

COMMITTEE ON HEALTH

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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June 13, 2018  
Start: 10:08 a.m.  
Recess: 11:50 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: MARK LEVINE  
Chairperson

COUNCIL MEMBERS:

ALICKA AMPRY-SAMUEL  
INEZ D. BARRON  
MATHIEU EUGENE  
KEITH POWERS

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

Ashe McGovern  
Director of the New York City Unity Project

Gretchen Van Wye  
Assistant Commissioner of the Bureau of Vital  
Statistics with the New York City Department of  
Health and Mental Hygiene

AC DUMLAU Dumlau  
Name Change Project Coordinator at the  
Transgender Legal Defense and Education Fund,  
TLDEF

Carrie Davis  
Health Care Consultant, Chair of the New York  
City Department of Health and Mental Hygiene,  
DOHMH Report and Advisory Board on Gender Marker  
Change Requirements, Commissioner of Human Rights

Demoya Gordon  
Staff and Transgender Rights Project Attorney at  
Lambda Legal

Char Weigel  
Mother of Alicia Weigel

Freddy Molano  
Vice President of Infectious Disease and LGBTQ  
Services at Community Healthcare Network, CHN

Nala Simone Toussaint  
Transgender Health Advocacy Coordinator at Callen  
Lorde Community Health Center

Charlie Arrowood  
Director of Name and Gender Recognition at  
Transcend Legal

Alejandro Caraballo  
Staff Attorney in the LGBTQ Law Project at the  
New York Legal Assistant Group, NYLAG

Jose Abrigo  
Senior Staff Attorney at Legal Services New York  
City

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

Allyson Rivard  
Legal Services at New York City

Donna Levinsohn  
Senior Staff Attorney at Transgender Legal  
Defense and Education Fund, TLDEF

Dolph Goldenburg  
Interim Executive Director at Transgender Legal  
Defense and Education Fund, TLDEF

Sasha Alexander  
Director of Membership at the Sylvia Rivera Law  
Project in New York City

Christina Powell  
Representative of the Young Women's Advisory  
Council at Girls for Gender Equity

[gavel]

CHAIRPERSON LEVINE: Good morning

everybody, welcome. I'm Mark Levine, Chair of the City Council's Committee on Health joined by dedicated and stalwart health committee member, Council Member Alicka Ampry-Samuel. This is a, a busy day here at City Hall as you no doubt notice so we'll have folks coming in and out throughout the hearing but I, I am just so excited about our topic today and about the legislation that we're considering. This probably isn't the biggest or most, most complicated or most expensive bill that we'll consider this term in the health committee, but it will have a life changing benefit for many New Yorkers and we're going to talk about the reasons for that and the impact, but I am really proud to be pushing this bill forward. This is Intro 954, a Local Law which would allow individuals applying to amend the sex designation on their birth certificate to self-attest that the change in sex designation is to conform the person's legal gender to the person's gender identity. The bill would also allow individuals who don't identify as exclusively male or female to change the sex designation on their birth certificate

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2 to X. I want to start off by expressing how grateful  
3 I am to the advocacy community that has worked  
4 tirelessly and passionately to push this forward and  
5 many of you are here today and I know we'll hear from  
6 some of you on testimony and I also want to  
7 acknowledge our Council Speaker, Corey Johnson who  
8 was my predecessor as Health Chair and in that role  
9 last term was a champion for this policy and  
10 implemented major legislation in 2015 which we'll be  
11 talking about which was an historic step forward  
12 towards this goal. Birth certificates are vital  
13 documents that are used in many contexts to prove  
14 identity, age and citizenship. They are often the  
15 only form of ID that low income New Yorkers have when  
16 applying for jobs or public benefits. Birth  
17 certificates in New York are required for a number of  
18 basic and important services including but not  
19 limited to obtaining professional certifications,  
20 obtaining drivers licenses and passports,  
21 demonstrating work eligibility, registering for  
22 school, obtaining access to public facilities,  
23 obtaining a gun permit, and obtaining access to  
24 public benefits. Without a birth certificate that  
25 accurately reflects their gender identity,

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2 transgender people are routinely forced to disclose  
3 their transgender status resulting in increased  
4 difficulty in accessing critical services and  
5 opportunities. Moreover, without correct  
6 identification, transgender people are subject to  
7 harassment, discrimination and accusations of fraud.  
8 According to the 2015 National Transgender  
9 Discrimination Survey, 25 percent of people were  
10 verbally harassed, 16 percent were denied services or  
11 benefits, nine percent were asked to leave a location  
12 or establishment and two percent were assaulted or  
13 attacked as, as a result of showing an identification  
14 with a name or gender did not match their gender  
15 presentation. As a result of discrimination in  
16 housing, employment, education and access to health  
17 services, transgender people are disproportionately  
18 unemployed, HIV positive and homeless. Local Law one  
19 adopted by the Council in 2015 finally removed the  
20 antiquated requirement for individuals to present  
21 proof of sex reassignment surgery to amend their  
22 gender marker on their birth certificates. Local Law  
23 one allowed individuals to amend the gender on their  
24 birth certificates by having a medical or mental  
25 health professional fill out an affidavit or

1 affirmation attesting that the changed sex  
2 designation more accurately reflects the applicants  
3 gender identity. Since the passage of Local Law, low...  
4 Local Law one more transgender individuals were able  
5 to change their sex designation on their birth  
6 certificate to reflect their gender identity. Between  
7 2015 and... between January of 2015 and March of 2017,  
8 no fewer than 731 birth certificates gender marker  
9 change applications were approved compared to only 20  
10 approximately per year previously. Local Law two  
11 passed in conjunction with Local Law one created an  
12 advisory board of transgender advocates and other  
13 experts to review and evaluate the implementation of  
14 Local Law one. The findings and recommendations of  
15 this advocacy board instructed city council to pursue  
16 the legislation that we are hearing today which will  
17 broaden individual's access to birth certificates  
18 that accurately reflect their gender identity. The  
19 bill we're hearing today, Introduction 654 would  
20 allow individuals to amend the sex designation on  
21 their birth certificate without requiring the  
22 affirmation of a physician or health professional  
23 instead this legislation would require a signed and  
24 notarized statement by the applicant attesting that  
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2 the request for change in sex designation is to  
3 conform to the person's... is to conform the person's  
4 legal gender to the person's gender identity.

5 Introduction 954 would also allow the individuals who  
6 don't identify as exclusively female or male to  
7 change the sex designation on their birth certificate  
8 to X. applicants under age 18 would be required to  
9 also include notarized statements from the parents  
10 listed on their birth record or from their legal  
11 guardian or guardians requesting that the sex  
12 designation on the birth record be changed to female,  
13 male or X to conform to the applicant's gender  
14 identity. A birth certificate is a critical document  
15 and having one that correctly reflects your gender  
16 identity is a basic human right. In passing Intro 954  
17 New York City will join the ranks of jurisdictions  
18 like California and Washington state and several  
19 nations around the world which have enacted similar  
20 legislation to make it easier for individuals to  
21 ensure the gender on their birth certificate is  
22 consistent with their gender identity. I am also  
23 pleased to report that as was the case with Local Law  
24 one the city's Board of Health is working on a mirror  
25 provision in... to amend the city's health code. Local



1  
2 Law one transformed the lives of transgender  
3 individuals in so many ways that other people take  
4 for granted from accessing government benefits and  
5 health coverage to getting a job and using  
6 appropriate facilities. With this legislation we will  
7 make a critical, critical document even more  
8 accessible to a population that is still terribly  
9 disenfranchised today. I want to express one more  
10 time my gratitude to the advocacy community for their  
11 critical input and of course to our Council Speaker,  
12 Corey Johnson on this important legislation. And we  
13 are now going to turn it over to our colleagues at  
14 City Hall and in the Health Department for their  
15 opening testimony. I am excited with anticipation  
16 that this will not be a contentious hearing with the  
17 administration, very refreshing, we love that and I'm  
18 going to ask our Committee Counsel to administer the  
19 affirmation.

20 COMMITTEE CLERK: Do you affirm to tell  
21 the truth, the whole truth and nothing but the truth  
22 in your testimony before the Committee and to respond  
23 honestly to Council Member questions?

24 ASHE MCGOVERN: Yes. Oh, wonderful.

25 CHAIRPERSON LEVINE: Audio.

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2 ASHE MCGOVERN: Good morning Chair

3 Levine, members of the Health Committee. I am very  
4 excited to be here. My name is Ashe McGovern and I am  
5 the Director of the NYC Unity Project, the First  
6 Lady's citywide initiative to support and empower  
7 LGBTQ young people through innovative policy and  
8 program change. I am joined by Assistant Commissioner  
9 Gretchen Van Wye from the Health Department. On  
10 behalf of the administration, I thank you for the  
11 opportunity to testify today. We are pleased to be  
12 here in order to emphasize our strong support for  
13 Intro 954, which will positively affect transgender  
14 people born in New York City as well as gender non-  
15 binary and intersex people. As a transgender non-  
16 binary person, myself I can also personally attest to  
17 the importance of this bill. I want to specifically  
18 thank you Chair Levine and Speaker Johnson for your  
19 dedication to LGBTQ communities, your support of the  
20 NYC Unity Project and your commitment to trans and  
21 gender non-conforming communities at a time when our  
22 federal government is attacking our right to exist  
23 and live freely at work, in school, in healthcare  
24 settings and in our daily lives. As you know, the  
25 Mayor and First Lady have a long record of supporting

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2 and empowering trans and gender non-conforming  
3 communities. Just last month, the First Lady  
4 announced our unprecedented 9.5-million-dollar  
5 commitment to address the issues of LGBTQ youth  
6 homelessness, health inequity and family rejection  
7 through the NYC Unity Project, all issues that  
8 disproportionately impact trans and gender non-  
9 conforming communities and particularly communities  
10 of color. The Mayor has also been a strident  
11 supporter of trans and gender non-conforming  
12 communities. In April, the administration announced  
13 it would become the largest city in the country to  
14 house incarcerated people according to their gender  
15 identity and not their sex assigned at birth. In June  
16 2017, the administration public New York... published  
17 New York City's first ever LGBTQ Health Care Bill of  
18 Rights, in partnership with the Department of Health.  
19 In June 2016, New York City became the first  
20 municipality to launch a citywide campaign  
21 specifically affirming the right of transgender  
22 individuals to use the bathroom consistent to their  
23 gender identity or expression. In March 2016, Mayor  
24 De Blasio issued an executive order requiring city  
25 agencies to ensure that employees and members of the

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2 public are given equal access to city single sex  
3 facilities without being required to show  
4 identification, medical documentation or any other  
5 form of proof of identity. And finally, in December  
6 2015, the New York City Commission on Human Rights  
7 issued legal enforcement guidance describing specific  
8 gender identity protections under the City Human  
9 Rights Law, including equal bathroom access, as well  
10 as access to housing, employment, public  
11 accommodations and other important protections. If  
12 passed, this bill will enhance autonomy and self  
13 determination for trans, gender non-binary and  
14 intersex people. It will allow many individuals to  
15 obtain identity documents that more accurately  
16 reflect who they are, with the goal of ensuring that  
17 they can more safely move through our city free from  
18 discrimination. By allowing individuals to self-  
19 attest to their gender identity, without relying on a  
20 third party medical provider, the City will remove  
21 one key barrier that community members currently must  
22 overcome in order to obtain an accurate birth  
23 certificate. Trans and gender non-binary people know  
24 who they are, and it is unnecessary and indeed often  
25 prohibitive to require that they first get medical

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2 approval to simply amend their identity documents. By  
3 adding an X option to New York City birth  
4 certificates, our city will also create the  
5 opportunity for gender non-binary and some intersex  
6 people too, meaning individuals whose sex  
7 characteristics fall outside of our typical  
8 assumptions about male and female bodies, to have at  
9 least one identifying... identity document that more  
10 accurately reflects who they are. According to the  
11 largest national survey of transgender people in the  
12 country, conducted by the National Center for  
13 Transgender Equality, nearly half of trans people  
14 identify as more than one gender or beyond the  
15 identities of male or female altogether. It is in the  
16 spirit of our shared commitment to the rights of  
17 trans, gender non-binary and intersex people, that  
18 the administration strongly supports Intro 954. This  
19 administration will continue to work with our  
20 partners at DOH and agencies across the city, to  
21 ensure that trans, non-binary, and intersex people  
22 are more fully represented and considered in our  
23 city's policies and programs. Thank you again for the  
24 opportunity to testify. I look forward to working  
25 with you all and the city council moving forward as...

