizabeth S. Crowley, Fernando Cabrera, Daniel R. Garodnick, Rafael L. Espinal, Jr., Brad S. Lander, Mark Treyger, Ydanis A. Rodriguez, Deborah L. Rose, Barry S. Grodenchik, Julissa Ferreras-Copeland, Eric A. Ulrich

Indexes: Report Required

Attachments: 1. Summary of Int. No. 1604-A, 2. Summary of Int. No. 1604, 3. Int. No. 1604, 4. May 10, 2017 - Stated Meeting Agenda with Links to Files, 5. Committee Report 12/7/17, 6. Hearing Testmony 12/7/17, 7. Hearing Transcript 12/7/17, 8. Proposed Int. No. 1604-A - 12/15/17, 9. Committee Report 12/18/17, 10. Hearing Transcript 12/18/17, 11. December 19, 2017 - Stated Meeting Agenda with Links to Files, 12. Committee Report - Stated Meeting, 13. Hearing Transcript - Stated Meeting 12-19-17, 14. Int. No. 1604-A (FINAL), 15. Fiscal Impact Statement, 16. Legislative Documents - Letter to the Mayor, 17. Local Law 76, 18. Minutes of the Stated Meeting - December 19, 2017

Date	Ver.	Action By	Action	Result
5/10/2017	*	City Council	Introduced by Council	
5/10/2017	*	City Council	Referred to Comm by Council	
12/4/2017	*	City Council	Re-referred to Committee by Council	
12/7/2017	*	Committee on Education	Hearing Held by Committee	
12/7/2017	*	Committee on Education	Laid Over by Committee	
12/18/2017	*	Committee on Education	Hearing Held by Committee	
12/18/2017	*	Committee on Education	Amendment Proposed by Comm	
12/18/2017	*	Committee on Education	Amended by Committee	
12/18/2017	A	Committee on Education	Approved by Committee	Pass
12/19/2017	A	City Council	Approved by Council	Pass
12/19/2017	A	City Council	Sent to Mayor by Council	
1/8/2018	A	Mayor	Hearing Scheduled by Mayor	
1/19/2018	A	Administration	City Charter Rule Adopted	
1/22/2018	A	City Council	Returned Unsigned by Mayor	

Int. No. 1604-A

By Council Members Mendez, Dromm, Menchaca, Torres, Van Bramer, Johnson, Vacca, Cumbo, Perkins,

Rosenthal, Constantinides, Salamanca, Palma, Levin, Chin, Williams, Richards, Levine, Reynoso, Koslowitz, Kallos, Crowley, Cabrera, Garodnick, Espinal, Lander, Treyger, Rodriguez, Rose, Grodenchik, Ferreras-Copeland and Ulrich

A Local Law to amend the New York city charter, in relation to the collection of gender pronoun information

Be it enacted by the Council as follows:

Section 1. Subdivisions i, j, and k of section 15 of chapter 1 of the New York city charter, subdivision i as added by local law number 126 for the year 2016, subdivision j as added by local law number 127 for the year 2017, and subdivision k as added by local law 128 for the year 2016, are amended to read as follows:

i. 1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor that directly or by contract collect demographic information via form documents from city residents seeking social services shall provide all persons seeking such services with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding ancestry and languages spoken.

2. The questions shall include options allowing respondents to select from:

(a) at least the top 30 largest ancestry groups and languages spoken in the city of New York based on data from the United States census bureau; and

(b) "other," with an option to write in a response.

3. Such survey form shall be created by the office of operations and office of immigrant affairs, or such offices or agencies as may be designated by the mayor, and may be updated as deemed necessary by those agencies based on changing demographics.

4. Beginning no later than six months after the effective date of [this local law] the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision

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and any other agencies so designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend. The office of operations, or the office or agency designated by the mayor, shall submit to the council, within 60 days of such review, a list of all forms reviewed and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated. When practicable, when such forms are updated they shall request voluntary responses to questions about ancestry and languages spoken. All forms identified as eligible for updating during the review required pursuant to this paragraph shall be updated to invite responses to questions about ancestry and languages spoken no later than five years from the effective date of the local law that added this [section] subdivision. All forms not eligible for updating shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by paragraph 1 of subdivision i [, paragraph 1] of this [local law] section.

