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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON LAW AND GOVERNMENT

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Room 696, City Hall
Philadelphia, Pennsylvania
Wednesday, May 8, 2002
10:45 a.m.

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BILL 010719 - an ordinance amending Chapter 9-1100
of the Philadelphia Code entitled "Fair Practices by
prohibiting discrimination in employment, housing
and public accommodations on the basis of a person's
gender identify as defined, all under certain terms
and conditions.

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15 PRESENT:

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COUNCILMAN DAVID COHEN, Chair
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN FRANK DICICCO
COUNCILMAN MICHAEL NUTTER
COUNCILMAN ANGEL ORTIZ
COUNCILMAN FRANK RIZZO

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2 COUNCILMAN COHEN: I'm sorry to hold
3 everyone. But since this may involve an education
4 experience for a number of members of the Committee,
5 including myself as chairman of the Committee, I
6 think rather than speaking just to me, I would
7 rather to get as many members of the Committee as
8 possible here to hear the testimony. Since this is
9 a bill, in order to act on it in a legal fashion, we
10 would have to have a quorum here to vote on it. I
11 think in view of the fact that this may contain
12 information not generally known or understood, I'd
13 rather have the members of the Committee know what
14 they're voting on rather than have them take my word
15 for it because I'm not sure whether I'll be properly
16 interpreting to them. So we're going to try very
17 hard to round up enough members of the Committee to
18 get a quorum. I have no reason to believe anybody
19 is staying away purposely. But we're drawing very
20 close to the end of the session, and for that reason
21 many Councilmembers have other heavy committee
22 duties. Some of them want to get in before the
23 summer begins the last visitation in public because
24 next year is an election year for City Council. And
25 about this time before an election, councilmembers

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2 get aware of the fact that they haven't been out
3 enough publicly and therefore they'd better get busy
4 going to ground breaking ceremonies, attending
5 school classes and that kind of thing. So if you're
6 patient, I think we will get under way and you can
7 begin the educational experience with us as to why
8 it's important to take the action that you're
9 requesting and we can proceed from there on in.
10 I've tried to learn a little bit about the subject
11 matter in advance, but this bill was introduced by
12 Councilman DiCicco. And the general practice in
13 Council is that he or she who introduces the bill
14 has the major responsibility for educating everyone.
15 I think Councilman DiCicco will be with us shortly.
16 I'm going to be asking him to sit as a member of the
17 Committee. I will need the President of City
18 Council's approval so that he would become a voting
19 member at least for today for this committee.

20 (Pause.)

21 COUNCILMAN COHEN: The Committee on Law
22 and Government is now in session to consider hearing
23 testimony on a bill introduced by Councilman DiCicco
24 and referred to this committee. The bill is
25 numbered 010719. And I ask the Clerk of the

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2 Committee, Tim Kearny, to read the title to the
3 bill.

4 THE CLERK: The title of ordinance
5 010719 is an ordinance amending Chapter 9-1100 of
6 the Philadelphia Code entitled "Fair Practices" by
7 prohibiting discrimination in employment, housing
8 and public accommodations on the basis of a person's
9 gender identify as defined, all under certain terms
10 and conditions.

11 COUNCILMAN COHEN: All right, I'm going
12 to call together and ask the first panel. I
13 understand there are going to be two panels of
14 witnesses. I'm going to ask the first panel to come
15 to the front. That's Panel A. I'm told Mr. Lazar
16 Kleit, the Executive Director of the Philadelphia
17 Commission on Human Relations will be the first
18 witness. The Reverend Allen will testify if he
19 comes directly thereafter. And then we'll go to the
20 two panels.

21 Mr. Kleit, we're very pleased to have
22 the Administration here. And I assume your
23 testimony represents the official position of the
24 City Administration.

25 MR. KLEIT: Councilman Cohen, yes, it

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2 does.

3 COUNCILMAN COHEN: Mr. Kleit, will you
4 proceed with your testimony? First identify
5 yourself for the record.

6 MR. KLEIT: My name is Lazar Kleit. I'm
7 the Executive Director of the Philadelphia
8 Commission on Human Relations. I bring you
9 greetings from James Allen who is the Chair of the
10 Commission, and the members of the commission.
11 Reverend Allen asked me if I would present his
12 testimony if he was not here when you began. It's a
13 very brief statement. Both my statement and
14 Reverend Allen's statement represent the policy of
15 the Commission as well as the policy of the
16 Administration and have been reviewed by both.

17 This is Reverend Allen's statement
18 without the salutation.

19 "Several months ago we were contacted by
20 the Mayor's Advisory Commission --

21 COUNCILMAN COHEN: How long is the
22 statement.

23 MR. KLEIT: I'm sorry?

24 COUNCILMAN COHEN: How long is Reverend
25 Allen's statement?

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2 MR. KLEIT: Three paragraphs.

3 COUNCILMAN COHEN: Okay.

4 MR. KLEIT: "Several months ago, we were
5 contacted by the Mayor's Advisory Commission on
6 Lesbian, Gay, Bisexual and Transgendered matters
7 regarding a proposal to add gender identity to the
8 Fair Practices Ordinance. Members of the
9 Commission's Law Committee reviewed the request, and
10 drafted language for the proposed bill.

11 Subsequently, our executive director and the chair
12 Law Committee met with members of the task force,
13 staff of City Council, and representatives of the
14 transgendered community. The bill before you
15 represents the product of those discussions.

16 "My purpose today is to inform Council
17 of three things: First, this bill is consistent
18 with the conclusions drawn by --

19 COUNCILMAN COHEN: Will you hold it
20 until that disturbance passes?

21 The vice chair of the Committee wants me
22 to announce that the quorum now exists in the
23 presence to my extreme right Councilman Rizzo.
24 That's accurate not only geographically, but
25 politically. Councilman DiCicco, Councilman Nutter,

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2 Councilman Ortiz and myself. They're all to my
3 right and it's accurate in both areas.

4 Go ahead Mr. Kleit.

5 MR. KLEIT: "First, this bill is
6 consistent with the conclusions drawn by the
7 Commission after careful review of similar
8 legislation from other jurisdictions, polling the
9 affected communities, and serious discussions among
10 the commissioners;.

11 "Second, we believe that this bill
12 provided protections under our law for a class of
13 persons who have a demonstrated need for such
14 protections;.

15 "Finally, and probably most importantly,
16 this bill is consistent with the mandate given to
17 the Philadelphia Commission on Human Relations.
18 Over 50 years ago by the voters: To guarantee that
19 all persons are treated fairly in employment,
20 housing, public accommodations and the delivery of
21 City services irrespective of an individual's
22 personal characteristics."

