

OFFERED BY COUNCILORS JULIA MEJIA, LIZ BREADON, HENRY SANTANA, COLETTA ZAPATA, DURKAN, FERNANDES ANDERSON, FITZGERALD, FLYNN, MURPHY, PEPÉN, WEBER, WORRELL AND LOUIJEUNE



CITY OF BOSTON

IN CITY COUNCIL

IN THE YEAR TWO THOUSAND TWENTY-FIVE

ORDINANCE ESTABLISHING A TRANSGENDER, GENDER-DIVERSE, INTERSEX, AND LGBTQIA2S+ OVERSIGHT COMMISSION

WHEREAS,

Boston is home to the largest population of residents who identify as Lesbian, Gay, Gender-Diverse, Bisexual, Transgender, Queer, Intersex, Asexual, Aromantic, Pansexual, Non-Binary, Agender, Two-Spirit, and other sexual or romantic orientations and gender identities or expressions (LGBTQIA2S+) in the Commonwealth of Massachusetts, and the 10th largest LGBTQIA2S+ population out of all cities in the United States, underscoring the importance of the city continuing to be a safe-haven for all residents regardless of their gender identity or sexual orientation; *and*

WHEREAS,

The internationally recognized Transgender Day of Remembrance originated in Boston as a response to the murders of three Black transgender women—Rita Hester, Monique Thomas, and Chanelle Pickett—emphasizing the city’s profound duty to continue confronting the ongoing and disproportionate violence, discrimination, and systemic barriers faced by trans women of color and all trans, gender-diverse, and intersex people; *and*

WHEREAS,

Since January 20, 2025, LGBTQIA2S+ people across the country have been targeted by several executive orders that aim to curtail life-saving gender-affirming health care, reproductive healthcare, HIV prevention and treatment care, the inclusion of gendered language in federally-backed scientific research, and more, posing significant public health risks to LGBTQIA2S+ persons and all residents; *and*

WHEREAS,

Boston is a global leader in research, education, and medical innovation, with institutions that affirm the importance of science and evidence-based policies. Ongoing federal actions—including recent executive orders that undermine LGBTQIA2S+ rights and promote their erasure—have been in direct conflict with the city’s commitment to evidence-based, inclusive approaches to public policy. ***NOW, THEREFORE***

Be it ordained by the City Council of Boston, as follows:

That the City of Boston Code, Ordinances be amended in Chapter XV by adding the following after 15-11:

15-11: Ordinance Creating a Transgender, Gender-Diverse, Intersex, and LGBTQIA2S+ Oversight Commission

Section 1: Purpose.

The purpose of this Ordinance is to establish an Oversight Commission representative of Boston's transgender, gender-diverse, intersex, and LGBTQIA2S+ community, addressing intersecting identities, including those who are Black, Indigenous, people of color, people with disabilities, immigrants, youth, elders, and low-income; to promote the representation and equitable treatment of transgender, gender-diverse, intersex, and LGBTQIA2S+ persons at all levels of City government and by all City Departments and quasi-governmental agencies; and to commission a study aiming to assess the following: quality-of-life, challenges, and contributions of the LGBTQIA2S+ community in the City of Boston.

Section 2: Definitions.

1. "City" refers to the City of Boston
2. "Transgender" and "gender-diverse" refers to a person whose gender-identity differs from that which they were assigned at birth
3. "Gender-identity" refers to the gender with which an individual identifies, and may differ or be the same as that which they were assigned at birth
4. "Intersex" refers to individuals with innate variations in their physical sex characteristics, including external anatomy, reproductive organs, hormonal function, and/or chromosomal pattern
5. "LGBTQIA2S+ communities" refers to a group of persons holding one or more of the following identities (non-exhaustive):
 - a. Lesbian
 - b. Gay
 - c. Gender-Diverse
 - d. Bisexual
 - e. Transgender
 - f. Queer
 - g. Intersex
 - h. Asexual
 - i. Aromantic
 - j. Pansexual

- k. Non-Binary
- l. Agender
- m. Two-Spirit

Section 3: Establishment of a Transgender, Gender-Diverse, Intersex, and LGBTQIA2S+ Oversight Commission.

