

2019 Advocacy Day



FACING THE FUTURE TOGETHER: Breaking Down Barriers for TLGBQI New Yorkers

COALITION

Facing the Future Together: Breaking Down Barriers for TLGBQI New Yorkers Advocacy Day will bring a diverse set of voices to the table with this coalition & further the discussion for TLGBQI rights.

AVP Brooklyn Legal Services	Jim Owles Liberal Democratic Club	Pride Center of Staten Island
Beyond Bold And Brave/Black Lesbian Conferences	Lambda Independent Democrats of Brooklyn	Queeramisu
Blur Communications	Lambda Legal	Queerocracy
Brooklyn Community Pride Center	Latino Commission on AIDS	SAGE
Callen-Lorde Community Health Center	Lesbian and Gay Democratic Club of Queens	Stonewall Democratic Club
CK LIFE (COMMUNITY KINSHIP LIFE)	LGBT Bar Association of Greater NY	The Ackerman Institute for the Family
Dutchess County Pride Center	LGBTQ+ Caucus New York Capital Region	Gender & Family Project
Gays Against Guns	Manhattan Country School	The Lesbian, Gay, Bisexual &
Gender Equality New York	MORE caucus in the United Federation of Teachers (UFT)	Transgender Community Center
G.L.I.T.S.	National Trans Bar Association	The Pride Center of the Capital Region
GLSEN (NYCR-GLSEN)	New York City Anti-Violence Project	The Trevor Project
GLSEN Hudson Valley	New York Civil Liberties Union	TLDEF
Hudson Valley LGBTQ Community Center	New York Transgender Advocacy Group	Trans Educator Network
Independent Democrats of Brooklyn	NYSUT	VOCAL – NY
Jamestown Community College	Association of Legal Aid Attorneys	

POLICY PRIORITIES

INTRODUCTION

The New York State Advocacy Day Coalition has produced a list of policy priorities for our advocacy day and 2019. These policy priorities will be used during the elected official visits and inform the curriculum we provide to the community.

PRINCIPLES & VALUES

All policy priorities are developed in reflection of the following principles and values of the coalition and planning committee for the 2019 Advocacy Day – Facing the Future Together: Breaking Down Barriers for TLGBQI New Yorkers:

- We acknowledge the LGBTQI communities of New York are diverse in many ways and there is no single agenda that can entirely represent all LGBTQI New Yorkers;
- We aim to have a thoughtfully diverse, equitable and inclusionary coalition that works to implement mechanisms by which those who choose to be involved can gain access and inform our decisions and priorities;
- Achieving full protections for our trans communities is a high priority in a state where most other legal protections are provided;
- The challenges of the LGBTQI community are at the intersection of multiple identities: racism, classism, sexism, economic issues and many others are central to supporting LGBTQI people;
- We support each others' organizations and efforts, recognizing partnerships are valuable, as we work towards building a powerful voice for LGBTQI people and organizations throughout the state;
- New York is a large state with different lived experiences in different areas of the state. An LGBTQI state coalition must represent all of these areas, being intentional not to over-represent the New York City region.

ACTIVE BILLS

YOUTH & EDUCATION

Addressing Cyberbullying in Schools

Assembly: Barrett (A3057)

People who identify or are perceived as LGBTQI are often targets of violence and internet spaces are no exception to these incidences. This legislation establishes a task force of parents, students, school administrators, and community leaders to explore the impact of cyberbullying in New York State, to offer ways school districts can effectively implement cyberbullying policies.

Competency Training for Agencies Serving LGBTQI Youth

Assembly: Ortiz (A3619), Senate: Hoylman (S1481)

The health and wellbeing of LGBTQI youth experiencing homelessness are further jeopardized when interacting with agencies that are unprepared to serve their unique needs. This bill requires all employees of programs providing care to runaway and/or homeless youth complete cultural competency training, providing guidance on how to provide LGBTQI affirming services and support, including, LGBTI terminology, resolving homophobia in shelters, and confidentiality issues.

Improving School Gender Policies

Assembly: Gottfried (A1592), Senate: Hoylman (S1857)

All students deserve an educational environment that is safe, welcoming, and free of stigma and discrimination. This legislation requires the board of education and the trustees or sole trustee of every school district to establish policies and procedures regarding the treatment of transgender and gender non-conforming students.