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2 in my capacity as Director of the NYC Unity Project.  
3 Following testimony from the Health Department, we  
4 will be happy to take questions. Thank you.

5 CHAIRPERSON LEVINE: Thank you, Director  
6 McGovern. Commissioner I believe you are planning on  
7 testifying as well... [cross-talk]

8 GRETCHEN VAN WYE: That's correct.

9 CHAIRPERSON LEVINE: So, sorry for the  
10 formality but we do have a rule that all members of  
11 the administration have to offer an affirmation, so  
12 we don't actually need to reread it since you can  
13 probably recall but... [cross-talk]

14 GRETCHEN VAN WYE: I, I will, yes.

15 CHAIRPERSON LEVINE: Okay, thank you for  
16 that and, and we look forward to hearing your  
17 testimony.

18 GRETCHEN VAN WYE: Great, thank you. Good  
19 morning Chairperson Levine and members of the Health  
20 Committee. My name is Gretchen Van Wye and I'm the  
21 Assistant Commissioner of the Bureau of Vital  
22 Statistics with the New York City Department of  
23 Health and Mental Hygiene. On behalf of Commissioner  
24 Bassett, thank you for the opportunity to testify on  
25 Intro 954. As you know, the Health Department is

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2 currently pursuing an amendment to the New York City  
3 Health Code similar to this legislation and we are  
4 very happy that the council and the administration  
5 share the common goal of continuing to remove  
6 barriers and improve the birth certificate gender  
7 marker change process for transgender and gender non-  
8 conforming individuals. We know that being able to  
9 live your authentic gender and gender expression is  
10 critical to physical and mental health. Transgender  
11 and gender non-conforming New Yorkers, like everyone  
12 else, should have birth certificates that reflect  
13 their true gender identity. Documents that accurately  
14 reflect a person's gender identity can be critical to  
15 accessing healthcare, employment and other important  
16 services. Currently in New York City, transgender  
17 individuals who want to change the gender marker on  
18 their birth certificate must obtain a letter from a  
19 physician or an affidavit by a licensed health or  
20 mental health professional attesting that the revised  
21 designation accurately reflects the individual's  
22 gender. This policy, which was championed by Speaker  
23 Johnson in 2014, removed the requirements for a legal  
24 name change and surgery. Since then, over 1,000 birth  
25 certificates have been amended with gender marker

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2 changes. Regarding the bill under discussion today,  
3 the administration strongly supports Intro 954. The  
4 Department, in discussion with other states and  
5 advocates, has found that having practitioners affirm  
6 or attest to an applicant's gender identity is a  
7 potential barrier for persons without access to a  
8 practitioner and does not add sufficient value to the  
9 process of deciding whether a birth certificate  
10 should be issued. For this reason, we recommend a  
11 legislative and regulatory change to rely upon an  
12 applicant's attestation for the purpose of affirming  
13 their gender identity. Additionally, many people  
14 identify outside the gender binary, male or female.  
15 The department supports the legislative and  
16 regulatory proposals that will allow these  
17 individuals the option for a third gender designation  
18 of X. X is emerging as a standard for non-binary  
19 identification on legal documents, including driver's  
20 licenses, and California, Oregon, Washington D.C. and  
21 Washington States all have or will soon adopt X for  
22 this purpose. If this proposal is passed, New York  
23 City would join this list of jurisdictions that are  
24 ahead of the federal government on this issue, which  
25 may create some instances where the gender marker on



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2 an individual's birth certificate does not align with  
3 available options for state and federal documents. To  
4 make the process as easy as possible for transgender  
5 and gender non-conforming applicants, the Department  
6 has staff members in our Office of Vital Records  
7 Services to serve as the key point persons to help  
8 individuals navigate this process and answer any  
9 questions. In light of the importance of this change,  
10 the Department will develop an outreach and education  
11 strategy to notify individuals and answer any  
12 questions about potential state or federal conflicts.  
13 The Department welcomes and looks forward to  
14 collaboration with the Council, the Gender Marker  
15 Change Advisory Board and advocates as we implement  
16 this outreach strategies and work to spread the word  
17 about this important change. We wouldn't be here  
18 today without the New York City Gender Marker Change  
19 Advisory Board, co-chaired by Carrie Davis and Ethan  
20 Rice, which was created by the Council in 2014. The  
21 board includes community members of transgender  
22 experience and experts in the health and legal fields  
23 and was tasked with identifying barriers and  
24 evaluating processes in order to improve the  
25 implementation of the gender marker change law. Board

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2 members advocated for the new, more streamlined  
3 process, in which the city will allow self-  
4 attestation and also the option of X on birth  
5 certificates. I also want to thank Speaker Johnson  
6 for his leadership on this issue. In 2014, he was  
7 instrumental to making the first major change in New  
8 York City's transgender birth certificate procedures  
9 in over 40 years, creating the Gender Marker Advisory  
10 Board and sponsoring the legislation being discussed  
11 today. Updating the gender marker change process for  
12 transgender individuals and creating a non-binary  
13 gender marker are important steps in enabling people  
14 to attain official documents that accurately reflect  
15 their gender identity. We are proud to jointly  
16 support these updates to the administrative and  
17 health codes with the council and look forward to  
18 future collaboration as we move ahead. Thank you for  
19 the opportunity to testify today. We are happy to  
20 answer any questions.

21 CHAIRPERSON LEVINE: Thank you very much  
22 Commissioner. I want to acknowledge we've been joined  
23 by stalwart fellow health committee member Keith  
24 Powers. Commissioner can you clarify exactly how many  
25

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2 New Yorkers have taken advantage of Local Law one  
3 since 2015?

4 GRETCHEN VAN WYE: Absolutely, whereas we  
5 had approved about 20 gender marker change amendments  
6 per year prior to the rule, we issue three... about 330  
7 a year now, we've issued since the time of enactment  
8 about 1,119 new birth certificates so it's a  
9 tremendous increase.

10 CHAIRPERSON LEVINE: That's  
11 extraordinary, so a 15-fold increase...

12 GRETCHEN VAN WYE: Right... [cross-talk]

13 CHAIRPERSON LEVINE: ...so far which we  
14 assume will only increase once we remove the barriers  
15 that will be taken down with... [cross-talk]

16 GRETCHEN VAN WYE: Yes... [cross-talk]

17 CHAIRPERSON LEVINE: ...today's  
18 legislation. Your unit I believe was pretty  
19 expeditious in processing... [cross-talk]

20 GRETCHEN VAN WYE: Uh-huh... [cross-talk]

21 CHAIRPERSON LEVINE: ...the marker changes  
22 doing it in less than a work week on average in the  
23 wake of Local Law one, do you expect that you'll have  
24 systems in place for the new change to continue that?

25 GRETCHEN VAN WYE: That's our aim.

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CHAIRPERSON LEVINE: Okay, excellent.

There is a cost of 55 dollars for any New Yorker to implement a change of name or other marker on their birth certificate, correct?

GRETCHEN VAN WYE: Right, so there is a 40-dollar charge for a correction and it costs 15 dollars for a new certificate to cover the operational expenses associated... [cross-talk]

CHAIRPERSON LEVINE: Got it... [cross-talk]

GRETCHEN VAN WYE: ...with running the unit.

CHAIRPERSON LEVINE: Is there a provision for someone who is extremely low income and would not be able to pay the 55-dollar fee?

GRETCHEN VAN WYE: Unfortunately, there's not a provision on the city level but there are some non-profit and community-based organizations that have paid that fee for their constituents.

CHAIRPERSON LEVINE: Just to make the point that this is such a life changing action that a New Yorker could take that if the only thing preventing them moving forward was a 55 dollar fee which the city really doesn't need that we should find a way to remove that barrier and we'd love to

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2 work with your office either through city rules or  
3 through securing of outside funding to make sure that  
4 cost, after we've removed all these other barriers,  
5 wouldn't be a final limitation for any New Yorkers.  
6 Okay.

7 GRETCHEN VAN WYE: Thank you.

8 CHAIRPERSON LEVINE: Do you... yes, okay,  
9 I'm going to pass it off to my colleague Keith  
10 Powers.

11 COUNCIL MEMBER POWERS: Thank you, thank  
12 you for your testimony and I'm sorry I got here just  
13 a little bit late, we... it's a two, two, two hearing  
14 day. Thank you for the testimony and your support as  
15 well and certainly for I think a lot of New Yorkers  
16 this, this and other efforts you guys have done is,  
17 is a... is an opportunity to let people, you know  
18 reflect who they are and, and how they identify. In  
19 terms of the... beyond the identity part of it, you  
20 know your birth certificate certainly should match,  
21 you know who you feel you are, are there other legal  
22 or other barriers that one faces with the birth  
23 certificate where this might be helpful, is it... is it  
24 predominately around identification or are there  
25 other ways that this would be as helpful or you know

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2 assist a, a person it... by having the appropriate way  
3 today identify on their birth certificate?

4 GRETCHEN VAN WYE: So, the, the birth  
5 certificate is essentially assisting people with  
6 their identification, you're right, so that is  
7 essentially the purpose.

8 COUNCIL MEMBER POWERS: Got it and would...  
9 what about when... if you were getting a driver license  
10 or a passport would, would having the, the... a new... a  
11 new category affect that in any way?

12 GRETCHEN VAN WYE: That's a great  
13 question, so we, we recognize that we're being on  
14 the... on the cutting edge of being... leading a change  
15 here across the country so X will not be reflected in  
16 all state's DMV offices or... nor in other documents  
17 necessarily, this is something we've discussed with  
18 our advisory board and there's a recognition that  
19 it's... there's a merit to making the change, it's the  
20 right thing to do even so it will help build momentum  
21 for more changes around the country but that's one of  
22 the things that we want to help do when we roll out  
23 our communications plan around this is let people  
24 know that.

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2 COUNCIL MEMBER POWERS: Got it and the  
3 Board of Health I think was doing change... maybe they,  
4 they did already, they're... knew they were... they're  
5 were meeting and enacting changes to reflect this as  
6 well. I had two questions, one is status of that and  
7 B... I think they passed it or they had a meeting  
8 recently and second is, is there a reason the Board  
9 of Health and then... we need... and the admin code  
10 obviously in amending it makes it part of our... part  
11 of our law here in New York City, is there a reason  
12 we had to both or is it just a reflection of, of  
13 importance and, you know the support system behind  
14 both?

15 GRETCHEN VAN WYE: I think it's probably  
16 all of the above so it's really... it's a very  
17 important issue to us, the changes to the process and  
18 procedure in the Bureau of Vital Statistics are  
19 generally in the Health Code and so this allows us to  
20 be nimble and be progressive. I think the importance  
21 in 2014 was to make sure that that was a durable  
22 change and there was real commitment by the council,  
23 so both were enacted so we're following a similar... a  
24 similar process now.

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COUNCIL MEMBER POWERS: And, and I did, did... but what's the status of the Board of Health?