1. ***Function.*** The Transgender, Gender-Diverse, Intersex, and LGBTQIA2S+ Oversight Commission's purpose and function is to:
 - a. Coordinate with City departments, divisions and agencies including, but not limited to: the Office of LGBTQIA2S+ Advancement, the Human Rights Commission, the Boston Public Health Commission, the Boston Police Department, the Office of Immigrant Advancement, the Age Strong Commission, the Equity and Inclusion Cabinet, and Boston Public Schools to obtain necessary information to carry out the functions, purposes, programs and activities of the Commission.
 - b. Advise the Mayor on issues pertaining to transgender, gender-diverse, intersex, and LGBTQIA2S+ people in Boston.
 - c. Assist the Office of LGBTQIA2S+ Advancement in advising the Mayor and the City Council of their budget and policy priority recommendations.
 - d. Monitor and advise City Agencies and Departments on issues affecting transgender, gender-diverse, intersex, and LGBTQIA2S+ residents through an intersectional lens — with a focus on those whose identities also intersect with other forms of marginalization, including race, disability, national origin and immigration status, sexual orientation and gender identity, mental and physical health, experiences of violence, sex worker rights, employment, and more.
 - e. Design projects and programs that promote equity for transgender, gender-diverse, intersex, and LGBTQIA2S+ residents, which are not currently being implemented by existing City Agencies.
 - f. In partnership with the Office of LGBTQIA2S+ Advancement, perform outreach, communication and serve as liaison to transgender, gender-diverse, intersex, and LGBTQIA2S+ residents, community groups and organizations.
 - g. Work with the Department of Intergovernmental Relations concerning Commonwealth and federal legislation and programs that are of concern to transgender, gender-diverse, intersex, and LGBTQIA2S+ identities where they intersect with race; disability status; national origin and immigration status; sexual orientation and gender identity; mental, physical and sexual health; violence prevention; sex-worker rights; employment and more.
2. ***Duties and Responsibilities.***

- a. During the first year of its existence, the Commission shall hold monthly meetings and give updates to the City Council on a quarterly basis and shall hold regular meetings thereafter, holding at least six (6) per calendar year.
 - b. Produce a yearly report pertaining to the work of the Commission and the progress of the City and the community to advance the status of transgender, gender-diverse, intersex, and LGBTQIA2S+ residents. The Commission shall submit the report to the City Clerk who shall forward the report to the Mayor of the City and shall file the report and include the docket on the agenda of the next-occurring meeting of the Boston City Council.
 - i. This report shall include:
 1. A statistical breakdown of the total number of contacts or engagements with federal agents relating to the detainment, surveillance, and/or information gathering of LGBTQIA2S+ individuals under that agency's jurisdiction.
 2. Using the City's Gender Awareness Guidelines under the Department of Innovation and Technology (DoIT) and the Office of LGBTQIA2S+ Advancement, an overview of where personally-identifiable information relating to individuals' gender-identity is currently collected and provide recommendations to be considered by DoIT.
 3. Collaboratively with the Boston Human Rights Commission, a breakdown of any complaints reported by LGBTQIA2S+ individuals or groups within these agencies, separated by type of complaint, demonstrating data by intersectional identities.
 4. Any additional information as determined by the members.
3. **Membership.** The Commission shall consist of fifteen (15) members. The Mayor will appoint members based on recommendations from the Boston City Council and Boston community. The Mayor shall appoint:
- a. Nine (9) members from three (3) nominees per seat submitted by the Boston City Council. Members shall be appointed to represent each of Boston's nine (9) City Council districts. Members nominated for these seats shall reside in the District they have been appointed to represent at the time of appointment.
 - b. The Mayor shall appoint six (6) members from a pool of applicants recommended by civil rights advocacy groups, youth organizations, neighborhood associations and those with past experience and knowledge of LGBTQIA2S+ issues. Of the 6 members appointed, there shall be at least two (2) youth representatives, who shall be at least 14 years of age at the time of appointment and shall be appointed to serve a three year term.
 - c. Elected officials in Municipal, State, or Federal government shall not be eligible to be Commission members.

