

March 26, 2025

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Senator Andrea Stewart-Cousins
New York State Senate Majority Leader
188 State Street
Legislative Office Building, Room 907
Albany, NY 12247

Assemblymember Carl E. Heastie
New York Assembly Speaker
188 State Street
Legislative Office Building, Room 932
Albany, NY 12248

Dear Governor Hochul, Leader Stewart-Cousins, and Speaker Heastie:

We write to you as legal, advocacy, service provider, and community-based organizations and clinicians that serve transgender, gender nonconforming, nonbinary, and intersex (TGNCNBI) New Yorkers. We call on you to take immediate action to safeguard the rights and well-being of the TGNCNBI community in our state, and to affirm your full and continuing commitment to doing so. The new federal administration's agenda was clear long before its inauguration, and we are witnessing it materialize with unprecedented rapidity and force. In its first three months in office, the new administration has issued executive orders that aim to:

- deny the existence of TGNCNBI people including by rejecting scientific consensus around gender and sex and misunderstanding embryonic and reproductive development;¹
- end federal support to institutions that provide gender-affirming care for young people, or conduct research on the same;
- deny federal funding to programs that serve or affirm TGNCNBI people;
- bar TGNCNBI people from serving in the military or receiving passports that affirm their identity;
- end gender-affirming care and safe gender-aligned housing placements for TGNCNBI people in federal prisons;
- revoke federal protections for TGNCNBI people experiencing homelessness and seeking emergency shelter;
- compel schools to misgender TGNCNBI students and bar them from restrooms and sports teams that are consistent with their gender, and threatening to penalize teachers that refuse to comply;²

¹ Kelsey Ables & Mark Johnson, *Trump says there are 'two sexes.' Experts and science say it's not binary*, Wash. Post (Feb. 16, 2025), <https://www.washingtonpost.com/health/2025/02/16/two-sexes-trump-executive-order-gender-science/>; *Trump's Executive Order Ignores Science to Push Discriminatory Agenda*, interACT (Jan. 21, 2025), <https://interactadvocates.org/trumps-executive-order-ignores-science-to-push-discriminatory-agenda/>.

² Orion Rummler & Kate Sosin, *All the ways Trump wants to exclude trans people from public life*, The 19th (Mar. 5, 2025), <https://19thnews.org/2025/03/trump-anti-trans-executive-orders/>.

- end federal compliance with the U.S. Supreme Court’s ruling in *Bostock v. Clayton County*,³ and agency enforcement of sex discrimination laws.

Our community’s systematic dehumanization on the national stage has garnered stunningly little concern from New York’s elected leaders. Neither the 2025 State of the State Address nor the Fiscal Year 2026 Executive Budget provide any indication that our state plans to contend with the mounting transphobic actions of the federal administration. We were disappointed by the veto of hospital transparency (S.1003-A/A.733-A), which would have been extremely useful now as our community struggles to determine which hospitals are denying gender affirming care in response to Trump’s anti-trans executive orders. It is disheartening to witness our elected leaders’ passivity and silence despite our state having recently created the Lorena Borjas Transgender and Non-Binary Wellness and Equity Fund, enacted legislation that establishes New York as an access state for gender-affirming care, and enshrined the strongest LGBTQIA+ legal protections in the country in our state constitution. As the birthplace of the LGBTQIA+ movement, it is our state’s legacy to lead the country in advancing sexual and gender liberation, and we will not permit one election to change our course.

There are clear steps that elected leaders can take to ensure that New York is neither complicit in nor complacent with the federal administration’s agenda, and we urge you to take the following recommended actions without further delay:

a. **Ensure the Continuation of Gender-Affirming Care in New York**

Although not even three months have passed since the President took office, it is evident that he intends to cause much more devastation through targeting gender-affirming care than he accomplished during his first term. Families and whole communities are already reeling, but there are too few advocates and resources available to mitigate the chaos his executive orders have caused. If the federal administration’s attempts to restrict funding for or impose limits on the provision of gender-affirming care are successful, the consequences would be catastrophic and universally felt. As New York Attorney General Letitia James recently stated in a Dear Colleague Letter, “[e]lecting to refuse services to a class of individuals based on their protected status, such as withholding the availability of services from transgender individuals based on their gender identity or their diagnosis of gender dysphoria, while offering such services to cisgender individuals, is discrimination under New York law.”⁴ Echoing Trans Health Advocates of New York in its letter to the Governor,⁵ we call on New York’s elected leaders to commit to sustaining all resources and funding that will be needed to ensure that TGNCNBI people of all ages have access to gender-affirming care in New York, including through legislation that ensures gender-affirming care remains available to NYS Medicaid recipients and that subsidizes or replaces the federal share of Medicaid expenditures.⁶

b. **Enact Legislation to Bolster Protections in New York State Laws**

Gender-affirming care is a lifesaving necessity for TGNCNBI people of all ages and walks of life. Although New York enacted a shield law that protects TGNCNBI people, families, and healthcare providers from other states’ laws that penalize the provision of gender-affirming care, there are significant limitations to this protection that pending legislation, **S.4914/A.5480-A**, would remedy. Specifically,

³ 590 U.S. 644 (2020).

