

# New York

LGBTQ+ Business Climate Score

out of a possible 100 points



Out Leadership's Business Climate Index for the 50 United States is an assessment of states' performance on LGBTQ+ inclusion. It measures the impact government policies and prevalent attitudes have on the LGBTQ+ people residing in each state, quantifying the economic imperatives for inclusion and the costs of discrimination. It equips business leaders and policy makers with a clear sense of the most impactful steps states can take to make themselves more hospitable to forward-thinking, innovative, inclusive businesses.

## Color Coding



For more context around these scores, and to learn more about the criteria we used to assess how state laws, actions and attitudes toward LGBTQ+ people create business and talent risks, please visit [outleadership.com/driving-equality/us-state-ceo-briefs/](https://outleadership.com/driving-equality/us-state-ceo-briefs/)

# New York



## Legal & Nondiscrimination Protection

The Legal and Nondiscrimination Protections section includes two subsections: The **Personal Legal Scale** assesses the state's laws directly impacting LGBTQ+ individuals. This includes processes for transgender people to change their gender markers on birth certificates and driver's licenses, as well as protections for individuals in housing, the workplace, public spaces, foster care, and more. **Two Nondiscrimination Protections Scales** assess the extent to which LGBTQ+ people are protected under state law. One evaluates nondiscrimination laws related to employment and the other evaluates any nondiscrimination laws related to housing, public accommodations, credit and lending.



## Youth & Family Support

The Youth and Family Support section contains three subsections. The **Family Support Scale** measures how supportive the state is of LGBTQ+ people who are in or wish to start families. Elements of this scale include: the percentage of LGBTQ+ families raising children, and whether state family leave laws cover same-gender couples and allow workers to care for the children they are raising. The **Children and Youth Scale** assesses the resources available to LGBTQ+ children and youth in the state, including whether the state has non-discrimination laws and policies for LGBTQ+ students. The **Targeted Laws** section evaluates states on whether they ban discussion of same-gender marriage in schools, and whether they ban conversion therapy for minors.





## Political & Religious Attitudes

The Political and Religious Attitudes section contains two subsections. Taken together, these scales assess the tone of the state's conversation around LGBTQ+ rights. The **Religious Protections Scale** assesses the extent and impacts of a state's constitutional or statutory religious exemption laws, and whether state law provides for targeted religious exemption from laws governing child welfare services, private wedding services, and the provision of medical care. The **State Leadership Scores** are Out Leadership's unique measures evaluating the state's most senior elected officials – the Governor and the two U.S. Senators – and assessing how they've represented their views of LGBTQ+ people in speeches and in their political platforms, and in terms of how they've acted with regard to laws impacting LGBTQ+ equality.

20.0<sub>/20</sub>



## Health Access & Safety

The Health Access and Safety section contains two subsections. The **Health Scale** assesses LGBTQ+ people's access to insurance and medical care in each state, giving particular emphasis to the most economically precarious and vulnerable members of the community. The **Safety Scale** is based on two significant laws protecting or criminalizing behaviors affecting LGBTQ+ people. It asks whether the state protects LGBTQ+ people in its hate crime laws. It also assesses whether the state criminalizes exposure to or transmission of HIV.

18.0<sub>/20</sub>



## Work Environment & Employment

The Work Environment and Employment section contains two subsections. The **Work Environment Scale** assesses transgender individuals' experiences at work, including incidences of verbal harassment, sexual assault, and other mistreatment. The **Employment Scale** is based on assessments of LGBTQ+ employment in the state. This scale includes the percentage of LGBTQ+ people making less than \$24,000 annually (approximately the current Federal poverty line), and the differences in unemployment rates and food insecurity between LGBTQ+ and non-LGBTQ+ identified individuals.