GRETCHEN VAN WYE: The status right now is that the... there was an introduction of the proposal last week, there will be a public hearing in July and there will be a vote by the board on the actual adoption... [cross-talk]

COUNCIL MEMBER POWERS: When, when does that... [cross-talk]

GRETCHEN VAN WYE: ...in September... [cross-talk]

COUNCIL MEMBER POWERS: ...take... September?

GRETCHEN VAN WYE: Uh-huh.

COUNCIL MEMBER POWERS: Got it and so we... if by theoretically passing this, advance... if we did pass this and advance it to the Board of Health they could still vote on it, but it would be... you know but it would be... well I guess not unnecessary, but they would... we would already be part of a... [cross-talk]

GRETCHEN VAN WYE: Right, we want to have it be a coordinated and... together.

COUNCIL MEMBER POWERS: Got it, great and then the, the last question is do you guys have any expectations or information or predictions about how



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2 many folks will... well actually two questions, when...  
3 if, if it... how long would it take for this to be  
4 available like when would people... [cross-talk]

5 GRETCHEN VAN WYE: Sure... [cross-talk]

6 COUNCIL MEMBER POWERS: ...be able to opt  
7 in and then second is any... and lets just in a year  
8 one any expectation or prediction in terms of how  
9 many New Yorkers will take advantage of it?

10 GRETCHEN VAN WYE: So, the... we're, we're  
11 planning for this to go in, on place or hoping in the  
12 beginning of next year so January is often where we  
13 tie these changes to for a number of different  
14 reasons and we are really looking forward to finding  
15 out the answer to the question about how... [cross-  
16 talk]

17 COUNCIL MEMBER POWERS: Me too... [cross-  
18 talk]

19 GRETCHEN VAN WYE: ...many... [cross-talk]

20 COUNCIL MEMBER POWERS: ...that's why I  
21 asked.

22 GRETCHEN VAN WYE: We'll have to... we'll  
23 have to report back to you.

24 COUNCIL MEMBER POWERS: And... [cross-talk]

25 GRETCHEN VAN WYE: ...on that... [cross-talk]

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COUNCIL MEMBER POWERS: And I guess my last question is as you have some... I think you have some data you mentioned about 1,000 people who've already... [cross-talk]

GRETCHEN VAN WYE: Yes... [cross-talk]

COUNCIL MEMBER POWERS: ...taken advantage... [cross-talk]

GRETCHEN VAN WYE: Uh-huh... [cross-talk]

COUNCIL MEMBER POWERS: ...would there be any information available... have, have... of how many of that 1,000 would opt into X, category X?

GRETCHEN VAN WYE: Would have been in... would, would have... [cross-talk]

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

GRETCHEN VAN WYE: ...chose, chosen X, well we, we don't have that... we don't have that information currently, we have been conducting an evaluation of our process and we've published on that in the American Journal of Public Health because we're interested in the improvements, we could ask that question, it would be determined by response rate and whether or not people... you know if we asked

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2 that question but I think we'll look prospectively  
3 and report back to you on what the distribution is.

4 COUNCIL MEMBER POWERS: Alright and my  
5 last question, I'm sorry, I said it was last one...  
6 [cross-talk]

7 GRETCHEN VAN WYE: Sure... [cross-talk]

8 COUNCIL MEMBER POWERS: ...this is the last  
9 one... [cross-talk]

10 GRETCHEN VAN WYE: Okay... [cross-talk]

11 COUNCIL MEMBER POWERS: Any city or  
12 states that so far have done this would we be the  
13 first to... [cross-talk]

14 GRETCHEN VAN WYE: There... Washington  
15 state... [cross-talk]

16 COUNCIL MEMBER POWERS: Oh, Washington...  
17 [cross-talk]

18 GRETCHEN VAN WYE: ...has done this,  
19 California and Oregon so we're the fourth...

20 COUNCIL MEMBER POWERS: City... we'll be  
21 the first City... [cross-talk]

22 GRETCHEN VAN WYE: First... yeah, the  
23 first... [cross-talk]

24 COUNCIL MEMBER POWERS: Yeah... [cross-  
25 talk]

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GRETCHEN VAN WYE: ...city, the fourth jurisdiction, uh-huh.

COUNCIL MEMBER POWERS: Got it, okay, thank you, thank you Mr. Chair.

CHAIRPERSON LEVINE: Thank you, I want to acknowledge we've been joined by fellow Health Committee member, Council Member Inez Barron and Director McGovern so are you the administration's representative on the Gender Marker Advisory Committee or do you interface with them at all?

ASHE MCGOVERN: I haven't interfaced with the advisory committee, but I am here to represent the administration.

CHAIRPERSON LEVINE: But you are what?

ASHE MCGOVERN: But I am here to represent the administration... [cross-talk]

CHAIRPERSON LEVINE: Yes, absolutely, absolutely, we, we know you've been a strong leader on this issue. Outreach is so important here... [cross-talk]

ASHE MCGOVERN: Uh-huh... [cross-talk]

CHAIRPERSON LEVINE: ...it's... we have eight million people in this city, we need... we have a lot of communication to do to let the people who this

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2 will impact know about this new right. I presume this  
3 would be a multi-agency push that the Health  
4 Department may lead but would there be other agencies  
5 involved in, in communicating to the public about  
6 this important change and would the Mayor's Office  
7 play a role in coordinating that?

8 ASHE MCGOVERN: Absolutely, we can  
9 connect with... through the Unity Project we're  
10 connected to several city agencies, so I think this  
11 is definitely something we would want to amplify  
12 through the Unity Project and our partnerships with  
13 the agencies.

14 CHAIRPERSON LEVINE: And does the Unity  
15 Project interface with CBO's that might... [cross-talk]

16 ASHE MCGOVERN: Yes... [cross-talk]

17 CHAIRPERSON LEVINE: ...touch people who  
18 could directly benefit from this?

19 ASHE MCGOVERN: Yes.

20 CHAIRPERSON LEVINE: And would we  
21 establish materials that we can distribute explaining  
22 the law or anything else to help people communicate  
23 this to their constituents?

24 ASHE MCGOVERN: Yeah, I, I think probably  
25 it would be best to circle back with the Department

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2 of Health and have further conversations, but I think  
3 that makes a lot of sense.

4 CHAIRPERSON LEVINE: Great, we, we, we  
5 often assume that the bills we pass here resonate  
6 through every member of... every person who lives in  
7 the city but the truth is it takes a lot to get the  
8 word out and it takes resources, it takes  
9 advertising, it takes a, a delivery communication  
10 strategy and it would be really sad if someone who  
11 could benefit from this just didn't know that they  
12 had the... that right so we, we want to partner with  
13 you, the Mayor's Office, with the Health Department  
14 and all the relevant community groups to make sure  
15 that every New Yorker knows about this important  
16 development so thank you both very much for your  
17 support and for your testimony today.

18 ASHE MCGOVERN: Thank you.

19 GRETCHEN VAN WYE: Thank you.

20 CHAIRPERSON LEVINE: We're, we're going  
21 to move on to our next panel which will... okay.  
22 Starting with AC DUMLAU Dumlau from TLDEF; Carrie  
23 Davis from Carrie Davis Consulting; Demoya Gordon  
24 also... from Lambda Legal; and Char Weigel from  
25 InterAct, sorry if I mispronounced any of your names.

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2 And I should acknowledge... I should acknowledge that  
3 Carrie was a key advocate on the Advisory Committee  
4 which helped to establish this new proposal.

5 [off mic dialogue]

6 CHAIRPERSON LEVINE: Okay, would you like  
7 to kick us off? Alright.

8 AC DUMLAU: It is on now. Good morning  
9 Chairman Levine and members on the Committee on  
10 Health, thank you for convening today's hearing. My  
11 name is AC DUMLAU Dumlau and I am a queer transgender  
12 non-binary New Yorker, born just over the bridge in  
13 Kings county hospital in Brooklyn to the name Angela  
14 Christy where I was assigned female at birth. I work  
15 as the Name Change Project Coordinator at the  
16 Transgender Legal Defense and Educational Fund, also  
17 known as TLDEF. TLDEF's Name Change Project connects  
18 low income transgender and non-binary people with  
19 lawyers providing pro bono legal representation for  
20 the New York City Civil Court Name Change Process.  
21 Our participants come from all walks of life,  
22 including people of color, recipients of public  
23 assistance, non-citizens, and housing insecure or  
24 houseless people. Securing a legal name change can be  
25 a challenging experience involving interaction with

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2 the court system and judges that makes it foreign and  
3 intimidating to many people, in addition to costing  
4 an average of 118 dollars out of pocket. By providing  
5 people with adequate legal representation including  
6 financial assistance or applying for fee waivers,  
7 helping order certified copies of one's birth  
8 certificate for the name change and procuring  
9 certificates of disposition and more, TLDEF works to  
10 ensure that people successfully complete the process.  
11 I am proud to lead this life changing program but  
12 it's important for me to note that once an individual  
13 completes this process and receives the final granted  
14 order for their name change this is only the first  
15 step. Specifically, for a non-binary individual,  
16 after changing one's name on their government IDs  
17 which I again note can be costly, this freedom then  
18 stops. I've explained to non-binary participants  
19 that... [cross-talk]

20 CHAIRPERSON LEVINE: You're okay, you can  
21 continue.

22 AC DUMLAU: I'm okay, that California,  
23 Oregon and Washington have the third category on  
24 birth certificates, that Washington D.C. allows it on  
25 driver's licenses but not yet in New York. This



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2 proposed amendment is a step in the right direction  
3 to change the world of only two genders, two choices.  
4 A world which excludes a breadth of gender variant  
5 individuals who are living their truth in a world  
6 that has not yet made space for that. A world of  
7 resilient New Yorkers who have waiting... who have been  
8 waiting to be seen. A first step towards true  
9 equality for all. Thank you and my written remarks  
10 are submitted as well.

11 CHAIRPERSON LEVINE: Thank you AC DUMLAU  
12 for your eloquent statement. So TLDEF is a national  
13 organization if I'm not mistaken?

14 AC DUMLAU: Correct.

15 CHAIRPERSON LEVINE: And you may know  
16 then about how implementation has been on this policy  
17 in, in Washington state and California, is there  
18 anything that New York can learn from those states  
19 which are ahead of us on this?

20 AC DUMLAU: I think that it's, it's time  
21 to catch up, it's pretty... as a New Yorker it can be a  
22 little embarrassing to tell people on the phone, you  
23 know we're, we're not doing it yet and that, you know  
24 Oregon and Washington D.C. has it on driver's  
25 licenses, I think it's been great that we've

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2 discussed once the name change is ordered and when  
3 birth certificates are updated with X there are still  
4 driver's licenses, there are still passports, there  
5 are still public benefits cards, there are doctor's  
6 forms, there are so many times when M or F will still  
7 be on old documentation and so I think this is the  
8 first step in the right direction and not to knock  
9 my, my home state but we are behind some other states  
10 on, on this policy.