⁴ Dear Colleague Letter of N.Y. Att’y Gen. Letitia James (Feb. 3, 2025), <https://ag.ny.gov/sites/default/files/letters/ag-james-to-hc-providers-re-tro-letter-2025.pdf>.

⁵ Letter from Trans Health Advocates of N.Y. to Gov. Kathy Hochul, Take Immediate Action to Protect and Strengthen Access to Medically Necessary, Gender-Affirming Care in New York (Jan. 15, 2025), on file with author.

⁶ Assembly Member Linda Rosenthal expressed an intention to introduce legislation to this effect. Matt Tracy, *New state bill targets anti-trans healthcare discrimination, requires Medicaid coverage of gender-affirming care*, Gay City News (Feb. 26, 2025), <https://gaycitynews.com/trans-healthcare-medicaid-gender-affirming-care/>.

S.4914/A.5480-A will ensure that all categories of providers are protected by the shield law’s licensure and malpractice protections, and it will ensure that families seeking gender-affirming care in New York can avail themselves of our state courts. We urge the legislature to swiftly pass S.4914/A.5480-A to ensure our shield law adequately protects TGNCNBI individuals, their families, and providers of care.

Still, the protections under our shield law will not extend beyond New York’s borders. Electronic information about New Yorkers’ health, or data that is otherwise generated in New York, is routinely collected and sold by companies without knowledge or control of the person whose health that data concerns, and it can be used to prosecute or penalize New Yorkers for receiving, providing, or helping another access gender-affirming care. A bill that was recently passed by our legislature, the **Health Information Privacy Act (S.929/A.2141)**, would prohibit the sale of New Yorkers’ electronic health data and data generated in New York, grant individuals greater control over the storage and use of their electronic health data, and grant the State Attorney General the authority to investigate violations and bring enforcement actions. We call on the Governor to immediately sign the Health Information Privacy Act (S.929/A.2141) into law to limit hostile states’ ability to weaponize New Yorkers’ health information.

c. **Protect and Clarify the Rights of TGNCNBI People in New York**

The Governor must explicitly state her resolve to safeguard the liberties and well-being of TGNCNBI people in New York, including by stating her commitment to refuse voluntary cooperation with federal agencies that would facilitate the erosion of TGNCNBI rights and the detention or deportation of immigrants. The Governor and Attorney General must also issue guidance consistent with this position to state agencies, local officials, and entities (including hospitals, medical schools, and clinics) that often interface with TGNCNBI New Yorkers, including the direction to continue providing gender-affirming healthcare to transgender people, including minors, to align their policies with the latest standards of care for transgender health, specifically WPATH SOC 8,⁷ and to end the practice of non-consensual, unnecessary medical procedures undertaken on intersex infants and children for purposes of making them conform to stereotypes of male and female bodies.⁸ While we commend the Attorney General’s efforts to date, to protect community members we must go further: she must commit to initiating compliance actions against any entities that fail to comply with New York’s laws and defend any entities that come under attack for providing care.

New Yorkers demand no less from their government, which is why we passed New York’s Equal Rights Amendment (NYERA) by ballot initiative last year. Per the NYERA, NYS is legally bound to maintain non-discrimination policies against the TGNCNBI community. We expect the state will act to defend and implement those policies, including in state-managed institutions such as schools, prisons and jails, homeless shelters, and medical facilities, as well as public accommodations.

We are especially concerned about the well-being of transgender children and youth in New York. As families with transgender children elsewhere uproot their lives to seek respite in New York from the federal government’s attacks on their children, the Governor must signal her intention to honor and protect our youth. New York must explicitly instruct schools to continue respecting the rights of transgender students to access facilities in compliance with federal law including Title IX, the Supreme Court *Bostock* decision (finding that anti-LGBTQIA+ discrimination *is* sex discrimination), and the

⁷ The World Professional Association for Transgender Health (“WPATH”) Standards of Care establish accepted standards of care for treating patients with gender dysphoria, as recognized by the American Psychiatric Association and the American Medical Association, as well as the U.S. Courts of Appeals for the Fourth and Ninth Circuits. E. Coleman et al., *Standards of Care for the Health of Transgender and Gender Diverse People, Version 8*, 23 Int’l J. of Transgender Health S1 (Sept. 15, 2022), <https://www.tandfonline.com/doi/pdf/10.1080/26895269.2022.2100644>.