5. Beginning no later than 18 months after the effective date of [this] the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their ancestry or languages spoken on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

6. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this [local law] subdivision and the office of operations, or the office or agency designated by the mayor, shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be

submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

7. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol

j. 1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor that directly or by contract collect demographic information via form documents from city residents seeking social services shall provide all persons seeking such services with a standardized, anonymous and voluntary demographic information survey form that contains an option for multiracial ancestry or ethnic origin. Such survey form shall be created by the office of operations and office of immigrant affairs, or such offices or agencies as may be designated by the mayor, and may be updated as deemed necessary by those agencies based on changing demographics.

2. Beginning no later than six months after the effective date of [this] the local law that added this subdivision, and annually thereafter, the office of operations, or an office or agency designated by the mayor, shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision and any other agencies so designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend. The office of operations, or the office or agency designated by the mayor, shall submit to the council, within 60 days of such review, a list of all forms reviewed and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms

shall be updated. When practicable, the office of operations, or the office or agency designated by the mayor, shall ensure that when such forms are updated they shall request voluntary responses to questions about multiracial ancestry or ethnic origin. All forms identified as eligible for updating during the review required pursuant to this paragraph shall be updated to invite responses to questions about multiracial ancestry or ethnic origin no later than five years from the effective date of the local law that added this [section] subdivision. All forms not eligible for updating shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by paragraph 1 of subdivision j[, paragraph 1] of this [local law] section.

3. Beginning no later than 18 months after the effective date of [this] the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their multiracial ancestry or ethnic origin on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

4. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this [local law] subdivision and the office of operations, or the office or agency designated by the mayor, shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

5. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the

number shall be replaced with a symbol.

k. 1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor that directly or by contract collect demographic information via form documents from city residents seeking social services shall provide all persons seeking such services who are either at least 14 years old or identify as the heads of their own households with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status or other, with an option to write in a response and gender identity, including transgender, cisgender or intersex status or other, with an option to write in a response.

2. Such survey form shall be created by the office of operations and office of immigrant affairs, or such offices or agencies as may be designated by the mayor, and may be updated as deemed necessary by those agencies based on changing demographics.

3. No later than 60 days after the effective date of [this] the local law that added this subdivision, the office of operations shall submit to the mayor and the speaker of the city council a plan to provide a mandatory training program and develop a manual for agency staff on how to invite persons served by such agencies to complete the survey. Such training and manual shall include, but not be limited to, the following:

(a) an overview of the categories of sexual orientation and gender identity;

(b) providing constituents the option of completing the survey in a private space and filling out any paperwork without oral guidance from city agency staff;

(c) explaining to constituents that completing the survey is voluntary;

(d) explaining to constituents that any data collected from such survey will not be connected to the individual specifically; and

(e) discussions regarding addressing constituents by their self-identified gender.

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4. Beginning no later than six months after the effective date of [this] the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision and any other agencies so designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend. The office of operations, or the office or agency designated by the mayor, shall submit to the council within 60 days of such review, a list of all forms reviewed and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated. When practicable, when such forms are updated they shall request voluntary responses to questions about sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status, or other[, and]; gender identity, including transgender, cisgender and intersex status or other; and the gender pronoun or pronouns that an individual identifies with and that others should use when talking to or about that individual. All forms identified as eligible for updating during the review required pursuant to this paragraph shall be updated to invite responses to questions about sexual orientation [and], gender identity and the gender pronoun or pronouns that an individual identifies with and that others should use when talking to or about that individual no later than five years from the effective date of the local law that added this [section] subdivision. All forms not eligible for updating shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by paragraph 1 of subdivision k[, paragraph 1] of this [local law] section.

5. Beginning no later than 18 months after the effective date of [this] the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their sexual orientation or gender identity on the survey form

described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

6. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this local law and the office of operations shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

7. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

SMD
LS #8010
12/11/17, 2.24pm