

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL RIGHTS

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June 19, 2017

Start: 1:18 p.m.

Recess: 3:20 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: DARLENE MEALY
Chairperson

COUNCIL MEMBERS:

MATHIEU EUGENE

DANIEL DROMM

ANDY L. KING

RAFAEL SALAMANCA, JR.

A P P E A R A N C E S (CONTINUED)

Myla Harrison
Assistant Commissioner from the New York City
Department of Health and Mental Hygiene

Carmelyn P. Malalis
Commissioner and Chair of the New York City
Commission on Human Rights

Amit Bagga
Deputy Commissioner for External Affairs at the
New York City Department of Consumer Affairs or
DCA

Everett Arthur
Government Relations Associate at the Lesbian,
Gay, Bisexual, and Transgender Community Center

Mathew Shurka
Survivor of Conversion Therapy in New York City

Jane Shurka
Mother of Survivor of Conversion Therapy in New
York City

Cecilia Gentili
Survivor of Conversion Therapy

Lyndel Urbano
Director of Public Policy and Government
Relations at Amida Care

Brooke Cerda Guzman
Transwomen's Civil Rights Activist

Kristen Burzynski
Legal Fellow at the New York Civil Liberties
Union, NYCLU

Lauren Betters
Staff Attorney at the Gender Equality Law Centers

A P P E A R A N C E S (CONTINUED)

Matt McMorrow
Senior Advisor, New York City Mayor's Office,
Community Affairs Unit

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[gavel]

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COUNCIL MEMBER DROMM: Good. Okay, thank you very much, I, I am not Council Member Darlene Mealy, Chair Darlene Mealy, I am Council Member Daniel Dromm but she's on her way up and we wanted to get started and let me just begin by reading this statement. Today the Committee on Civil Rights will vote on Introductory Bill Number 1259A, an important piece of legislation that will help protect our veterans from discrimination by giving them protected status in New York City Human Rights Law. I hope that my fellow committee members will support this bill today so we can vote on it at Wednesday stated meeting. Thank you again for making the time to vote on such an important legislation. I will now turn it over to Council Member Williams who sponsored Intro 1259A for some brief remarks. Council Member Williams?

COUNCIL MEMBER WILLIAMS: Thank you Council Member. 1259 was introduced by myself and Public Advocate Tish James was a co-prime sponsor with support from the administration. The bill gives veterans and active military members direct protections under city law against discrimination

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2 housing, employment, and public accommodations.
3 Veterans in uniform service members provide valuable
4 contributions while they're patriotism solicits
5 respect from us it also at times makes them some of
6 the most vulnerable members of our society. It is our
7 duty as Americans and legislators to protect them,
8 provide them with support, and make sure that the
9 promises that were given to them are being made and I
10 say that in respective of, of support for the wars
11 that most them I don't concur with, don't agree with
12 however we gave promises to these men and women who
13 go and risk their lives they should be honored when
14 they come back home. New York City is home to nearly
15 900,000 veterans, 225,000 of whom call New York City
16 home. They have had issues with finding stable
17 employment and housing because of their being active
18 duty in particular reserves or people are sometimes
19 afraid of PTSD. According to the US Department of
20 Labor nearly 14,000 veterans are unemployed across
21 New York State. According to the Borough of... Bureau
22 of Labor statistics, employers refuse to hire them as
23 I mentioned afraid of... they will be deployed during
24 employment or falsely assume veterans may suffer from
25 mental health illnesses. Approximately 2,500 homeless

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2 veterans across New York State. We continually hold
3 up our veteran's uniform service as valuable
4 protectors yet we routinely leave them vulnerable and
5 undefended even as they fulfil their end of their
6 agreement. I believe it is our duty to pass this
7 legislation of course on behalf of all veterans in
8 particular many of my family members who are active
9 or veterans themselves including my brother Matthew
10 Williams who this summer will be going off to the
11 United States Navy. And I want to thank everybody who
12 was supportive in, including Chair Mealy, also Chair
13 Ulrich of the Veterans Committee, Brigadier General
14 Sutton, and Commissioner Malalis for their support
15 and of course Kristen Rouse from the New York City
16 Veterans Alliance. Thank you.

17 COUNCIL MEMBER DROMM: Thank you very
18 much and now Council Member Eric Ulrich.

19 COUNCIL MEMBER ULRICH: Thank you Mr.
20 Chairman, I'll be very brief. I'm a guest at today's
21 committee so I just wanted to stop by and commend my
22 colleague Jumaane Williams and also the public
23 advocate for introducing the bill which the committee
24 will be hopefully approving today. We had a joint
25 oversight hearing on... about a month... I'm, I'm sorry,

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2 two months, April 26th we had a joint oversight
3 hearing on this very topic, its very important that
4 we recognize that discrimination in our society comes
5 in many forms and unfortunately there are many former
6 service members who now are no longer active in the
7 military but they're still serving our city in other
8 various capacities and they face discrimination when
9 it comes to housing and employment and, and a range
10 of other ways. So, while there are a number of civil
11 protections at the federal and state level there
12 really was a need to beef up the city's human rights
13 law to reflect the contributions that veterans have
14 made and also make sure that they are in fact the
15 protected class. So, I'm hoping that it is approved
16 and I want to thank all my colleagues for all of
17 their support always on all veteran's issues, it's a
18 bipartisan issue, democrats and republicans, I think
19 universally agree that we have to do more to support
20 the men and women who've served our country and
21 that's what this is all about. So, thank you very
22 much Mr. Chair.

23 COUNCIL MEMBER DROMM: Thank you very
24 much and thank you to both of you for your commitment
25 to human and civil rights and thank you also for

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2 marching in either in the Brooklyn and or the Queens
3 Pride Parades, I'm very personally grateful to both
4 of you for doing that and it's a... means a... a big deal
5 to our community, thank you. alright, so I want to
6 thank Chair Mealy for hearing this package of bills,
7 let me just say also we're going to hold the vote for
8 a couple of minutes because we need a quorum as soon
9 as we get the quorum I will let the members of the
10 committee vote and then we'll go back to the
11 testimonies, that's right but in the meantime what
12 I'll do is we'll start and hear testimony from our,
13 our panelists. So, let me start off by saying I want
14 to thank Chair Mealy for hearing the package of bills
15 concerning lesbian, gay, bisexual, transgender, and
16 queer issues. Even as progress for LGBTQ civil rights
17 advances members of the community continue to endure
18 adversity simply for being who they are. Resolution
19 614 will prohibit discrimination on the basis of
20 gender expression or identity in New York State and
21 expand the state's hate crime statute to include such
22 forms of discrimination. Doing so will protect
23 transgender individuals from bias related harassment
24 and discrimination in employment, housing, and public
25 accommodation among other areas. In 12... Reso 1287...

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2 [clears throat] excuse me... calls on the United States
3 Congress to pass and the president to sign the long
4 overdue Equality Act, which would amend the Civil
5 Rights Act of 1964 and '68 to include sexual
6 orientation and gender identity as protected classes.
7 Intro 1186 amends the definitions of sexual
8 orientation and gender in the New York City Human
9 Rights Law. It is time to update these terms
10 especially given how much society's understanding has
11 evolved since protections for the LGBT community were
12 first included. So, finally we're going to hear
13 legislate... hear... we're going to hear testimony on
14 legislation which prohibits conversion therapy, the
15 odious practice by which mental health and spiritual
16 counselors seek to change a person's sexual
17 orientation or gender identity. Conversion therapists
18 are hucksters and scammers who target vulnerable and
19 desperate individuals struggling to understand their
20 sexual orientation or gender identity. So-called
21 counselors swoop in and claim to offer a way to rid
22 their suffering through pseudo-therapy that is
23 harmful and often damaging and I have to call it
24 nothing more than quackery. Sadly, the practice still
25 persists. Even in New York conversion therapy

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2 sessions are often bizarre and always damaging. One
3 teenager was told to undress in front of a mirror
4 while his ex-gay life coach stood so close the boy
5 could feel the man's breath on the back of his neck,
6 he was then cuddled by older ex-gay men for 30
7 minutes at a time to... at a time to allegedly
8 reestablish the bond with his father. A group of... a
9 group session entailed the striking of a tennis
10 racket on a pillow which was meant to represent his
11 mother who's overbearing nature have reportedly made
12 him gay. There is no scientific evidence that
13 conversion therapy works. In fact many stone cold ex-
14 gays have been either caught in, how shall I say,
15 compromising positions or have renounced the practice
16 for the quackery it is. With this introduction which
17 is a very strong measure against conversion therapy
18 New York City can take the lead nationally on this
19 issue. I very much look forward to hearing from the
20 administration and the advocates on this issue as
21 well. So, thank you all for being here and let me
22 just introduce those who are on the panel. Doctor
23 Myla Harrison I believe, Assistant Commissioner from
24 the New York City Department of Health and Mental
25 Hygiene; Amit Bagga, Deputy Commissioner for

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2 Department of Consumer Affairs; and Commissioner
3 Carmelyn Malalis, New York City Commission on Human
4 Rights and I just need to swear you all in. So, if I
5 could ask you... and we have Matt McMorrow also, are
6 you testifying Matt?

7 MATT MCMORROW: Just for Q and A.

8 COUNCIL MEMBER DROMM: Okay, because then
9 you would need to fill out a form if, if you do give
10 testimony.

11 MATT MCMORROW: Okay.

12 COUNCIL MEMBER DROMM: Okay, so can I ask
13 you all to raise your right hand please? Do you
14 solemnly swear to tell the truth, the whole truth and
15 nothing but the truth and to answer council member
16 questions honestly?

17 [panel affirms]

18 COUNCIL MEMBER DROMM: Okay, thank you
19 very much and who would like to start, Commissioner?

20 CARMELYN P. MALALIS: Sure, thanks so
21 much. Good afternoon Council Member Dromm and Council
22 Members from the... who are members of the Civil Rights
23 Committee. I want to thank you for convening today's
24 hearing on Intro Number 1186 in a proposed bill to
25 ban conversion therapy. I am Carmelyn P. Malalis, I'm

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2 the Commissioner and Chair of the New York City
3 Commission on Human Rights and I'm delighted to be
4 here today to talk about updating the definitions of
5 sexual orientation and gender under the New York City
6 Human Rights Law to ensure that the laws coverage for
7 these two protected categories are broad and
8 inclusive. And I have to say I'm especially pleased
9 and proud of course to be here during pride month and
10 to be accompanied by my colleagues from the
11 administration, Myla Harrison from the Department of
12 Health and Mental Hygiene, Amit Bagga from the
13 Department of Consumer Affairs and Matt McMorro from
14 the Community Affairs Unit. We are here to discuss
15 how we can fulfil the promise of city human rights
16 law in as protective a way as possible so that my
17 agency, the Commission on Human Rights can carry out
18 its mission to make sure that all New Yorkers can
19 live, work, and be free from discrimination and
20 harassment. This issue is personally and
21 professionally very important to me. As a lesbian I'm
22 a loud and proud member of the New York City's
23 diverse and beautiful LGBT community. And as an
24 attorney I spent over a decade as a worker's rights
25 advocate representing employees in discrimination

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2 cases based on sexual orientation, gender identity,
3 disability, and many other areas of protection.
4 Protections against discrimination on the basis of
5 sexual orientation were added to the law in 1986,
6 Local Law 2 defines sexual orientation as
7 heterosexuality, homosexuality, or bisexuality.
8 Protections against gender identity and expression
9 have existed in the New York City Human Rights Law
10 since 2002 when the definition of gender was amended
11 to include actual or perceived sex and shall also
12 include a person's gender identity, self image,
13 appearance, behavior, or expression whether or not
14 that gender identity, self image, appearance,
15 behavior, or expression is different from that
16 traditionally associated with the legal sex assigned
17 to that person at birth. In the nearly two and a half
18 years that I've been at the helm of the Commission on
19 Human Rights we have worked diligently to be
20 transparent about policy, increase outreach and
21 strengthen enforcement in these key areas of
22 protection. In December 2015, the Commission
23 published its legal enforcement guidance on
24 discrimination on the basis of gender identity or
25 expression to provide clear guidance to business

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2 owners, employers, housing providers, and members of
3 the public on what exactly is considered
4 discrimination on the basis of gender identity and
5 expression under the city Human Rights Law and how
6 such discrimination works to marginalize transgender
7 and gender non-conforming people. The legal
8 enforcement guidance specifically articulates
9 violations of the city Human Rights Law which
10 include; denying someone access to the single sex
11 facilities such as a bathroom or locker room or
12 program that aligns with their gender identity,
13 refusing to use someone's preferred name or pronoun,
14 requiring dress codes or uniforms, or applying
15 groomer or appearance standards that impose different
16 requirements for individuals based on sex or gender,
17 or forcing a transgender or gender non-conforming
18 individual to use a single occupant facility. It is
19 our goal in creating the guidance to provide needed
20 transparency and clarity to all New Yorkers on their
21 rights and obligations under the city Human Rights
22 Law. And last year we also launched our citywide
23 award-winning campaign look past pink and blue
24 featuring real New Yorkers to educate New Yorkers on
25 their rights regarding access to single sex

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2 facilities. The commission now has a long-standing
3 partnership with the LGBT Community Center who I see
4 is also represented here today, to provide training
5 to employers, city, state, and federal agencies,
6 housing providers, and others on transgender cultural
7 competency. And last year the commission worked with
8 local community partners to organize the city's first
9 ever transgender week of remembrance and resilience
10 expanding it from one day into an entire week of
11 activities and events. Our law enforcement bureau has
12 also stepped up enforcement to protect transgender
13 and gender non-conforming New Yorkers. Claims of
14 discrimination based on gender identity or expression
15 continue to rise in 2016 following a two-year trend.
16 In 2014 only one such case was filed at the
17 Commission's Law Enforcement Bureau. In 2015, 18
18 cases were filed and in 2016, 29 cases were filed
19 including three commission initiated complaints in
20 the employment context across all jurisdictional
21 areas. In addition the Law Enforcement Bureau
22 conducted 47 commission initiated investigations into
23 gender identity and expression by providers of
24 housing and public accommodation using testing and
25 document demands for information on policies and

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2 practices. Similarly, in 2016 the commission filed 49
3 complaints of discrimination based on sexual
4 orientation building on a two-year trend of increased
5 complaints which was up from 30 in 2014. We are up
6 more than 60 percent in complaints from 2014 to 2016
7 in sexual orientation and 60 percent in gender
8 identity or expression from 2015 to 2016. And let me
9 be clear, these are numbers of complaints filed not
10 inquiries, matters resolved through pre-complaint
11 intervention or pre-complaint investigations. We
12 strongly support the goals of this legislation as it
13 furthers our shared mission to ensure that the city
14 Human Rights Law's protections are comprehensive and
15 inclusive. The commission along with our partners in
16 the administration are reviewing the language
17 proposed in Intro 1186 and are exploring additional
18 options based on language used in other jurisdictions
19 feedback from community partners and own internal
20 analysis. We have already initiated conversation with
21 Council Member Dromm's office to consult on some of
22 these changes and we will continue to do so. We look
23 forward to working closely with the council to ensure
24 that the updated definitions reflect our intent to
25 protect people on the basis of their sexuality and

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2 their gender identity. I also wish to comment briefly
3 on the proposed legislation to crack down on
4 conversion therapy. The commission supports efforts
5 to ban this offensive and inhumane practice and we
6 are eager to explore ways in which we can work with
7 our administration and council partners to tackle
8 this problem. Again we thank Council Member Dromm for
9 introducing Intro Number 1186 and we look forward to
10 working with you, the council, and our partners in
11 the administration to ensure that protections based
12 on sexual orientation and, and gender are inclusive
13 the full scope of sexualities and gender identities
14 to further our shared goal of dignity and respect for
15 all and I'd also like to just welcome and say hi to
16 Chair Mealy. Thank you.