23 And Reverend Allen thanks you for
24 allowing him to present this before you.

25 I have a statement as well. I can

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2 either read it to you full -- it's really quite
3 brief -- or condense it. Whatever your pleasure.

4 COUNCILMAN COHEN: How long is your
5 statement?

6 MR. KLEIT: It's brief.

7 COUNCILMAN COHEN: I think reading we
8 found that sometimes summarizing it doubles its
9 length so why don't you go ahead and read your
10 statement and we may ask you questions which you'll
11 expand on it.

12 MR. KLEIT: Councilman Cohen, members of
13 Council, my name is Lazer Kleit. I'm the Executive
14 Director of the Philadelphia Commission on Human
15 Relations. I would like to acknowledge the staff of
16 Councilman DiCicco's office, staff of our agency,
17 including Rachel Walton who is sitting here who is
18 our deputy director, staff and members of the
19 Mayor's Lesbian, Gay, Bisexual and Transgendered
20 Advisory Commission, members of the transgendered
21 community, and other interested individuals with
22 whom I was privileged to work during the process of
23 drafting of the language of this bill.

24 As the regulatory body required to
25 enforce this ordinance, we had three concerns:

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2 One, will this ordinance succeed under
3 judicial review? Our research, as well as research
4 provided by the staff of the LGBT assures us that it
5 will. We also believe that testimony which will be
6 presented to you later this morning will establish a
7 formal record of need which is a necessary
8 prerequisite in the event of any future judicial
9 review.

10 Two, is this an enforceable ordinance?
11 We've been taking complaints from transgendered
12 persons under our perceived sexual orientation
13 chapter for several years. Our experience is that
14 the potential respondent community, employers,
15 housing providers and places of public
16 accommodations, can make reasonable accommodations
17 under this ordinance when meeting its requirements
18 without hardship or economic damage. This is
19 substantiated by the experiences in other
20 jurisdictions which have had gender identity and
21 their civil rights laws many years. We also expect
22 to meet with representative bodies of the
23 stakeholder communities to develop enforcement
24 standards.

25 Three, can we administer this amendment

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2 to the Fair Practices ordinance without incurring
3 additional costs to the City? Our senior staff has
4 reviewed the experiences in other jurisdictions as
5 well as the Commission's recent experiences
6 described in the preceding paragraph. We believe
7 the potential case load will be fairly small and
8 that we will have know difficulty enforcing this
9 amendment with existing staff. In addition, members
10 of the transgendered community have agreed to
11 provide our staff with training and resources to
12 assist us in our work.

13 Thank you again for permitting me to
14 speak on this matter. I'll be happy to answer any
15 questions.

16 COUNCILMAN COHEN: Thank you. Are there
17 any questions by members of the Committee?

18 Let me ask this. Will this definition
19 cover every grouping that exists? When we say gay
20 and lesbian, most of us thought we were covering in
21 -- well, some of the us thought we were covering the
22 entire non-heterosexual community, but that
23 obviously is not the case. Would this complete the
24 circle?

25 MR. KLEIT: It will. It will fill a gap

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2 that we have felt in our agency for a very long
3 time. There is an entire class of people who may or
4 may not get protections under our law, really
5 depending on what the City Solicitor permits us to
6 do and the sorts of cases come in, whether or not
7 they can fit neatly under perceived sexual
8 orientation. We're concerned about a number of
9 potential cases, and there will be testimony to this
10 later, that we cannot accept under our current law.
11 So the short answer is yes, this will fill a need.

12 COUNCILMAN COHEN: As I would
13 understand, basically all religions, we're God's
14 children and I don't know how we distinguish between
15 them as to who has what rights. Seems to me
16 everybody would have the right to be whatever they
17 are and to be fully protected in being what they
18 are. And as I gather, this legislation that
19 Councilman DiCicco has introduced, it has that as
20 its purpose. Seeing to it that on no sexual basis
21 whatever can anything be considered kind of outlaw
22 in the sense one may freely discriminate against
23 that person. But we must all recognize -- it
24 becomes one of the rules of life. We must recognize
25 the right of everybody to be whatever they are and

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2 no one may be discriminated against because of their
3 sexual orientation or what people perceive their
4 sexual orientation to be. Would that be a general
5 definition of the legislation?

6 MR. KLEIT: Absolutely. And it is
7 consistent with the statement in Reverend Allen's
8 testimony. We're simply concerned about extending
9 the policy of fairness to all potential individuals
10 who may be treated unfairly because of certain
11 individual characteristics.

12 COUNCILMAN COHEN: Thank you.

13 Any questions? Any comments by any
14 member of the Committee or questions?

15 Hearing none, that you very much.

16 We proceed on to the panel discussions.
17 Panel A, which according to my notes will be Stacey
18 Sobel, the Executive Director the Center for Lesbian
19 and Gay Civil Rights; Michael Williams, Esquire,
20 President of Outfront; and Mayor Street's LGBT
21 Advisory Board; and Lisa Mottet, Legislative Lawyer
22 for the Transgender Civil Rights Project and of the
23 National Gay and Lesbian Task Force.

24 COUNCILMAN ORTIZ: David, if I may.

25 COUNCILMAN COHEN: Councilman Ortiz.

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2 COUNCILMAN ORTIZ: I'm looking at the
3 audience here and it really shows how far we have
4 come in this City. If we were having this hearing
5 just 10 years ago, I think this room, plus another
6 room, plus the hallway would be filled with people.
7 Probably the cardinal would be here. Probably a
8 whole bunch of reverends and so on and other
9 individuals all protesting this legislation and how
10 this is another example of the destruction of
11 western society as we know it. And as one who saw
12 this from the very beginning in 1985 when the
13 hostility and the vituperation and the name calling
14 and the bible quoting went on and on for hours and
15 hours, just because of a little resolution at one
16 point in which this gentleman and I were the only
17 ones really to vote for. It really shows how far we
18 have come. It really shows how far have come that
19 such a bill has not stirred up the pot of
20 controversy as other has. And maybe it's because
21 they might not know it. I may be wrong. And when
22 they realize that this is passing, they'll come out
23 in two weeks. But it really is satisfying that
24 almost everybody -- I think everybody who is here is
25 supportive of the bill. It's just an example of how

4 COUNCILMAN COHEN: Well, the members of
5 the Committee here, I believe the only two people
6 involved in City Council at the time the original
7 anti-discrimination bill was passed was
8 Councilmember Blackwell, the husband of present
9 Councilwoman Blackwell who was the immediate
10 introducer of the bill and myself was the chief
11 cosponsor in 1983 when the bill first passed. And
12 we're glad that those that came after us showed much
13 greater wisdom than those of us who were in Council
14 at that time when we had a tremendous battle that
15 Councilman Ortiz is referring to get passage of this
16 bill. I think it shows a certain maturity. It also
17 shows that you can bring about change in people's
18 behavior when government sets a proper model. And I
19 want to commend Councilman DiCicco for the
20 introduction of this bill.

