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**TESTIMONY OF NEW YORK STATE SENATOR THOMAS K. DUANE
BEFORE NEW YORK STATE SENATOR DANIEL SQUADRON'S AND
NEW YORK STATE ASSEMBLY MEMBER RICHARD GOTTFRIED'S
PUBLIC FORUM ON THE GENDER EXPRESSION NON-DISCRIMINATION ACT
AND TRANSGENDER EQUALITY IN NEW YORK STATE**

October 24, 2012

My name is Thomas K. Duane and I represent New York State's 29th Senate District, which includes the Upper West Side, Hell's Kitchen, Chelsea, Greenwich Village, and sections of the East Side including the East Village, Stuyvesant Town, Peter Cooper Village and Waterside Plaza.

I wish to thank New York State Senator Daniel Squadron and New York State Assembly Member Dick Gottfried for their co-sponsorship of the *Gender Expression Non-Discrimination Act (GENDA)* and for hosting this public forum on the challenges faced by transgender New Yorkers and the need for *GENDA*'s immediate passage.

It is disgraceful that in 2012, under current New York State law, it is legal to deny employment, housing or other basic services to people simply because they are transgender. This State-sanctioned discrimination is not only morally wrong but it also contributes to transgender individuals being on average significantly poorer than the general population and four times as likely as the general population to be HIV-positive.

One of my greatest regrets in my career is that a decade ago I was unsuccessful in my fight to secure transgender inclusion in the *Sexual Orientation Non-Discrimination Act*.

However, despite that setback, we have made strides towards equality. While there is debate over whether the state's *Hate Crimes Law* of 2000 implicitly covers criminal acts based on a victim's real or perceived gender identity or expression, New York State has, in recent years, unambiguously codified protections for transgendered people on more than one occasion.

On September 8, 2010, then-Governor Paterson signed into law my bill, the *Dignity for All Students Act (DASA)*, which was first sponsored in the Assembly by then-Education Committee Chair Steve Sanders and, after he left that body, by Assembly Member Daniel O'Donnell. *DASA* specifically helps protect *all* public school students, including those of transgendered experience, from being bullied in schools.

DASA was the first – but not the last – time protections for New York's transgendered community were explicitly enshrined in State law.

On September 23, 2011, Governor Cuomo enacted my and New York State Assembly Member Micah Kellner's bill that requires the New York State Office of the Aging (NYSOFA) to assess the needs of traditionally underserved elderly populations – including those in Lesbian, Gay, Bisexual and Transgender (LGBT) communities – as well as provide technical assistance to organizations that serve those older adults, and to report annually on the effectiveness of those services to the Governor and State Legislature. By focusing on the needs of transgender and other marginalized elders, NYSOFA is playing a crucial role in reducing health disparities across the state.

Both *DASA* and the NYSOFA bill passed both houses of the legislature with overwhelming, bipartisan majorities. Both are improving the lives of transgender and other New Yorkers – and no, the world has not come to an end.

You will hear today from many people who will share compelling evidence about the urgent need for *GENDA*'s passage. I share their conviction and that of Senator Squadron and Assembly Member Gottfried that *GENDA* is long overdue. *GENDA* has passed the Assembly five years in a row. Governor Cuomo is committed to signing it into law. The time for Senate passage is now.

Thank you for inviting me to testify today and for your passionate commitment to transgender civil rights.