11 CHAIRPERSON LEVINE: Better late than  
12 never.

13 AC DUMLAU: Absolutely.

14 CHAIRPERSON LEVINE: Alright, thank you

15 AC DUMLAU.. [cross-talk]

16 AC DUMLAU: Thank you very much.

17 CHAIRPERSON LEVINE: Please.

18 CARRIE DAVIS: Good morning. So, please  
19 accept my gratitude for allowing Kimberleigh Smith to  
20 read my testimony in support of Intro 954. I recently  
21 had knee surgery and am physically unable to attend  
22 today's hearing in person. My name is Carrie Davis, I  
23 am a health care consultant and Chair of the New York  
24 City DOHMH Report and Advisory Board on Gender Marker  
25 Change Requirements. I was appointed to this

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2 committee by the City Council and also serve the city  
3 as a Commissioner of Human Rights. Prior to this, I  
4 was the Chief Programs and Policy Officer at New York  
5 City's Lesbian, Gay, Bisexual and Transgender Center  
6 where I had worked since 1998. I have been very  
7 fortunate over these last 20 years to collaborate  
8 with the city as it has worked, step by step to  
9 address the basic needs of transgender and gender  
10 non-binary New Yorkers. This has included working  
11 with this council to amend the law on birth  
12 certificates in 2014 and the law on human rights in  
13 2002, working with the Commission on Human Rights to  
14 develop guidelines for that law, and working with  
15 numerous city agencies such as HRA, DOC, DHS, and the  
16 NYPD and others to better serve trans New Yorkers.  
17 And, since 2004, I have worked in coalition after  
18 coalition with advocates, the DOHMH, and the City  
19 Council to allow trans people born in this city  
20 access to accurate and affirming birth records. While  
21 some trans people have a safe and healthy journey to  
22 self sufficiency and future employment, others are  
23 placed at risk by substantial stigma and disruptions.  
24 This often cascades into lifelong difficulties with  
25 health, education and employment. Despite the work

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2 that has been done so far, cultural stigmas still  
3 label trans people as mentally ill, deviant,  
4 fraudulent and as predators. This forcefully clashes  
5 with our lived experiences and negatively impacts our  
6 lives at almost every turn. Only one in five trans  
7 people has an ID that matches their current identity,  
8 meaning that most are in danger of disclosure of  
9 their status every time they apply for a job or  
10 housing, or interact with the police. Trans people  
11 have twice the rate of unemployment compared to the  
12 average and nearly all report harassment or  
13 discrimination on the job or trying to hide their  
14 trans identity to avoid it. as a consequence, trans  
15 people are nearly four times more likely to have an  
16 annual income under 10,000 dollars than the general  
17 population. All of this significantly increases the  
18 contact and associated costs trans people have with  
19 the homeless, medical, legal systems. Birth  
20 certificates are a foundational tool as we seek to  
21 address this negative cascade. The National  
22 Association of Public Health Statistics notes, "a  
23 birth certificate breeds all others; social security  
24 cards, school records, driver's licenses, passports  
25 and employment records, it means citizenship." Having

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2 a birth certificate that shows the wrong gender can  
3 make doing any of those things difficult or  
4 impossible. And when trans people show a certificate  
5 with a gender other than the one they live in, they  
6 may be accused of fraud, turned away, harassed,  
7 arrested, attacked, humiliated and discriminated  
8 against. Along with the responsibility to document  
9 births it is the city's responsibility to document  
10 them accurately. It is in the best interest of New  
11 York and its trans citizens to have access to  
12 accurate birth records. And this duty should be...  
13 never become a barrier to anyone's active  
14 participation in our society. The proposed... the  
15 proposed legislation improves the already impressive  
16 law that we helped to revise in 2014 to allow  
17 transgender and gender non-binary people to change  
18 the sex designation on their birth record to conform  
19 to their gender identity. This includes the of: 1 a  
20 third category of X to reflect the non-binary gender  
21 identity... gender identity and 2 transgender and  
22 gender non-binary people born in New York City will  
23 no longer need a letter from a physician or an  
24 affidavit by a licensed health care provider. These  
25 are positive actions that address some of the

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2 challenges faced by trans New Yorkers as they seek  
3 the same privileges and rights that others already  
4 enjoy. This legislation will help enhance social and  
5 economic opportunities for trans people born in the  
6 city and reinforce our commitment to respect and  
7 inclusion. These are not radical nor unique requests.  
8 They are instead common-sense steps to bring our city  
9 in line with modern and scientific stand, standards  
10 held by numerous state jurisdictions, as well as  
11 other nations across the world. Council Speaker Corey  
12 Johnson has stated, "now more than ever, it's  
13 important for elected officials to show our  
14 constituents that we see them, we have their backs,  
15 and we respect them for who they are." Let us  
16 celebrate this potent and collective vision as we  
17 take another step forward with Intro 954.

18 CHAIRPERSON LEVINE: Thank you very much  
19 Kimberleigh and, and of course we thank Carrie as  
20 well. Thank you. Please.

21 DEMOYA GORDON: Good morning. My name is  
22 Demoya Gordon. I am a Staff and Transgender Rights  
23 Project Attorney at Lambda Legal. Lambda Legal is the  
24 oldest and largest national legal organization  
25 dedicated to achieving the recognition of civil

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2 rights for lesbians, gay men, bisexuals, and  
3 transgender people and people living with HIV. My  
4 colleague Ethan Rice as you all know is a Co-chair of  
5 the Advisory Board but could not be here today as  
6 he's traveling for work so I'm here to present Lambda  
7 Legal testimony in support of Intro 954. I would like  
8 to thank you, Chairman Mark Levine and the Committee  
9 on Health for the opportunity to testify strongly in  
10 support of Intro 954. If passed, this bill would  
11 build on previous improvements to the procedures for  
12 correcting sex markers on New York City birth records  
13 by allowing for self-attestation and eliminating the  
14 requirement of a health professional's affidavit,  
15 which is not only burdensome but also unnecessary and  
16 harmful. Intro 954 would also provide the option of a  
17 sex designation that is not exclusively male or  
18 female, indicated by an X. self-attestation is good  
19 policy and is already used on state IDs for  
20 information such as height, weight, hair color and  
21 eye color. Requiring a health care provider to  
22 confirm a person's gender is belittling, expensive  
23 and is no more necessary than it is for these other  
24 characteristics. The National Association of Social  
25 Workers, the American Psychological Association and

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2 the World Professional Association for Transgender  
3 Health all support self-attestation. This change will  
4 reduce the burdens placed upon transgender, non-  
5 binary and intersex people when trying to obtain  
6 accurate and affirming birth records, burdens that  
7 are even heavier for members of our communities who  
8 are of color or who are... who have low or no income.  
9 Lack of access to accurate identity documents is  
10 harmful. According to the 2015 U.S. Transgender  
11 Survey, 67 percent of respondents did not have an ID  
12 or record that reflected their gender identity, with  
13 88 percent of non-binary people reporting that the  
14 options available did not fit their identity.  
15 Presenting an inaccurate identity document that is  
16 inconsistent with one's gender identity often  
17 triggers prejudice, violence, discrimination,  
18 harassment, and invasions of privacy. This is why  
19 Lambda Legal works throughout the country to secure  
20 access to accurate identity documents for all, with  
21 recent court victories in Puerto Rico and Idaho, and  
22 a pending lawsuit challenging Ohio's refusal to allow  
23 transgender people to update the sex marker on their  
24 birth certificates. With the passage of Intro 954,  
25 New York City would join other jurisdictions some of



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2 which have been mentioned but I also want to note  
3 that New Jersey also is on the cusp of doing this and  
4 there's a bill that just passed that is awaiting the  
5 governor's signature so we definitely want to do this  
6 here, would join other jurisdictions at the forefront  
7 of removing harmful and unnecessary barriers to  
8 accurate and affirming identity documents, including  
9 providing an option to designate one's sex as neither  
10 male nor female. Binary only gender marker policies  
11 fail to account for the existence of members of our  
12 communities with non-binary identities. Withholding  
13 accurate identity documents from non-binary people is  
14 also arbitrary and capricious, as demonstrated by the  
15 2016 court decision issued in favor of Lambda Legal's  
16 client, Dana Zzyym, who seeks an accurate passport  
17 reflecting their identity as an intersex, non-binary  
18 person. While Lambda Legal applauds this vital step  
19 toward human rights and dignity for all New Yorkers,  
20 we have a couple of suggestions for the council's  
21 consideration. First, we suggest changing the  
22 requirement of notarized statements from both parents  
23 or legal guardian of a minor to require a notarized  
24 statement from just one parent or legal guardian.  
25 This would allow for greater access to accurate birth

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2 certificates for young people, including in cases  
3 where one parent may be unavailable, unwilling or  
4 unable to provide a notarized statement. Second, the  
5 correction of a birth record as has been noted before  
6 may cost 55 to 57 dollars or more. This cost may be  
7 prohibitive for many who would benefit from this  
8 legislation. Data shows that transgender and non-  
9 binary New Yorkers experience higher rates of  
10 discrimination, unemployment, and poverty. According  
11 to the 2015 U.S. Transgender survey, 24 percent of  
12 transgender New Yorkers who have not updated the  
13 gender on their identity documents report that they  
14 didn't do so due to financial inability. These  
15 burdens are even greater for transgender and non-  
16 binary people of color. Thus, we urge the council to  
17 explore fee waivers or other financial assistance  
18 options to ensure that all who need to correct their  
19 birth records could do so. For these reasons, I urge  
20 you to pass Intro 954 with Lambda Legal's suggested  
21 amendments. Please do not hesitate to contact me  
22 should you have any questions or need additional  
23 information, or you could ask me now. Thank you.

24 CHAIRPERSON LEVINE: Thank you for your  
25 testimony and for your suggestions, which we will

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2 certainly look at and thank you for the alert that  
3 we're racing to beat New Jersey, nothing motivates  
4 New Yorkers like a contest with New Jersey... [cross-  
5 talk]

6 DEMOYA GORDON: I, I thought so.

7 CHAIRPERSON LEVINE: We're going to have  
8 to speed this up for sure, thank you.

9 CHAR WEIGEL: Good morning and thank you  
10 Chairman Levine and members of the Committee on  
11 Health. My name is Char Weigel and I come before you  
12 as the mother of Alicia Weigel, a Cornell graduate,  
13 successful in her career, a former actor and former  
14 model and why do I mention modeling? Because if my  
15 daughter walked into the room today, you would say  
16 she is a beautiful woman and she is, and Alicia is  
17 also intersex. When my husband was driving me to the  
18 hospital for her birth 28 years ago we finally  
19 settled on the name of Charles because it was my  
20 husband's name and the name of both of our fathers  
21 and at the end of my labor my OB said congratulations  
22 on your baby daughter. I couldn't see a thing at my  
23 end of the table and I... but I said no, it's a boy and  
24 someone said you wanted a boy, but you will love this  
25 little girl and I said no, you don't understand, I

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2 had an amniocentesis, it's a boy. And my husband  
3 spoke up quietly from a corner in the room and he  
4 said I've always liked the name Alicia, it was the  
5 name of that hurricane when we moved to Houston. And  
6 so, I became the mother of an extraordinary daughter.  
7 The doctors at the Children's Hospital of  
8 Pennsylvania helped us understand that Alicia had  
9 complete androgen insensitivity. And if you've heard  
10 of that, I applaud you. I'm a nurse and I had never  
11 heard of it. It means that while Alicia appears  
12 female, she is genotypically male with XY  
13 chromosomes. I passed on to her a genetic code that  
14 did not respond to androgen hormones that would have  
15 developed her male... her male organs early in my  
16 pregnancy. Alicia looked like a girl, so someone on  
17 the medical team wrote the word female in her medical  
18 record. Other children with different genetic  
19 conditions are born with unclear or mixed genitalia.  
20 A medical professional in the delivery room makes a  
21 split-second call about whether the word male or  
22 female works its way onto a birth certificate. One  
23 small word that does not define but can confine  
24 someone for the rest of their life. When Alicia was  
25 born, the medical profession was silent on intersex.