17 COUNCIL MEMBER DROMM: The Health
18 Department.

19 MYLA HARRISON: Good afternoon Chair
20 Mealy and Council Member Dromm and members of the
21 committee. I'm Doctor Myla Harrison, Assistant
22 Commissioner for the Bureau of Mental Health at the
23 Department of Health and Mental Hygiene. On behalf of
24 Commissioner Bassett I would like to thank you for
25 the opportunity to testify today. I want to reiterate

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2 today the Department's strong opposition to
3 conversion therapy practices and any attempts to
4 change an individual's sexual orientation. Conversion
5 therapy has no basis in scientific or medical
6 practice nor is sexual orientation a disease.
7 Conversion therapy is not therapy and responsible
8 health professionals should not practice it. Indeed,
9 the practice of conversion therapy is already curbed
10 by a number of state mechanisms. In 2016 three New
11 York State agencies enacted regulations to curb the
12 use of conversion therapy in New York State. Per
13 these regulations Mental Health Facilities licensed,
14 funded, or operated by the state office of Mental
15 Health are prohibited from practicing conversion
16 therapy on minors and can lose their license or
17 funding for doing so. In addition Medicaid does not
18 cover conversion therapy for any Medicaid enrollee
19 regardless of age and insurers cannot cover
20 conversion therapy for minors on any insurance policy
21 offered in New York State. We are glad that the
22 council has brought attention to the practice of
23 conversion therapy in New York City. Thank you again
24 for the opportunity to testify.

25 COUNCIL MEMBER DROMM: Mr. Bagga?

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2 AMIT BAGGA: Thank you Council Member
3 Dromm. Good afternoon Chair Mealy and Council Member
4 Dromm. I am Amit Bagga, Deputy Commissioner for
5 External Affairs at the New York City Department of
6 Consumer Affairs of DCA. It is a great honor and
7 privilege to appear before this body once again on
8 behalf of the agency Commissioner Salas and of course
9 Mayor De Blasio and it's an honor to be here with my
10 colleagues. The topic of today's hearing is of great
11 concern to me personally and indeed the
12 administration as a whole which as my colleagues from
13 the Human Rights Commission have noted has worked
14 hard to ensure that LGBT New Yorkers have access to
15 stronger and more enhanced protections than ever
16 before. We strongly agree with the speaker and with
17 the committee and of course with you Council Member
18 Dromm that conversion therapy which is engaged in in
19 an attempt to repress or change the sexual
20 orientations or gender identities of LGBT New Yorkers
21 like me is an objectionable practice that we believe
22 has no place in our great city. We commend the
23 council and especially you Council Member Dromm for
24 your attention to this serious issue as well as for
25 your tremendous leadership on so many LGBTQ issues.

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2 Your work to increase access to protections, support,
3 and resources has benefited so many LGBTQ New Yorkers
4 especially our youth. Given how challenging it can
5 still be despite our many collective advances to go
6 through the coming out process, your leadership on
7 these issues has ensured that young New Yorkers
8 coming to terms with who they are, are able to grow
9 and thrive. Turning directly to the topic of today's
10 hearing, I'd like to take a moment to offer the
11 council some context for my testimony. I sit here
12 before you today as an out gay Indian American who
13 has had the tremendous benefit of great support from
14 friends, colleagues, and most importantly my family.
15 While the coming out process is not easy for anyone I
16 am deeply grateful especially to my parents who come
17 from a cultural background not necessarily known for
18 its embrace of LGBTQ individuals for accepting my
19 identity and never cajoling, convincing, or coercing
20 me to alter it. Unfortunately, this type of
21 acceptance still remains illusive for many LGBTQ
22 individuals. In communities where discomfort or fear
23 of what it means to LG... what it means to be LGBTQ are
24 pervasive, individuals not only suffer but can also
25 face large amounts of pressure to conceal or change

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2 their profess sexual orientations or gender
3 identities. Such pressure can come from families,
4 from friends, colleagues, teachers, and sometimes
5 even from within this can lead to individuals
6 experiencing trauma or crisis to be forced into or
7 even seek conversion therapy which as my colleagues
8 from the Health Department have testified is not
9 considered by our administration to be a bona fide
10 medical or mental health service. We know that
11 conversion therapy has the capacity to ruin lives,
12 tear families apart, and further entrench values of
13 fear and exclusion that we do not believe represent
14 the spirit of New York City and its people. As such
15 we are proud to stand with you in firm opposition to
16 this practice and we proclaim to you our deep
17 commitment to working closely with you on a potential
18 legislative approach that helps address the practice
19 of such therapy in New York City. With respect to the
20 bill before us today the overall goal of which we
21 strongly support it behooves us to, to state that the
22 law department has identified and is continuing to
23 explore a variety of legal questions pertaining to
24 the bill and DCA has identified certain concerns with
25 respect to its implementation as well. As you know

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2 the law department reviews legislation to ensure that
3 it passes legal muster. It is our understanding that
4 this review includes the consideration of a number of
5 different legal questions. Once the law department
6 has completed its review of the bill we would be
7 eager to return to the council with their analysis
8 and to work collectively to identify a path forward n
9 addressing the practice of conversion therapy in New
10 York City. With respect to DCA's implementation
11 concerns the current language of the bill would
12 require DCA to make a determination about whether or
13 not the practice has actually occurred as opposed to
14 whether or not it has been advertised or offered for
15 sale. Given that we are an agency not involved in
16 medical or mental health services unfortunately this
17 is not a determination we are in the position to
18 make. As we too share the council's deep opposition
19 to conversion therapy we are committed to working
20 closely with you to explore alternative enforcement
21 approaches. Thank you for the opportunity to testify
22 today, my colleagues and I will be happy to answer
23 any questions you might have.

24 CHAIRPERSON MEALY: I want to thank you,
25 I want to thank my colleague Dromm for holding down

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2 the fort until... I appreciate that. I want to thank
3 the Commissioner also. We're going to open up, did
4 you have your questions as of yet? And then... okay.
5 So, we're going to do a vote right now. Salamanca?

6 COUNCIL MEMBER SALAMANCA: Aye on all,
7 thank you.

8 CHAIRPERSON MEALY: Are you going to do
9 it?

10 COMMITTEE CLERK DISTEFANO: Committee
11 Clerk Matthew Distefano, Committee on Civil Rights.
12 Roll call on Intro Number 1259A, Chair Mealy?

13 CHAIRPERSON MEALY: I vote aye.

14 COMMITTEE CLERK DISTEFANO: Dromm?

15 COUNCIL MEMBER DROMM: I vote aye.

16 COMMITTEE CLERK DISTEFANO: Salamanca?

17 COUNCIL MEMBER SALAMANCA: I vote aye.

18 COMMITTEE CLERK DISTEFANO: By a vote of
19 three in the affirmative, zero in the negative, and
20 no abstentions the item has been adopted.

21 CHAIRPERSON MEALY: Okay, we will hold
22 that vote open for my other colleagues to come who is
23 on this committee. Thank you. now we're going to
24 finish this hearing, do you have any questions?
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COUNCIL MEMBER DROMM: Thank you very much Chair and I loved opening for you and love seeing you here as well. So, I always appreciate the hearings that you hold them... these issues of civil and human rights are ones that are really important to me. So... and I'm also glad to hear that the administration and general supports the idea of ridding the practice of conversion therapy. We may disagree somewhat on... in terms of the implementation of the enforcement of the law but I do want to get to some questions. So, I mean currently what is the medical opinion on conversion therapy?

MYLA HARRISON: So, I don't... I can't speak for the medical opinion as a whole, I can... I can say that the health Department strongly opposes conversion therapy practices. I can also say National Medical Associations many of them, the AMA, the APA, American Psychological Association, American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry all say it is not an acceptable practice.

COUNCIL MEMBER DROMM: They say its not acceptable however they don't say that the continued use of it should be considered to be fraud and I want

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2 to compare it and maybe I'm wrong in doing this
3 because I'm not a doctor but if you had somebody who
4 did a medical procedure on a person that wasn't
5 either necessary or... there was no basis for it in
6 medical terminology would the medical profession then
7 say that that's something either that... I think they
8 do actually if it's illegal and I think you could
9 probably face jail time for doing that and I've
10 always been curious and, and wondering why do we
11 allow this to continue when it's just outright fraud?
12 I, I... and I think that the Health Department should
13 look at that.

14 MYLA HARRISON: So, why don't I take that
15 back and have a further conversation with Council...
16 [cross-talk]

17 COUNCIL MEMBER DROMM: Well I, I, I
18 think... and I address that issue because I don't think
19 that the American Psychiatric Association, the
20 American Psychological Association, the American
21 Medical Association have ever really fully addressed
22 this issue. Now we were taken off the list and I'm
23 also openly gay Council Member, we took the
24 homosexuality off the list of mental disorders in
25 1973 but if we had medical malpractice in the

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2 physical medical community I think people would be
3 put in prison and I don't see any difference between
4 the practice of conversion therapy and that which
5 medical doctors do, physical medical doctors do so I
6 really would like to bring that issue up and, and,
7 and get an opinion from the Health Department on that
8 because I think that it really needs to be even
9 stronger than what we've stated so far. Can you
10 describe for us what some of the impacts are of
11 conversion therapy on individuals?

12 MYLA HARRISON: I haven't researched that
13 and... or prepared for that for this presentation.

14 COUNCIL MEMBER DROMM: But you knew that
15 we were going... [cross-talk]

16 CHAIRPERSON MEALY: That's what this
17 hearing... [cross-talk]

18 COUNCIL MEMBER DROMM: ...to have this
19 hearing... [cross-talk]

20 CHAIRPERSON MEALY: ...was about.

21 MYLA HARRISON: Yes but that particular
22 question I don't have... I don't have the research in
23 front of me for it, we can get back to you if you
24 want more specifics on that.

25 COUNCIL MEMBER DROMM: Wow.

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CHAIRPERSON MEALY: I really don't

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understand that. This is such an important...

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information we need right now, that's why we had this

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hearing so I don't know if it's meant to have another

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hearing that we can understand or do you have any

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background on this information?

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MYLA HARRISON: I'm happy to get back to

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you on that further, I mean I repeatedly said that

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the Health Department does... strongly opposes this and

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it knows that it's a practice that's not acceptable

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and more information than that I don't have at my

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fingertips for today.

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COUNCIL MEMBER DROMM: Okay, so to your

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knowledge are there groups or individuals that

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practice conversion therapy in New York City?

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MYLA HARRISON: Not that I'm aware of, I

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don't... I don't have an answer to that.

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COUNCIL MEMBER DROMM: Licensed or

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unlicensed?

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MYLA HARRISON: I don't have that

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information, I do not know that.

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COUNCIL MEMBER DROMM: What hearing did

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you think you were coming to?

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MYLA HARRISON: I mean we don't keep as the Health Department information on practices that have that information. There are... there are... the state of New York licenses, practitioners for medicine and licenses clinics around New York City so it's a, a, a New York State issue in terms of licenses.

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CHAIRPERSON MEALY: Do you know one clinic that still uses practice?

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MYLA HARRISON: I do not. No and, and the state of New York has just recently in 2016 said that practices cannot... licensed mental health practices cannot practice this when it comes to children, they will lose their license, they will lose their funding. Medicaid is not funding it as well and so it's not a practice that's accepted in New York State.

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COUNCIL MEMBER DROMM: How do you monitor that in New York City?

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MYLA HARRISON: So, it's not the city to monitor that, it's a... it's a state issue.

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COUNCIL MEMBER DROMM: It's not a state issue, it's a city issue as well, are you saying all

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medical issues are state issues and that we don't have the right to monitor them?

MYLA HARRISON: I can't speak for that, I think that's probably a law department question and a question for the state of New... [cross-talk]

COUNCIL MEMBER DROMM: Are you the... [cross-talk]

MYLA HARRISON: ...York... [cross-talk]

COUNCIL MEMBER DROMM: ...Assistant Commissioner?

MYLA HARRISON: I'm the Assistant Commissioner of the Mental Health Bureau...

COUNCIL MEMBER DROMM: For mental health?

MYLA HARRISON: Yep.

COUNCIL MEMBER DROMM: And you don't know the answer to these questions?

MYLA HARRISON: We don't license in, in New York City so... [cross-talk]

COUNCIL MEMBER DROMM: So, you've never thought about dealing with conversion therapy issues before because you have no answers.

MYLA HARRISON: We, we do not think it's an acceptable practice so... [cross-talk]

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COUNCIL MEMBER DROMM: Yeah, so if it's not an acceptable practice and there are going to be witnesses after this that are going to describe some of the negative consequences that happened to them to come to a hearing on conversion therapy without any answers is unacceptable.

MYLA HARRISON: So, it's not true that I don't have any answers so I, I, I don't mean to be obstructionist, that's not... [cross-talk]

COUNCIL MEMBER DROMM: No, but your... [cross-talk]

MYLA HARRISON: ...that's the tone... [cross-talk]

COUNCIL MEMBER DROMM: ...statement is this... [cross-talk]

MYLA HARRISON: ...that's not the tone so... [cross-talk]

COUNCIL MEMBER DROMM: ...and its insulting to us for a statement like, it's not even a sheet, I mean come on, I mean I'm not... I don't think I'm being unreasonable here. I'm glad that you condemn it but what are you doing about it?

