

## **Suit Filed by Manhattan Legal Services and South Brooklyn Legal Services Alleges Violations of New York City and State Human Rights Laws, HRA Procedure**

*June 22, 2012, New York, NY*— A transgender woman today filed suit against the City's Human Resources Administration (HRA) for violating her rights by unlawfully refusing to recognize her gender identity and legal name and by compromising her safety and well-being by disclosing her personal information in a public setting. The client, known as Jane Doe, is being represented by Manhattan Legal Services and South Brooklyn Legal Services (both programs of Legal Services NYC).

Ms. Doe, 43, has identified as female since she was 7 years old, and was diagnosed with HIV in 1986. In March of 2011, HRA issued Ms. Doe a benefits card which displayed her male birth name and listed her gender as male. Because the information on the card conflicted with her outward appearance, every time Ms. Doe tried to access necessities or use her food stamps card at the grocery store, she risked embarrassment, humiliation, discrimination, accusations of fraud, denial of services, harassment, and even violence.

After Ms. Doe obtained a judge's order legally changing her name, she went to the Hamilton HIV/AIDS Services Administration (HASA, an agency within HRA) office to request a name and gender change for all HRA documents, including her benefits card. She brought with her the name change order as well as a letter from her treating physician confirming that she had completed all necessary procedures to transition from male to female and should be considered female for all legal and documentation purposes.

Officials at HASA refused to immediately process her request to change her name, refused to correct her gender marker from male to female, and refused to use the correct pronouns and her legal name despite repeated requests. Not only did they intentionally demean and intimidate her, the officials compromised her safety by speaking loudly about their issues with her gender identity in a public area where other HRA employees and clients could hear.

"I went to my HASA office for help—to change my ID card so I wouldn't be attacked at the supermarket," said Ms. Doe. "Instead I was attacked at HASA. The staff humiliated and disrespected me. They put on a show to make sure everyone around knew I'm not important and should be treated badly. It was one of the worst days of my life. It made me feel horrible."

These actions by HASA staff constitute violations of the New York City and State Human Rights Laws, which prohibit such discrimination in public accommodations. The actions further violate HRA's own Procedure No. P-09-22, "Serving Transgender, Transsexual, and Gender Nonconforming Individuals," which was issued in December 2009 after years of advocacy by the Audre Lorde Project, the Sylvia Rivera Law Project, and Housing Works. The Procedure instructs HRA staff to ask clients what their preferred name, title, and gender pronoun are and informs staff that refusing to abide by their answer is a form of harassment. It further mandates that HRA clients' benefits cards should have a current photo and their legal name, noting that "accurate, current photographs allow transgender clients to validate their identity and reduce discrimination."

"Imagine someone insisting on calling you by a name that isn't yours and maliciously referring to you by the wrong pronouns—he, him, his or she, her, hers—and refusing to stop no matter how many times you ask," said Manhattan Legal Services Staff Attorney Dan Pepitone. "Imagine this person is in charge of issuing your identification card or making sure you don't get evicted. Transgender individuals face this abuse all the time. There's no excuse for this kind of harassment, particularly at agencies that serve as a last defense against poverty, homelessness, and illness."

"Transgender people experience frighteningly high rates of discrimination, harassment and abuse," said South Brooklyn Legal Services HIV Unit Director Cathy Bowman. "This treatment often prevents them from obtaining essential benefits and health care. Transgender clients should not be facing this type of treatment at HASA, of all places. They should be able to get basic benefits and services without facing humiliation and contempt. HRA has policies against this type of discrimination—it's time for HRA to enforce them."

Ms. Doe seeks compensatory and punitive damages, an order that the defendants and their employees will refrain from such discrimination against her or any other person, trainings for HRA/HASA staff on the rights of transgender people, and a clear procedure for changing gender markers on identity documents.

For more information, contact Dan Pepitone at (646) 442-3144 or Cathy Bowman at (718) 237-5571.