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2 We had a wonderful doctor who advised us to the best  
3 of his knowledge at the time, but never once did he  
4 suggest that we keep an option open for Alicia to  
5 tell us who she was. He relied on the best science at  
6 the time, but a science based on a very small sample  
7 size. Intersex conditions were on the down low, in  
8 the shadows. It was hard to distinguish where science  
9 ended, and bias began. Thirty years later, we have  
10 better science, we know that 1.7 percent of the  
11 world's population, 5.5 million Americans are  
12 intersex and then additional Americans are  
13 transgender or chimera or gender non-conforming. My  
14 point is that we have progressed to where we should  
15 allow our friends, neighbors, children, every person,  
16 the right to identify themselves, rather than rely on  
17 the snap judgment of a nurse or doctor in the chaos  
18 of the delivery room. I applaud Council Speaker Corey  
19 Johnson for sponsoring this law to amend sex  
20 designation on birth records and the First Lady for  
21 her support and each of you for your work in this  
22 hearing. The bill brings the reality of legal  
23 documents into alignment with reality. My daughter  
24 should be able to define who she is, rather than I or  
25 a person who assisted at her birth. Really, who cares

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2 how I would define her gender, it's her right to  
3 define herself. In a way, this bill would be nothing.  
4 And by nothing, I mean it would simply allow a person  
5 to say who they are. No one else can say that for  
6 them. That should be a given, a nothing in society. I  
7 urge you to pass this bill that will cost you nothing  
8 but will return agency, identity and the right to be  
9 who you are to thousands of New Yorkers. Thank you so  
10 much for listening to my testimony and your work to  
11 support unity and inclusiveness in New York City.

12 CHAIRPERSON LEVINE: Thank you for that  
13 very, very powerful statement, your daughter sounds  
14 like an incredible person.

15 CHAR WEIGEL: She is.

16 CHAIRPERSON LEVINE: And she was born not  
17 in New York City, you said in Upstate New York?

18 CHAR WEIGEL: She was born... she was born  
19 in Philadelphia.

20 CHAIRPERSON LEVINE: Got it...

21 CHAR WEIGEL: But the situation... [cross-  
22 talk]

23 CHAIRPERSON LEVINE: So, we're, we're  
24 going to have to work with Lambda and TLDEF to launch  
25 a campaign in Pennsylvania.

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CHAR WEIGEL: I think Mayor Kenney would be on board with that.

CHAIRPERSON LEVINE: And you are connected to a group called InterAct, is that...  
[cross-talk]

CHAR WEIGEL: Yes... [cross-talk]

CHAIRPERSON LEVINE: ...right?

CHAR WEIGEL: Yes, that's... my daughter is very active in InterAct and I'm one of the volunteers in support... [cross-talk]

CHAIRPERSON LEVINE: And, and, and this is a national advocacy organization... [cross-talk]

CHAR WEIGEL: For intersex individuals.

CHAIRPERSON LEVINE: Okay, thank you again for your testimony, a wonderful panel, thank you all of you. Okay, next up we have Freddy Molano from Community Health Care Network; Nala Simone Toussaint from Callen Lorde Community Health Center; Charlie Arrowood from Transcend Legal; and Alejandra Caraballo from New York Legal Assistance Group, a.k.a NYLAG. Okay, please.

[off mic dialogue]

CHAIRPERSON LEVINE: Is your mic on?

FREDDY MOLANO: Now it's on.

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2 CHAIRPERSON LEVINE: Okay.

3 FREDDY MOLANO: Good morning and thank  
4 you Chairman Levine and members of the Committee for  
5 the opportunity to speak this morning. I am Freddy  
6 Molano and I'm the Vice President of Infectious  
7 Disease and LGBT programs at Community Health. CHN is  
8 a not for profit network of 13 federally qualified  
9 health centers, including two school-based health  
10 centers and a fleet of medical mobile vans. We  
11 provide high quality primary care, dental, behavioral  
12 health and social services to over 85,000 New Yorkers  
13 in Manhattan, Queens, Brooklyn, and the Bronx and we  
14 turn no one away. For 15 years, CHN has been  
15 providing affirming healthcare services to  
16 transgender and gender non-conforming individuals  
17 throughout New York City. We serve about 500  
18 transgender patients every year through our network  
19 wide Transgender Family Program and our Sexual  
20 Behavioral Health Programs in Jamaica, Queens and the  
21 Lower East Side in Manhattan. Our mission is grounded  
22 on the behalf of... that all individuals have the right  
23 to comprehensive and culturally responsive care. As  
24 part of this mission, it is our duty to advocate for  
25 the rights and wellbeing of CHN's patients. This



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2 includes the right to express one's gender freely and  
3 without consequence. New York City has taken  
4 important steps in preserving this right through a  
5 number of policies such as the New York City Human  
6 Rights Law, the Department of Education transgender  
7 student guidelines, and the single sex bathrooms  
8 mandate. And still, many transgender individuals  
9 continue to experience day to day challenges with  
10 stigma, discrimination and access to care. In  
11 particular, discrepancies between sex designation and  
12 gender identity exacerbate efforts in navigating  
13 critical services, leaving many individuals without  
14 amenities such as housing and healthcare. At CHN, we  
15 frequently encounter patients whose medical claims  
16 are denied because their insurance company does not  
17 believe that the rendered services matches the  
18 services documented sex... the patient's documented  
19 sex. Similarly, we know that transgender and gender  
20 non-conforming individuals experience frustration  
21 when applying for driver's licenses and other forms  
22 of ID because these documents do not accurately  
23 reflect their gender identity. Today, we stand in  
24 support of the proposal which would add a third sex,  
25 sex designation to New York City birth certificates

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2 and will allow transgender adults to provide their  
3 own affidavit for gender marker changes. We believe  
4 that this legislation will expedite the process for  
5 aligning legal and lived identities and result in  
6 both psychological and practical benefits. By  
7 removing barriers for identification, the city is  
8 taking important steps towards ensuring the health  
9 and wellbeing of transgender communities. As a  
10 healthcare provider, we are hopeful that the  
11 elimination of such barriers will lead to better  
12 engagement in care and an improved health outcome  
13 among transgender patients. We applaud the city's  
14 efforts in validating and empowering individuals of  
15 transgender... of transgender and gender non-conforming  
16 experience and we are committed to working with the  
17 City Council and the administration to further these  
18 goals. Thank you very much for the opportunity to  
19 speak today.

20 CHAIRPERSON LEVINE: Thank you very much  
21 Freddy.

22 FREDDY MOLANO: Uh-huh.

23 CHAIRPERSON LEVINE: Thank you.

24 NALA SIMONE TOUSSAINT: Good afternoon,  
25 thank you Speaker Johnson and Chair Levine and

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2 members of the New York City Council Health Committee  
3 for the opportunity to testify in support of Intro,  
4 Intro 954, the proposal to amend the administrative  
5 code in relation to sex designation on the birth  
6 certificate... on birth records. My name is Nala Simone  
7 Toussaint and I am representing Callen-Lorde  
8 Community Health Center. Callen-Lorde Community  
9 Health Center is a growing community health center  
10 with a mission to reach lesbian, gay, bisexual and  
11 transgender communities and people living with HIV in  
12 New York City and beyond. In 2017, Callen-Lorde  
13 provided a patient centered medical home for nearly  
14 18,000 patients, more than 4,000 of whom identify as  
15 transgender or gender non-binary... non-binary which  
16 will... I abbreviate in the later as TG/NB. So, at  
17 Callen-Lorde we believe true liberation will only  
18 come when LGBTQ community and our families can  
19 adequately access cultural competent and  
20 comprehensive health care in all forms. For this  
21 reason, Callen-Lorde fully supports Intro 954, an  
22 amendment to the administrative code in relation to  
23 sex designation on birth records. I speak as a woman  
24 of trans experience and in my role as a transgender  
25 health advocacy coordinator at Callen-Lorde, and

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2 Intro 954 if implemented will improve individual and  
3 community health and as well as save lives. First,  
4 Callen-Lorde supports the addition of a new third  
5 category of X to reflect a non-binary gender  
6 identity. Secondly, Callen-Lorde endorses the  
7 proposal whereby transgender people born in New York  
8 City will no longer need a letter from a physician or  
9 an affidavit by a licensed health care provider to  
10 change their gender marker and will instead be able  
11 to submit their own affidavit which attests that the  
12 gender marker change is for the purpose of affirming  
13 their gender identity. Finally, Callen-Lorde believes  
14 that Intro 954 will advance health equity for  
15 transgender individuals in New York City if adopted.  
16 Health equity exists when people have the opportunity  
17 to achieve their full health potential regardless of  
18 color of their skin, their birth place, their level  
19 of education, their gender identity and where they  
20 live. Having a birth certificate that aligns with  
21 that gender of a person's, person's lived experience  
22 will vastly open up these opportunities to a score of  
23 trans.. TG/NB people. I'd like to share a, a, a story  
24 of a patient who was 49 years old and a woman of  
25 transgender experience who had been a patient at

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2 Callen-Lorde since 2004. When we started working with  
3 her in our Care Coordination department in 2011, she  
4 came to us needing assistance with her name change  
5 and the correction to her gender that appeared on her  
6 IDs. She was a recipient of Medicaid and SNAP  
7 benefits and she experienced continuous  
8 discrimination when she applied for housing and  
9 employment opportunities. Her health access was also  
10 limited because at the time people were unable to  
11 change their gender that appeared on their benefits  
12 card at the HRA or on New York City birth  
13 certificates without showing proof of surgery and  
14 transgender surgery was unavailable at the time. This  
15 left her essentially stranded with regards to her  
16 quality of life. As the laws across the state has  
17 changed over the years we have been able to witness  
18 her begin to advocate for herself and her health,  
19 with time her housing situation improved. As things  
20 began to stabilize in her life, her ability to move  
21 forward with her dream to become a chef became a  
22 reality. It was her ability to correct the IDs she  
23 had to match her gender expression that truly gave  
24 her the agency to actually fulfill her dreams and the  
25 expansion of her gender identity to include X on New

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2 York City birth certificate will also help the lives  
3 for those who are gender non-conforming and non-  
4 binary. Thank you for your time and your attention.

5 CHAIRPERSON LEVINE: Thank you for that  
6 very vivid illustration of the fact that this is not  
7 just about symbolism, there's actually very practical  
8 impacts.

9 NALA SIMONE TOUSSAINT: Uh-huh.

10 CHAIRPERSON LEVINE: On having an  
11 accurate birth certificate, healthcare being perhaps  
12 the most dramatic so that was really an important  
13 contribution to the discussion, thank you. Please.

14 CHARLIE ARROWOOD: Thank you Chairperson  
15 Levine, Speaker Johnson, the Health Committee and the  
16 City Council for the opportunity to speak to the  
17 proposed amendments regarding sex designation changes  
18 for the New York City birth certificates. My name is  
19 Charlie Arrowood, I'm the Director of Name and Gender  
20 Recognition at Transcend Legal. Transcend Legal is a  
21 New York City based non-profit that cultivates  
22 equitable social, medical, and legal recognition of  
23 transgender people by offering culturally competent  
24 transgender led legal representation, public policy  
25 advocacy and community education. One of our areas of

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2 service is assisting with name and gender marker  
3 changes for New York residents, many of whom were  
4 born in New York City. The city already recognizes  
5 that the current practice of assigning male or female  
6 sex at birth based on genitals is inaccurate for a  
7 known segment of the population namely transgender,  
8 non-binary and intersex individuals. Given that the  
9 unequal system is in place the mechanism to correct  
10 birth certificates for these individuals needs to be  
11 seamless in order to ensure that all New Yorkers have  
12 access to accurate identity documents on a fair and  
13 equitable basis. Requiring provider letter, letters  
14 is an unnecessary burden in this process. We also  
15 encounter a large number of people who do not feel  
16 that the currently available male or female  
17 designations accurately represent them. I myself am  
18 non-binary and was born in New York City, I'm not  
19 currently able to get the birth certificate that  
20 accurately reflects my gender. The current policy  
21 requires applicants and their providers to  
22 effectively lie under penalty of perjury about their  
23 identity. Not only do non-binary people not have...  
24 they have to find a trans-friendly provider, but they  
25 also have to find someone who's non-binary friendly

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2 who's willing to basically acknowledge that what  
3 they're saying is untrue but it's in the best  
4 interest of their patient. So, does an M designation  
5 accurately reflect my identity, no but it's better  
6 than an F for my everyday life and my safety for me  
7 to be able to flash a document that says M than F.  
8 And some might argue that it kind of destroys the  
9 privacy arguments that trans advocates make if you  
10 have an X designation on your documents but it's  
11 still my decision about when I want to disclose that  
12 and so if I have an X designation I'm saying this is  
13 how I want to represent myself and I'm making the  
14 decision to show this to someone because that is the  
15 appropriate designation. I'm going to be honest, when  
16 I found out that this proposal was coming up I cried,  
17 it, it... I encounter clients all the time like AC  
18 DUMLAU mentioned one of the most common questions I  
19 get is, is this available in New York and it's  
20 frankly embarrassing and upsetting to have to explain  
21 to people that we're working on it, I'm waiting for  
22 it too and so this is a, a huge deal for a lot of  
23 people. On behalf of myself, my clients, my community  
24 thank you for considering this proposal and for  
25 listening to all of the advocates.