25 And the sixth member of City Council is

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2 present today so we have beyond that of a quorum is
3 Councilwoman Jannie Blackwell who has been known for
4 her total support of all groups of people,
5 particularly those most vulnerable, those most
6 attacked, those having the least political clout and
7 those most discriminated against. And she is a very
8 worthy successor to her husband.

9 Councilman Nutter.

10 COUNCILMAN NUTTER: Thank you, Mr.
11 Chairman. I'll be brief. Just on the heels of the
12 comments made by Councilman Ortiz and yourself, I
13 have to admit similar to Councilman Ortiz, when I
14 came in this morning, and I naturally was a
15 co-sponsor of this bill, but when you see the bills
16 in the pink paper, people know our bills are
17 initially -- they're in pink and then when they
18 became an ordinance, they turn to white. I actually
19 had to look for what the change was. My colleagues
20 will all remember that that five years ago in 1997
21 going into 1998, if you look at the pink bill, the
22 words in italics, today's topic is gender identity.
23 That follows five years ago we put another word in
24 the same section, sexual orientation, when we were
25 dealing with the issue of domestic partnership.

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2 Councilman Ortiz is correct. There were hundreds of

3 people in our Council Chamber -- you know we've been

4 relocated from those chambers -- with all kinds of

5 predictions of doom for the City, that the place was

6 literally going to fall apart, we were right on the

7 edge of a virtual Sodom and Gomorrah. And the

8 reality is virtually nothing has happened out of any

9 of those predictions. Some how the City has been

10 able to survive over the last four years and gone on

11 to grow. And so it is true that we have come a

12 ways. We still have a ways to go in terms of people

13 dealing with other people in the realities of life.

14 But, quite frankly, it is kind of nice to be able to

15 come to one of these hearings and be able to have a

16 civil, rational discussion about what goes on in the

17 real world and not get caught up in the worst of

18 people's fears. So I won't delay these proceedings,

19 but sometimes it is nice to stroll down memory lane

20 to remember where we were and to also acknowledge

21 where we are at the moment. A lot has happened in

22 the last four years and much of it is due to your

23 commitment to being Philadelphians and helping some

24 of us to understand how we need to adjust our

25 mindset. Thank you.

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2 COUNCILMAN COHEN: All right, thank you.

3 Any other statements?

4 Then will the panel proceed in whatever
5 manner you choose. Are you going to go in the order
6 in which I named them?

7 MS. SOBEL: Yes, we will be going in
8 that order. Good morning, Mr. Chairman and
9 committee members. Thank you for the opportunity to
10 speak today regarding amending the Fair Practices
11 ordinance in the City to include gender identity.
12 My name is Stacey Sobel and I'm the Executive
13 Director for the Center for Lesbian and Gay Civil
14 rights. We're based here in Philadelphia, but we
15 assist people state wide.

16 One of the things that we do is we're a
17 non-profit organization that advocates for lesbian,
18 gay, bisexual, and transgendered people throughout
19 the state through direct legal services, education,
20 and policy reform.

21 When the center was founded six years
22 ago, the word "transgender" was not in our mission.
23 At that time, we didn't think that it was something
24 that our organization needed to address. But it
25 became clear very soon that it was something we

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2 needed to address because transgendered people faced
3 in many ways the same types of discrimination as
4 lesbian, gay, and bisexual people. But what was
5 even more clearer was that in many ways these people
6 were even more likely to be discriminated against
7 again gay, lesbian, and bisexual people.

8 In the last year alone, 10 percent of
9 the calls to the center were from transgender
10 people. These individuals have asked the center for
11 help on a wide variety of issues. And the top two
12 requests for legal assistance are in the areas of
13 employment discrimination and public accommodation
14 discrimination.

15 These cases have included a male to
16 female transgender person who is thrown out of a
17 residence home after they discovered she was
18 transgender. With nowhere else to live, she turned
19 to a homeless shelter that also kicked her out after
20 they discovered her gender identity. Others have
21 been denied employment or fired due to gender
22 identity. People have been insulted, harassed, and
23 denied the opportunity to patronize our City's
24 businesses.

25 Some other examples I'll give you, for

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2 example, is one person contacted the center because
3 she had been harassed and fired from her job almost
4 immediately after her supervisor learned that she
5 was transgender. Without a law in place to protect
6 her, the center's efforts to get her job reinstated
7 were very limited.

8 Another example is a young man who
9 contacted us after he transitioned from female to
10 male. He was really harassed on the job, and that
11 included his employer's refusal to even call him by
12 his male name.

13 We've also seen a number of cases where
14 people have been treated badly in City services,
15 including the Police Department and have been
16 harassed there as well.

17 So we believe that this type of law will
18 really help give us legal means to protect these
19 people.

20 This type of discrimination is not
21 unique. It occurs throughout the country. The
22 issue, however, is how are we as a community going
23 to help those people who are most at risk.
24 Currently in Pennsylvania, five jurisdictions
25 prohibit discrimination based upon a person's

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2 identity. Those include Erie County, Allentown,
3 Pittsburgh, Harrisburg, and York. All those
4 jurisdictions prohibit discrimination of a
5 transgendered person upon their transgender status
6 in housing, public accommodations, and employment.
7 State wide protections do not exist. Therefore, it
8 is incumbent upon local jurisdictions to do the
9 right thing by protecting all of its most vulnerable
10 inhabitants and visitors.

11 I urge the City Council to pass this
12 legislation so that transgender people and
13 individuals who are discriminated against because
14 they don't look like most men or most women have a
15 legal claim to fight the discrimination they face.
16 We cannot rely on these provisions to guarantee
17 protection from discrimination based upon gender
18 identity in our current law. They include sexual
19 orientation, they include gender, but they do not
20 explicitly state gender identity. And until gender
21 identity is specifically and clearly included in the
22 Fair Practices ordinance, people who are
23 discriminated against will be at the mercy of others
24 to determine whether or City law protects them.

25 This legislation is fair. It is needed.

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2 It is just. On behalf of the Center for Lesbian and
3 gay civil rights and our clients, I respectfully
4 request that the Committee on Law and Government
5 support this legislation. Thank you.

6 COUNCILMAN COHEN: Thank you. I would
7 like to suggest, unless there's objection by members
8 of the Committee, that each member of the panel
9 proceed with their statements prior to the
10 questioning of any member.

