



Legislation Text

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Int. No. 492-A

By Council Members Johnson, Chin, Cohen, Constantinides, Koo, Lander, Levine, Palma, Rodriguez, Reynoso, Levin, Torres, Rosenthal, Ferreras, Van Bramer, Kallos, Dromm, Mendez, Espinal, Weprin, Mealy, Menchaca, Cornegy, Rose, Barron, Cumbo, Dickens, Vacca, Arroyo, Ulrich and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to reporting and an advisory board on gender marker change requirement.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-167.2 to read as follows:

§ 17-167.2 Report and advisory board on gender marker change requirement. a. There shall be an advisory board to advise the commissioner concerning matters related to the effectiveness and implementation of the gender marker change requirement as provided for in section 17-167.1 of this chapter and the health code of the city of New York.

b. Such advisory board shall consist of seven members as follows:

1. Four members shall be appointed by the commissioner, provided that one such member shall be a senior staff person in the department working on transgender and/or lesbian, gay, bisexual and transgender issues, one such member shall be an individual affiliated with an organization that advocates for transgender people or which provides direct services to transgender individuals, one such member shall be an individual affiliated with a legal organization that advocates for transgender people, and one such member shall be an individual licensed in one of the professions listed in subdivision b of section 17-167.1 of this chapter.

2. Three members shall be appointed by the speaker of the council, provided that one such member shall

be an individual affiliated with an organization that advocates for transgender people or which provides direct services to transgender individuals, one such member shall be an individual affiliated with a legal organization that advocates for transgender people, and one such member shall be an individual licensed in one of the professions listed in subdivision b of section 17-167.1 of this chapter.

3. The commissioner, or his or her designee, shall be an ex officio member of the advisory board.

c. At the invitation of the department, other individuals may participate in the discussions of such advisory board.

d. Each member, other than the member serving in an ex officio capacity, shall serve for a term of two years, to commence upon the first meeting of the advisory board. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

e. No member of the advisory board, other than the senior staff person in the department working on transgender and/or lesbian, gay, bisexual and transgender issues or the member serving in an ex officio capacity, shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

f. Members of the advisory board shall serve without compensation and shall meet no less often than every three months.

g. Members of the advisory board shall elect by majority vote one such member to serve as chairperson and one such member to serve as vice-chairperson.

h. The agendas for the first four meetings of the advisory board shall include, but not be limited to:

1. an assessment of the department's gender marker change requirement as provided for in section 17-167.1 of this chapter and the health code of the city of New York, including, but not limited to, an evaluation of transgender people's access to professionals for the purpose of receiving an affirmation or affidavit pursuant to subdivision b of section 17-167.1 of this chapter, utilization of the gender marker change requirement among the transgender community, the number of applicants who have sought a new birth certificate pursuant to the

new requirement, processing time of applications made pursuant to subdivision a of section 17-167.1 of this chapter, and the gender marker change requirement's impact on transgender people's access to health care and health services, governmental services and the reduction, if any, in discrimination against transgender people; and

2. specific recommendations for changes and/or improvements, if any, to the gender marker change requirement, including, but not limited to, best practices among policies for gender marker changes, and actions taken by the department in response to such recommendations.

i. At least one meeting of the advisory board held prior to issuance of the report pursuant to subdivision j of this section shall be open to the public, provided however that such meeting is no sooner than three months prior to the date of the issuance of such report. The department shall notify the public as to the time, place and subject of such meeting.

j. On or before March first, two thousand seventeen the advisory board shall submit a report to the mayor, the commissioner and the speaker of the council. Such report shall include, but not be limited to:

1. an assessment of the department's gender marker change requirement as provided for in section 17-167.1 of this chapter and the health code of the city of New York, including, but not limited to, an evaluation of transgender people's access to professionals for the purpose of receiving an affirmation or affidavit pursuant to subdivision b of section 17-167.1 of this chapter, utilization of the gender marker change requirement among the transgender community, the number of applicants who have sought a new birth certificate pursuant to the new requirement, processing time of applications made pursuant to subdivision a of section 17-167.1 of this chapter, and the gender marker change requirement's impact on transgender people's access to health care and health services, governmental services and the reduction, if any, in discrimination against transgender people; and

2. specific recommendations for changes and/or improvements, if any, to the gender marker change requirement, including, but not limited to, best practices among policies for gender marker changes, and actions

taken by the department in response to such recommendations.

§ 2. This local law shall take effect immediately after enactment, provided that:

(i) the commissioner of the department of health and mental hygiene shall take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law, prior to such effective date; and

(ii) this local law shall expire, be deemed repealed, and cease to be of force and effect after December 31, 2018.

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