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CHAIRPERSON LEVINE: Oh, my goodness, thank you Charlie for that very, very eloquent testimony and for sharing your personal story which is so helpful. Your professional portfolio is national, is that right?

CHARLIE ARROWOOD: Our health insurance work is national; our name and gender marker work is New York State.

CHAIRPERSON LEVINE: Got it, New York State?

CHARLIE ARROWOOD: Yes... [cross-talk]

CHAIRPERSON LEVINE: So, is there a movement afoot either in other jurisdictions of the state or at the state legislative level?

CHARLIE ARROWOOD: I believe there are several different proposals in Albany on this, but nothing is really gaining traction at the moment, there are... I'm, I'm not positive what the exact proposals are but I think there are two different ones.

CHAIRPERSON LEVINE: Nothing is easy in Albany I'm afraid but with New York making this move I think it, it could prove to the broader state that this is a, a wise and judicious step to take on

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2 behalf of New Yorkers and, and we appreciate your  
3 voice here and I want to acknowledge we've been  
4 joined by fellow health committee member Dr. Mathieu  
5 Eugene, thank you and we'll move on to our next  
6 panelist, thank you.

7 ALEJANDRA CARABALLO: Chair Levine,  
8 Council Members and staff good morning and thank you  
9 for the opportunity to speak about Intro 954 which  
10 would allow individuals to change the sex designation  
11 on their birth certificates to match their gender  
12 identities. My name is Alejandra Caraballo and I am a  
13 Staff Attorney at the LGBTQ Law Project at the New  
14 York Legal Assistance Group also known as NYLAG, a  
15 nonprofit law office dedicated to providing free  
16 legal services in civil law matters to low income New  
17 Yorkers. NYLAG serves immigrants, seniors, veterans,  
18 the homebound, families facing foreclosure, renters  
19 facing eviction, low income consumers, those in need  
20 of government assistance, children in need of special  
21 education, domestic violence victims, people with  
22 disabilities, patients with chronic illness or  
23 disease, low wage workers, low income... low income  
24 members of the LGBTQ community, holocaust survivors  
25 as well as others in need of free legal services. The

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2 LGBTQ Law Project of NYLAG submits this testimony in  
3 support of proposed legislation seeking to update New  
4 York City's policy regarding gender markers on birth  
5 records. Our project provides free legal services and  
6 advocacy to low income lesbian, gay, bisexual,  
7 transgender and queer communities throughout New York  
8 City. We work to defend and expand the rights of New  
9 York City's LGBTQ community and offer legal advice  
10 and representation in a wide variety of poverty  
11 related civil legal matters such as employment and  
12 housing discrimination, public assistance,  
13 immigration, name and gender marker changes and  
14 family law. In 2017, NYLAG represented 218  
15 transgender and gender non-conforming clients in a  
16 variety of these areas of law including many clients  
17 who identified as non-binary and intersex. On behalf  
18 of the New York Legal Assistance Group, I am here to  
19 offer our strong support for the proposed bill to  
20 amend the administrative code in relation to amending  
21 sex designation on birth records. The importance of  
22 identity documents to TGNC, non-binary and intersex  
23 people cannot be overstated. In addition to  
24 validating the identities of TGNC, non-binary and  
25 intersex people, having corrected and appropriate

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2 identity documents that affirms our gender identities  
3 is vital to our health and safety. Having to present  
4 incorrect identity documents exposes TGNC people to  
5 humiliation, harassment and violence. This proposal  
6 will protect vulnerable TGNC New Yorkers by ensuring  
7 all people have access to government documents that  
8 reflect their true identities. The proposal to add a  
9 third gender marker option outside the male/female  
10 binary is essential to ensure that all people in New  
11 York City are properly represented by their vital  
12 documents. For non-binary, intersex, transgender and  
13 gender non-conforming people who do not exist within  
14 the male/female binary, the current gender markers  
15 available on birth certificates are insufficient and  
16 denigrate their identities. The X marker option is a  
17 welcome advancement that allows New Yorkers whose  
18 gender identity falls outside of the gender binary  
19 and traditional gender norms to have an accurate  
20 government document that reflects and affirms their  
21 gender identity. This is an important step in  
22 allowing people to express their authentic selves.  
23 While we welcome this proposal, we believe further  
24 changes may be necessary in the future to ensure that  
25 all New Yorkers have access to accurate identity

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2 documents. X may not accurately reflect the  
3 identities of all non-binary... non-binary people. Some  
4 New Yorkers may want to leave the gender designation  
5 blank instead and intersex people may prefer to have  
6 a birth certificate that says I for intersex as  
7 opposed to X. We would encourage the council to  
8 listen and continue taking input from the affected  
9 TGNC New Yorkers and adopt future changes to the law  
10 that would best reflect all identities. The City  
11 Council has made great progress in addressing the  
12 needs of transgender and gender non-conforming New  
13 Yorkers in recent years. The 2014 City Council vote  
14 to remove the restrictive surgery requirement for  
15 amending gender markers on NYC issued birth  
16 certificates was a huge step forward. But the current  
17 requirements still present tremendous barriers for  
18 low income TGNC New Yorkers like our clients. Many  
19 TGNC people do not have access to medical providers  
20 who can provide a notarized letter attesting to their  
21 gender identity. This means they cannot obtain a  
22 birth certificate that accurately reflects who they  
23 truly are. Requiring medical documentation to obtain  
24 an accurate birth certificate is also stigmatizing  
25 and an invasion of privacy. At NYLAG we have

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2 personally seen the effects of this confusing and  
3 difficult process first hand with TGNC clients. The  
4 current proposal allows applicants to self-attest  
5 their identity by notarized affidavit will greatly  
6 streamline the process of amending birth certificates  
7 for all TGNC people and will also allow non-binary  
8 and intersex people to obtain an amended birth  
9 certificate that affirms and matches their gender  
10 identity. This restores autonomy and self  
11 determination to TGNC people by allowing them the  
12 self determination to attest their own gender  
13 identity without significant barriers such as lack of  
14 access to appropriate and affirming medical care to  
15 interfere with their ability to amend their birth  
16 certificates. People under the age of 18 are  
17 frequently required to present their birth  
18 certificates for school enrollment, after school  
19 activities, sports and anything related to age  
20 eligibility. For young people who do not fit within  
21 the male/female gender binary or whose birth  
22 certificate contains the wrong gender marker, having  
23 to produce an incorrect document is humiliating and  
24 potentially dangerous. Simply showing their birth  
25 certificate will out them misrepresenting who they

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2 are at best and exposing them to violence or abuse at  
3 worst. The young people must be afforded the same  
4 access as similarly situated adults. While empowering  
5 parents to provide a notarized statement for their  
6 children is a step forward, we are concerned that the  
7 requirement of a statement from both parents listed  
8 on the birth certificate or a legal guardian is too  
9 restrictive. Many young TGNC people experience  
10 rejection from their families of origin. Indeed, 40  
11 percent of homeless youth in New York City are LGBTQ  
12 identified. As such, there are likely many young  
13 people who will not get... be able to get both parents  
14 listed on their birth certificate to sign a notarized  
15 statement. The current proposal only appears to allow  
16 children with a legal guardian to avoid getting  
17 statements from their birth parents but there are  
18 many children who are in contact with only one of  
19 their parents or estranged from both and who do not  
20 have an adult who has legal guardianship over them.  
21 There must be additional safeguards in place for  
22 these minors. We would suggest that the proposal be  
23 amended to allow minors to obtain an amended birth  
24 certificate upon a submission of a notarized  
25 statement from either the child... either of the

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2 child's parents, a legal guardian or a social worker  
3 or case manager working with the child. I would also  
4 like to second Chair Levine's point and strongly urge  
5 the city council to look into providing fee waivers  
6 to birth certificate amendment fees. These fees pose  
7 a significant financial barrier to many of our low-  
8 income clients and has been a substantial issue in  
9 the past and has affected our clients in ways that  
10 they are not able to get updated and amended birth  
11 certificates. New York City has been... long been on  
12 the forefront of civil rights for the LGBTQ  
13 community. a special thank you to Speaker Johnson for  
14 spearheading this bill. This proposal will ensure  
15 that all New Yorkers can access identity documents  
16 that reflect who they truly are. It is a step forward  
17 towards ensuring all people in this city are treated  
18 with dignity and respect.

19 CHAIRPERSON LEVINE: Thank you Alejandra  
20 for your testimony and every one of the  
21 recommendations you make we'll definitely seriously  
22 consider and I want to say how important the work of  
23 NYLAG is for LGBT and TGNC New Yorkers but also low-  
24 income people and people in need more broadly and  
25 it's great to have your voice in this debate. Thank



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2 you for another great panel. And now we move on, the  
3 next panel is going to have a very hard act to follow  
4 but I'm sure you can do it. Jose Abrigo from Legal  
5 Services NYC, Allyson Rivard also from Legal Services  
6 NYC, Donna Levisohn from TLDEF as well as Dolph  
7 Goldenburg also from TLDEF (?). Welcome.

8 JOSE ABRIGO: Hi.

9 CHAIRPERSON LEVINE: Would you like to  
10 start us off... [cross-talk]

11 JOSE ABRIGO: Thank you. Thank you so  
12 much. My name is Jose Abrigo and I'm here with my  
13 colleague Allyson Rivard, we're with the LGBTQ HIV  
14 Advocacy Project at Legal Services NYC.

15 ALLYSON RIVARD: Good morning, Legal  
16 Services NYC is the largest civil legal services  
17 provider in New York City and the nation. LSNYC's  
18 LGBTQ/HIV Advocacy Project is the largest provider of  
19 direct, civil legal services to New York City's LGBTQ  
20 communities. Since the 1980's LSNYC has served  
21 thousands of people across a variety of legal issues  
22 and has worked tirelessly on behalf of LGBTQ and HIV  
23 positive, low income New Yorkers. LSNYC has an LGBTQ  
24 unit presence in all five boroughs with over a dozen  
25 staff and serves hundreds of clients every year. A

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2 critical service we offer is Name Changes and  
3 assistance in changing identity documents. Since 2013  
4 LSNYC has represented 129 individuals in name changes  
5 cases and many more in identification documents  
6 cases. We have also taught continuing legal education  
7 classes training advocates on how to represent  
8 clients in name change courts and identification  
9 documentation issues, including changing the gender  
10 markers on birth certificates, social security cards  
11 and passports. Our organization handles one of the  
12 highest volumes of identity, identity documentation  
13 cases in New York City. The amendments to Section 17-  
14 167.1(a) of the New York City Administrative Code  
15 allows a third gender option for individuals and  
16 serve to make birth certificates more accessible for  
17 our gender non-conforming and non-binary clients by  
18 honoring their self-determination and being more  
19 representative of their identity. In 2017 alone LSNCY  
20 has met with 57 New Yorkers who preferred gender  
21 neutral pronouns or neither identify as male or  
22 female. By allowing the third gender option for birth  
23 certificates, New York City will be at the forefront  
24 of recognizing the non-binary nature of sex and  
25

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2 gender and being completely inclusive of all  
3 individuals.