11 Michael Williams.

12 MR. WILLIAMS: Thank you. Good morning.
13 Mr. Chairman and Members of the Law and Government
14 Committee. My name is Michael Williams. While most
15 of you know me as Community Legal Services Deputy
16 Director, I come to you today as President of
17 OutFront, Philadelphia's only LGBT political and
18 legislative advocacy non-partisan, non-profit
19 organization and is a members of Mayor Street's LGBT
20 Advisory Board.

21 One of OutFront's primary goals is to
22 act as an advocate for each and every member of
23 Philadelphia's LGBT community. This goal inspired
24 OutFront to take up the cause of including gender
25 identity in the Philadelphia Code's

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2 non-discrimination. It is OutFront's belief that
3 this language was inadvertently not included when
4 the City of Philadelphia added non-discrimination
5 language to the Philadelphia Code. We also believe
6 that the City of Philadelphia with its tradition of
7 fairness and equality will readily agree that this
8 gender identity language presented today before this
9 esteemed body is appropriate, consent with the City
10 of Philadelphia's non-discrimination goals, and long
11 over due.

12 OutFront initially brought this issue to
13 the Mayor's Advisory Board. The Mayor's Advisory
14 Board, like OutFront is made up of members from all
15 sectors of Philadelphia's LGBT community. The
16 Advisory Board delegated the responsibility to draft
17 gender identity language to me. With the invaluable
18 assistance of a Penn Law student, Latonda Dunbar, we
19 thoroughly researched this issue. We found that
20 numerous municipalities in this country had varying
21 forms of gender identity language in their
22 respective non-discrimination ordinances. Our task
23 rapidly grew in scope as we found ourselves pouring
24 over hundreds of pages of statutes, statistics,
25 ordinances, charts, graphs, and commission studies.

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2 With additional help from two other volunteers,
3 Agatha Koprowski and Corey Brooks, we exhaustively
4 analyzed accumulated documents which were later
5 indexed by Ms. Koprowski to serve as a substantive
6 basis for our final work product.

7 After reviewing all of our research,
8 particularly the many, many examples of gender
9 identity language found in dozens of municipalities
10 across the nation, Ms. Dunbar and I eventually
11 drafted language that we determined to be more
12 comprehensive than most examples we'd found. We
13 absolutely believe that the language we drafted was
14 extremely fair and just, would completely and
15 effectively cover all trans-identified individuals
16 and would stand up to and survive judicial scrutiny.

17 My Advisory Board colleague, Chris
18 Bartlet, and I presented the findings and
19 recommendations full advisory board and to Michael
20 Henson for approval. After much needed input from
21 the members of the trans community and from the
22 Philadelphia Human Relations Commission, the gender
23 identity language you have before you today is
24 slightly different from the language I'd originally
25 drafted; different because the changes make the

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2 language even more effective. I couldn't be more
3 proud of this final result because it is the end
4 result of the efforts of a multitude of individuals
5 all passionately committed to the belief in equal
6 justice for all Philadelphians.

7 With tremendous leadership from
8 Councilman DiCicco, his staff person Irene
9 Benedetti, and particularly from his legislative
10 David Fitz who in a Herculean effort brought all of
11 this and held all of this together, we were able to
12 bring this proposed legislation to you folks today.

13 On behalf of OutFront and the Mayor's
14 LGBT Advisory Board, I respectfully urge you to
15 support this legislation. Thank you.

16 COUNCILMAN COHEN: Thank you.

17 Lisa Mottet.

18 MS. MOTTET: Councilman Cohen and
19 Members of the Committee. Thank you for your
20 attention this morning. My name is Lisa Mottet.
21 I'm the legislative lawyer for the Transgender Civil
22 Rights Project at the National Gay and Lesbian task
23 force. The task force is the oldest lesbian, gay,
24 bisexual, and transgender national political
25 organization.

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2 As the legislative lawyer for the
3 transgender civil rights project, I study, track,
4 and work on state, local, and federal legislative
5 efforts to prohibit discrimination based on gender
6 identity. The passage of Bill No. 010719 would make
7 Philadelphia the 44th jurisdiction in the country to
8 explicitly prohibit discrimination against
9 transgender people. As of today there are 2 states,
10 Minnesota and Rhode Island, as well as 8 counties
11 and 33 cities that include gender identity in their
12 anti-discrimination laws. The first
13 anti-discrimination ordinance to include protection
14 for transgender individuals was passed in 1975 in
15 Minneapolis. Today a total 33 million people live
16 in a jurisdiction covered by an explicitly
17 transgender inclusive ordinance.

18 Some of these jurisdictions have put
19 language to cover transgender people into
20 definitions sex or gender or sexual orientation.
21 The Philadelphia Commission on Human Relations has
22 used these terms to address some instances of
23 discrimination against transgender people that have
24 happened here in the City. However, legal experts
25 agree that having a separate category of gender

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2 identity, exactly the way it is done in this bill,
3 is the best and most effective way to address
4 discrimination against transgender people. By
5 having gender identity as a separate category,
6 employers, employees, and owners and managers of
7 public accommodations and housing will know that
8 discrimination against people with non-traditional
9 gender identities is illegal before a situation ever
10 arises. Importantly , they will know this without
11 having to read the text of the ordinance, which
12 people rarely do nor should they have to. It serves
13 as notice to people who may have know idea that the
14 law cover discrimination against transgender people
15 because the category was not listed separately.

16 I will also comment on other aspect of
17 the bill's drafting. There is an amendment being
18 offered to the definition of gender identity. This
19 amendment was designed to further clarify the
20 definition of gender identity. This definition,
21 after amendment, will greatly assist the Commission
22 interpreting and applying the anti-discrimination
23 law. With this definition in place, I have complete
24 confidence in the Commission's ability to apply this
25 law in a fair and consistent manner. When they do

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2 so, they will be able to pull from a considerable
3 knowledge base from other jurisdictions that have
4 transgender inclusive ordinances.

5 In summary, my opinion as a lawyer who
6 specializes in legislation is that Bill No. 010719
7 is drafted with sufficient clarity to prohibit
8 discrimination based on gender identity. I urge you
9 to adopt this measure in order to combat the
10 discrimination that transgender Philadelphians
11 experience as they go about their daily lives,
12 living, working, and conducting business in the
13 City.

14 I can address any questions you have
15 about the language of this bill or experiences that
16 other jurisdictions have had in applying their
17 transgender inclusive anti-discrimination
18 ordinances. Thank you.