MYLA HARRISON: So, in New York City as you all know there's a lot of resources that are

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going to mental health, more than ever with ThriveNYC, we have NYC Well, which is a phone, text, and chat service so people who are in crisis for whatever reason around their mental health... [cross-talk]

COUNCIL MEMBER DROMM: Commissioner...

[cross-talk]

MYLA HARRISON: ...issues or... [cross-talk]

COUNCIL MEMBER DROMM: ...you know as well with ThriveNYC there's... [cross-talk]

MYLA HARRISON: ...so... [cross-talk]

COUNCIL MEMBER DROMM: ...concern in the LGBT community also... [cross-talk]

MYLA HARRISON: Yes... [cross-talk]

COUNCIL MEMBER DROMM: ...that you're not meeting the needs of the LGBT community with Thrive.

MYLA HARRISON: So, there are a number of comprehensive efforts that are going on now both within the Health Department and with our advisory boards so within the Health Department there are coordinating groups within Department of Health and Mental Hygiene that are comprised of additional... individuals across the department who are spending efforts on policy and programming right now so that

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2 our efforts are coordinated and interconnected. We
3 have a subcommittee of our community services board
4 that is focused on LGBTQ issues and they are weighing
5 in on our required social... local services plan so
6 that we can address these issues. So, we are... [cross-
7 talk]

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COUNCIL MEMBER DROMM: Will conversion
9 therapy be part of that discussion?

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MYLA HARRISON: We can consider that, we
11 can bring it to... [cross-talk]

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COUNCIL MEMBER DROMM: Has, has that
13 group... [cross-talk]

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MYLA HARRISON: ...that committee... [cross-
15 talk]

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COUNCIL MEMBER DROMM: ...met already?

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MYLA HARRISON: That group has met a
18 number of times.

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COUNCIL MEMBER DROMM: Has it had
20 conversion therapy as part of the discussion already?

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MYLA HARRISON: I haven't been at all the
22 meetings, I don't think so but we can... I can
23 certainly take that back... [cross-talk]

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COUNCIL MEMBER DROMM: And are there...
25 there are obviously LGBT people on that... [cross-talk]

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MYLA HARRISON: Yes.

COUNCIL MEMBER DROMM: On that committee?

MYLA HARRISON: Yes.

COUNCIL MEMBER DROMM: Alright, let me move on a little bit, do you believe that any potential penalties as described in the proposed legislation are sufficient to deter those from practicing conversion therapy?

AMIT BAGGA: Thank you Council Member Dromm. Its... you know as an enforcement agency we do of course testify before the council very frequently and, and we have many conversations with the council, with the law department, with others. Asking in any context what would be a sufficient penalty to deter any type of... particular type of behavior, whatever it is, it's a difficult question to answer, it's not entirely clear that any penalty at any given time would necessarily be sufficient or insufficient, it's the type of thing that I think historically DCA has found we, we learn about the, the degree to which a penalty is sufficient once the law goes into effect. So, it would be slightly difficult... [cross-talk]

AMIT BAGGA: The penalty is written as 1,000 dollars per occurrence.

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2 COUNCIL MEMBER DROMM: Do you think
3 that's a deterrent?

4 AMIT BAGGA: Truthfully Council Member
5 Dromm being that we're not an agency, you were not...
6 we're not a medical and mental health services
7 agency, it's difficult for us to say that we have,
8 you know real knowledge of what the incentive would
9 be for those who engage in conversion therapy to
10 continue to engage in it. It's, it's not clear, you
11 know there are... there are different pressures as you
12 have mentioned in your opening statement. It could be
13 that the pressures of society or belief are such that
14 even the penalty laid out in the bill could perhaps
15 prove sufficient or it might be very sufficient, I, I
16 wouldn't be able to opine on that.

17 COUNCIL MEMBER DROMM: So, you wouldn't
18 be able to opine on it but we do have other
19 legislation on other topics that lays out sets of
20 fines for offenses or for grievances against other
21 consumer affairs issues, how do you determine that
22 within your own department?

23 AMIT BAGGA: So, in nearly every instance
24 I can't think of one right now off the top of my head
25 where this is not the case but in nearly every

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2 instance a penalty is almost always determined by the
3 legislative body. We very, very rarely have the legal
4 authority or ability to actually determine the
5 penalty on our own.

6 COUNCIL MEMBER DROMM: So, that's our
7 decision?

8 AMIT BAGGA: Yes, sir.

9 COUNCIL MEMBER DROMM: Okay, I'm filing
10 on that. Alright, so do you believe that the
11 legislation will require a budget for implementation?

12 AMIT BAGGA: Respectfully I think it's a
13 bit premature for me to answer that question as the
14 law department is still examining a variety of legal
15 questions with respect to this bill and I think until
16 they've completed their review we would not be in a
17 position to be able to opine on the budget.

18 COUNCIL MEMBER DROMM: Okay, do, do, do
19 you get any other issues for example I know that we
20 passed legislation in the council regarding pregnancy
21 crisis centers and sometimes determinations have to
22 be made there as to what type of advice is offered in
23 pregnancy crisis centers yet we passed legislation
24 limiting that and providing for transparency do you
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2 see differences between that type of legislation and
3 the legislation regarding conversion therapy?

4 AMIT BAGGA: Yes, so while I can get back
5 to you on all of the differences and I'd be happy to
6 do so and in short order, the primary difference that
7 is obvious to me between this bill and that
8 particular law is that what DCA would be looking at
9 in that instance is whether or not certain types of
10 signage and disclosures are being made and signage is
11 posted at a given pregnancy service center and so
12 it's the type of thing that a DCA inspector could
13 determine whether or not something is disclosed or
14 not disclosed because it's simply there and again
15 that is sort of in the realm of what is being offered
16 and what is being advertised as opposed to what is
17 actually taking place. Even in the pregnancy service,
18 service center context our agency is not actually
19 making the determination about the type of service
20 being provided.

21 COUNCIL MEMBER DROMM: How about when you
22 work with domestic workers and we have laws that
23 gives DCA, DCA the authority to enforce our
24 protections with domestic workers for example, don't
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2 you make a determination about who qualifies as a
3 domestic worker?

4 AMIT BAGGA: So, if you're referring to
5 the paid care statute the law actually does not give
6 us a particular enforcement authority, it requires us
7 to have a division within our agency that focuses on
8 researching the needs of paid care workers and
9 domestic workers if there is... if we are... if a
10 domestic worker were to make a complaint about a very
11 specific type of law that they are alleging has been
12 broken that we have the legal authority to enforce
13 for example the paid sick leave law in that instance
14 our office of labor policy and standards would
15 conduct a full on investigation the way we would in
16 other cases but we are typically not making a
17 determination... [cross-talk]

18 COUNCIL MEMBER DROMM: What about like
19 in, in, in immigration fraud cases, are you making..
20 [cross-talk]

21 AMIT BAGGA: ...we do not... [cross-talk]

22 COUNCIL MEMBER DROMM: ...a determination
23 there what type of service was provided?

24 AMIT BAGGA: Typically, no.
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COUNCIL MEMBER DROMM: So, somebody can just offer any type of immigration service and they can get away with it?

AMIT BAGGA: So, that's, that's the key difference, it's a difference between what is being offered and what is actually being provided. So, if I may a particular type of service can be advertised and when a DCA inspector is reviewing an advertisement or a DCA attorney let's say is reviewing an advertisement what we are looking at is what does the advertisement say and does the language of that advertisement run afoul of the law. It is difficult for us often to determine and, and you raised the immigration fraud context, we are not in a position to determine and we never have whether or not immigration fraud itself has ever taken place. For example, we don't collect any identifying documents, if an, an inspection is conducted of a... of a, a business that proports to provide immigration services, we check to see whether or not the business has engaged in certain contracts with their clients as they are required to but you know what the for example USCIS documents are that an individual might have filled out to engage in the provision of

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2 immigration service that is not information we
3 collect, we are not in a position to be able to opine
4 on whether or not the fraud actually occurred.

5 COUNCIL MEMBER DROMM: So, if this law
6 were to pass and somebody were to come to you with a
7 complaint say that we... you know I went to, to a
8 psychiatrist and they tried to change my sexual
9 orientation that doesn't suffice for you to then take
10 action under the proposed legislation?

11 AMIT BAGGA: I think that is a question...
12 that very specific question the law department would
13 have to opine on that... [cross-talk]

14 COUNCIL MEMBER DROMM: Is that what
15 you're going to come back to?

16 AMIT BAGGA: That's, that's one of the...
17 one of the many questions that I know the law
18 department is looking at. In general, it is difficult
19 for DCA to determine in a context like this whether
20 or not a particular service has been provided in a
21 very particular way, I, I'd like to remind the
22 council that DCA at the end of the day is not
23 actually an adjudicatory body, we bring cases, for
24 example before oath which is the actual adjudication
25 body that makes a final determination about whether

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2 or not a particular type of law has been broken. We
3 write violations based on what we believe to be the
4 case however the final determination is not generally
5 and there are some exceptions but not generally made
6 by us.

7 COUNCIL MEMBER DROMM: So, just to go
8 back to conversion therapy itself you know many
9 common techniques of conversion therapy fall under
10 different forms of child maltreatment. For example,
11 physical abuse is inflicted or allowing someone to
12 inflict physical injury on a child, this includes
13 beating, burning, exorcism, emotional and verbal
14 abuse is the... is the non-physical maltreatment of a
15 child that can seriously interfere with positive
16 emotional development, emotional neglect is the
17 failure to supply a child with support needed for
18 healthy, emotional development this includes failure
19 to provide warm phrase and encouragement therefore
20 shouldn't conversion therapy on minors be explicitly
21 considered child abuse?

22 AMIT BAGGA: I would have to defer to my
23 colleagues to, to answer that question.

24 MYLA HARRISON: Yeah and I, I think not
25 to defer but I do think the child abuse issue is a

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2 child welfare issue for the most part when it comes
3 to those... exactly what you labeled there and I think
4 they would have to weigh in on that. It sounds like
5 it but I think you'd need them to, to address that
6 specifically.

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COUNCIL MEMBER DROMM: So, has anybody
8 thought about the best way to reach out to survivors,
9 I'm sorry... oh no, okay. I'm going on a bit here. What
10 do you think would be the best method to find people
11 who have been victimized in conversion therapy
12 practices, I know I was a little hard on you before
13 but would that be an obligation for the Health
14 Department?

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AMIT BAGGA: I'm sorry, did you see fine
16 with an e or... [cross-talk]

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COUNCIL MEMBER DROMM: Right... [cross-
18 talk]

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AMIT BAGGA: ...find with a d?

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COUNCIL MEMBER DROMM: find, f-i-n-d, f-
21 i-n-d to locate because sometimes look... you know I
22 was asked by one of the local papers like what about
23 these adults who want to go into conversion therapy,
24 well I mean will... are we going... are we going to
25 continue to allow adults to go into conversion

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2 therapy which is basically quackery which is based on
3 false psychological understanding of homosexuality in
4 1973 and effects so many men and women of my age
5 because they feel like something was wrong with them
6 when they were brought up but now they still want to
7 go into conversion therapy that... I mean what I'm
8 trying to get to here is that ultimately, we're
9 dealing with fraudulent medical service provision and
10 we need to put an end to it and I think New York City
11 should be on the forefront of it for both children
12 and for adults?

13 MYLA HARRISON: Okay.

14 AMIT BAGGA: So, I think... I think the
15 administration very much agrees with you that this is
16 an abhorrent practice and that it should not be
17 taking place in New York City and that it really not
18 only has the capacity to really ruin lives but in
19 fact does ruin lives. I think there are outstanding
20 questions that the law department is looking at in
21 terms of what would be the best way and what would be
22 the best approach for New York City from a legal
23 perspective to be able to take something like this
24 on. I think it is worth noting that in the state of
25 New York and every state is different in terms of its

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2 legal landscape but in the state of New York medical
3 practices and the provision of mental health services
4 including what is permissible and impermissible in
5 general terms are regulated by the state and so I
6 think there is a question about the extent to which
7 New York City has the ability to do that locally and
8 I know that the law department is looking at that
9 question in particular and I know that Commissioner
10 Malalis wanted to add to that.

11 CARMELYN P. MALALIS: Sure, I was just
12 going to add kind of what, what... something that I
13 think tangentially kind of covers your question
14 Council Member Dromm is you know I want to say maybe
15 two or three weeks ago I was actually with
16 Commissioner Bassett at the LGBT center announcing
17 two very important initiatives that the Department of
18 Health and Mental Hygiene has undertaken. One, is the
19 creation of an LGBTQ Health Care Bill of Rights, the
20 other one is a campaign called Bare it All and I
21 think the emphasis of both of those Department of
22 Health campaigns is really to underscore that in... you
23 know in the medical field or as New Yorkers are, are
24 engaging medical services that they should be able to
25 be exactly who they are, they should be able to be

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2 who they are in terms of their sexual orientation, in
3 terms of their gender identity, in terms of their
4 gender expression, etcetera and that if they were
5 before some sort of medical provider that was not
6 allowing them to be who they were in all of those
7 different contexts plus more than one, the Department
8 of Health and Mental Hygiene would indeed be helping
9 them actually you know assisting them to find
10 medical, medical care or a medical provider who would
11 allow them to be truly who they are in expressing
12 their sexual orientation, their gender identity, and
13 gender expression and also paired it with as I said
14 this LGBTQ Health Care Bill of Rights so that if
15 people were experiencing some form of discrimination
16 or harassment in trying to access health care that
17 they knew that that was against the law they could
18 avail resources within the city as... you know such as
19 the Commission on Human Rights but I, I mentioned
20 both of those initiatives because I think they both
21 strike to... I think the heart of your question which
22 is that, you know people who are lesbian, gay,
23 bisexual, transgender questioning kind of the gambit
24 there's nothing wrong with, with you because you are
25 any or all of those things and, and these two

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2 initiatives I think really speak to the fact that in
3 health care specifically people should be comfortable
4 accessing health care throughout the city and, and
5 being able to be who they are as a whole person.