⁸ U.S. Dep’t of Health & Hum. Servs. Off. of the Ass’t Sec’y for Health, *Advancing Health Equity for Intersex Individuals* (Jan. 16, 2025), <https://interactadvocates.org/wp-content/uploads/2025/01/intersex-health-equity-report.pdf>.

NYERA. New York must be prepared to stand by municipalities willing to defend their students against the federal government's attempts to mar their childhoods.

Finally, we note that protection of TGNCNBI communities requires an end to criminalization and targeting of these communities by law enforcement and other punitive systems, and increased access to social services, including healthcare and housing resources.⁹ New York State must end the trend of targeted policing of TGNCNBI communities, in particular communities of color and immigrant communities, and invest in systems of care and support for these communities.¹⁰ Consequently, we echo the call of fellow TGNCNBI advocacy organizations demanding Governor Hochul increase funding for New York's landmark Transgender and Non-Binary Wellness and Equity Fund, which provides critical funding for TGNCNBI community organizations supporting their members' well-being against the federal government's attacks.¹¹

We do not intend for the contents of this letter to act as the final word on the ways New York lawmakers and officials can preserve the rights and dignity of the TGNCNBI community. Our state's leaders must make all efforts to continuously engage community based organizations, advocates, and experts to address the evolving needs of TGNCNBI people in New York, particularly the most vulnerable members of the community, including students, immigrants, and individuals in custody. New York holds itself as a safe haven for transgender families nationwide. We merely request our elected officials live up to their promises to our communities.

Signed,

Advocacy Organizations

Advocates for Trans Equality (A4TE)

The Ali Forney Center

Black Trans Nation

Caribbean Equality Project

⁹ See, e.g., Movement Advancement Project & Ctr. for Am. Progress, *Unjust: How the Broken Criminal Justice System Fails LGBT People* (Feb. 2016), <https://www.lgbtmap.org/lgbt-criminal-justice>; S.E. James et al., *Early Insights: A Report of the 2022 U.S. Transgender Survey* (Feb. 2024), https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf; Catherine Hanssens et al., *A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV* (May 7, 2014), <https://lgbtqbar.org/annual/wp-content/uploads/sites/7/2015/05/Roadmap-for-Change-1.pdf>; Jordan Grasso et al., *Policing Progress: Findings from a National Survey of LGBTQ+ People's Experiences with Law Enforcement* (Apr. 30, 2024), <https://assets.aclu.org/live/uploads/2024/04/ACLU-Policing-Progress.pdf>; Lindsey Dawson, Michelle Long & Brittini Frederiksen, *LGBT+ People's Health Status and Access to Care*, KFF (June 30, 2023), <https://www.kff.org/report-section/lgbt-peoples-health-status-and-access-to-care-issue-brief/>.

¹⁰ See, e.g., Daniel Parra, *The Immigrant Sex Workers Caught Up in 'Operation Restore Roosevelt'*, City Limits (Jan. 8, 2025), <https://citylimits.org/2025/01/08/the-immigrant-sex-workers-caught-up-in-operation-restore-roosevelt/>; Make the Road N.Y., *Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights* (Oct. 2012), https://maketheroadny.org/wp-content/uploads/2018/02/MRNY_Transgressive_Policing_Full_Report_10.23.12B.pdf; EJ Dickson, *How the Tragic Death of Layleen Polanco Exposes Horrors of Criminalizing Sex Work*, Rolling Stone (June 13, 2019), <https://www.rollingstone.com/culture/culture-features/layleen-polanco-transgender-decriminalize-sex-work-847437>.

¹¹ Matt Tracy, *LGBTQ clubs call on Hochul and state leaders to increase support for trans wellness fund, HIV/AIDS initiatives*, Gay City News (Feb. 20, 2025), <https://gaycitynews.com/lgbtq-hochul-state-trans-wellness-fund-hiv-aids/>.

Center for Constitutional Rights
Decriminalize Sex Work
Equality New York
Free to Be Youth Project - Urban Justice Center
interACT: Advocates for Intersex Youth
The Legal Aid Society
Make the Road NY
National Harm Reduction Coalition
NEW Pride Agenda
New York Civil Liberties Union
Transgender Equity Consulting Inc.
Transgender Law Center
Troy Democratic Socialists of America
Volunteer Lawyers Project of CNY, Inc.
Woodhull Freedom Foundation

Healthcare Providers

Callen-Lorde Community Health Center
Golden Psychology
Pearl Psychotherapy
Randi Kaufman (PsyD)
Valerie Helene Hoagland (LCSW)

cc:

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