19 COUNCILMAN COHEN: Thank you very much.

20 Mara Keisling.

21 MS. KEISLING: Good morning. Thank you,
22 Councilman Cohen and committee members for having me
23 here today. My name is Mara Keisling, and the
24 Co-Chair of the Pennsylvania Gender Rights
25 Coalition, an organization working for the equal

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2 rights of transgendered people in Pennsylvania.
3 Additionally, I'm the acting coordinator of
4 S.P.A.R.C., the Statewide Pennsylvania Rights
5 Coalition, a large coalition of civil rights groups
6 in Pennsylvania. Professionally, I do social
7 marketing which is the application of marketing
8 principals to social causes. Some of my current
9 clients in Pennsylvania include CHIP, Medicaid, the
10 Statewide Adoption Network, and Pennsylvania's new
11 Adult Basic Health Coverage Program.

12 I'm the first transgender person you've
13 met and heard from today. And honestly, I think I'm
14 the luckiest that you'll hear from. While I am in
15 Philadelphia every week or so in business, I live in
16 Harrisburg where I grew up and where we have had
17 gender-identity-based anti-discrimination
18 protections for 19 years. Unfortunately for me
19 though, when I leave Harrisburg to come to
20 Philadelphia or to go most anywhere else, depending
21 on where I go I lose my rights.

22 I can be denied public accommodations of
23 all sorts. I can be refused service in restaurants.
24 I can be denied use of public transportation. And I
25 can be denied a job. These are real issues for me.

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2 But more importantly, they're real issues for our
3 members here in Philadelphia and they happen every
4 day Philadelphia to good people who only want to
5 work and shop and go to school and rent nice
6 apartments like other Philadelphians.

7 One of my primary roles with the
8 Pennsylvania gender rights coalition is to get
9 around the state and meet transgender people and to
10 hear their stories and help them problem solve
11 through a broad range of issues, most of which have
12 to do with people discriminating against us or
13 committing horrible acts of hate violence against
14 us.

15 Today you're going to hear from a range
16 of Philadelphians who regularly suffer
17 discrimination because of their gender identities.
18 This is a small sampling of the problem. The
19 statistics from transgender needs assessment
20 recently done in Philadelphia tell a fairly
21 dramatic story. Sixty percent of transgender people
22 have lost a job because they're transgender.
23 Seventy-three percent believe that their housing
24 situation is unstable because of their gender
25 identity.

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2 More telling, though, is what you will
3 not hear today. You will not hear from the majority
4 of transgender Philadelphians who have faced
5 discrimination, but who believe that by coming here
6 today they will make their situation worse by
7 drawing attention to themselves. In fact, many of
8 the people who were approached to testify today
9 declined knowing that usually when their gender
10 identity is exposed, someone, somehow, discriminates
11 against them.

12 And since it's unlikely that the state
13 legislature will pass up-to-date civil rights
14 protections for all Pennsylvanians anytime soon, it
15 is up to the individual municipalities to decide
16 which of its citizens are protected from being fired
17 for no good cause, protected from being denied
18 services like public transportation and homeless
19 shelters and medical care.

20 In some places in Pennsylvania, citizens
21 are better protected than in others. Like
22 Harrisburg, four other municipalities have passed
23 protections for its citizens based on their gender
24 identity. The City of York has these protections
25 and Erie County passed them earlier this year.

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2 Allentown also has passed an ordinance just a few
3 weeks ago. And Pittsburgh, which has had these
4 protections for several years, is the largest
5 municipality in Pennsylvania to protect its citizens
6 with gender identity protections. So Pennsylvania
7 is second, third, and fourth largest cities have
8 already passed laws to protect their citizens based
9 on gender identity. It seems time that Philadelphia
10 step up and once again become the leader in freedom
11 and equality that it has been for hundreds of years
12 by helping to end the kind of discrimination and
13 hate that we as a society can no longer tolerate.

14 I thank Councilman DiCicco for his
15 leadership on this bill and I thank you all from the
16 bottom of my heart for your consideration on the
17 gender identity bill. Thank you very much, and we'd
18 be happy to take any questions from you.

19 COUNCILMAN COHEN: Thank you.

20 Are there any questions by Members of
21 the Committee?

22 We thank you very much for your
23 informational testimony.

24 I'm going to call the next panel.

25 Marcus Iannozzi, Charlene Moore, Rick Feely, Kathy

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2 Padilla.

3 May we hear from Marcus Iannozzi?

4 MR. IANNOZZI: Good afternoon, Members of
5 the Committee on Law and Government. Thank you for
6 the opportunity speak with you today. My name
7 Marcus Iannozzi. I am a transgender person who
8 lives and work in Philadelphia. I also serve as the
9 facilitator of WeXist, a support group for female to
10 male transsexuals and transgender people.

11 By many measures, I could be considered
12 one of the transgender community's success stories
13 and in my own small way make contributions to the
14 City of Philadelphia. I am a communications
15 consultant whose clients include national non-profit
16 organizations such as the National Geographic
17 Society and Public Radio International, as well as
18 innate major research universities such as Penn,
19 Stanford, and MIT. My business and operation for
20 over seven years has provided regular employment for
21 City residents and revenue for subcontractors
22 located here. I also work with the South Street
23 West Business Association and organization many of
24 you may be familiar with, which is collaborating
25 with the City to develop a long -neglected

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2 commercial corridor.

3 However, I am continually reminded that
4 my own good for fortune could change at any moment.
5 Indeed, the assurance of my safety, well-being, and
6 success is tenuous, at best. I still face blatant
7 discrimination and have been denied services due to
8 my transgender status.

9 My fundamental concerns, and that of
10 many transgender people, is personal safety. I am
11 harassed on a regular basis at my place of business
12 by local youths and at home by neighbors who watched
13 me transition. While this harassment has not yet
14 led to violence or damage to property, I'm
15 continually concerned that it may indeed escalate,
16 at the same time that my complaints would not be
17 covered under hate crimes legislation.

18 I have witnessed events in which the
19 personal safety of a male to female transgender
20 person was compromised when seeking emergency care
21 at a hospital here in Philadelphia. Upon
22 discovering that this woman was transgendered, four
23 orderlies verbally harassed her, taunting her using
24 epithets that I not repeat here. After she was
25 verbally accosted, she attempted to leave the

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2 emergency room without the permission of the doctors
3 and was physically accosted, detained with
4 unnecessary roughness and injured by hospital staff.
5 She insisted that the police be called in order to
6 press charges. The attending officer told her, it's
7 your word against theirs and your worth isn't going
8 to mean very much. With the knowledge that her
9 complaint would not be taken seriously, she did not
10 press charges. No one deserves to be treated in
11 this manner and then summarily discouraged from
12 pursuing redress.