6 COUNCIL MEMBER DROMM: I, I, I want to go
7 back through to the issue of consumer fraud because
8 that seems to me to be the area where I think we
9 could nip this in the butt actually and I'm, I'm
10 anxiously awaiting what the law department comes up
11 with but to, to practice conversion therapy
12 ultimately is fraudulent, you cannot change someone's
13 sexuality and when they charge a fee for it and
14 they're allegedly providing services for it I don't
15 see how the Department of Consumer Affairs can
16 continue to allow a fraudulent practice to continue.

17 AMIT BAGGA: Well the Department of
18 Consumer Affairs is opposed to fraud in all of its
19 forms. We, we work hard, very hard every day to
20 ensure that New Yorkers are protected and... [cross-
21 talk]

22 COUNCIL MEMBER DROMM: But you agree that
23 conversion therapy is fraudulent practice?

24 AMIT BAGGA: I am not in a position to...
25 while I agree it is abhorrent to... whether or not it

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2 can be considered from a legal perspective by local
3 law to be fraudulent is one of the questions that the
4 law department is looking at that is why I can
5 personally state that I think all of us here and
6 everyone I know in the administration is deeply
7 opposed to it and very much agrees that it is a very
8 problematic practice. The extent to which it can be
9 considered fraudulent as a legal definition I think
10 is still being looked at.

11 COUNCIL MEMBER DROMM: And why is that?

12 AMIT BAGGA: That would be a question for
13 the law department to answer.

14 COUNCIL MEMBER DROMM: Well is it
15 primarily based on medical decisions?

16 AMIT BAGGA: Again I, I, I do apologize
17 Council Member its, it's not a question that I'm
18 qualified to answer, I think the law department is
19 looking at some of the ways in which the city would
20 have the ability to think about this practice and
21 treat it as something that we are opposed to and, and
22 therefore would like to be able to regulate.

23 COUNCIL MEMBER DROMM: And, and I hear
24 you Deputy Commissioner and I... and I, I think that
25 you're sincere but I have to really believe that what

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2 has happened here is that we have allowed the
3 American Medical Association and the American
4 Psychiatric Association and the American
5 Psychological Association to go on too long saying
6 should or... should not be practiced or whatever we
7 need them immediately to declare conversion therapy
8 as complete and outright fraud and those are... these
9 are residue issues from the 1973 ruling and for them
10 to continue gives them really very little credibility
11 in my mind that they have not yet done that and I
12 think that's where you're finding some difficulty in
13 defending the position between your personal and
14 between your professional so... but I do still believe
15 that we need to forward on this legislation because I
16 do believe that it is fraudulent. Right and that is
17 true, New Jersey has already ruled that it violates
18 consumer fraud violations and I said earlier on why
19 can't New York be in the front of this.

20 AMIT BAGGA: So, as I mentioned earlier
21 in one of my answers to your questions every state
22 has a very different legal landscape and every state
23 has a different set up when it comes to what it is
24 within the legal realm that the state has the
25 authority to regulate and what the state further

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2 delegates to its municipalities to regulate. In the
3 state of New York, we have a particular legal
4 landscape that is set up in a specific way. In New
5 York State, medical services and mental health
6 services are regulated at the state level. That does
7 not necessarily mean that there isn't a step that the
8 city could take to begin to regulate this practice
9 but that is exactly the question that the law... one of
10 the questions that the law department is looking at.

11 CHAIRPERSON MEALY: What would you think
12 would be a first step that we can take?

13 AMIT BAGGA: Again the law department is
14 examining the extent to which the city of New York
15 would have the ability to regulate this practice. As
16 I mentioned in the state of New York it is the state
17 that has a legal authority to license and regulate
18 the provision of medical and mental health services.
19 So, one it is a... it is a threshold legal question as
20 to what, what, what is the city's ability and
21 authority in this case.

22 COUNCIL MEMBER DROMM: Thank you Chair
23 Mealy and I would really urge the Health Department
24 to put more emphasis on this issue and... especially
25 with the LGBT group that you're convening. This is

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2 something that has the direct negative impact on the
3 community and, and... particularly because other states
4 and municipalities are, are looking at this issue as
5 well. So, thank you very much for coming in.

6 AMIT BAGGA: Thank you.

7 CHAIRPERSON MEALY: And thank you, how
8 long do you think the legal department will take on
9 these questions because it makes no sense now all
10 these answers we need is in the legal department. So,
11 how long do you think that's going to take?

12 AMIT BAGGA: Yes, respectfully I think
13 the bill was introduced rather recently and the law
14 department has been doing an examination of this bill
15 as well as many others all at the same time. I can't
16 speak for them, I, I don't work for the law
17 department but I, I know that they are aware that
18 this is... this is a set of questions that they need to
19 be getting back to us and the... and the council on
20 shortly.

21 CHAIRPERSON MEALY: Thank you. I'm
22 looking forward to really getting some better
23 information in regard to this, this... the practice
24 needs to be stopped really. We won't hold you, no
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2 other questions we can ask you, thank you

3 Commissioner, thank you, thank you... [cross-talk]

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AMIT BAGGA: Thank you.

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6 CHAIRPERSON MEALY: ...everyone for being
7 here today. Thank you so much for coming panel and
8 we'll take a little quick recess and we'll have my
9 colleague Matthew Eugene vote.

9

10 COMMITTEE CLERK DISTEFANO: Committee on
11 Civil Rights continuation of roll call on Intro
12 1259A, Council Member Eugene?

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13 COUNCIL MEMBER EUGENE: Let me say thank
14 you Madame Chair, thank you very much and I vote aye.

14

15 COMMITTEE CLERK DISTEFANO: Okay, the
16 vote now stands at four in the affirmative, zero in
17 the negative and no abstentions.

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COUNCIL MEMBER EUGENE: Thank you.

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19 CHAIRPERSON MEALY: Thank you, can we
20 have the next panel come up; Mathew Shurka, Shurka,
21 may you come up please; Jane... Matthew and Jane;
22 Everett Arthur. You could get to... no, right here. Oh
23 okay. Could we get somebody else?

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COUNCIL MEMBER DROMM: Chair Mealy?

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CHAIRPERSON MEALY: Yes.

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COUNCIL MEMBER DROMM: May, may I ask is somebody staying from the Health Department?

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CHAIRPERSON MEALY: It seems like everyone has left, they out in the hallway, could you ask...

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COUNCIL MEMBER DROMM: Is that... [cross-talk]

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CHAIRPERSON MEALY: Thank you... [cross-talk]

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COUNCIL MEMBER DROMM: Is anybody staying from, from all three, thank you.

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CHAIRPERSON MEALY: Thank you. You may start Mr. Everett.

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EVERETT ARTHUR: Thank you for the opportunity to testify before you today. My name is Everett Arthur and I serve as the Government Relations Associate as... at the Lesbian, Gay, Bisexual, and Transgender Community Center, the Center in New York City. I will testify on four pieces of legislation; Intro 1186, Resolution 614, and 1287, and pre-considered Intro introduced by Speaker Mark-Viverito. Thank you to Council Member Darlene Mealy for convening a hearing on such important topics for the LGBT community today. Since

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2 1983 the center has empowered our community members
3 to lead authentic lives while advocating for justice,
4 equity and opportunity for LGBT people. While this
5 translates into many life altering and affirming
6 experiences for the people who walk through our doors
7 some communities like transgender and gender non-
8 conforming people are impacted far greater because
9 external resources and protections for them are far
10 and few between. As co-founder and current
11 administrator of the New York State LGBT Health and
12 Human Services Network of the Network, the center is
13 particularly connected to the evolving statewide
14 needs of the LGBT community. Additionally, the center
15 began providing services for the transgender and
16 gender non-conforming community in 1991 with the
17 establishment of our gender identity project, GIP,
18 the first transgender peer counseling and empowerment
19 program in New York State. Our 25-year history of
20 serving transgender individuals has afforded us
21 unique insight into the particular hardships faced by
22 transgender and gender non-conforming people. Our
23 firsthand knowledge tells us this, transgender and
24 gender non-conforming people face unique challenges
25 related to their gender expression and gender

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2 identity inside New York State and the United States
3 as a whole and internationally. And while we may not
4 be able to directly impact how transgender and gender
5 non-conforming people and other members of the LGBT
6 community are treated outside of the United States it
7 is imperative that we declare New York and in the
8 United States that LGBT people are safe from
9 discrimination in employment, housing, public
10 accommodations, and biased motivated crimes. We know
11 that the discrimination faced by LGBT people... LGB...
12 LGBT people is only compounded by race and ask that
13 these issues be examined under an intersectional lens
14 as well. Intro 1186 is the first step needed to
15 protect LGBT people right here in New York City.
16 Passing local legislation may incentivize other
17 cities to follow New York's lead but we should not
18 stop there. The center hopes that all LGBT New
19 Yorkers will be protected from facing discrimination
20 for their sexual identity, gender identity, or gender
21 expression. This is why New Yorkers need GENDA.
22 Resolution 614 protects New Yorkers at the state
23 level and we applaud the assembly for passing GENDA
24 for eight consecutive years however in each of those
25 eight years the senate failed to move on legislation.

1
2 The New York City Council represent 8.5 million New
3 Yorkers, a resolution from this body on behalf of
4 these residents will send a strong message to both
5 houses of the state legislature that we take
6 protections of all our residents seriously and that
7 this legislation is a step in that direction. In
8 light of the current administration silence an
9 erasure regarding the treatment of LGBT people our
10 state must clearly support LGBT people now more than
11 ever. All New Yorkers should be able to rely upon
12 this state to fight for their best interest and that
13 includes but is not limited to passing agenda. Next
14 Resolution 1287 protects New Yorkers and Americans on
15 a federal level and we applaud Council Member's
16 Dromm, Crowley, and Manchaca, Chin, and
17 Constantinides for supporting the equality act. While
18 all LGBT people would benefit from the passing of the
19 act, transgender and gender non-conforming people
20 will be particular beneficiaries of this legislation.
21 Amending the Civil Rights Act of 1964 and the Fair
22 Housing Act to include sexual orientation and gender
23 identity among the prohibited categories of
24 discrimination or segregation in employment, places
25 of public accommodation and housing will save lives

1
2 by ensuring that LGBT people and perceived LGBT
3 people can access jobs, housing, and public safety
4 without enduring discrimination or segregation that
5 may result in their homelessness, starvation, or
6 death. While the enactment of these protections will
7 greatly further the safety of LGBT New Yorkers and
8 Americans this is not enough. Part of protecting the
9 lives of LGBT New Yorkers is normalizing our stories,
10 normalizing our families, and normalizing our
11 identities however this cannot be done until
12 conversion therapy is unlawful in New York State.
13 According to San Francisco State University's
14 research on the issue of family acceptance of LGBT
15 youth, LGBT youth that were rejected by their parents
16 because of their LGBT identity or eight times more
17 likely to have attempted suicide, nearly six times as
18 likely to report high levels of depression, more than
19 three times as likely to use illegal drugs, and more
20 than three times as likely to be at high risk for HIV
21 and STD's. making conversion therapy unlawful will
22 affect the lives of LGBT people in tangible ways by
23 telling them that New York sees you and accepts you
24 just as you are. For this reason, we strongly urge
25 that council act on this legislation. Finally, as

1
2 Commissioner Malalis noted I would like to note that
3 the center's training institute offers cultural
4 competency trainings and our trans training
5 collective specifically works with city agencies to
6 train agency employees on issues of gender identity,
7 equity and how to create an infirming environment for
8 the community particularly transgender and gender
9 non-conforming individuals. The center would be
10 honored to continue to provide guidance and expertise
11 on these issues once this legislation is enacted. We
12 must continue fighting to protect the lives of all
13 New Yorkers from discrimination and these pieces of
14 legislation are necessary to create a much-needed
15 safer environment.

16 MATHEW SHURKA: Hi, I'm going to have my
17 mother speak first because she's cute and I wanted to
18 let her do that but who I am, my name is Mathew
19 Shurka, I am a survivor of conversion therapy here in
20 New York City. I'm a national advocate and national
21 spokesperson with numerous organizations for ending
22 conversion therapy and I've been doing that work for
23 the last five years. Being from New York... from the
24 New York area and have been treated in New York City

25

1
2 I will speak to that experience in... let my mom speak
3 about her experience first.

4 JANE SHURKA: First I want to thank you
5 for letting me be heard and I'm here as a parent who,
6 who put her son through conversion therapy because of
7 her ignorance and I'm speaking here for other
8 parents, speaking out to them because they don't know
9 and I didn't understand anything about being gay. So,
10 I put my son through conversion therapy. I will read
11 what I wrote because I can't... this way I'll remember
12 everything I want to say. This journey that my family
13 went through was most difficult especially for my
14 son. As a mother seeing her son and not accepting his
15 true self at the hands of a conversion therapy is
16 disheartening to say the least. My husband and I were
17 both ignorant and we were concerned for our son's
18 future, what would his life be like as a gay man. My
19 husband was truly worried about our son's life, he
20 decided to seek out a conversion therapist in 2004.
21 Matt was 16 years old, this is where our nightmare
22 began. Matt was a good student, a typical developing
23 teenager into his schoolwork and having fun. The
24 therapist told my husband and Matt there is no such
25 thing as being gay that all we needed to hear that

1
2 there was some kind of trauma in Matt's life that
3 made him this way. Matt was searching for his trauma,
4 for five years he was searching to blame anyone who,
5 who he thought might have caused his trauma but he
6 came up empty. The mood swings started, anxiety
7 developed, he woke up every day not knowing who he
8 was, I am sure deep down he knew he was gay in his
9 soul but he was scared to let it come out. He wanted
10 to please his therapist and father and was afraid of
11 how the world will perceive him. Shortly after Matt
12 began this therapy I knew Matt is gay and we needed
13 to address this. So, I went on my own personal
14 bandwagon to help my son to accept his orientation
15 and be proud of who he is. All I would think about is
16 please god help him accept himself, I went through
17 hell with Matt agonizing over the therapy and being
18 gay every day. Matt was put in the position by his
19 therapist to question who he was and who he should
20 be, try to imagine that. So, I was on a mission to
21 have my son accept himself and for me to understand
22 what it is to be gay, I read novels by gay authors,
23 gay self-help books, I spoke to my son and really
24 listened observing his interactions with people and
25 of course meeting lots of gay people myself. What I

1
2 observed was that there is no difference between gay
3 and straight in regard to their hopes and dreams, we
4 all want the same things; love and acceptance. I
5 don't blame my husband or myself as much as I blamed
6 the licensed therapist we hired, he guided and
7 convinced us that Matt's orientation can change when
8 we didn't know any better. I am sure there are a lot
9 of people like my husband and I who fed into this
10 therapy. A good therapist would say to... say to
11 parents we cannot change your son or daughter's
12 orientation but we can help you understand it and
13 make peace with it. If conversion therapy is not
14 available to minors, parents will then question
15 themselves and realize there's a good reason not to
16 do it. We must pass this bill and make conversion
17 therapy illegal in New York. if it were illegal when
18 my son was coming out he may not have lost five
19 precious years of his life to an... to this dangerous
20 practice and I could have been a proud mom of a gay
21 son a lot sooner. Thank you.