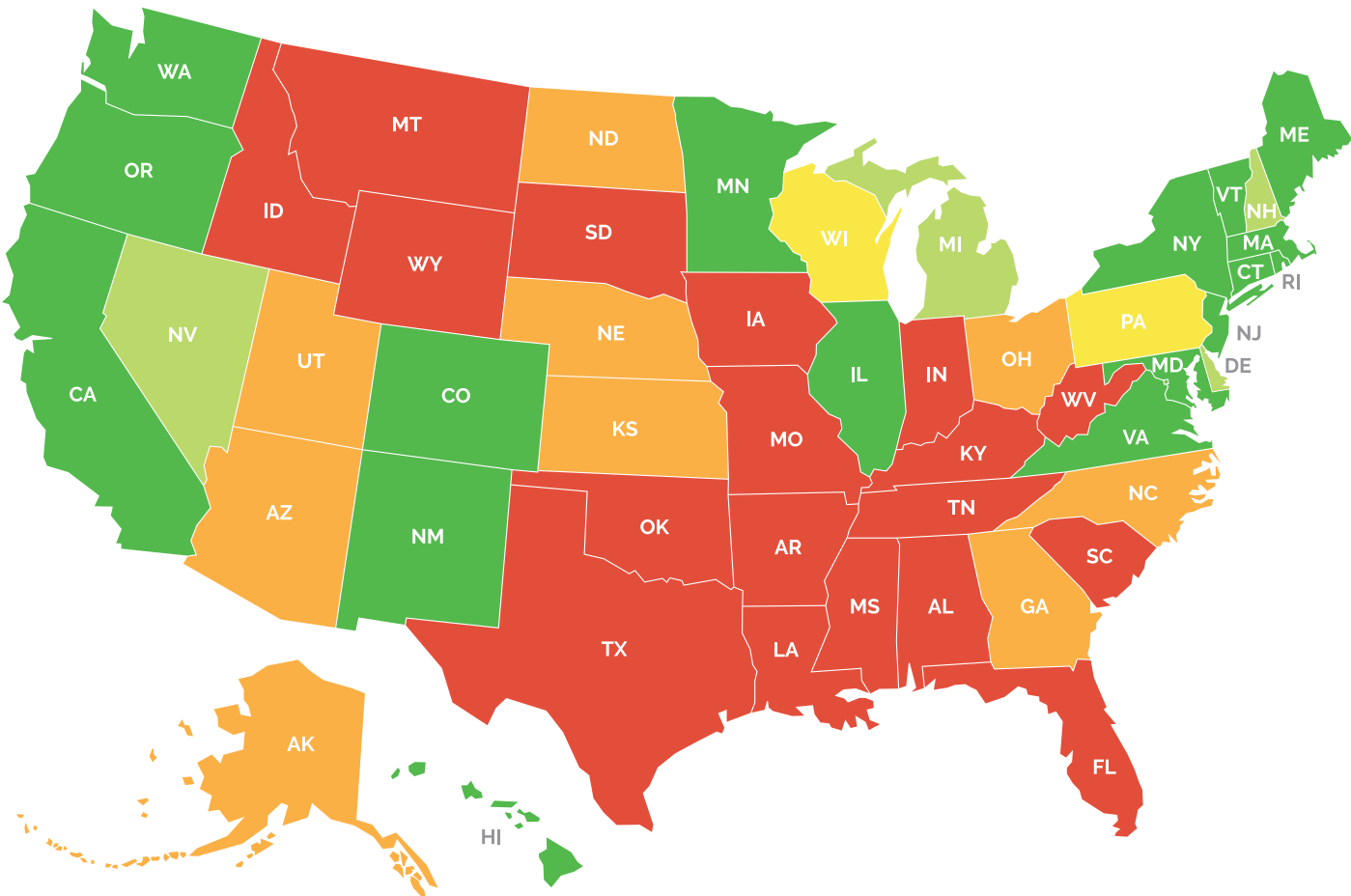
17.0<sub>/20</sub>

## A Note on Methodology

Download this report to learn how and why Out Leadership created the LGBTQ+ Business Climate Index for the 50 U.S. States, with important details about our methodology, including our data standards and practices. NOTE: \*HIV criminalization laws are discriminatory and ineffective. These laws fail to account for advances made in treating and controlling HIV, may deter people from getting tested and seeking treatment, and can exacerbate the stigma targeting people living with HIV and LGBTQ+ people.

# United States Heat Map

The legal and cultural situation for LGBTQ+ people varies widely across the country. This map, based on each state's total Business Climate Score, illustrates the states where LGBTQ+ people are empowered to participate more fully and openly in the economy, and the states that are lagging behind.