13 Another concern that many transgender
14 people have is their ability to ensure financial
15 security in the long-term and protect what we have
16 managed to bill. For example, I have been denied
17 coverage when attempting to purchase disability
18 insurance by every major provider that I contacted
19 simply because I am transgender. As far as these
20 providers are concerned, the fact that I am
21 transgender outweighs the fact that I am not health
22 or insurance risk. This denial of coverage is
23 eliminating any protections for me as a
24 self-employed person should I ever be rendered
25 unable to work.

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2 The third is misrepresentation and
3 defamation of character. In a real estate
4 transaction one year I was defrauded in a clear-cut
5 case of non disclosure. The results of which cost
6 me thousands of dollars in repairs and closed my
7 business operations for several days. The
8 defendant's lawyers did not argue the merits of my
9 case but relied on my transgender status to
10 discredit me, insinuating that it was I who was
11 guilty of fraud, that I was someone who in essence
12 knew how to work the system. The implication was
13 that as a transgender person my identity and
14 character were inherently suspect. The arbitration
15 panel sided with the defendants.

16 On the other hand, like me, the
17 transgender people I know are all involved in some
18 way in community service or work for social justice,
19 whether it is on behalf of our own community or
20 within the broader set of communities that intersect
21 our lives. We can and do make significant
22 contributions to society.

23 My own role as Secretary of the South
24 Street West Business Association is only one
25 example. My participation has brought something to

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2 the group that it did not have, a person with skills
3 in public relations and communications who has
4 helped to advance SSWBA's as prominence as an
5 organization and further the cause of equitable
6 development in the area. I transitioned after I had
7 begun working with South Street West. Had my
8 reception been different, the association would have
9 lost one of its most productive members and most
10 likely would not have moved forward as it has.

11 Transgendered people have the burden of
12 battling some of the worst characterizations and
13 stereotypes that any minority has ever faced. But
14 we continue to persevere and lead productive lives
15 in the face of and often in spite of substantial
16 adversity, mistreatment, or worse. We are
17 accountants, academics, scientists, lawyers,
18 doctors, psychiatrists, business owners, social
19 workers. At the same time we are not afforded the
20 most basic protections as other citizens. And our
21 contributions are continually at risk because we are
22 at risk. If I lose my business, South Street West
23 losing me, my business, and all of my effort.

24 At a time when the City is drawing on
25 all of its resources to improve Philadelphia

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2 standing in the nation and the world, it must also
3 draw on the talents and energies of all of its
4 citizens. When voting on this legislation I would
5 ask each of you to consider the following question:
6 Can Philadelphia afford to allow some of its best
7 and brightest to remain as second-class citizens?
8 In effect, to remain despite our individual
9 successes, as an unprotected and vulnerable
10 population? The answer would be a resounding no for
11 any other class of citizens, as it should be for
12 Philadelphia transgender community. At such a
13 pivotal time in the City's history, it cannot afford
14 to leave anyone behind. Thank you.

15 COUNCILMAN COHEN: Thank you very much.

16 The Chair recognizes Councilman Rizzo.

17 COUNCILMAN RIZZO: Thank you, Mr.
18 Chairman. I have to leave the Chamber to attend a
19 meeting outside the building, but I would like to
20 leave my vote on the amendment, yes, and vote yes on
21 the bill.

22 COUNCILMAN COHEN: Thank you, Councilman
23 Rizzo. We understand.

24 Charlene Moore.

25 MS. MOORE: Hello, my name is Charlene

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2 Moore. I would like to thank you, Mr. Chair and
3 members of the Committee on Law and Government for
4 giving me the opportunity to speak to you today.
5 I'm a trans-identified male to female. I live and I
6 work daily as a woman. I have experienced
7 discrimination occasionally from SEPTA over the
8 years from the bus drivers telling me that I am
9 unable to use my female transpass. I have been told
10 this at least three times that I could not use my
11 transpass.

12 In case you have not had the opportunity
13 to see a transpass before, every transpass has on it
14 the letter F or M which designate whether
15 pass-holder is a man or a woman. Despite wearing
16 female clothing and presenting my photo
17 identification, bus drivers have prevented me from
18 boarding or using my transpass because they did not
19 perceive me to be a woman.

20 The first incident took place when I
21 lived in Kensington and I worked in Society Hill
22 District. I went to board the bus that ran down
23 Frankford to Penns Landing. The bus driver told me
24 that I could not use that transpass because God did
25 not make me a woman. I immediately called SEPTA the

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2 next day, and the bus driver apologized for his
3 behavior.

4 The second time it occurred, I had just
5 pulled a 12-hour shift at work and was extremely
6 tired and standing at Front and Lehigh waiting to
7 board the bus and the driver just kept on by.

8 I presume because I was just dressed as
9 a female. I'm not sure. However I notified SEPTA
10 on-line to ask them why did they even have male or
11 female on their transpass. And they replied back
12 that was due to a fraudulent policy that they have
13 intact.

14 The last time I had the problem, I was
15 on the way to class and the driver said that I could
16 not use my transpass and he did not care what my
17 identification said or what I looked like. I felt
18 really angry. I was very upset and frustrated that
19 I did not even bother contacting SEPTA any more. I
20 just began to tear off the letter or either conceal
21 the letter when I go to board the bus or the train.

22 Most drivers aren't even concerned with
23 the letter. But it takes a lot of energy sometimes
24 to conceal that letter. It takes extra funds to go
25 into your pocket to pay to ride the transit to get

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2 and to from work or to class or to a meeting.

3 I feel that if a law was in place to
4 protect trans-identified individuals, we could
5 participate in main stream society as productive
6 members versus being members of a dark secret
7 society.

8 Mr. Chairman, members of this committee,
9 you have the ability to help countless numbers of
10 people. Please pass this bill so that people like
11 myself can have the same access to services as
12 everyone else in this City. And when we are
13 presented with equal access in the future, there
14 will be a law to help us. Thank you.

15 COUNCILMAN COHEN: Thank you very much.

16 Rick Feely.

17 MR. FEELY: Mr. Chairman and Members of
18 the Committee on Law and Government, my name is Rick
19 Feely, I'm a 22-year-old transsexual man and I live
20 and work in Philadelphia. Over the last year or so
21 I've undergone a number of steps to physically and
22 legally transition from a woman to a man. During
23 this time, a number of things have happened to me
24 that I know would have been different was I not
25 transgender. Being transgender is often difficult

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2 and the things that most people take for granted
3 become complex problems, such as going to the doctor
4 or getting a new picture for my ID.