22 MATHEW SHURKA: Thank you. I don't need...
23 actually don't need this... so, yeah... my name's Mathew
24 Shurka, I grew up in Great Neck, New York which is
25 just outside... 30 minutes from Manhattan and I came

1
2 into my father when I was 16 years old and my father
3 was awesome and really loving about my... about my
4 coming out but had his own fears of what that meant
5 for my life and my father had never heard of
6 conversion therapy or reparative therapy and did his
7 own research and came across a conversion therapist
8 here in Manhattan who explained to him that there is
9 no such thing as being anything of the LGBTQ spectrum
10 and that all childhood traumas lead to this... they
11 call it a psychological void or reaction to trauma
12 is... that get acted out in sexuality and that if I can
13 heal the trauma through therapy then my, what they
14 call as I say... as I say same, same sex attraction
15 that's what the disorder I suffered from then if I
16 went to the, the therapy and heal the trauma then I
17 would experience opposite attraction over time and
18 naturally because that... they... what they believe I am
19 innately. So, what that actually looked like I fit
20 the, the actual... you know I guess description on the...
21 I have two older sisters, a mom, there was a lot of
22 feminism according to this therapist in my home and
23 so I had to take away as... the... as much feminists in
24 my home as possible and to increasing masculinity so
25 I can identify with my male peers. What that actually

1
2 looked like in reality was I didn't... was not allowed
3 to speak to my mother for about three years including
4 my two sisters. Now my mother and father didn't agree
5 about this and I didn't physically separate from her
6 so what that looked like was me waking up in the
7 morning for school, mom made me breakfast and I'd
8 walk out the door not saying a word eventually just,
9 you know coming from a conservative Jewish home this
10 started to break my family apart and my mother and
11 father disagreements about what my therapy was doing
12 to me and siblings. I believe that... I believe the
13 therapy was working, I became more popular at school,
14 when I was ready to engage and have sexual
15 interaction with women I succeeded but my grades
16 would fail, I had anxiety, I had gone to the hospital
17 numerous times for anxiety attacks and when I was no
18 longer being able to perform the therapist was
19 prescribing me Viagra pills to continue to affirm my
20 heterosexuality. So, over a course of five years I
21 was treated in four different states specifically I
22 started here in Manhattan, my conversion therapist
23 who treated me in Manhattan still works to this day
24 actually because of the last questions you asked
25 previously I just... I looked him up and he's still

1
2 advertised on psychology today. One of the problems
3 with these psychotherapists is that in... because of
4 the moving and what's happening in the country
5 they're not advertising... some do actually in the
6 country but here in New York they're saying that we
7 are... we deal with sexuality issues or sexuality
8 problems and don't want to point specifically to
9 reparative therapy or conversion therapy So, my
10 former conversion therapist who still works... he's on
11 17th Street near Union Square and treating minors and
12 adults to alter their sexuality from homosexuality to
13 heterosexuality, it doesn't go the other way around
14 because they believe anything of the LGBT spectrum is
15 the disorder. Since, since now I'm 29 years old, I
16 advocate across the country. This bill is
17 particularly very important, I can answer any of the
18 questions from the previous panel as a part of my job
19 as what I've done in the last five years is to do
20 this research and every single medical organization
21 and psychiatric organization in the country has... is
22 against the use of conversion or reparative therapy.
23 If it was up to the American Psychological
24 Association they would end it completely. They
25 already currently will take away a license if a

1
2 therapist is caught doing it, the reason that we went
3 to the state level is because it is the state that
4 licenses the therapist and so the APA is limited up
5 to a certain point. Now I know the city and the state
6 have different rules and regulations but knowing what
7 is... what the APA has done on, on what's happening
8 around the country I will work with everyone from the
9 Health Commissioners Office to giving them the
10 information that they need. The case in New Jersey is
11 very important its... it was a lawsuit so the lawsuit
12 which we now use as case law was... the verdict was
13 that conversion therapy is consumer fraud, if you
14 cannot promise or prove that I can turn a homosexual
15 into a heterosexual then taking money for that
16 service is fraudulent. So, we have the case law there
17 available which specifically to that case in New
18 Jersey the... their offices were based in Jersey City
19 and their target market as a business is the New York
20 City tristate area so even though that specific case
21 was there I think it fully applies here in New York.
22 From a financial point of view my family over five
23 years spent 30,000 dollars on my conversion therapy,
24 it is a business, there's a lot of money involved so
25 we can... we can talk about that and, and the last

1
2 thing I'll say before we move onto questions is just
3 that I'm a, a proud gay man and a proud New Yorker
4 and New York City is a place that people from all
5 over the country run to, to come out of the closet, I
6 mean in, in most liberal cities, you don't even have
7 to call them liberal but big cities, you can look at
8 San Francisco, we can look at others but especially
9 New York and... you know so we are a safe haven for
10 these individuals and because this bill includes
11 adults we know that conversion therapy doesn't... it
12 doesn't work for anyone, the APA does not say oh it
13 doesn't work for minors but it totally works for an
14 adult, we know that it doesn't work period even
15 though this is the first bill of its kind to include...
16 or amendment, sorry, to include all ages. So, I think
17 like... I think as a city, as a New Yorker of the city
18 which we are a great safe haven for all these
19 individuals it's important that we do lead the way
20 and if I think about all the individuals that moved
21 to New York City to find a safe place they do give up
22 a lot, they give up, you know their community, many
23 give up talking to their parents, they give up their
24 religious background and they... and they do lose a lot
25 of stability in their life and have to find new

1
2 stability and new communities here in New York and I
3 think a lot of these conversion therapists use that,
4 you know and, and certain individuals fall into drug
5 addiction or feeling lonely, these conversion
6 therapists are using that as an advantage to say well
7 come back to this ability and try to see a
8 heterosexual life as a way to feel stable in your
9 life and that's... when the individuals I meet who
10 actually try conversion therapy as adults, I meet
11 people from the age 70, 50, 40 that still try it
12 because they're lost, they lost their homes and
13 they've either fell into drugs or got sick with the
14 HIV virus or other ST... STD's so it's more about
15 creating New York to be a safe place for those
16 individuals and create community here for people who
17 are looking for a safe place. Thank you so much.

18 CHAIRPERSON MEALY: Thank you. Do you
19 have any questions? I just have one, the last
20 administration was saying that there's none in New
21 York are you telling me they can't look that up and
22 see what businesses are, are still doing this process
23 right now, so I feel they were not forthcoming with
24 us really so I know we have to address that?

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MATHEW SHURKA: I think there's a... you know as New Yorkers we have an assumption that everything is cool... are cool here and that, that... it doesn't happen here and most people who meet me and I say I was treated by a therapist on... in Union Square they're shocked that it... that it happens here so, you know I do research, I just come... came back from San Diego where there was a conversion therapy conference occurring and, and I attended to speak with people there, there was 400 people who are seeking to... whether it therapists, pastors, people themselves all looking to convert and there was a gentleman there who represented Higher Ground Dot NYC, it is a conversion therapy center four blocks from Stonewall. So, to think that it doesn't exist, it exists and they're hiding so if you look... go to their... if you go to Higher Ground dot NYC, they don't have an address, they're p.o. box is located at the Madison Center near Penn Station, the... and they're avoiding what the movement is which is we are seeing a huge wave of ending of conversion therapy eight... [cross-talk]

CHAIRPERSON MEALY: That's... [cross-talk]

MATHEW SHURKA: Yeah, go ahead.

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CHAIRPERSON MEALY: Do you think you had shock therapy in it also?

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MATHEW SHURKA: There are many... there are many reports and friends of mine who've experienced electric shock therapy, yes now does that specific place... [cross-talk]

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CHAIRPERSON MEALY: This is... [cross-talk]

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MATHEW SHURKA: ...do it, yes... [cross-talk]

7

CHAIRPERSON MEALY: ...still a kid, I mean...

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[cross-talk]

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MATHEW SHURKA: So, electric shock

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therapy is legal unfortunately, I mean... or for, for...

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I mean well it depends what its used for, its usually

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used for... in the medical practice for depression but

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the fact that a psychotherapist or any medical

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professional can say I can use electric shock therapy

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to cure your homosexuality is absurd and that's

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what's damaging because it's never been proven or

17

worked in such regard.

18

CHAIRPERSON MEALY: That's it, thank you.

19

Mr. Dromm?

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COUNCIL MEMBER DROMM: Thank you very

21

much and thank you for that really moving testimony,

22

it's just incredible to hear that you were treated

1
2 quote, unquote on 17th Street in Union Square where
3 everybody thinks oh you know Greenwich Village or
4 East of Greenwich Village in that area anyway and
5 everything should be so cool but yeah, I mean I think
6 also some churches are still preaching this as well,
7 you know and the Catholic Church, you know they have
8 a group called Courage which encourages abstinence
9 minimally and hopefully conversion therapy and that
10 still goes on and so whether they're licensed or not
11 they still encourage it but it's still quackery
12 because you can't convert somebody's... or change
13 somebody's sexuality. So, what was that term you used
14 SSA disorder?

15 MATHEW SHURKA: Yes.

16 COUNCIL MEMBER DROMM: Can, can you
17 describe that a little bit for me?

18 MATHEW SHURKA: So, because they don't
19 believe in anything of the LGBT spectrum everyone is
20 innately heterosexual according to them. so, when
21 you're in the therapy you don't... you're not gay, you
22 describe your condition as SSA, Same Sex Attraction.
23 So, when I was in my therapy I had to, you know how...
24 when did I discover my SSA, is it stronger today, is
25 it less today, is my SSA disappearing, am I finding

1
2 myself more attracted to females now, so you just..
3 the, the acronym is a way to describe it as a
4 condition that you'll eventually rid of.

5 COUNCIL MEMBER DROMM: So, when you went
6 to this... was it a psychiatrist or a psychologist?

7 MATHEW SHURKA: Psychotherapist.

8 COUNCIL MEMBER DROMM: Psychotherapist,
9 how did they get into the... did you go to... there
10 specifically to change your sexuality, your sexual
11 orientation?

12 MATHEW SHURKA: Yes, I was 16, I was... and
13 then, you know my father was the one who found the
14 therapist and... [cross-talk]

15 COUNCIL MEMBER DROMM: How did he find
16 one that he thought would be willing to do... [cross-
17 talk]

18 MATHEW SHURKA: So, he... my father had
19 never heard of conversion therapy, he didn't know
20 what it was but as a... for my father it wasn't
21 religious, it, it was the fact that I was still young
22 and if he could offer me what he believed was a
23 better life as a straight man; worried about
24 persecution, my job life, my family life, he... you
25 know he would say I would... I would definitely give

1
2 you that opportunity especially if there's a
3 psychotherapist who's a trained professional can
4 offer this for my father it was an opportunity. When
5 he described it to me I was 16 and terrified, I was
6 worried about losing my father's love and approval, I
7 was worried about my community and I'm being told
8 that what life would be like as an out gay man and
9 what horrors I would have to go through. So, my 16-
10 year-old self went into it thinking like I got to
11 give this my best shot and so it... and not at a single
12 point did I not try, I for five years continued to do
13 everything I could to become a heterosexual.

14 COUNCIL MEMBER DROMM: I don't even know
15 where to start really sometimes I'm... but what I was
16 trying to get at really is like did they openly
17 advertise that they could change your sexual
18 orientation or did it come up in therapy where the
19 doctor says oh would you like to change your
20 sexuality or how did that... how did that happen
21 because I don't know that there... are there many
22 psychiatrist or psychotherapists today that would
23 outwardly say, you know or advertise that I can
24 change your... [cross-talk]

25 MATHEW SHURKA: Yeah, so... [cross-talk]

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COUNCIL MEMBER DROMM: ...sexual orientation... [cross-talk]

MATHEW SHURKA: ...if you go to Higher Ground's website they specifically say... [cross-talk]

COUNCIL MEMBER DROMM: Higher Ground... [cross-talk]

MATHEW SHURKA: ...that they will... they will deal with your SSA specifically.

COUNCIL MEMBER DROMM: And where's Higher Ground located?

MATHEW SHURKA: I don't have the exact address and I'm trying to find it, I just discovered them over the weekend but they... the... I met the Executive Director and he specifically said he's four blocks from Stonewall and he's proud to be there so he can... [cross-talk]

COUNCIL MEMBER DROMM: Oh four blocks... [cross-talk]

MATHEW SHURKA: ...that's where he meets... [cross-talk]

COUNCIL MEMBER DROMM: ...from Stonewall... [cross-talk]

MATHEW SHURKA: ...new, new clients, those are his, his words.

1
2 COUNCIL MEMBER DROMM: So, I'm also
3 interested because my mother had the same reaction
4 but I'm a lot older than you, I, I came out in 1973
5 to my mother and, and my mother said, you know it
6 wasn't being gay that was so much... she feared it was
7 discrimination that she feared, you know in my life
8 fortunately for me she did not recommend, you know
9 therapy but I'm just wondering if you could describe
10 a little bit more your personal reaction to thinking
11 that there might be a cure so to speak.

12 JANE SHURKA: I... myself I was extremely
13 ignorant and when he said he's confused... I mean I
14 believed always that you're born gay, that's the...
15 that's the extent of... I... my thought process about
16 being gay, I didn't know anything else but that... I
17 had felt that you, you were born gay but when he... my
18 son says he's confused and he... and he needs help and
19 my, my husband said, you know we have to help him and
20 he was concerned so I said okay. I... you know I, I was
21 just totally ignorant. He said, the first six he's
22 going to be straight, he said okay, he said... [cross-
23 talk]

24 COUNCIL MEMBER DROMM: That's what the...
25 [cross-talk]

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JANE SHURKA: ...okay, we're going to fix this... [cross-talk]

COUNCIL MEMBER DROMM: ...psychiatrist said?