# New York Talking Points

5.5% of New Yorkers identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$48.5 billion – it's a market my business can't afford to ignore.

When LGBTQ+ employees don't feel welcome at work, they're less likely to stay, and employee turnover is a drag on the state economy and business competitiveness. It costs companies an average of \$12,020 to replace an employee in New York, and it can cost up to \$468,685 to replace senior executives. New York and the businesses operating there have strong financial incentives to create inclusive workplaces in the interest of keeping these costs down.

New York's comprehensive nondiscrimination law protects LGBTQ+ people, so the state is already experiencing the positive economic impacts of such policies. One estimate suggests that the state's economy may have grown 3%, or \$48.2 billion, thanks to its inclusive approach. That said, there's still a gap between policy and culture, and organizations in New York have a business imperative to ensure that LGBTQ+ people feel welcome in their workplaces.

New York has a favorable economic environment for business investment – but taking steps to make LGBTQ+ people feel safer and more included would better enable companies to attract top LGBTQ+ talent.

Millennial and Gen Z consumers prefer to do business with companies with LGBTQ+ friendly advertising and policies – 54% say they're more likely to choose an LGBTQ+ inclusive brand over a competitor – which is why it's important that New York continue to foster a business environment where being inclusive is supported.

# Regional Context

## The Northeast

Out Leadership and FCB partnered on original market research into the attitudes of American workers on LGBTQ+ inclusion, which fielded in 2019 and 2020. These briefs as a whole will be updated on an ongoing basis by Out Leadership because we recognize the ever-changing nature of policy on the local, state, and national level.

The Northeast has the lowest percentage of those who are out at work (49.6%). LGBTQ+ workers in urban environments, however, do feel slightly more comfortable talking about their personal lives vs. urban LGBTQ+ workers for the rest of the country (17% more likely than nationwide). Workers in this region are more likely to hear or engage in negative conversations about LGBTQ+ people at work. Particularly for the non-LGBTQ+ group, which is 23% more likely to report observing or experiencing negative conversations about LGBTQ+ people vs the nation as a whole. Despite being more likely to hear negative conversations at work, workers in this region are the least likely to say that they hear this negativity from state leadership. They are 61% less likely to report that leadership in their state talks about LGBTQ+ people in predominantly negative terms. Like most regions, there is a strong difference between urban and rural audiences, especially for the self-rated importance of team diversity when looking for jobs. LGBTQ+ / Allies living in Rural areas care the least about diverse teams when looking for jobs (49% less likely than nationwide). Finally, audiences in the Northeast were 20% more likely to list "Supporting LGBTQ+ Pride celebrations" as one of their top three ways businesses can demonstrate their support for the community.

*Unless otherwise noted, all comparisons for more or less likely are compared to the National results. Regional results are based off of 1,500 respondents (LGBTQ+ and Non-LGBTQ+ responses have been weighted to be age-representative for each audience in each region). National results are based off of 600 respondents representative of each audience (LGBTQ+ vs Non-LGBTQ+).*

States in the Northeast region included: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont.

# Impact of LGBTQ+ Discrimination on Business Talent

1

NO RISK

2

LOW RISK

3

MODERATE RISK

4

NOTABLE RISK

5

HIGH RISK

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## Brand Risk

1

NO RISK

Companies incur no risk to their brands by operating in New York, where there are comprehensive LGBTQ+ inclusive nondiscrimination protections and the state's governor and senators have strong pro-LGBTQ+ records.

## Client Risk

1

NO RISK

There is no risk of LGBTQ+ or strong ally clients pulling their business from companies operating in New York in light of the state's business climate or reputation.

## Talent Risk

1

NO RISK

New York has strong legal protections for LGBTQ+ people, making working there attractive to LGBTQ+ professionals.

## Marketing Risk

1

NO RISK

There is no risk involved in marketing to the LGBTQ+ community in New York.

## Future Risk

1

NO RISK

In 2019, New York finally passed comprehensive statewide nondiscrimination protections. We do not see an appetite for discriminatory actions going forward, and we currently see no risk of a future negative event.