- d. Commission members shall be residents of the City of Boston at the time of appointment and throughout the entirety of their term.
4. **Terms.**
- a. Commission members nominated by the City Council shall serve a term of two (2) years.
 - b. Of the remaining Commission members:
 - i. 3 Commission members, of which 2 will be youth, shall serve a term of three (3) years.
 - ii. 3 Commission members shall serve a term of four (4) years.
 - c. **Vacancy.** Any vacancy occurring otherwise than by the expiration of a term shall be filled for the unexpired term in the same manner as the position was originally filled.
 - d. **Expiration of Term.** Should a term expire and a holdover member remains in the role for more than 90 days from the date of expiration, they shall be considered re-appointed for the remainder of the new unexpired term until terminated and replaced pursuant to the Boston City Charter. As the term of a member expires, the member's successor shall be appointed by the Mayor for a term of three years from such expiration.
5. **Eligibility.** Prospective members of the commission are eligible for appointment based on the following criteria:
- a. All Commission members shall be knowledgeable about the rights of LGBTQIA2S+ individuals and shall be representative of all socio-economic, age, racial, ability and gender-identifying segments of the City as well as different neighborhoods.
 - b. The composition of the Commission shall include community members who reflect the intersectionality of the LGBTQIA2S+ community and who bring experience or expertise in areas such as public health, housing, education, youth services, mental health, disability access, elder services, community organizing, transgender, gender diverse, and intersex experience and rights, and legal advocacy.
6. **Chairship.** Following its establishment, the Commission shall convene within 30 days to elect the Chair of the Commission and thereafter, convene to elect a new Chair biennially.
7. **Executive Director.** The Mayor shall appoint an Executive Director of the Commission that shall be nominated by community advocates and not be an existing City employee. The Executive Director shall serve as the advisor of the Commission and shall have the powers of a Department head with respect to the execution of contracts and matters of personnel management within said Office. The Executive Director shall hold a full-time employment contract with the City and serve as a member of the Commission. The Executive Director shall have an official vote on matters before the Commission.
8. **Attendance.** Any member absent for more than one-third of Commission meetings within

a 12-month period may be removed from the Commission by the Mayor, provided that at least three meetings occurred during that time. Absences due to disability, illness, caregiving responsibilities, or other accessibility-related, or extenuating circumstances shall not be counted toward removal. Meetings must be conducted in an accessible manner, including offering remote participation options and providing necessary accommodations to promote full participation by all members.

9. ***Compensation.*** Commission members shall receive a yearly stipend

Section 4: Commission of a Quality-of-life Study for Transgender, gender-expansive, intersex, and LGBTQIA2S+ Residents in the City of Boston.

1. The City of Boston shall commission a comprehensive quality-of-life study focused on the lived experiences, challenges, and contributions of the transgender, gender-diverse, intersex, and LGBTQIA2S+ community.
 - a. This study shall:
 - i. Be voluntary
 - ii. Ensure confidentiality and anonymity for all participants
 - iii. Collect qualitative and quantitative data through surveys, interviews, and community forums
 - iv. Ensure that the entirety of the transgender, gender-diverse, intersex, and LGBTQIA2S+ community are represented and that the intersections of all identities held are accurately captured
 - v. Assess access to healthcare, housing, employment, education, and public safety
 - vi. Identify systemic barriers and disparities impacting the LGBTQIA2S+ community from an intersectional approach, intentionally assessing the layered systemic barriers faced by transgender, gender-diverse, intersex, and LGBTQIA2S+ persons who also are: of color, immigrants, disabled, elderly, youth, incarcerated, etc.
 - vii. Highlight the cultural, economic, and social contributions of transgender, gender-diverse, intersex, and LGBTQIA2S+ individuals
 - viii. Audit places where personally-identifiable information is being collected across City departments and quasi-governmental agencies, and create informed suggestions about how to adjust
 - ix. Include research from licensed legal experts on the state of compliance by City Departments and agencies with all federal, state, and local non-discrimination laws vis-a-vis transgender, gender-diverse, intersex, and LGBTQIA2S+ people
 - x. Engage local LGBTQIA2S+ organizations, advocates, and stakeholders in the research process

- xi. Provide policy recommendations to improve inclusivity, equity, and well-being in the City of Boston
- xii. Be completed within a specified timeframe, with findings made publicly available

Section 5: Implementation.

Hearing on the Commission's Yearly Report. Upon receipt of the Commission's yearly report, the City Council will promptly conduct a hearing on it to review the implementation, enforcement, and benchmark goals of City agencies vis-a-vis LGBTQIA2S+ communities.

Section 6: Severability.

The provisions of this Section are severable, and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity will not affect the remaining provisions, which will remain in full force and effect.

Section 7: Effective Date.

The provisions of this ordinance shall be effective immediately upon passage.

Filed in Council: April 30, 2025