

**MEMORANDUM OF SUPPORT  
A 3358 (Gottfried)/S 7010 (Hoylman)  
2018**

**AN ACT to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on gender identity or expression; and to amend the penal law and the criminal procedure law, in relation to including offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes**

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Current law makes it illegal in New York State to discriminate on the basis of age, race, creed, national origin, sexual orientation, sex and other categories in the areas of employment, housing, public accommodations, education, and credit. Unfortunately, transgender individuals are not afforded these protections and face discrimination in many areas of their lives on a daily basis. This legislation would extend current protections and prohibit discrimination on the basis of gender identity and expression, making it illegal for a person to be discriminated against in any of the aforementioned areas simply because they do not identify with the gender they were assigned at birth. Similarly, it would add gender identity and expression to these same categories already included in New York's hate crime laws.

Eighteen states and the District of Columbia, as well as close to 100 localities in the United States, have passed legislation that extends anti-discrimination protection to transgender people.<sup>1</sup> In this state, the cities of Albany, Binghamton, Buffalo, Ithaca, New York City, Syracuse and Rochester have all passed legislation that protects transgender individuals from discrimination. Suffolk, Tompkins, and Westchester counties have all passed similar legislation, and the state has enacted regulations that classify gender identity discrimination as discrimination on the basis of sex. Many private employers have also adopted their own policies to protect employees from discrimination based on their gender identity. While these localities and private businesses have protected many transgender individuals, a state law is necessary to protect all transgender New Yorkers.

The vast majority of transgender people in New York have faced discrimination in health care, housing, the workplace, education, or on multiple fronts. Over half of transgender New Yorkers surveyed in *Injustice at Every Turn*, the largest study of transgender people's lives in the United States, reported being harassed or discriminated against in public accommodations, and almost 75% reported discrimination at work.<sup>2</sup> There is no question that the transgender community faces extremely high rates of discrimination and violence. It is fundamental to the safety of transgender New Yorkers that gender identity be added to anti-discrimination and hate crime laws. PPESA strongly supports the passage of this legislation, as the ability to live free from discrimination and to feel safe in our daily lives is a human right that must be legally extended to transgender individuals.

**Planned Parenthood Empire State Acts strongly encourages the legislature to support this legislation.**

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<sup>1</sup> <https://www.aclu.org/map/non-discrimination-laws-state-state-information-map>

<sup>2</sup> [http://www.thetaskforce.org/static\\_html/downloads/reports/reports/ntds\\_state/ntds\\_state\\_ny.pdf](http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_state/ntds_state_ny.pdf)