4 JOSE ABRIGO: The amendments to Section  
5 17-167.1(c) that allows notarized self-attestation in  
6 place of medical attestation is also extremely  
7 important, as it removes systemic barriers that  
8 prevents many individuals from changing their gender  
9 markers. Removing the medical attestation requirement  
10 will make it easier for low income TGNC individuals  
11 to change their birth certificates. Many transgender  
12 and gender non-conforming individuals often cannot  
13 afford regular healthcare. In 2017 a study found that  
14 17 percent of New York State transgender respondents  
15 were unable to obtain health insurance. Accordingly,  
16 a substantial portion of the TGNC population can  
17 never obtain the medical attestation necessary to  
18 change the gender markers on their birth  
19 certificates. Even those who face healthcare... who are  
20 able to obtain healthcare face numerous systemic  
21 barriers. We currently have a legal, medical  
22 partnership with Callen-Lorde and unfortunately not  
23 all medical providers are as awesome as they are. A  
24 recent study from LSNYC that focused on New York City  
25 where we surveyed hundreds of LGBTQ participants and

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2 CBOs found that nearly a quarter of survey  
3 respondents report that they have encountered  
4 problems with medical providers in the last year. A  
5 further 15 percent of our study participants have  
6 been treated with hostility or asked inappropriate  
7 questions by their medical providers because they are  
8 LGBT. Many TGNC individuals simply do not have  
9 affirming medical providers. By allowing self-  
10 attestation, many systemic barriers will be  
11 eliminated and the lives of TGNC individuals will be  
12 radically improved. Allowing birth certificate  
13 amendments to be more accessible through self-  
14 attestation were... will also lessen discrimination  
15 individuals face. A recent study of transgender and  
16 gender non-conforming individuals found that 40  
17 percent of respondents are harassed when their IDs  
18 indicate a gender marker that does not match their  
19 gender identity. a client I recently helped who I  
20 asked if I could share her story agreed and I'm  
21 really grateful to her. She was discriminated against  
22 because the gender marker on her electronic benefits  
23 card did not match her gender identity. As a result,  
24 while trying to purchase food she was harassed by the  
25 store clerk and this triggered preexisting anxiety

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2 surrounding her gender dysphoria and as a result she  
3 did not purchase food for a week. She told LSNYC that  
4 the experience re-traumatized the abuse that she  
5 suffered, and she had to build up the courage again  
6 in order to leave her apartment. LSNYC was able to  
7 help her change marker on her New York State ID and  
8 her electronic benefits card giving her peace of mind  
9 and helping her able to navigate the world better. As  
10 numerous studies have established, LGB individuals  
11 and especially TGNC individuals are  
12 disproportionately affected by poverty. LSNYC's study  
13 found that 62 percent of LGBT New Yorkers had  
14 difficulty paying for a basic need in the last year  
15 and 26 percent of transgender respondent's face  
16 employment discrimination and income instability. For  
17 individuals who face multiple layers of  
18 discrimination, the issue of poverty is gravely  
19 compounded. The proposed amendments will help reduce  
20 discrimination and to help alleviate poverty for TGNC  
21 New Yorkers. Thank you for inviting us to testify and  
22 allowing New York City to lead the nation in  
23 transgender and gender non-conforming equality.

24 CHAIRPERSON LEVINE: Thank you for that  
25 powerful anecdote and did you share the name of, of

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2 the individual, it's okay if you didn't but I didn't  
3 catch it.

4 JOSE ABRIGO: I, I, I... she didn't give me  
5 permission to share... [cross-talk]

6 CHAIRPERSON LEVINE: That's fine... [cross-  
7 talk]

8 JOSE ABRIGO: ...her name, yeah... [cross-  
9 talk]

10 CHAIRPERSON LEVINE: That's fine but let  
11 her know that we appreciate her sharing that real-  
12 life experience once again to remind people that this  
13 is about a lot more than symbolism although that... I  
14 think that, that matters as well that there are  
15 implications even effecting access to food it sounds  
16 like so... and, and thank you for the work, work that  
17 your organization does, you've been a great partner  
18 to my office on, on many, many fronts, thank you.  
19 Okay, now we go to TLDEF (?) .

20 DONNA LEVINSOHN: Good morning  
21 Chairperson Levine and other Council Members. Thank  
22 you for convening today's hearing. My name is Donna  
23 Levinsohn and I am the Senior Staff Attorney at  
24 Transgender Legal Defense and Education Fund or  
25 TLDEF. I'm here with two of my colleagues to provide

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2 testimony in support of Introduction 954. We want to  
3 emphasize at the outset that of course we strongly  
4 favor the enactment of the New York City birth  
5 certificate law presently in effect which was enacted  
6 in January 2015 and which among other things  
7 eliminated the previous extraordinarily burdensome  
8 and intrusive requirement of presenting detailed  
9 proof of so called conversion surgery as a  
10 prerequisite to changing the sex designation on a  
11 birth certificate. However, we believe that both  
12 aspects of the proposed new legislation being  
13 considered today represent an improvement over the  
14 status quo as reflected in the 2015 legislation. They  
15 will make the New York City birth certificate  
16 correction law more inclusive of all transgender and  
17 non-binary people and will materially improve and  
18 facilitate the ability of people belonging to one of  
19 New York City's most vulnerable and marginalized  
20 populations to live their lives as themselves, on  
21 both a symbolic and practical level. My colleague AC  
22 DUMLAU Dumlao who is non-binary themselves has  
23 already testified to the importance of making a non-  
24 binary sex designation available on New York City  
25 birth certificates. My own focus is on the move to a

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2 self-attestation procedure to replace the requirement  
3 of a healthcare provider's affidavit and in a  
4 historical sense on the remarkable progress that this  
5 proposed change would represent for transgender  
6 people over a relatively short period of time.

7 Although I almost never comment publicly on my own  
8 history, I think it's relevant here to explain that I  
9 transitioned in 2005 while working as an attorney at  
10 a medium sized New York City law firm and so far, as  
11 I know, was either the first or at most the second  
12 attorney ever to transition at a New York City law  
13 firm, at least without being promptly fired after  
14 doing so. At that time only 13 years ago, New York  
15 City was one of only four or five jurisdictions in  
16 the entire United States that did not permit  
17 transgender people to change the sex designation on  
18 their birth certificates from male to female or  
19 female to male under any circumstances, even after  
20 conversion surgery. At that time pursuant to  
21 provisions of the New York City Health Code enacted  
22 in 1971, the only option available, after extensive  
23 documentation of such conversion surgery, was to  
24 change the sex designation from male or female to a  
25 blank, in other words, omitting any reference to



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2 gender at all and making the person in question, in  
3 effect, officially and entirely non-gendered. Perhaps  
4 needless to say, such a change, while it would have  
5 been wonderful to have as a non-binary option  
6 alongside changing the designation to M or F as in  
7 the proposed legislation now being considered was as  
8 a mandatory designation, worse than useless to most  
9 transgender people. Not only symbolically, given the  
10 Department's refusal to acknowledge people's actual  
11 gender identity, but on a practical level, because  
12 such a mandatory blank birth certificate which  
13 revealed on it's face that it had been amended and  
14 that the person holding it was transgender was  
15 completely unusable as proof of gender or to obtain  
16 other identification documents. We've come a long way  
17 since 2005 but we believe that the city council now  
18 has the opportunity to do even better by enacting the  
19 proposed legislation under consideration today to  
20 provide for self-attestation and a non-binary option  
21 thereby joining California, California, Oregon and  
22 Washington state as well as New Jersey if as we hope  
23 the new birth certificate legislation enacted in  
24 January of this year is signed by New Jersey's new  
25 Governor at the forefront of recognizing the rights

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2 of transgender people to live their lives as  
3 themselves. Certainly, this would be a far cry from  
4 the situation I and other trans people faced in 2005  
5 only 13 years ago. Now very briefly why do we believe  
6 that self-attestation is preferable to the presently  
7 required health care providers attestation? First,  
8 moving towards self-attestation would remove the last  
9 vestiges of the Department of Health's previous  
10 history of bureaucratic overreaching towards and  
11 fundamental mistrust of, transgender people, a  
12 history detailed in my written testimony which quotes  
13 verbatim some of the extraordinarily hostile and  
14 negative language towards transgender people used by  
15 the Department in the past to justify its  
16 intransigence in refusing to correct birth  
17 certificates. Obviously, we've very happy to see that  
18 attitude change. In any event nobody knows better  
19 than an individual transgender or gender non-  
20 conforming person what their gender identity is or is  
21 more expert on their own gender identity. anything a  
22 doctor or other healthcare provider knows about a  
23 person's gender identity is based on what that person  
24 told them, and that person is every bit as competent  
25 to attest to their identity themselves if not more so

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2 as any third person can be whether that person is a  
3 doctor, a social worker, a mental health counselor,  
4 or engaged in any of the other professions listed as  
5 qualifying for the presently required attestation. I  
6 have personally known who I am since I was a small  
7 child, I know my own gender identity better than  
8 anyone else and so do... does every other transgender  
9 and non-binary person. It should not be necessary for  
10 me or any other transgender person to find a  
11 healthcare provider to attest to their gender  
12 identity anymore than it's necessary for anyone to  
13 provide third party confirmation of their height,  
14 weight, hair color, eye color, need for corrective  
15 lenses, or other personal information reported in any  
16 other identification document. Second, we recognize  
17 that the list of types of healthcare providers  
18 eligible under current law to provide the necessary  
19 attestation confirming an applicant's gender identity  
20 was intended to be broad enough so that obtaining the  
21 attestation would not be highly burdensome.

22 Coincidentally, I submitted my own birth certificate  
23 correction application about six weeks ago and I had  
24 no problem getting my long time physician at Callen-  
25 Lorde to sign the required attestation but there are

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2 many transgender and non-binary people and TLDEF has  
3 had many as clients, we simply do not have access to  
4 or cannot afford to consult or are... or are too  
5 fearful of rejection and ridicule to consult any such  
6 healthcare provider, either sufficiently for the  
7 provider to provide the required attestation, or at  
8 all. As a practical matter, the requirement of a  
9 healthcare provider's attestation operates all too  
10 often as yet another unnecessary barrier to  
11 transgender people's ability to obtain legal  
12 recognition of their identities. And in that regard,  
13 I would note that TLDEF strongly supports the concept  
14 others have mentioned of making fee waivers available  
15 for those who cannot afford the present 55-dollar fee  
16 for correcting a birth certificate. I'd like to close  
17 with a quotation from a very recent federal district  
18 court decision in Puerto Rico, in which the court  
19 confirmed the constitutional right of transgender  
20 people to change the sex designation on their birth  
21 certificates. The case is Gonzalez versus Nevares in  
22 the District of Puerto Rico in a decision issued  
23 April 20<sup>th</sup>, 2018, slip op. at 16: the right to  
24 identify our own existence lies at the heart of one's  
25 humanity. And so, we must heed their voices; the

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2 woman that I am, the man that I am. Plaintiffs know  
3 they are not fodder for memoranda legalese. They have  
4 stepped up for those whose voices, debilitated by raw  
5 discrimination, have been hushed into silence. They  
6 cannot wait for another generation, hoping for a  
7 lawmaker to act. Here, the City Council has the  
8 opportunity to act as lawmakers to further the rights  
9 of transgender and non-binary people to identify  
10 their own existence, in accordance with this proposed  
11 legislation without waiting for courts to take action  
12 and TLDEF strongly urges the council to do so. Thank  
13 you.