JANE SHURKA: We're going to fix this, it'll be okay, he'll fit like everybody else and I say well that's not happening, I realized that this is not... I, now looked at my 16-year-old son before that I didn't see anything that would make me think he was gay so I'm looking at him now, now I see that he's gay, this is not... you know a mother knows her child and, and that's it you real... you know you, you... I can see it and I understood it and I said this is wrong and we... I tried to, you know have him stop but he... you know when you have this... when somebody's telling you that we can be straight, straight and he's a child and he says you know what I have to try, I... you know because if I said anything that you're gay he would be very upset with me so he, he already got this in his head already, this professional, I'm just a mom.

COUNCIL MEMBER DROMM: It's just amazing to me that we're still not at the point where we can think that, you know it's just okay to be gay, you

1
2 know and people still think that, you know there's
3 some way that you should fix the person or whatever,
4 it's just amazing to me but hopefully one day we'll
5 get there.

6 CHAIRPERSON MEALY: Guess what... [cross-
7 talk]

8 COUNCIL MEMBER DROMM: ...hopefully one
9 day. Thank you Chair.

10 CHAIRPERSON MEALY: Councilman Dromm
11 Higher Ground is at 470 West 24th Street New York,
12 New York.

13 MATHEW SHURKA: Okay, great, I mean it's
14 not... but that was his description...

15 CHAIRPERSON MEALY: Yes...

16 MATHEW SHURKA: At... I was at the Restore
17 Hope conference if you want to look that up, it's an
18 organization specifically Christian based but the
19 pastors are licensed individuals and that's... and
20 because the conference took place in California they
21 had to deal with the fact that its already illegal
22 for minors there but that was his description and...
23 yeah from the Executive Director but thank you for
24 finding that out.

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COUNCIL MEMBER DROMM: Yeah, I, I...

[cross-talk]

MATHEW SHURKA: That might be... I don't know if that's the exact address of their p.o. box address because their website is a p.o. box address just... [cross-talk]

CHAIRPERSON MEALY: Well it is West 24th Street New York 10011 so they have... [cross-talk]

MATHEW SHURKA: Okay... [cross-talk]

CHAIRPERSON MEALY: ...a zip code so it should be... [cross-talk]

MATHEW SHURKA: Okay... [cross-talk]

CHAIRPERSON MEALY: ...a regular mailbox.

MATHEW SHURKA: Okay... [cross-talk]

COUNCIL MEMBER DROMM: Even at their, their headquarters or whatever picking up mail, I mean it is someone local but... [cross-talk]

CHAIRPERSON MEALY: Least its local we can start from there.

MATHEW SHURKA: Yep.

COUNCIL MEMBER DROMM: I mean so, so it's, it's here it's happening and it continues to happen and until New York City does something and the administration steps up the plate on this we're going

1
2 to have it... see it continue to go on right here in
3 New York City. Thank you.

4 CHAIRPERSON MEALY: I just want to
5 commend you, thank you for all that you do and keep
6 being an advocate.

7 MATHEW SHURKA: Thank you.

8 CHAIRPERSON MEALY: We're going to have
9 our next panel, thank you.

10 MATHEW SHURKA: Thank you.

11 CHAIRPERSON MEALY: Brooke Cerda Guzman.

12 BROOKE CERDA GUZMAN: Yes, I'm here.

13 CHAIRPERSON MEALY: Cecilia Gentili and
14 Lyndel Urbano, Urbano. Thank you, anyone can start.

15 BROOKE CERDA GUZMAN: I'd rather have
16 Celilia start first because... [cross-talk]

17 LYNDEL URBANO: Yeah... [cross-talk]

18 BROOKE CERDA GUZMAN: ...she actually went
19 through firsthand... she lived the hell that a lot of
20 our, our black and brown trans sisters still go
21 through every day and without any hope. So, I would
22 really... I want to encourage you to be very explicit
23 as you can so you can really move them.

24 CECILIA GENTILI: Hi, thank you all for
25 having this hearing. Before we start I wanted to say

1
2 like I'm also a survivor of conversion therapy and it
3 happened to me when I was about five years old and in
4 my case, it was Argentine, it was the 70's, you know
5 it was a dictatorship, you know all that was kind of
6 encouraged. So, I'm happy that today we're talking
7 about this right here because, you know the, the fact
8 that it's still happening is appalling to me and I
9 really cannot believe it. In my case it took homo-
10 replacement therapy and the other way I was given
11 testosterone at, at the five years so... which is
12 unthinkable because of all that suffering like, you
13 know I developed a, a, a series of like mental,
14 mental health issues that took me into like using
15 drugs for so many years and because of that I end up
16 in jail and it was a very dark place in, in, in my
17 life and when I seek recovery I went to recovery and
18 I was placed with men in New York City and we're
19 talking about seven years ago, right so I did 17
20 months of long term treatment living, showering,
21 sleeping, and having my days with men and I look
22 exactly like now and I felt exactly how I feel now
23 which is a woman. At the time, it was very important
24 for me to get my recovery and I decided to go through
25 with it but its... somehow miraculously it, it worked

1
2 in my favor but it could have been actually much more
3 worse than what I was looking for, right. During that
4 time, I was encouraged to become a productive member
5 of society, I believe that transgender people cannot
6 be there, cannot get to dream to do what they want to
7 do and become what we call productive members of
8 society which we have to define that, right or so..
9 because it's not enough protections for us. As a
10 transgender person I was denied a home, I went with
11 my partner... we called on the phone, we gave our
12 social security numbers, they ran our scores,
13 everything was great, I am privileged enough to have
14 a job so I had like pay stubs to show and everything
15 they said the apartment is going to be yours, you
16 know for sure, 98 point... 99.9 percent that the
17 apartment is yours, everything is okay until I show
18 up to see it and I was told in my face that the
19 apartment wasn't going to be given to us and that
20 they couldn't explain why that we had to go and
21 that's it, you have no apartment and it, it..
22 specifically when I show up the, the broker was
23 talking in the corner with my partner talking about
24 how the apartment looked like and when I show up that
25 changed, right, I also go to a... you know I'm, I'm

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2 lucky enough to have like a great medical provider
3 that is also transgender how... it doesn't get better
4 than that, right but I get sick on the weekends and I
5 have to go to the hospital, right and I will
6 encounter several horrible feelings of, you know of
7 being discriminated and not being protected, I do
8 know that the city has like a solution on human
9 rights where we can like, you know make our
10 complaints and things like that but you know all of
11 this is very new talking about periods of life and I
12 just wanted to say that, you know although like the
13 city and this state had been working into achieving
14 equality sometimes equality is not enough, we have to
15 create equity, right for those... you know communities
16 that didn't have anything for so long we need that
17 extra step that would take us there to be at the same
18 level than the rest. I was also in jail in, in Rikers
19 Island living with men which... [cross-talk]

20 CHAIRPERSON MEALY: We're going to ask
21 you some questions afterwards... [cross-talk]

22 CECILIA GENTILI: Yes... [cross-talk]

23 CHAIRPERSON MEALY: ...too, thank you.

24 LYNDEL URBANO: Hello, my name is Lyndel
25 Urbano, I'm the Director of Public Policy and

1
2 Government Relations at Amida Care. Amida Care is a
3 not for profit Medicaid Health plan. We focus on
4 providing comprehensive health services to people who
5 are living with chronic conditions, people who are
6 living with HIV, people who are homeless and
7 generally people who are at high risk of being at
8 risk at a... being... of acquiring HIV. So, the... we're
9 here to support this legislation because we believe
10 that LGBT people in New York City deserve to be
11 treated with, with, with equal rights and dignity,
12 it's all... it's primarily about dignity, right, and so
13 the... we know what it means... would mean for our
14 members in the communities we serve and in 2017 it's
15 unconscionable that people that who are still... are
16 still being denied their employment and subject to
17 discrimination and degrading and demeaning conversion
18 therapy and even violence simply be... based on their...
19 the actual perceived sexual orientation, gender
20 expression, or identity, right, the, the proposed
21 measures here that are proposed today like the
22 Resolutions and the legislation really demonstrate
23 New York City's commitment to the LGBTQ community and
24 sets an example for other jurisdictions that all
25 people should be treated with respect and dignity.

1
2 And we urge passage of this legislation. I would say...
3 also like to add that in the time when basic access
4 to health care and safety net programs for hard
5 working New Yorkers are threatened by federal
6 proposals to tear apart Medicaid and the US social
7 safety net its more important than ever that New York
8 City really stand strong and secure to bring a more
9 inclusive... of inclusiveness, right? As we heard
10 earlier today there are holes here, you know we need
11 to do more and we need to do all that we can as a
12 city to protect the rights of LGBTQ people. For us as
13 a health plan it's really important that we address
14 the needs of the people who are most underserved. One
15 population that's tremendously underserved is the
16 transgender community. Surveys that have been done
17 show that, that transgender people face really high
18 barriers accessing health care, accessing employment,
19 accessing just the basic services that keep them
20 healthy and well and unfortunately people who are
21 living... people who are transgender have a much higher
22 chance of get... of acquiring HIV than other
23 populations and that... there's no good reason for that
24 other than the fact that they are discriminated
25 against and singled out for these really... this really

1
2 unconscionable treatment. At Amida Care we, we work
3 hard to really make sure our people who are
4 transgender receive quality and competent care,
5 access to care. We have over 400 people who are
6 transgender in our plan and we, we welcome them and
7 we, we're seeking to serve even more. We want to
8 serve people whether they're HIV positive... H, H...
9 transgender people whether they're HIV positive or
10 not and we've been advocating for that for years and
11 finally the state is giving in, in October of this
12 year will give us the ability to do that and we will
13 continue to provide those services to people and I'll
14 just like to add by saying thank you for having this
15 hearing, this is incredibly important and we urge
16 passage of the legislation and the Resolutions.

17 BROOKE CERDA GUZMAN: Good afternoon, my
18 name is Brooke Cerda Guzman, I was born in 1965 in
19 Ghadawhala, Mexico. I'm very nervous, you know I've
20 been here since 1989 and the reason I'm nervous is
21 because, you know hundreds of thousands of black and
22 brown transwomen's lives depend on, on, on your
23 mercy, on your sense of decency. I've been dedicating
24 the last seven years of my life as a... to be a
25 community organizer and a herstorian and I have seen,

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2 you know horrors at all levels on, on the ground
3 field, I, I see so many black transwomen that their
4 only option is to sell their body, engage in survival
5 sex. While we continue... you know as like me and
6 Cecilia we are the exception, you know we are... we are
7 like, you know very rare that you see a... especially a
8 black transwoman, you know achieve what we had
9 achieved. So, I'm, I'm just here because I'm very
10 liberally angry, I, I really feel... think this is foul
11 play the fact that we are going to be asked questions
12 by these people who have nothing to, to do with, with
13 are community and they want nothing to do with our
14 community. I have sent emails, calls to various city
15 councils; Latisha James, we lost the main support
16 group that we had here in New York City two years ago
17 at Housing Works on 13th Street twice a week we were
18 able to have dinner and a metro card at the trans
19 empowerment project, it was downsized to a, PHP and
20 now you know barely you get ten transwomen of color...
21 ten transwomen period in a tiny little room while,
22 you know Charles King just like, you know say well,
23 you know have to go to East New York and, you know I
24 mean it was... it was a huge loss and I felt totally
25 blocked, I feel like, you know we have so many out

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2 gay men and, and women in, in office, in public
3 offices and they're all gate keepers, they don't let
4 transwomen in office, if we are not in office, you
5 know... if we don't have anybody to tell us where the
6 next blow is going to be coming from, I mean we are..
7 we are lost, we are lost, you know I just saw the
8 privileged to have, you know gay people from here,
9 this side from gay people from that side, you know
10 it's a lot of homocentric that's homocentric, I don't
11 know if this thing is on, is this on? Okay, so, so
12 that's homocentric, give us a break, give us a break.
13 My sisters are dying, last year we lost at least 25
14 black transwomen in this country, it was a
15 slaughterhouse, you would think this year they would
16 come out with a vengeance to pass the gender
17 expression nondiscrimination act. No, they're saying..
18 they're saying that's a definition of insanity, doing
19 the same thing over and over again expecting
20 different results. So, so a lot of lives are on the
21 line and by playing respectability politics, by... like
22 you know... I mean a lot of transwomen like myself I
23 didn't know I was a woman until I was 40 years old
24 that's, that's how impossible it is and every time
25 you try to assert yourself they tell you that you're

1
2 crazy, we don't even need conversion therapy, I don't
3 know what happened to me but I can... I, I'm almost
4 certain that I was abused as a baby, you know there
5 was a case five years ago in Long Island this, this
6 father shoots his baby so much because he was acting
7 so feminine that he killed him, you know for, for
8 expressing, you know feminism. We are women, we are
9 women of trans experience and there's no doubt in,
10 in, in my... in, in any of my bones that the feminine
11 essence lives in me and the feminine essence demands
12 me, you know to, to, to be myself, to live in, in my
13 truth. I know a lot of gays, I've taken that out...
14 that out from, you know Lourdes Ashley Hunter that
15 she's start, started saying, you know living in our
16 truth and now everybody's living in their truth.
17 Every time we do something that appropriate our
18 culture not ours, I mean from black transwomen, you
19 know everything, it was a black trans women who
20 started the, the stonewall uprising and, and still we
21 hear now conversion therapy only... I mean like five
22 out of the, the ten people speaking there was talking
23 about sexual orientation and, and it can be... it can
24 be either, either way, it can be either way because,
25 you know they tell you you're, you're a gay man,

1
2 you're a gay man and that's our... your prison, that's
3 your prison, that's, that's all you can be just a gay
4 man and just tell them no and you'll think that your
5 crazy so, so you know a lot of us we go crazy into
6 drugs, addition and, and, and whatnot, you know they...
7 we have to make safe spaces for, for my black trans
8 sisters to be here in this room, they don't feel safe
9 and, and they feel burned out, we have been promised
10 so many times, so many things, you know I currently I
11 am the Vice Chair of the Client Advisory Board at
12 GMAC and every time I approach one of my sisters they
13 roll their eyes, say girl I have... I was there before
14 you and they did me wrong and, and so on and so on,
15 we have now lost our project they fired the only
16 transwoman they have working at their trans justice
17 project, you know... you know it's a... how can you have
18 a project called trans justice with, with no...
19 especially no black transwomen which is like social
20 justice organization and preaching that you have to
21 be intentional and intersectional but they are the
22 least intersectional and... orientationally so I, I am
23 very, very, very upset, I, I want you all to, to
24 think like so many lives are, are, are on the line,
25 so many lives you, you know... you mean... I mean, you

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2 know as a light skinned pale Mexican woman, you know
3 I, I have to hold... I have to be aware of my
4 privilege, I have a lot of privilege, I have had a
5 YouTube channel for almost two years, I have not been
6 shut down, I have seen a... you know Facebook pages,
7 twitter accounts from black people being shut down
8 and not being listened to, you know so imagine now,
9 you know being a black woman and then on top of that
10 being trans, that's another visible identity that
11 weights on you and like Cecilia said every time you'd
12 show up they might like you over the phone or on an
13 email but the moment you showed up unexpectedly
14 everything unravels and nothing comes through for us,
15 we have no protections, no nothing, we are the only
16 community that's homeless, we don't have a, a
17 national community center for transwomen, I have been
18 for the last seven years I've been knocking on doors
19 because I'm undocumented, I say please I need
20 somebody with a green card to put in the 501C3 so we
21 can get, you, you know or bylaws and or innovation
22 and the Board of Directors and have a house just like
23 the one the gay men have on, on 13th Street and if
24 you don't believe me that's a gay center just shoot
25 him up an email, it will be such and such as at the

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2 gay center dot org so that's very, very, you know its
3 normative institution that I don't know a transwomen
4 feels welcome at... [cross-talk]

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CHAIRPERSON MEALY: Thank you... [cross-
talk]

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BROOKE CERDA GUZMAN: ...you know.

