



Legislation Text

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File #: Int 0479-2018, Version: A

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Int. No. 479-A

By Council Members Dromm, Kallos, Dinowitz, Cabán, Rosenthal and Gennaro

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

Be it enacted by the Council as follows:

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-112 to read as follows:

§ 31-112 Benefits and assistance for LGBTQ veterans. a. For purposes of this section, the following terms have the following meaning:

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

Discharged LGBTQ veteran. The term “discharged LGBTQ veteran” means a veteran who was discharged from the United States military or naval services due solely or in part to (i) sexual orientation, gender identity or expression; (ii) statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression; (iii) the disclosure of such statements, conduct or acts, that were prohibited by the armed forces at the time of discharge; or (iv) for veterans who identify as LGBTQ, untreated trauma, including that resulting from sexual assault which occurred during military service.

b. Notwithstanding any other provision of law, no veteran shall be denied eligibility for any city

program, service, or benefit to veterans for which they would otherwise be eligible, solely on the basis of the veteran's status as a discharged LGBTQ veteran.

c. The department shall offer assistance to any discharged LGBTQ veteran seeking a discharge characterization upgrade, change of narrative reasons for discharge, change of separation and separation program designator codes or change of reentry/reenlistment. Such assistance shall be provided by legal counsel or an accredited representative of an organization recognized under section 5902 of title 38 of the United States code or successor provisions.

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

e. The department shall:

1. Make available on the department's website information about (i) obtaining certificates of eligibility for discharged LGBTQ veterans and (ii) the availability of legal assistance, to any discharged LGBTQ veteran seeking a discharge characterization upgrade, change of narrative reasons for discharge, change of separation and separation program designator codes or change of reentry/reenlistment; and

2. Conduct outreach through email, social media and other means to raise awareness about such certificates and the availability of such legal assistance.

f. The department shall periodically review veterans' experience with accessing the assistance required pursuant to subdivision c of this section and shall report any identified issues to the speaker of the council by June 1, 2022, and annually thereafter.

§ 2. This local law takes effect 120 days after enactment.

GZ CGZ/CF LS# 11567/Int. No. 1801/2017 12/01/21 3:23pm LS# 648