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# Current Legal Status of LGBTQ+ People in New York

## Legal status of the Lesbian, Gay and Bisexual Community

New York has comprehensive state laws that prohibit discrimination on the basis of sexual orientation or gender identity in employment, housing, public accommodations, education, credit, and the exercise of civil rights.

New York state law also prohibits discrimination against state employees on the basis of sexual orientation and gender identity or expression.

Children in foster care are protected from discrimination on the basis of sexual orientation or gender identity or expression.

New York law permits adoptions by LGBTQ+ individuals and same-sex couples. It also prohibits adoption agencies from discriminating against same-sex couples on the basis of religious beliefs.

New York does not have a state Religious Freedom Restoration Act.

New York does not have a criminal statute that specifically punishes people with an HIV diagnosis for nondisclosure prior to sexual conduct. However, under New York's general criminal laws — such as reckless endangerment and assault laws — it is possible to prosecute an HIV-positive person for nondisclosure of HIV status prior to sexual conduct. In recent years, there has been at least one criminal prosecution for HIV non disclosure in New York.

New York's state hate crimes law covers crimes performed on the basis of sexual orientation or gender identity.

Conversion therapy for minors is banned.

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## Legal Status of the Transgender Community

To update the gender marker on a driver's license, an individual must provide a letter signed by a physician, psychologist, or psychiatrist, life counselor, social worker, or other professional on their letterhead certifying the applicant's gender of male or female.

To update the gender marker on a birth certificate, an individual must



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submit, among other documents, a notarized "affidavit of gender error" signed by the individual and a notarized affidavit from a physician, nurse practitioner, or physician assistant confirming that the applicant has undergone appropriate clinical treatment for gender affirmation. Gender confirmation surgery is not required. Birth certificates also have a nonbinary "X" option.

New York law prohibits exclusions for transgender care under both private health insurance and Medicaid. Insurance plans regulated by the state must cover medically necessary treatment for individuals diagnosed with gender dysphoria.

The requirement for Medicaid to cover gender dysphoria treatment extends to people of all genders, including those who identify as nonbinary. People can use restrooms that align with their gender identity.

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## Government Statements and Actions

In response to Florida's 2022 "Don't Say Gay" law, NYC Mayor Eric Adams invited LGBTQ+ Floridians to relocate to New York. The accompanying billboard campaign stated "Come to the city where you can say whatever you want." In 2023, Adams signed an executive order protecting access to gender-affirming health care in NYC.

The Manhattan District Attorney's office announced in 2021 that the state would stop prosecuting sex workers, which the trans community applauded.

New York City death certificates added a nonbinary option in 2020.

A May 2019 federal district court decision rejected a lawsuit by a Christian adoption agency (New Hope Family Services) that sought to maintain a policy based on its religious beliefs of not recommending or placing children with same-sex couples or unmarried different-sex couples.

In 2019, former Governor Cuomo mandated that all insurers in the state completely cover PrEP. He also banned the gay and trans panic defense in the state's legal system.



# Socio-cultural Environment of LGBTQ+ People in New York

## Status of LGBTQ+ Organizing and Community

New York City is the epicenter of the global Pride movement, which can be traced back to 1969 protests at the Stonewall Inn. An estimated 150,000 people marched in the 2019 Pride parade there. NYC Pride is scheduled for June 2024.

The late New Yorker Edie Windsor was the plaintiff in a Supreme Court case that deemed the Defense of Marriage Act unconstitutional.

## Cultural Views of the LGBTQ+ Community

A quarter of teens in New York City schools identify as LGBTQ+. 75% of New Yorkers favor LGBTQ+ nondiscrimination laws. 61% oppose religious exemptions for small business owners.



# Partners

Our partnerships make our work possible. The first State LGBTQ+ Business Climate Index released in 2019 was funded by a grant from the Gill Foundation. The Index is based on data graciously shared by the Movement Advancement Project and the Williams Institute. Ropes & Gray is our pro bono legal partner for the CEO Business Briefs globally, and their research informs this Index. FCB partnered with us to conduct original market research into American attitudes toward LGBTQ+ workplace inclusion, informing the Regional Context section of the State CEO Briefs. America Competes supported the development of the scoring for the Risk Assessments, particularly for the Future Risk score.