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CHAIRPERSON MEALY: Thank you, I would
9 love... do you have any questions... I just have one
10 question, how often have you used a human, human
11 rights commission?

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CECILIA GENTILI: I used it once, I
didn't... at the time that that happened I didn't know
about it so I didn't... it didn't occur... [cross-talk]

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CHAIRPERSON MEALY: How did you... [cross-
talk]

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CECILIA GENTILI: ...to me... [cross-talk]

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CHAIRPERSON MEALY: ...find out about it?

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CECILIA GENTILI: I did find out because
I work at... I'm the Director of Policy at GMAC so we
work closely with them so now I do know and I follow
like, you know every step that I need to get there...

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CHAIRPERSON MEALY: That's good because
it's very important, it's against...

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CECILIA GENTILI: Yes... [cross-talk]

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CHAIRPERSON MEALY: ...that's

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discrimination of housing I passed at legislation in

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regard to gender so I would love to know how... we can

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let everyone know...

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CECILIA GENTILI: Yeah, yeah, yeah. I

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think like organizations... [cross-talk]

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CHAIRPERSON MEALY: Once you talk over

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the phone... [cross-talk]

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CECILIA GENTILI: ...that are doing the

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great work and like spreading, you know the word, I,

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I wanted to say since I... you know you, you allow me

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to it is places that Council Member Dromm said that

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are religious that are... and, and I can show you in,

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in social media how they promote that they will cure

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you, they, they will, you know take away... and, and

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you know they have pictures of like, you know

18

transwomen and how they became men and they're free

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and they're, they're free... [cross-talk]

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CHAIRPERSON MEALY: Free?

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CECILIA GENTILI: Yeah, you don't... you,

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you know you just have to attend that, that church so

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that's... [cross-talk]

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CHAIRPERSON MEALY: The church is doing

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it... [cross-talk]

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CECILIA GENTILI: ...happening... yeah, yeah...

[cross-talk]

CHAIRPERSON MEALY: ...for free?

CECILIA GENTILI: ...yeah... [cross-talk]

CHAIRPERSON MEALY: Okay... [cross-talk]

CECILIA GENTILI: ...they do it... you know
but it's happening and so... sometimes it's not just
about money, it's about I guess like the message that
that sends and... yeah... [cross-talk]

CHAIRPERSON MEALY: Okay, can I ask you
another question while you were incarcerated were you
on, on any hormone pills or anything?

CECILIA GENTILI: No, I wasn't given
anything and I was... [cross-talk]

CHAIRPERSON MEALY: Were you on...

CECILIA GENTILI: Yes.

CHAIRPERSON MEALY: Did they supply...

CECILIA GENTILI: No.

CHAIRPERSON MEALY: That's a problem.

CECILIA GENTILI: Yeah... [cross-talk]

CHAIRPERSON MEALY: I've been speaking
with the correction, the policy, everyone that's a
problem, you're supposed to still get your medical
so... [cross-talk]

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CECILIA GENTILI: I wasn't getting anything... [cross-talk]

CHAIRPERSON MEALY: ...that's another... [cross-talk]

CECILIA GENTILI: I was also detoxing from heroine and I wasn't given the medicine... [cross-talk]

CHAIRPERSON MEALY: Sorry, to hear.

CECILIA GENTILI: Yeah and so it was... [cross-talk]

CHAIRPERSON MEALY: But thank you for being here, you look fabulous.

CECILIA GENTILI: Thank you for having me... [cross-talk]

BROOKE CERDA GUZMAN: Well to answer your question I've sent about ten transwomen and two transmen to the Commission on Human Rights and none of them got results so I stopped, I stopped, you know I'm, I'm not going to refer them to the same thing with anti-balance project, it's a very, very low project and so it... you know it's just like they started the cases very strong, sure we're here for you and in middle... in midair they drop it and then it's like, you know communication, I... you know I

1
2 don't have anything nice to say... to say about, about
3 this organization.

4 CHAIRPERSON MEALY: So, you should always
5 follow up whatever area it is, speak to the Council
6 Member of that area, let them follow up just as well
7 because no matter what if you're making that call
8 something is wrong so we have to keep documenting it,
9 that's the only way we can get things really done and
10 bring it to the forefront. So, please don't give up,
11 always give out that number, make sure... if we don't
12 have the data to know what is going on we really
13 can't address it.

14 BROOKE CERDA GUZMAN: Well yeah but its,
15 it's just like myself I'm by myself, I don't have no
16 salary, I'm living on HASA and I have never been
17 supported by Amida Care, as a matter of fact three
18 weeks ago they shut down my benefit card which I had
19 already updated, updated my information because I, I,
20 I'm still in the process of aligning my document... all
21 my documentation... [cross-talk]

22 CHAIRPERSON MEALY: Okay... [cross-talk]

23 BROOKE CERDA GUZMAN: ...and my gender
24 identity's not a transition, it's an alignment but
25 these people they call it a transition, it's not a

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2 transition, you transition to another life, you know
3 when you die so, so it's an alignment so I had
4 already aligned my benefit card and they shut it down
5 and I called my HASA worker and she say I don't know
6 what happened, the next day she say oh they send me
7 an email saying that you need to bring proof of...
8 that, that you had a vaginal-plasty in order for us
9 to, to, to give you an update, which the Medicaid...
10 the benefit cards are not even gender anymore and
11 what about my name so, so they, they... I went to 16th
12 Street I believe it's 16th Street by Unions Square,
13 I... they blasted that name over the microphone, I say
14 I did not update it, they gave me the heads up... the
15 heads up saying that it was not going to be the name
16 on my... on my... you know my New York State ID, it was
17 not going to be the name, they gave me the heads up
18 but they did not give me the heads up that they were
19 going to blast that name... [cross-talk]

20 CHAIRPERSON MEALY: So, maybe you need to
21 sit down with one of the elected... I have free
22 immigration lawyers... [cross-talk]

23 BROOKE CERDA GUZMAN: I am free all day,
24 I'm just sitting by my house by my house, nobody
25 calls me... [cross-talk]

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CHAIRPERSON MEALY: Every Wednesday at my office... [cross-talk]

BROOKE CERDA GUZMAN: ...they're blocking me... [cross-talk]

CHAIRPERSON MEALY: ...every Thursday... [cross-talk]

BROOKE CERDA GUZMAN: ...they're actually blocking me from everything I want to do... [cross-talk]

CHAIRPERSON MEALY: ...is immigration... we... [cross-talk]

BROOKE CERDA GUZMAN: ...because these people they think they know better than us.

CHAIRPERSON MEALY: Well we need to documentation. Well I want to thank this panel, I really appreciate it and Emilio Care is right there, you could speak to him in the hallway.

BROOKE CERDA GUZMAN: Well I have spoken to so many... [cross-talk]

CHAIRPERSON MEALY: We have the information right here... [cross-talk]

BROOKE CERDA GUZMAN: ...and, and they saw that... they saw that they, they reversed my gender marker end of May... [cross-talk]

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CHAIRPERSON MEALY: He's right here let's try to make something happen, timing is everything. Thank you so much, thank you for this... oh I'm sorry you wanted... okay... [cross-talk]

BROOKE CERDA GUZMAN: Yeah, I just want to say that there's, there's still a lot more topics to, to, to talk about, I mean... [cross-talk]

CHAIRPERSON MEALY: And I think... [cross-talk]

BROOKE CERDA GUZMAN: ...we, we, we have no... [cross-talk]

CHAIRPERSON MEALY: ...Council Member Dromm for bringing this... [cross-talk]

BROOKE CERDA GUZMAN: ...yeah, but, but we have... [cross-talk]

CHAIRPERSON MEALY: ...in the forefront... [cross-talk]

BROOKE CERDA GUZMAN: ...yeah, we depend on, on crumbs, these, these are crumbs basically, we don't have any, anyone of us, anybody who looks like us really in the... in any position, anything not even a secretary, not even the, the person who brings the coffee so... [cross-talk]

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CHAIRPERSON MEALY: No, I can't say... uh-
huh...

BROOKE CERDA GUZMAN: Well, okay so they
bring the coffee, I... you know that's, that's no
progress, its 2017, 2017 Barney Frank they kick us
out of, of, of the bill saying that we're going to
focus on marriage equality and they were going to
come back for, for transwomen and they never did,
they... he, he quit so... [cross-talk]

CHAIRPERSON MEALY: So, you're... [cross-
talk]

BROOKE CERDA GUZMAN: ...we're still
waiting, when is our turn, when is our turn...

CHAIRPERSON MEALY: Ma'am?

BROOKE CERDA GUZMAN: This year we have
nine black transwomen murdered so far, this year to
no avail nobody... where's the outrage, where's the...
you know I mean it's like for, for real, I have... I
have... I have the most concern... [cross-talk]

CHAIRPERSON MEALY: You just gave us...
[cross-talk]

BROOKE CERDA GUZMAN: ...for my sisters...
[cross-talk]

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CHAIRPERSON MEALY: ...the outrage here,
this is on public television, people will see and
maybe will start something, you got to start
somewhere.

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BROOKE CERDA GUZMAN: Well I, I sure hope
so because... [cross-talk]

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CHAIRPERSON MEALY: And I hope you get
your 501C3... [cross-talk]

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BROOKE CERDA GUZMAN: ...you know I'm not
going anywhere even if I get deported, trust me
wherever I am I'm going to continue and, and you know
this is an outrage, this is... this is... [cross-talk]

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CHAIRPERSON MEALY: Keep screaming...
[cross-talk]

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BROOKE CERDA GUZMAN: ...this is being,
being blocked, this is being blocked, these are
professional gatekeepers.

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CHAIRPERSON MEALY: Thank you, we'll have
our next panel, thank you so much.

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LYNDEL URBANO: You're welcome.

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CHAIRPERSON MEALY: Lauren Betters,
Kristen Burzynski, Burzynski...

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KRISTEN BURZYNSKI: Its close... Burzynski,
it took me two years... [cross-talk]

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CHAIRPERSON MEALY: Burzynski... [cross-talk]

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KRISTEN BURZYNSKI: ...to learn how to spell it too.

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CHAIRPERSON MEALY: Thank you so... thank you. Thank you for coming, anyone can start.

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LAUREN BETTERS: Good afternoon Chair Mealy and members of the Civil Rights Committee. Thank you for allowing me to testify today and thank you to those who testify... testified previously on the conversion therapy. My name is Lauren Betters and I am a Staff Attorney at the Gender Equality Law Center, a nonprofit law and advocacy organization. We believe that all individuals should have equal and equal opportunities to succeed regardless of gender, gender identity, gender expression, or sexual orientation. I would like to thank Senator or Councilman... Council Member Dromm for drafting Intro 1186 calling upon council to amend this New York City Human Rights Law, definitions of sexual orientation and gender. Currently the law is more progressive than most state's localities and federal protection but this bill gives more visibility to the LGBTQ community and acknowledges a broader scope of sexual

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2 and romantic preferences that have been recognized.
3 Sexuality invisibility impacts the ability of queer
4 individuals to access health care, earn an equal
5 wage, receive fair treatment in the workplace, and
6 obtain public resources to address their specific
7 needs. Local legislation is becoming increasingly
8 important given our current political climate. Last
9 week the Department of Commerce moved gender identity
10 and sexual orientation from its equal opportunity
11 employment statement. The federal government's latest
12 attempt to disregard protections specifically drawn
13 out for the LGBTQ community. In the movement for full
14 equality and dignity for people of all sexual
15 orientations and gender identities, New York City
16 must lead the charge by expanding definitions that
17 currently constrain these identities to a limited
18 paradigm. A person's gender is a complex
19 interrelationship between an individual's body,
20 gender identity and expression. Each of these
21 dimensions can vary greatly across a range of
22 possibilities. Viewing gender as a binary concept
23 fails to capture even the biological aspect of gender
24 let alone gender identity and gender expression. Even
25 those who vary only slightly from preconceived norms

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2 are targets of disapproval, discrimination,
3 harassment, and violence. We see this regularly in
4 our work from a gay college student being
5 discriminated against on campus a gender non-
6 conforming kindergartner whose teachers don't know
7 which box to put him in. we are establishing a
8 growing language for gender and we no longer feel
9 bound to identify or express within the strict gender
10 binary a reflection of a far more nuance
11 understanding of the experience of gender itself. As
12 fundamental aspects of identity gender and sexuality
13 deeply influence each part of our lives. When these
14 crucial aspects of self are defined... are narrowly
15 defined or rigidly enforce individuals who exist
16 outside of a heteronormative and cisgender framework
17 face innumerable challenges. This does not have to be
18 the case, through recognizing gender diversity in our
19 law and validating each person's experiences we can
20 develop greater acceptance and protections for all.
21 So, we thank the council for its time and
22 respectfully request the passage of Intro 1186.

