



Legislation Text

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Int. No. 1801

By Council Member Dromm

A Local Law to amend the administrative code of the city of New York, in relation to offering discharge upgrade assistance and extending city veteran benefits to service members who were discharged because of their LGBTQ status

Be it enacted by the Council as follows:

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-106 to read as follows:

§ 31-106 Benefits and assistance for LGBTQ veterans. a. For purposes of this section, the following terms have the following meaning:

Certificate of Eligibility. The term “certificate of eligibility” means a certificate issued by the department that can be used as proof that a discharged LGBTQ veteran is eligible for certain city benefits or services available to veterans.

Discharged LGBTQ Veterans. The term “discharged LGBTQ veteran” means a veteran who was discharged from the United States military or naval services solely due to sexual orientation, gender identity or expression; statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression; or the disclosure of such statements, conduct or acts, that were prohibited by the armed forces at the time of discharge.

b. Notwithstanding any other provision of law, no veteran shall be denied eligibility for any city program, service, or benefit to veterans for which they would otherwise be eligible solely on the basis of the veteran’s status as a discharged LGBTQ veteran.

c. The department shall offer assistance to any discharged LGBTQ veteran seeking a discharge characterization upgrade, changes of narrative reasons for discharge, changes of separation and separation program designator codes and changes of reentry/reenlistment, where there are no aggravating factors related to the discharge. Such assistance shall be provided by legal counsel or an accredited representative of an organization recognized under section 5902 of title 38 of the United States code or successor provisions.

d. Upon request, the department shall issue a certificate of eligibility to a discharged LGBTQ veteran as proof of their eligibility to receive certain services and benefits for veterans.

e. The department shall make information about obtaining certificates of eligibility for discharged LGBTQ veterans available on the department's website.

f. The commissioner may promulgate such rules as may be necessary to carry out the purposes of this section.

§ 2. This local law takes effect 120 days after enactment, except that the commissioner may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

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