Comprehensive Sexuality Education in New York State

Assembly: Nolan (A6512), Senate: Metzger (S4844)

Comprehensive sexuality education covers critical topics including consent, healthy relationships, accessing health services, and the use of technology and social media in intimate relationships. This bill will provide comprehensive sexuality instruction for students in grades K-12 which addresses age and developmentally appropriate physical, mental, emotional and social dimensions of human sexuality and reflects the national sexuality education standards.

Requires LGBT Awareness Curriculum or Instruction

Assembly: Seawright (A4744), Senate: Hoylman (S1478)

LGBTQI youth deserve to learn about their community's history in school. This legislation will establish age-appropriate curriculum or instruction for school districts in the historical treatment of lesbian, gay, bisexual, transgender and gender non-conforming individuals.

PUBLIC ACCOMMODATIONS

Dignity & Safety for All Drivers

Assembly: Ortiz (A5395), Senate: Hoylman (S2380)

Having identification (ID) that recognizes the full spectrum of our humanity is a huge step towards ensuring the dignity and safety of all drivers. This act would amend the vehicle and traffic law in relation to the designation of sex by applicants for driver's licenses and learner's permits. Following this amendment options shall include "MALE", "FEMALE" and "X", for any applicants who do not identify as male or female.

Expanding Gender Neutral Restrooms In All Public Spaces

Assembly: O'Donnell (A5240), Senate: Lanza (S815)

Whether in their own homes or in public spaces, everyone should have the opportunity to express themselves and live authentically. A bathroom should not limit that expression or serve as a trigger for people who enter them. All single occupancy bathroom facilities located in public places (including but not limited to schools, restaurants, mercantile establishments, and state-owned buildings) shall be designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

Enhancing Data & Understanding of LGBTQI New Yorkers

Assembly: Bronson (A8344), Senate: Hoylman (S47)

While LGBTQI people in this state share geographical and cultural commonalities, they also experience diverse social, educational, health, and economic differences that are unique to their life experiences. Given the diversity of the population, categorizing data for different identities within the population and making the data publicly accessible is critical for enhancing our state's understanding of the needs and experiences of LGBTQI people.

Extending Supplier Diversity In NYS Business Contracts

Assembly: Bronson (A1266), Senate: Hoylman (S49)

The New York State Supplier Diversity Act establishes a new Division of Supplier Diversity within the Office of General Services to encourage greater diversity in New York State's procurement process by ensuring equal access to contracting opportunities for certified LGBT-owned small businesses. This Act would make New York the first state to legislatively establish a comprehensive, statewide program to provide traditionally underrepresented small businesses with greater economic opportunity.

Protect Our Courts Act and Demand an End to I.C.E. Courthouse Arrests

Assembly: Solages (A2176), Senate: Hoylman (S425)

ICE courthouse arrests are terrorizing immigrant survivors of crime, denying many their right to a day in court, and jeopardizing our criminal justice system. This bill would prohibit Immigration and Customs Enforcement (I.C.E.) agents from making civil arrests in and around New York State Courthouses.

Gender Recognition Act

Assembly: Ortiz (A3457), Senate: Hoylman (S56)

Every New Yorker deserves to have documentation that matches their gender identify. This bill makes it easier for transgender and gender non-conforming people to change the markers on their government documents (including birth certificates and driver's licenses).

HEALTH & FAMILY

Preserving Parental Custody Rights

Assembly: Simotas (A861), Senate: Hoylman (S432)

As the law currently stands, in divorce proceedings some judges have denied a person's right to pursue medically approved gender affirming surgical procedures if they wish to attain custody of a child. This bill would amend the domestic relations law to state that in child custody cases the judge shall not hold a parent's custody rights hostage by prohibiting the parent from undergoing gender affirming surgery as a condition of receiving custody.

Protecting Pathways to Parenting via Surrogacy

Assembly: Paulin (A1071), Senate: Hoylman (S2071)

Deemed as unenforceable in New York State, many same-sex couples and couples with fertility challenges are currently forced to leave the state to have a child via compensating a gestational carrier (i.e. a person that carries a pregnancy but has no genetic link to the resulting child). The Child-Parent Security Act lifts the current ban on surrogacy contracts and seeks to legalize gestational carrier arrangements.

