



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Senator Brad Hoylman's Remarks at the Community Healthcare Network Conference on Transgender Health

BRAD HOYLMAN September 21, 2015



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Pace University

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I want to acknowledge Bob and Matthew and Freddy from Community Healthcare Network. Thank you for organizing this event.

Earlier this summer, as people across the country celebrated the U.S. Supreme Court's decision in *Obergefell v. Hodges*, the Empire State commemorated the fourth anniversary of the passage of the Marriage Equality Act. New York helped set the standard for the rest of the nation, becoming the most populous state in the union at the time to legally recognize same-sex marriage.

Unfortunately, the New York State Legislature's leadership on LGBT issues – particularly issues impacting transgender individuals – came to a standstill after the Marriage Equality Act. In almost half a decade, the New York State Senate has single-handedly failed to act on any legislation advancing the civil rights or protecting the health and well-being of LGBT New Yorkers. For the LGBT community, and especially the estimated 58,000 transgender New Yorkers, this represents an egregious dereliction of duty by our lawmakers.

If you look at the legislation passed by the New York State Senate Republicans, who hold a slim majority in the chamber and therefore control which bills receive consideration, you may be perplexed by their apparent priorities.

Just last year, the Senate failed to bring the Gender Non-Discrimination Act to the floor for a vote, but saw fit to pass 30 bills that renamed highways. My legislation to ban predatory hucksters from practicing so-called “conversion therapy” never made it out of committee, but the Senate passed 19 bills creating commemorative license plates. I was even told by the Senate Republicans that a bill I carry that would simply change outdated statutory language to reflect that a married couple can be something other than a “husband” and a “wife” was too controversial. Instead, the Senate spent over 20 minutes debating the merits of a bill to name the wood frog the official amphibian of New York State.

It would be laughable, if lives weren't at stake.

The bright side is that we may soon experience a legislative sea change. The margin of control of the Senate is razor thin. Republicans currently hold 31 seats, while registered Democrats hold 30. Two open seats will be filled by special election this November, and their outcome could potentially shift the Senate landscape before the next legislative session begins. Even if the status quo remains in January, the specter of the 2016 elections – when all 63 Senate seats will be decided – will be looming large.

Members of the Legislature who prioritize transgender health issues over honoring wood frogs are forced to find creative solutions.

We all know there is a proven correlation between stable and affordable housing for people living with HIV/AIDS and better health outcomes. For years, low-income New Yorkers living with HIV/AIDS who received rental assistance from HASA were required to spend down virtually all of their disability income on rent, forcing them to live on about \$12 a day and leaving many to choose between paying their rent or

purchasing other essentials, placing them at high risk of eviction and the need for costlier emergency housing. In last year's budget, thanks to a coordinated advocacy campaign, we were able to finally institute a 30% of income rent cap for low-income New Yorkers living with HIV/AIDS.

Another longstanding issue for transgender New Yorkers is coverage of transition-related health care. The consensus among leading professional medical organizations was that such care is medically necessary, and that denying access to such care has significant consequences for transgender people. Despite the medical consensus, many private insurance companies did not cover transition-related health services, and New York's Medicaid program specifically prohibited coverage of medically-necessary care, services, drugs, or supplies related to gender reassignment. I worked with the Cuomo Administration to change that. Last December, the Superintendent of the New York State Department of Financial Services, Ben Lawsky, issued a bulletin declaring that private insurers may not exclude coverage for the diagnosis and treatment of gender dysphoria. A few weeks later, the New York State Department of Health announced it was rescinding the Medicaid exclusion.

Earlier this year I partnered with other elected officials and advocates to launch the #5000TooMany campaign to draw attention to data showing that kids in New York were turned away from homeless youth shelters more than 5,000 times a year because of overcrowding. Thanks to the campaign, and with an assist from Miley Cyrus, the state budget included an additional \$2.1 million for Runaway and Homeless Youth funding, the first appreciable increase in funding since 2008.

While these victories are worth celebrating, there is still so much more to be done that will require action from the State Legislature.

First and foremost, we must pass GENDA. An estimated 23,800 transgender New Yorkers live in jurisdictions without local laws prohibiting transgender discrimination. This patchwork of protections leaves New Yorkers vulnerable to discrimination in the vast majority of the state, and puts transgender New Yorkers who may be protected by the law in their hometowns at risk when they travel within the state.

The need for GENDA is clear:

- 74% of transgender New Yorkers have experienced harassment on the job
- 19% of transgender New Yorkers have been denied a home or apartment, and 18% have been homeless at some point in their lives
- 53% of transgender New Yorkers have been harassed or discriminated against in a place of public accommodation, such as a hotel or restaurant

- 17% of transgender New Yorkers have been refused medical care

It is unacceptable that such discrimination continues to be the law of the land in the Empire State, putting us behind 18 other states that have adopted legal protections for their transgender residents.

Second, we need to pass legislation prohibiting so-called “conversion therapy.” This practice has been completely discredited by all leading medical and mental health organizations and allowing mental health professionals to practice it amounts to nothing less than child abuse and consumer fraud. The well-being of LGBT kids throughout New York continues to be threatened until the New York State Senate takes action. We owe it to Leelah Alcorn and the other victims and survivors of conversion therapy to immediately end the practice in New York. Protecting our kids from harmful quackery should not be a partisan issue. Our legislation has the support of Governor Cuomo, and we know we have the votes to pass the bill should it come to the floor for a vote.

Third, we need to ensure that the recommendations of Governor Cuomo’s Ending the Epidemic Task Force are fully funded and implemented. Transgender New Yorkers are nine times as likely to be HIV positive as the general population, and have a significant stake in seeing an end to the AIDS epidemic in New York. The Task Force’s recommendations have provided lawmakers with a road map to achieving that lofty goal by, among other things, increasing access to lifesaving PEP and PrEP, expanding HASA services statewide, and eliminating barriers to linking those who have been diagnosed with HIV to appropriate health care.

When we fail to protect the health, safety, and well-being of gay and transgender individuals, the effects are persistent. Transgender, gender nonconforming, and gay youth are over-represented in the juvenile justice system, composing 13-15% of the system population, while comprising just 5-7% of the overall youth population. Nineteen percent of transgender New Yorkers have a household income of \$10,000 or less, a rate almost five times higher than that of the general public. And 36% of transgender New Yorkers reported having attempted suicide at some point in their lives, 22 times the rate of the general population. The stakes couldn’t be higher.

As we enter a crucial election year, it’s important that transgender advocates make their voices heard with Albany lawmakers. Even in the past few months, transgender issues have entered the public’s consciousness like never before.

President Obama hired the first openly transgender staffer in White House history and became the first President to ever mention transgender Americans in a State of the Union address.

Amazon’s groundbreaking series *Transparent* has been a critical hit, and is a favorite to receive several awards at this weekend’s Emmy’s.

And of course, earlier this summer the world was introduced to Caitlyn Jenner.

Even within the obstructionist halls of the State Senate, there are signs that transgender issues are permeating. Earlier this year, I nominated Carrie Davis, the LGBT Center’s Chief Programs, and Policy

Officer to represent my Senate District as the 2015 Woman of Distinction. Carrie was the first transgender woman ever chosen for that honor, and she spent the day with me in Albany meeting my colleagues.

We will prevail. And it's due in no small part to the advocacy, education, and passion that many of you gathered here today provide. Thank you for all that you do, and thank you for inviting me here today.