5 For example, last October I went to the
6 health center at Broad and Lombard because I do not
7 have insurance and wanted to be treated for a strep
8 throat. I waited for approximately five hours,
9 which I suppose is common for a public facility.
10 When the nurse finally got to me, she told me in
11 order to be treated I had to submit to a full
12 examination and be tested for syphilis. I assume
13 that they were doing this to everybody. She said,
14 "Let me see your penis." As I don't have what would
15 be considered a penis, this posed a problem. I
16 attempted to explain my situation. I told the nurse
17 I'm a female to male transsexual in transition.
18 She either didn't understand or she wasn't convinced
19 and asked to see it again. Finally I just said,
20 "I'm female. I just look like a guy." A statement
21 that I thought was pretty explanatory. She said,
22 "That's all well and good, but you still have one.
23 Let me see it." So here I was arguing with this
24 overworked nurse and sick with strep and fever and
25 frustrated and embarrassed that I had to disclose

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2 this information at all when all I had was a strep
3 throat. I felt like freak. I could tell she was
4 getting angry and annoyed, but she didn't understand
5 that I was not a male to female transsexual. I
6 finally gave up feeling very upset and unsafe and
7 hopeless. I am usually afraid if I let anyone
8 examine me, I will experience discrimination. And I
9 figured I definitely would be discriminated against
10 further if I stayed there, so fevered and exhausted
11 I left without being treated. It was better than
12 the alternative.

13 More recently, in January 2002, I
14 decided I needed to get a new picture for my state
15 photo idea. My ID had a picture of me that was
16 several years old in which I had long hair and
17 looked very female and I had to wear a wig to cash
18 my paychecks and I was laughed at and ridiculed when
19 I tried to get served at the bar. So I went to the
20 PennDOT Center on Market Street in Center City to
21 get an updated photo. I brought a friend with me.
22 When I got to the initial clerk, I showed him the
23 idea and my credit cards, all my documents, and
24 social security card, a letter from a psychologist
25 which explained my transition. The clerk told me

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2 that I was male and since my entire ID documentation
3 was female and in a female name that it must not be
4 mine. He said that I would have to leave and that
5 he was denying my request. I felt like I had been
6 caught doing something wrong like a criminal. And I
7 would have left if my friend had not insisted we
8 speak to a supervisor. At first the clerk refused
9 to let us talk to the supervisor. Finally, he
10 sighed and pointed at the supervisor's office and he
11 said, "It won't do you any good. You'll wait and
12 she'll send you right out the door.

13 After waiting an hour with nowhere to
14 sit, we presented the supervisor with all of the
15 documents. At first she wouldn't listen, but my
16 friend explained that I was trans and needed the
17 photo changed only and started talking about civil
18 rights and discrimination laws. Even though we knew
19 they didn't cover me, we hoped that she didn't know.
20 The supervisor looked over all the papers and then
21 told us we could get a number. When we finally got
22 to the guy who took the photos, he looked at the
23 documents and looked at me and said, "I can't do
24 this." We said, "Yes, your supervisor has already
25 said you could do it." He had to get out and talk

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2 to the supervisor again and she told him to do it.
3 So they took my picture. It was a really horrible
4 experience. I felt like I was asking them for a
5 favor instead of just paying to have my picture
6 taken like any other person who needs an updated
7 photo. I felt like I didn't have any rights. I
8 remember thinking, this is what my
9 great-grandparents must have felt like when they
10 came to the US as immigrants. It was like I had to
11 convince them to treat me like I belonged here, as
12 if I wasn't a citizen already.

13 I'm asking you today to help me get
14 treated like a citizen of this city. Please pass
15 this legislation so that the transgender people have
16 a law that requires other people to treat us like US
17 citizens. Thank you.

18 COUNCILMAN COHEN: Thank you very much.
19 Kathy Padilla.

20 MS. PADILLA: Mr. Chairperson, members
21 of the Committee. Thank you for the opportunity to
22 speak here in support of this bill today. My name
23 is Kathy Padilla and I'm a board member of both
24 OutFront and the National Transgender Advocacy
25 Coalition. And I'm a transgendered Philadelphian.

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2 Transgendered people are those whose
3 appearance, interest, personal or medical histories
4 don't meet traditional expectations regarding men or
5 women. We experience discrimination based upon
6 gender identity and gender expression. We are your
7 constituents, your neighbors, your coworkers, and
8 your family members. We belong to all races, all
9 faiths, all professions, and all political parties.
10 This bill is a confirmation that Philadelphia values
11 opportunity for all of its citizens and a
12 recognition that this opportunity benefits the
13 entire community.

14 The discrimination transgendered
15 person's face is pervasive. We experience
16 difficulty finding employment, housing, health care,
17 and educational opportunities. Statistics are
18 difficult to come by, as we are not included in most
19 governmental studies. But what we do have tells us
20 that the median income for transgendered persons is
21 about 50 percent of that of the general population.
22 30 percent of us cannot finish high school. Our
23 employment rate is several times that of the
24 national average and 20 percent do not have stable
25 housing. Those who lack housing have often been

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2 refused access to shelters.

3 We often need to fear such simple things
4 as being served in a restaurant, seeking emergency
5 medical care, finding an apartment or just walking
6 down the street. In my own experience, I've been
7 followed home by people yelling threats, been
8 ridiculed by a receptionist in a doctor's office,
9 had my car vandalized, and received numerous crank
10 phone calls. I've been quite likely compared to
11 most.

12 Fairness is a fundamental American
13 value. Every American, when trying to earn a
14 living, rents an apartment, buy something in a
15 store, or attend a school should be treated based
16 upon their merits and not on characteristics
17 unrelated to their abilities to do their jobs or to
18 pay for a service. The ability to contribute to our
19 communities and our families is essential to gaining
20 respect from others and ti having respect ourselves.

21 This bill is a beacon of hope to those
22 of us who are transgendered in Philadelphia. The
23 protections afforded by this bill reflect a growing
24 recognition across the nation that discrimination
25 based upon gender identity needs to be eliminated.

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2 We ask that you do what Erie, York, Harrisburg,
3 Pittsburgh, Allentown and 39 other municipalities
4 have already done by passing this legislation.

5 Thank you.

6 COUNCILMAN COHEN: Thank you very much.

7 In addition, the Committee has received supporting
8 written testimony from Allan Gordon, Chancellor of
9 Philadelphia Bar Association, from the First
10 Unitarian Church of Philadelphia, from Gretchen P.
11 Kenagy of the University of Illinois, of the
12 American Civil Liberties Union, of Marta Ames of the
13 AFL-CIO Pride at Work, of Kristine Holt, and Dana
14 Priesing.