Strengthening NYS' Commitment To Marriage Equality

Assembly: O'Donnell (A5604), Senate: Hoylman (S300)

The passage of the Marriage Equality Act ensured that all married couples are treated equally in all respects under the law. Staying true to this commitment, this bill makes technical corrections to the Estates, Powers and Trusts Law (EPTL) and the Surrogate's Court Procedure Act (SCPA) to better reflect the provisions of The Marriage Equality Act, especially concerning same-sex marriages and their children indispositions of estates.

LGBT Long-Term Care Residents Bill of Rights

Assembly: Simotas (A866); Senate: Hoylman (S2912)

The passage of an LGBTQI Long-Term Care Residents' Bill of Rights, would update New York's Elder Law to accommodate the rights and needs of LGBTQI elders in long-term care facilities. This bill would make it unlawful for these facilities to take certain actions based on a person's actual or perceived sexual orientation, gender identity, gender expression, or HIV status.

HUMAN RIGHTS

Restoring Honor of LGBTQI Veterans

Assembly: Buchwald (A54), Senate: Hoylman (S45)

At least 53 state benefits are directly contingent upon a veteran's discharge status, potentially disqualifying veterans from accessing these resources if they were discharged due to sexual orientation or gender identity. The Restoration of Honor Act would make veterans who were discharged due to their sexual orientation or gender identity eligible for programs, services, and benefits available at the state level.

Preserving Justice & Banning the Trans/Gay "Panic" Defense

The coalition stands firm in the need to eliminate the use of the gay and/or trans panic defense in New York State. One's oppressive attitudes and rash actions towards LGBTQI people should never be used as justification for violence. The use of this defense must be eradicated from the law.

NYS Liberty Act

Assembly: No Sponsor, Senate: Serrano (S1424)

This act includes various measures designed to foster positive relations between government agency officials and individuals living in the state. It prohibits NYS and local law enforcement from acting based on suspected federal immigration status and prohibits these officials from performing immigration-related duties reserved for federal officials. This act limits unnecessary questioning and collection of information concerning one's immigration status; addresses when a civil immigration warrant should be acted on by state law correctional authorities; assures due process by providing a right to assigned legal counsel for immigrants who are unable to afford counsel and who are subject to deportation proceedings, and complies with federal law.

No Condoms as Evidence

Assembly: Walker (A5177), Senate: Montgomery (S728)

Currently, the possession of a single condom can be used by law enforcement as a probable cause for arrest on the grounds of suspected prostitution. This bill would make the rights of sex workers and others a vital part of our platform and address the needs of New Yorkers.

Relates to the Treatment and Placement of Inmates Based Upon Gender Identity

Assembly: Ridic (A5257), Senate: Sepulveda (S4702)

Those who are incarcerated deserve to be treated and serviced based on their gender-identity. This bill requires that inmates in state and local correctional facilities who have a gender identity different from the inmate's assigned sex at birth be addressed and have access to commissary items, clothing and other materials that are consistent with the inmate's gender identity; and establishes that inmates who have a birth certificate, passport or driver's license that reflects his or her gender identity shall presumptively be placed in a state or local correctional facility with inmates of the gender consistent with the inmate's gender identity.

AMENDMENTS

AMEND CRIMINAL PROCEDURE LAW § 530.30 TO PROTECT DUE PROCESS

TGNC frequently have orders of protection issued against them when they are defending themselves from attacks. These orders of protection have dire consequences on where these humans can live, and it can often result in job loss. C.P.L § 530.30 should be amended so that parties are entitled to a due process hearing within a reasonable time after of an order of protection being issued to determine whether it is necessary.

PROPOSED BILLS

CREATING AUTHORITY FOR BIRTH CERTIFICATE CHANGES

In order to issue a new birth certificate with a gender change, many states require a court order. Although New York judges can issue a name change order, there is no provision specifically granting judges the authority to order the reissuance of a birth certificate or a gender change. We encourage the passage of legislation that amends the Human Rights Law to explicitly allow a New York court to order a birth certificate to be re-issued to reflect a corrected gender marker.

ELDER EMPLOYMENT OPPORTUNITIES

LGBTQI elders face employment barriers and discrimination in the workforce as they age—both as elders and LGBTQI identified individuals. To help address this, New York State should invest in employment support for LGBTQI elders, including workforce development and job readiness programs.

HOUSING PROVIDER TRAINING

Many LGBTQI seniors have unreliable ways of identifying comfortable, safe, and dignifying residences to live in. New York State needs legislation that requires training to improve cultural competence of the aging population for housing providers working with LGBTQI older adults.