14 CHAIRPERSON LEVINE: My goodness, that  
15 was an incredible statement, thank you so much for  
16 delivering that. I think you gave us a written copy  
17 as well I hope.

18 DONNA LEVINSOHN: Yes, I did, and it has  
19 all sorts of other stuff in it including quotations  
20 from the not so wonderful language that the  
21 Department of Health used to oppose the rights of  
22 transgender people in the law that was in effect  
23 until 2006.

24 CHAIRPERSON LEVINE: Well you know I'll  
25 remind folks that we're being live streamed now and

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2 that the videos are archived online and that a  
3 transcript is repaired... prepared of, of the testimony  
4 as well as your written submission so I think that  
5 this conversation today is going to be an important  
6 record on why the city is moving forward on this and,  
7 and your voice and, and the voices of the other  
8 panelists have just been invaluable in, in making  
9 this case to, to New Yorkers about why we're acting  
10 today. Thank you so much.

11 DONNA LEVINSOHN: Thank you.

12 CHAIRPERSON LEVINE: Okay.

13 DOLPH GOLDENBURG: Good morning

14 Chairperson Levine and thank you for the opportunity  
15 to speak today. My name is Dolph Goldenburg and I  
16 have the honor of being the Interim Executive  
17 Director at the Transgender Legal Defense and  
18 Education Fund as we all now know informally known as  
19 TLDEF. I also have the challenging task of not  
20 repeating what my colleagues, Donna Levinsohn and AC  
21 DUMLAU Dumlau have already testified but adding to  
22 it. So, to say the least I will be brief. Dr. King  
23 said that the arc of the universe is long, but it  
24 bends towards justice and this is one more step  
25 towards justice. As others have pointed out today,

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2 birth certificates are gateway documents that help us  
3 prove citizenship and also obtain all other forms of  
4 identification. What this means for New Yorkers  
5 living or traveling outside of New York especially in  
6 states that may have laws that are hostile to people  
7 who are transgender and non-binary as this offers  
8 protections to them as well and that makes this a  
9 very powerful step towards justice. The current  
10 requirements as others have pointed out not only  
11 discourage people who are transgender or gender non-  
12 binary from correcting this vital document but also  
13 present an unfair burden to people who are  
14 disproportionately likely to be low income and face  
15 healthcare discrimination. As TLDEF has already  
16 shared and I also firmly believe we strongly support  
17 a gender non-binary option for birth certificates  
18 that is neither male nor female. Part of what I want  
19 to point out is that birth certificates not only are  
20 they gateway documents but they also are the  
21 foundation on which all other documents that you fill  
22 out for the rest of your life are based on so if  
23 there's a gender non-binary option that means intake  
24 forms will have to have it, that means application  
25 forms will have to have it and data collection

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2 efforts will have to have it going forward in the  
3 future. So, this change helps set policy at  
4 organizations and governments not just in New York  
5 but all over the country. We would also encourage the  
6 Department of Health to update the website materials  
7 swiftly and thoroughly if this change is made. The  
8 current DOH website has both the current rules for  
9 changing one's gender marker and also the outdated  
10 NYC Code and we can provide the link where that code  
11 currently exists but if someone goes to that website  
12 and they see contradictory information it becomes  
13 confusing and it discourages them from actually  
14 pursuing the change of their gender marker. I do not  
15 however want to end on that cautionary note. Instead,  
16 I want to again applaud the city of New York for  
17 considering this additional step toward justice and  
18 equality. Thank you.

19 CHAIRPERSON LEVINE: Thank you Dolph and  
20 thank you to TLDEF and, and you succeeding in not  
21 being repetitive at all, but we appreciate your  
22 contribution and thank you for yet another incredible  
23 panel. Thank you very much and now we move on to  
24 Sasha Alexander from the Sylvia, Sylvia Rivera Law  
25 Project and Christina Powell from the Girls for



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2 Gender Equity Organization. And this is our final  
3 panel so no pressure guys but we're, we're, we're  
4 planning on going out on top here. Please just press  
5 the button.

6 SASHA ALEXANDER: Thank you, I appreciate  
7 that. So, I want to thank the Council Members and the  
8 committee for their time and support of Intro 954. My  
9 name is Sasha Alexander, I am the Director of  
10 Membership at the Sylvia Rivera Law Project here in  
11 New York City, I am also a non-binary person who  
12 lives here in the city for 16 years. SRLP has  
13 provided direct legal services and we've been  
14 building support to low income transgender, non-  
15 conforming and intersex folks primarily folks of  
16 color, immigrants, undocumented folks, people living  
17 with HIV, formerly and currently incarcerated people.  
18 We have a long history of working with the City  
19 Council and with city agencies to create more  
20 affirming policies for trans and gender non-  
21 conforming and intersex folks such as working with  
22 HRA or DHS around policies for access and placement  
23 based on gender. I want to take a little bit of time  
24 to just talk about some of the nuances that are  
25 coming up because we actually have a weekly movement

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2 building team meeting where low income trans and  
3 gender and non-conforming and intersex folks meet and  
4 last night this came up and there were a lot of  
5 questions for many TGNC people who are impacted by  
6 identity documents. So, for example I want to bring  
7 up already for trans and gender non-conforming people  
8 or trans people who identify as trans women or trans  
9 men, there are a lot of issues with their identities  
10 being affirmed even after changing legal  
11 documentation. We had one member who was expressing  
12 after being arrested that since his documentation was  
13 changed no one believed that he was trans and it took  
14 a medical examiner in the police department to... they  
15 asked him to prove he was trans in really  
16 uncomfortable ways. We had another member who was a  
17 trans woman of color who was mis-gendered and mis-  
18 named at a hospital even though her name and her  
19 gender marker were changed and another member who  
20 shared being shamed at a store when going to purchase  
21 something because her ID did not match the way she  
22 looked so there are all sorts of nuances whether  
23 people change their IDs or not and I think I just  
24 want to reiterate how important education is not just  
25 this Intro and to ask or implore you all to provide

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2 training and evaluation around this. There are some  
3 concerns about barriers that folks have to accessing  
4 this and we're happy to hear that you all are looking  
5 into possibly waiving funds and we want to reiterate  
6 the importance for young people to be able to have  
7 access to this to self-determine their gender  
8 identities. There are some concerns around the  
9 implementation by city agencies, while we are very  
10 excited about this we know as TGNC people and working  
11 with TGNC people that that doesn't mean that everyone  
12 gets the memo and so we hope that in making this...  
13 introducing this that the, the elected officials will  
14 work closer with our communities around some of the  
15 nuances that come up regarding these issues and  
16 intersections specifically around gender and race and  
17 gender and class. I just want to again thank you all  
18 for taking time, I did not get to prepare a written  
19 testimony for you all, but I am here with other folks  
20 from the Sylvia Rivera Law Project who are really  
21 deeply committed, our agency has been very deeply  
22 committed to this issue for many, many years and I  
23 just want to reiterate, or I guess bring up our  
24 concerns around binary systems within the city. For  
25 example, the criminal justice system if someone is

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2 arrested and the shelter system if someone goes into  
3 a city shelter where there are still only the options  
4 to enter into a male or female intake shelter or  
5 likewise when arrested you are told to enter a male  
6 or female designated cell. So, I just hope that you  
7 all will think about our communities that are  
8 intersections and please look to the Sylvia Rivera  
9 Law Project and other folks in our communities as you  
10 implement this.

11 CHAIRPERSON LEVINE: Thank you so much  
12 Sasha, you definitely do not need notes for public  
13 speaking, that was spot on, perfect. If you should  
14 decide you want to submit written testimony you can  
15 actually do that after the hearing, it's definitely  
16 not necessary but as we mentioned earlier  
17 communicating this to people who could benefit and  
18 answer their questions has to be a part of this, this  
19 policy initiative and we want to make sure that you  
20 get the materials you need and the support you need  
21 to do that since you're on the frontlines and we'll  
22 make sure that our office and, and the city council  
23 continues to interface with the Sylvia Rivera Project  
24 for, for that purpose. Thank you very Sasha.

25 SASHA ALEXANDER: Thank you.

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2 CHAIRPERSON LEVINE: Okay, last but  
3 definitely not least, please. Your mic, yes.

4 CHRISTINA POWELL: Hi, my name is  
5 Christina Powell, I'm 17 years old and my gender  
6 pronouns are she, her and hers. Today, I represent  
7 the Young Women's Advisory Council at Girls for  
8 Gender Equity. We are part of the Young Women's  
9 Initiative, YWI that was launched by Speaker Melissa  
10 Mark-Viverito and the New York City Council to  
11 identify the gaps in services for young women ages 12  
12 through 24 with a focus on cis and trans women of  
13 color and gender non-conforming youth of color. As an  
14 anti-violence and education organization, Girls for  
15 Gender Equity is committed through our programming  
16 and advocacy. We are committed to the physical,  
17 psychological, social and economic development of  
18 girls and women. I support the legislation 0954  
19 because of the impact that it will have on  
20 transgender and gender non-conforming youth of color.  
21 I believe that it is unfair that there is a  
22 difficulty for trans and gender non-conforming people  
23 of color to live in society and not be accepted for  
24 their identities. For an example, society wants you  
25 to identify yourself as a male or female forcing many

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2 people to categorize themselves with a gender  
3 identity that does not represent them. I believe that  
4 people should have the right and society should  
5 accept individuals to identify as X on their birth  
6 certificates to signify a gender that is not  
7 exclusively male or female. A 14-year-old member of  
8 the Young Women's Advisory Council who is non-binary  
9 and experiences transphobia and gender dysphoria  
10 daily, shared that they would love a law like this,  
11 explaining, if society accepted non-binary people  
12 like me in legal documents like birth certificates,  
13 non-binary people would be recognized, we need a bill  
14 like this to spread greater awareness and  
15 affirmation. Having your gender recognized and  
16 respecting is a human right and non-binary people are  
17 humans so therefore we need to be recognized and  
18 respected. Youth are at that age or time of our lives  
19 where we are trying to figure out ourselves and need  
20 the tools, laws and resources to feel affirmed for  
21 our identities. For example, we are figuring out our  
22 orientation and gender identity, am I a female? Am I  
23 male? As a cisgender female, it is important for me  
24 to advocate for this legislation because cisgender  
25 people don't feel worried or is not discriminated

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2 about their birth certificates or, or other  
3 documentation that they possess, whereas transgender  
4 and gender non-conforming people often experience  
5 gender-based violence and harassment. I urge the  
6 council to listen and hear the requests that are  
7 being made today by trans and gender non-conforming  
8 people, advocates and organizations. I thank the New  
9 York City Council for working with the Young Women's  
10 Advisory Council, and we respectfully request the  
11 passing of Proposed 0954.

12 CHAIRPERSON LEVINE: Thank you Christine,  
13 did you say you were... how old were you, 17?

14 CHRISTINA POWELL: 17.

15 CHAIRPERSON LEVINE: Okay and very, very,  
16 very impressive... [cross-talk]

17 CHRISTINA POWELL: Thank you.

18 CHAIRPERSON LEVINE: Thank you for being  
19 here and what, what a great thing that we could close  
20 with the, the voice of a young leader in this  
21 movement. This was an incredible, incredible hearing,  
22 I cannot thank all of you enough for speaking out and  
23 your eloquence. The video should be available by  
24 tomorrow, hopefully by tomorrow morning, the  
25 transcript should be available we hope within the

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2 week. We're going to do everything we can to make  
3 sure that this is widely disseminated because of the  
4 power of your voices and I think you have  
5 collectively given great momentum to this bill which  
6 ultimately will bring about a very important change  
7 in the lives of, of so many New Yorkers so thank you  
8 very much and this concludes our hearing.

9 [gavel]

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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 9, 2018