

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2016**

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**No. 128**

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Introduced by Council Members By Council Members Dromm, Johnson, Menchaca, Mendez, Torres, Van Bramer, Chin, Constantinides, Lander, Levine, Cohen, Rodriguez, Vallone, Ferreras-Copeland, Koslowitz, Lancman, Rosenthal, Levin, Reynoso, Kallos, Cabrera, Miller, Richards, Rose, Vacca, Williams, Cumbo, Cornegy, Gentile, Palma, Crowley, Espinal, Maisel, Dickens, Barron, Ulrich and the Public Advocate (Ms. James).

**A LOCAL LAW**

**To amend the New York city charter, in relation to the collection of data regarding sexual orientation and gender identity**

*Be it enacted by the Council as follows:*

Section 1. Legislative Findings. The Council finds that it is unclear how many individuals who identify themselves as lesbian, gay, bisexual, transgender and questioning (LGBTQ) receive services from various New York City agencies. It is the intent of the Council, therefore, to ensure that City agencies capture this information and utilize it to tailor programs to best serve the LGBTQ community. Accordingly, the Council finds that it is necessary for City agencies to issue forms to capture data on individuals' sexual orientation and gender identity. Since gender identity alone is not always an indicator of whether a person is transgender, cisgender, or intersex, the Council also finds that such forms should include questions to this effect. Although the data collected by City agencies may not initially present a fully accurate representation of New York City's LGBTQ and gender non-conforming communities, over time the normalization of the collection of such data will lead to more accurate statistics regarding these communities. As the stigma against the LGBTQ community gradually erodes, evidenced by the fact that the U.S. Census began collecting

data on married same-sex households in 2010, individuals are increasingly willing to identify themselves as LGBTQ.

§ 2. Section 15 of chapter 1 of the New York city charter is amended by adding a new subdivision k to read as follows:

*k. 1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor that directly or by contract collect demographic information via form documents from city residents seeking social services shall provide all persons seeking such services who are either at least 14 years old or identify as the heads of their own households with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status or other, with an option to write in a response and gender identity, including transgender, cisgender or intersex status or other, with an option to write in a response.*

*2. Such survey form shall be created by the office of operations and office of immigrant affairs and may be updated as deemed necessary by those agencies based on changing demographics.*

*3. No later than 60 days after the effective date of this local law, the office of operations shall submit to the mayor and the speaker of the city council a plan to provide a mandatory training program and develop a manual for agency staff on how to invite persons served by such agencies to complete the survey. Such training and manual shall include, but not be limited to, the following:*

*(a) an overview of the categories of sexual orientation and gender identity;*

*(b) providing constituents the option of completing the survey in a private space and filling out any paperwork without oral guidance from city agency staff;*

*(c) explaining to constituents that completing the survey is voluntary;*

*(d) explaining to constituents that any data collected from such survey will not be connected to the individual specifically; and*

*(e) discussions regarding addressing constituents by their self-identified gender.*

*4. Beginning no later than six months after the effective date of this local law, and annually thereafter, the office of operations shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision and any other agencies so designated by the mayor that: collect demographic information addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend. The office of operations shall submit to the council within 60 days of such review, a list of all forms reviewed and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated. When practicable, when such forms are updated they shall request voluntary responses to questions about sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status, or other, and gender identity, including transgender, cisgender and intersex status or other. All forms identified as eligible for updating during the review required pursuant to this paragraph shall be updated to invite responses to questions about sexual orientation and gender identity no*

*later than five years from the effective date of the local law that added this section. All forms not eligible for updating shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by subdivision k, paragraph 1 of this local law.*

*5. Beginning no later than 18 months after the effective date of this local law, and annually thereafter, the office of operations shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their sexual orientation or gender identity on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.*

*6. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this local law and the office of operations shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.*

*7. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.*

§ 3. This local law takes effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter relating to the collection of demographic data regarding ancestry and languages spoken, as proposed in introduction number 251-A, takes effect.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 13, 2016 and approved by the Mayor on October 31, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 128 of 2016, Council Int. No. 552-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel