

2021 – 2022 Legislative Memorandum

**Subject: Relates to gender-neutral marker for the welfare management system
A.7877 (Dinowitz) / S.6079-A (Gounardes)**

Position: SUPPORT

The Welfare Management System—the computer system that determines access to food stamps, Medicaid, and many other programs and emergency services—accepts only two gender markers: an M or an F. This means that non-binary, gender nonconforming, intersex, and some transgender New Yorkers are barred from applying for or receiving benefits unless they misidentify their gender or sex as “male” or “female” under oath.

The New York State Office of Temporary and Disability Assistance’s outdated system has severe consequences for non-binary, gender nonconforming, intersex, and some transgender New Yorkers. They are put in the untenable position of choosing between misrepresenting their gender identity under oath in order to receive benefits or being denied emergency assistance. This is unacceptable. And further, an applicant who is forced to misrepresent their gender identity to access necessary benefits is likely to be misgendered by the government employees who manage their case.

A.7877 (Dinowitz) / S.6079-A (Gounardes) will create an X gender marker in the Welfare Management System; require that all application materials, instructions, and public guidance associated with the benefits application process have a gender-neutral marker option; and ensure that access to benefits is not hindered because of a person’s sex or gender marker.

Despite state and municipal policies that recognize X gender marks on identification documentation, including driver’s licenses, state IDs, and birth

certificates,¹ New York State fails to respect non-binary, gender nonconforming, intersex, and some transgender New Yorkers when they are most in need.

This change is critical for the health and wellbeing of our TGNCNBI community. The World Professional Association for Transgender Health (WPATH) specifically addresses the importance of not only obtaining accurate “gender marker[s] on identity documents” but also ensuring that “organizations and institutions” respect a person’s gender identity.² In fact, being correctly gendered is associated with a drastic reduction in suicide attempts for transgender people, including non-binary people.³

New Yorkers seek public benefits at vulnerable times in their lives. A.7877/S.6079-A will ensure that, in all cases, lifesaving assistance is no longer conditioned on the applicant misrepresenting their gender identity and subsequently being misgendered. The NYCLU strongly supports A.7877/S.6079-A and urges its immediate passage.

¹ See *Changing Your Name or Gender Marker Under the Gender Recognition Act*, NYCLU (2021), <https://www.nyclu.org/en/know-your-rights/changing-your-name-or-gender-marker-under-gender-recognition-act>.

² WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH, *STANDARDS OF CARE FOR THE HEALTH OF TRANSEXUAL, TRANSGENDER, AND GENDER NONCONFORMING PEOPLE* (7th ed. 2012).

³ Greta R. Bauer, Ayden I. Scheim, Jake Pyne, Robb Travers, & Rebecca Hammond, *Intervenable factors associated with suicide risk in transgender persons: a respondent driven sampling study in Ontario, Canada*, 15 *BMC PUBLIC HEALTH* 525 (2015).