23 CHAIRPERSON MEALY: Thank you.

24 KRISTEN BURZYNSKI: Good afternoon, my
25 name is Kristen Burzynski and I am a Legal Fellow at

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2 the New York Civil Liberties Union, the NYCLU. First
3 of all, I would like to thank the Committee on Civil
4 Rights specifically Council Member Dromm for all of
5 the work that you do to support the LGBTQ community
6 and for allowing the NYCLU to provide testimony today
7 in opposition to Intro 1186 in its current form, a
8 bill amending the definitions of sexual orientation
9 and gender in the New York City Human Rights Law. For
10 nearly 100 years the NYCLU and myself for a much
11 shorter time has worked in the courts, legislatures
12 and communities to defend and preserve the individual
13 rights and liberties guaranteed by the United States
14 constitution and the state of New York including the
15 right to be free from discrimination on the basis of
16 one's sexual orientation and gender identity.
17 Likewise, the New York City council was on the
18 vanguard of adopting explicit protections for the
19 lesbian, gay, bisexual, and transgender community in
20 the city's Human Rights Law, one of the most powerful
21 anti-discrimination laws in the country. This law
22 sends a clear signal to employees, landlords and
23 purveyors of public goods and services that
24 discrimination because of a person's sexual
25 orientation sex or gender is unacceptable. For these

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2 reasons, the human rights law's definition of sexual
3 orientation and gender are of great importance but it
4 is a challenge to create definitions that provide
5 clarity while also ensuring that the law protects
6 those it is intended to benefit. We agree with the
7 sponsors of Intro 1186 that maximizing the number and
8 diversity of LGBTQ individuals that are protected
9 from discrimination and public accommodations,
10 employment, and housing is imperative but because the
11 definition's provided in Intro 1186 are unnecessarily
12 complex and confusing they have the potential to
13 unduly limit who is protected by the human rights
14 law. Looking first to the definition of sexual
15 orientation in the proposed amendment we agree that
16 the existing definition, pardon me, which only
17 includes heterosexuality, homosexuality, or
18 bisexuality does not adequately capture the diversity
19 of sexualities in New York or anywhere but the
20 proposed definition goes too far in the other
21 direction by including actual or perceived emotional
22 attraction or attachment to another person. The term
23 conceivably captures any meaningful relationship with
24 another person including platonic friends and family
25 members. This unduly inflates the law to protect

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2 against discrimination in nearly all relationships
3 thereby unintentionally harming its ability to
4 specifically protect the queer community. Regarding
5 the proposed amendment to the definition of gender,
6 the NYCLU strongly opposes the addition of the phrase
7 operative status. The transgender and gender non-
8 conforming community has long struggled to gain basic
9 rights without proof of gender affirming surgeries.
10 Conflating gender with operative status reinforces
11 the harmful notion that one's gender is defined by
12 their reproductive anatomy. We also oppose the
13 inclusion of the phrase purported sex in the
14 definition of gender. The term purported meaning to
15 appear or claim to be or do something especially
16 falsely has a negative connotation and suggests that
17 there is something false or insincere about a trans
18 person's identity. In fact, it is the belief that
19 transgender people are not quote, "real" women or
20 quote, "real men" that drives much of the harassment
21 and discrimination that they face. Using the term
22 purported gives credence to this discrimination and
23 it has no place in the city's human rights law. In
24 closing we urge the committee not to adopt Intro 1186
25 in its current form but to further consider the most

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2 inclusive and effective ways to define sexual
3 orientation and gender before making this amendment
4 to the human rights law. We hope the committee will
5 consult with additional advocacy groups particularly
6 in the transgender and gender non-conforming
7 communities in that process. The NYCLU would also
8 welcome the opportunity to work with the communities
9 on this important piece of legislation to achieve our
10 shared goal of providing comprehensive civil rights
11 protections for all New Yorkers. Thank you so much.

12 CHAIRPERSON MEALY: Thank you, I guess
13 you got us looking now. I'm going to turn this over
14 to Mr. Dromm, my colleague.

15 COUNCIL MEMBER DROMM: Thank you very
16 much and thank you for coming in and for giving
17 testimony.

18 KRISTEN BURZYNSKI: Thank you.

19 COUNCIL MEMBER DROMM: I'm not exactly
20 sure but why do you think it goes too far, don't you
21 think anybody should be protected from discrimination
22 for... and, and not be able to fire from their job
23 except for job performance, I'm, I'm not exactly...
24 when you say too far what do you mean by the law goes
25 too far?

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2 KRISTEN BURZYNSKI: So, as written in the
3 amendment the law now extends protections to
4 potentially any relationship one has. So, it could be
5 to one's best friend or their grandmother and in
6 doing so in expanding the definition to include
7 literally everyone we're no longer protecting the
8 marginalized community that the bill intends to
9 protect. Also, if I... if I may to be... [cross-talk]

10 COUNCIL MEMBER DROMM: Sure..

11 KRISTEN BURZYNSKI: ...to be clear Council
12 Member Dromm we do endorse expanding the definition
13 but through broader more inclusive terminology that
14 we, we are willing to discuss.

15 COUNCIL MEMBER DROMM: Sure. So, I mean
16 I'm just trying to get at... because I think the, the
17 term... this is what I was looking for, the term sexual
18 orientation means actual perceived sexual, physical,
19 emotional, or romantic attraction or attachment or
20 the lack thereof so what's... what is... I don't
21 understand the objection to those words?

22 KRISTEN BURZYNSKI: So, our objection...
23 we, we haven't crafted an alternate legislation that
24 we are prepared to present, we have discussed it
25 within our office. We don't take issue with, with the

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2 term physical, romantic, or potentially what, what
3 was the third you cited... [cross-talk]

4 COUNCIL MEMBER DROMM: Sexual, physical,
5 emotional, or romantic attraction.

6 KRISTEN BURZYNSKI: So, sexual, physical,
7 and romantic makes sense...

8 COUNCIL MEMBER DROMM: Emotional?

9 KRISTEN BURZYNSKI: Emotional is what
10 expands the law to include potentially... [cross-talk]

11 COUNCIL MEMBER DROMM: So, if you...
12 [cross-talk]

13 KRISTEN BURZYNSKI: ...anyone... [cross-talk]

14 COUNCIL MEMBER DROMM: ...emotional out...
15 [cross-talk]

16 KRISTEN BURZYNSKI: ...so... [cross-talk]

17 COUNCIL MEMBER DROMM: ...you, you'd...
18 [cross-talk]

19 KRISTEN BURZYNSKI: ...right so if you're
20 talking... [cross-talk]

21 COUNCIL MEMBER DROMM: ...be happy... [cross-
22 talk]

23 KRISTEN BURZYNSKI: ...about... like your mom
24 you have an emotional attachment to potentially your
25 mother and so in broadening the definition its taking

1
2 away that bills power, this law's power to protect
3 the LGBTQ community specifically.

4 COUNCIL MEMBER DROMM: So, what about
5 protections... what about protections for those who are
6 asexual?

7 KRISTEN BURZYNSKI: That would absolutely
8 be included in the law and, and I might... [cross-talk]

9 COUNCIL MEMBER DROMM: But isn't that...
10 [cross-talk]

11 KRISTEN BURZYNSKI: And, and I might...
12 [cross-talk]

13 COUNCIL MEMBER DROMM: ...also based on the
14 emotional?

15 KRISTEN BURZYNSKI: Well asexual
16 community has a range of attachments and emotions
17 absolutely emotional connections are, are something
18 that is talked about in the asexual community in so
19 far as this... community specific terminology however
20 while that is true and may have a specific meaning
21 within the asexual community translating it to
22 legislation without further clarification does open
23 it to a very broad interpretation. As you know the,
24 the law still very rarely... [cross-talk]

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COUNCIL MEMBER DROMM: So, it's just...
it's just... [cross-talk]

KRISTEN BURZYNSKI: ...makes us... [cross-talk]

COUNCIL MEMBER DROMM: ...it's just hard
for me to understand why you would oppose the
legislation based on basically one word.

KRISTEN BURZYNSKI: That's not all we're
opposing the legislation on respectfully... [cross-talk]

COUNCIL MEMBER DROMM: So... [cross-talk]

KRISTEN BURZYNSKI: Council, Council
Member Dromm.

COUNCIL MEMBER DROMM: What, so what,
what... [cross-talk]

LAUREN BETTERS: A couple words... [cross-talk]

COUNCIL MEMBER DROMM: So what... so, so...
[cross-talk]

KRISTEN BURZYNSKI: A few... a few clauses,
yes.

LAUREN BETTERS: Operative status...

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COUNCIL MEMBER DROMM: Operative... so operative status, let's go to operative status, right?

KRISTEN BURZYNSKI: Sure.

COUNCIL MEMBER DROMM: As for your opposition to the inclusion of operative status do you not see instances where transgender individuals would be discriminated against because they may or may not have undergone surgery?

KRISTEN BURZYNSKI: Right, so I think that the... our... I think that the, the intent in operative status is a good intent, I think that after talking to advocates and different folks who work in these issues it is... the intent is correct however the way its specifically written in the bill makes it look like operative status is a proxy or at least part of defining gender so it says operative status and I don't have the, the text in front of me, I apologize does, does somebody have the proposed... [cross-talk]

COUNCIL MEMBER DROMM: Yeah, I could read it to you, the term gender shall include actual perceived or purported sex and shall also include... and we... by the way we, we, we were working on the

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2 word purported as well, also include a person's
3 gender identity, self-image, appearance, physical
4 characteristic, operated.. operative status, behavior,
5 or expression.

6 KRISTEN BURZYNSKI: Right so, operative..
7 [cross-talk]

8 COUNCIL MEMBER DROMM: But it should not
9 be based on operative status?

10 KRISTEN BURZYNSKI: Well but the.. the
11 term.. right, so.. [cross-talk]

12 COUNCIL MEMBER DROMM: Or, or even no
13 decision at all.

14 KRISTEN BURZYNSKI: So, the definition
15 says gender may include and then it goes on to
16 include operative status in that definition. If we
17 are to believe that all of those things are important
18 to determining one's gender it opens up the
19 opportunity to exclude people based on their
20 operative status, by including it as part of the
21 definition it thereby becomes a tool for
22 discrimination. I think that it is.. it does make
23 sense and it is very important to put operative
24 status in an exclusionary clause so saying and I
25 believe the next clause says regardless of operative

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2 status and I think that's important to include or
3 just a broad terminology that does not touch
4 operative status because it doesn't need to because
5 it has a broad applicability. I just think that
6 operative status and the NYCLU believes that
7 operative status should not be part of the definition
8 of gender. Often when we're evaluating legislation in
9 our litigation we will look to the, the way that a
10 law defines something and balances those different
11 ways to determine how we can get at what we want to
12 get at so if we looked to that law to say how can we
13 assert someone's gender in this circumstance we might
14 have a problem with operative status if our client
15 had not chosen to have gender confirmation surgery
16 for instance and that's a tool that could then
17 thereby be wielded against us by a less well-meaning
18 litigator.

19 COUNCIL MEMBER DROMM: Uh-huh. So, it's
20 more the placement of the work then it is with the
21 inclusion of the word?

22 KRISTEN BURZYNSKI: Yes, so especially in
23 the first clause.

24 COUNCIL MEMBER DROMM: Okay, so we, we
25 can work on that.

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KRISTEN BURZYNSKI: We... yes, I mean...

[cross-talk]

COUNCIL MEMBER DROMM: Yeah... [cross-talk]

KRISTEN BURZYNSKI: ...we have a... yep, you know... [cross-talk]

COUNCIL MEMBER DROMM: Right, okay...

[cross-talk]

KRISTEN BURZYNSKI: ...I don't have the time but...

COUNCIL MEMBER DROMM: Yeah, okay.

Alright, so, so... no, just I thought at the end...

[cross-talk]

KRISTEN BURZYNSKI: But we'd like to work with you... [cross-talk]

COUNCIL MEMBER DROMM: ...that you were in opposition to the legislation but I guess you're saying in opposition to the way that it... those words are included or where they're included.

KRISTEN BURZYNSKI: Yes, so I know it's not technically a term but we would probably couch it as qualified opposition, we are definitely in favor of the spirit of the legislation what we would like to do is work to really hone the text so that it is

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2 addressing exactly what we want it to address and you
3 want it to address as well.

4 COUNCIL MEMBER DROMM: Very good, thank
5 you.

6 KRISTEN BURZYNSKI: Thank you.

7 CHAIRPERSON MEALY: Indeed there's a
8 misconception of transgender people are not real to
9 purport sex so you feel that should come out that's
10 saying that even if they are... if someone got a half
11 done they are not truthful that's what this is really
12 saying that you should take it out?

13 KRISTEN BURZYNSKI: You're referring to
14 the work purported?

15 CHAIRPERSON MEALY: Yes.

16 KRISTEN BURZYNSKI: What do you mean by
17 half?

18 CHAIRPERSON MEALY: I'm saying it's like
19 falsely saying that the identity that the person
20 didn't get the full transition?

21 KRISTEN BURZYNSKI: So, the... this isn't
22 specifically speaking to transition as far as you... I
23 believe you're referring to like gender confirmation
24 surgery... [cross-talk]

25 CHAIRPERSON MEALY: Yes... [cross-talk]

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KRISTEN BURZYNSKI: ...specifically so

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that... [cross-talk]

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CHAIRPERSON MEALY: ...and the real man or

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real woman.

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KRISTEN BURZYNSKI: Right, so regardless

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of operative status as we were talking about

8

transgender individuals face accusations that they

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are not real men or real women so when we talk about

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transgender individuals using public restrooms people

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are saying well we don't want a, a man in the women's

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restroom, well there's not a man in the women's

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restroom, there's a women in the women's restroom and

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so when we're afford... when we hear the word purported

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sex that has the connotation of claiming or appearing

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to claim that it is a false representation of one's

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identity when really it is a genuine expression of

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one's identity.

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CHAIRPERSON MEALY: Okay, thank you...

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[cross-talk]

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COUNCIL MEMBER DROMM: I think we're good

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with taking the word purported out too so...

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KRISTEN BURZYNSKI: Great.

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COUNCIL MEMBER DROMM: Strike one... strike

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a victory there, yeah.

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KRISTEN BURZYNSKI: Thank you..

CHAIRPERSON MEALY: That's a victory,
okay then. Alright, any other questions. We want to
thank you for your testimony..

KRISTEN BURZYNSKI: Thank you very much.

CHAIRPERSON MEALY: Thank you so much.
Alright, without further ado.. you want to.. you have
any closing statements, I'll give it to you.. [cross-
talk]

COUNCIL MEMBER DROMM: My only closing
statement is, thank you Chair Mealy for this
wonderful hearing and always making a commitment to
human and civil rights, thank you very, very much.

CHAIRPERSON MEALY: Thank you and this
hearing is now closed, thank you.

[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

July 14, 2017