15 Is there any person here who wishes to
16 be heard either pro or con the bill?

17 Seeing none, are there any questions of
18 members of the panel?

19 Councilman DiCicco.

20 COUNCILMAN DICICCO: Thank you, Mr.
21 Chair. I'd just like to take this opportunity, I'd
22 like to echo some of the comments that were made
23 earlier by my colleagues on the panel that it is a
24 great day in Philadelphia.

25 One of the first key votes that I was

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2 involved in as a Councilperson was the domestic
3 partners. I was a little bit taken back at that
4 time to see all of the folks who were coming in
5 basically in option to that bill. And I just for
6 some reason couldn't understand it for the life of
7 me how we were still in this country in this day and
8 age, some 200-plus years after a document was
9 written in this very City that people have to come
10 in to have laws enacted to protect them for the
11 rights that we were given a couple hundred years ago
12 and we're still doing it today as we sit in this
13 Chambers. So while it is a great day, it is
14 somewhat of a sad day for me that we still have to
15 go through this exercise. But, fortunately, we have
16 enough folks in City Council in this city to
17 recognize that people should not be discriminated
18 against no matter what their sexual preference or
19 sexual orientation they choose.

20 I do want to also take this opportunity
21 to thank a number of people, the folks from out
22 front, the Commission on Human Relations, the Gay
23 and Lesbian Task Force, and in particularly David
24 Fitz, my legislative assistant and Irene Benedetti
25 who is also of my staff. I'm very fortunate to have

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2 two such fine staff people. As you know, most of
3 the work was done by them. They did brief me from
4 time to time on what I needed to be briefed on. We
5 can't be there as Councilpeople all these meetings,
6 but I know every you were in good hands. I'm proud
7 here today to pass this legislation out of this
8 Committee and confident it will pass unanimously in
9 City Council as well. Thank you. You do contribute
10 a lot to this community, and often I think that goes
11 unrecognized. So I would recognize for your
12 contribution to this great City. Thank you.

13 COUNCILMAN COHEN: Any other comments
14 from members of the Committee?

15 COUNCILMAN ORTIZ: Thank you, Mr. Chair.
16 The fact we don't have anybody testifying in
17 opposition is incredible.

18 COUNCILMAN COHEN: It shows never give
19 up hope. People are decent. People will ultimately
20 react properly if you have enough patience.

21 Councilman DiCicco and I are known for
22 frequent conflicts of opinion, but I must say his
23 position on issues like this was one of the really
24 redeeming factors on his side from my point of view.
25 I knew he was human, although I had to find proof of

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2 it in other ways. I'm delighted by his leadership.
3 I commended it before you came to this meeting. I
4 just think it's wonderful that despite differences
5 in other areas, this City Council has rallied around
6 and almost acted unanimously on matters of basic
7 human rights.

8 COUNCILMAN ORTIZ: I have amendment to
9 the bill.

10 COUNCILMAN COHEN: We'll hold that for
11 the public meeting.

12 There being no one else who wishes to be
13 heard and there are no questions of the panel, the
14 hearing on this bill is now adjourned.

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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING
COMMITTEE ON LAW AND GOVERNMENT

- - -

Wednesday, May 8, 2002

- - -

Public Meeting conducted by the
Committee on Public Property and Public Works, held
in Room 696, City Hall, Philadelphia, Pennsylvania,
on the above date, to consider action on the
following:

BILL 010719

- - -

PRESENT:

COUNCILMAN DAVID COHEN, Chair
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN FRANK DICICCO
COUNCILMAN MICHAEL NUTTER
COUNCILMAN ANGEL ORTIZ
COUNCILMAN FRANK RIZZO

- - -

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2 COUNCILMAN COHEN: We will proceed into
3 the public meeting of this Committee. As chairman,
4 I announce there is a quorum consisting of
5 Councilman Nutter, Councilman Ortiz, Councilwoman
6 Blackwell, and Councilman DiCicco who is serving by
7 appointment of President Verna, and myself as
8 Chairman of the Committee. In addition to this full
9 quorum, Councilman Rizzo, a member of the Committee,
10 stated his vote in support of this bill before he
11 left. And President Verna was ready to come up at
12 any point if her presence was needed for a quorum.
13 I think that strong support at committee level
14 indicates the total support of the City Council.

15 The public session is now in order. The
16 Chair recognizes Councilman Ortiz for the purpose of
17 introducing an amendment to the bill.

18 COUNCILMAN ORTIZ: Thank you, Mr.
19 Chairman. I have an amendment to Bill No. 010719.
20 One, to amend Subsection 9-1102 (h.1) of the
21 Philadelphia Code as it appears in Section 1 of the
22 bill as follows: (h.1.) Gender identity.
23 Self-perception, or perception by others, as male or
24 female, and shall include a person's appearance,
25 behavior, or physical characteristics, that may be

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2 in accord with or opposed to one's physical anatomy,
3 chromosomal sex, or sex assigned at birth; and shall
4 include, but is not limit to, persons who are
5 undergoing or have completed sex reassignment.

6 That last part are the additions to the
7 new bill.

8 (Duly seconded.)

9 COUNCILMAN COHEN: The bill has been
10 introduced and seconded by Councilman DiCicco. Any
11 discussion?

12 If not, all those in favor, please say
13 aye.

14 (Aye.)

15 COUNCILMAN COHEN: Any nays?

16 (No response.)

17 COUNCILMAN COHEN: The ayes have it, and
18 the bill is amended.

19 The Chair recognizes Councilman DiCicco
20 for purpose of a motion on the bill as amended.

21 COUNCILMAN DICICCO: Thank you, Mr.
22 Chair. I move that Bill No. 010719, as amended, be
23 reported out of this Committee with a favorable
24 recommendation and a further recommendation that the
25 rules of Council be suspended so as to permit first

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2 reading on the next session of City Council.

3 (Duly seconded.)

4 COUNCILMAN COHEN: The bill, as amended,
5 having been moved for adoption and seconded by the
6 Committee, is there any discussion?

7 If not, all those in favor, please say
8 aye.

9 (Aye.)

10 COUNCILMAN COHEN: Any opposed?

11 (No response.)

12 COUNCILMAN COHEN: The ayes have it.
13 The ayes have it unanimously. It is so ordered.

14 (Applause.)

15 COUNCILMAN COHEN: For persons who are
16 here, this means that the bill will be coming up for
17 its final vote a week from tomorrow. Tomorrow is
18 the First Reading, which is just a technical reading
19 of the action that we took today. But the vote will
20 be a week from tomorrow. Thank you. It is a great
21 day in the history of Philadelphia.

22 (Council adjourned at 12:05 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of May 8, 2002, were reported fully and
accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE ON LAW AND GOVERNMENT

Lisa C. Bradley, RPR
and Notary Public