

**Combined Testimony of
TransOhio and Equality Ohio**

**February 4, 2020
Civil Justice Committee**

Testimony of James Knapp, Esq. of TransOhio:

Chair Hambley, and members of the Ohio House Judiciary Committee, my name is James Knapp, and my pronouns are he, him, his. As chairman of TransOhio, and on behalf of my community and myself, I am pleased to submit testimony in support of House Bill 369, the Ohio Fairness Act.

I'm native Ohioan, and I've lived here for over 30 years. I went to a private, single-sex Catholic school in Akron, Ohio, which I mention only because it still is an all-girl school; and that's a part of my history that you would never guess by looking at me. I graduated with honors, went on to law school in Michigan, and returned home—because Ohio is my home. And I, like all members of the LGBTQ community, have every right to live, work, and play here, and enjoy the full protections of the law, as they are applied to everyone else.

A recent survey of Ohio transgender residents by the National Center for Transgender Equality revealed many statistics that may seem shocking to many, but are the reality for countless transgender Ohioans. To be brief, I will not list them here, but they can be found in the written version of my testimony.

The following passage is unread, but provided for the record:

A recent survey of Ohio transgender residents by the National Center for Transgender Equality revealed that 26% of our community are in poverty. This same survey also revealed that 30% of those who held or applied for a job during that year reported being fired, being denied a promotion, or not being hired for a job they applied for because of their gender identity or expression. Of respondents who visited a place of public accommodation where staff or employees thought or knew they were transgender, 32% experienced at least one type of mistreatment in the past year. This included 16% who were denied equal treatment or service, 26% who were verbally harassed, and 1% who were physically attacked because of being transgender. This same survey also revealed that 25% of respondents experienced some form of housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender. 33% of those surveyed have experienced homelessness at some point in their lives, and 15% experienced homelessness in the past year because of being transgender.¹

¹ 2015 U.S. Transgender Survey: Ohio State Report, National Center for Transgender Equality, accessed 5/22/19: <http://www.transequality.org/sites/default/files/docs/usts/USTSOHStateReport%281017%29.pdf>

Sadly, as a leader of TransOhio, I have received reports from some who, because of just being in the community, were asked to leave restaurants and public venues. I ask you—is that the message of welcome we want to have for visitors who come to our state?

Each week, I receive messages from members of the community who have been denied jobs, fired like the young man near Athens who was terminated when his employer found out he was transgender or the young woman in Delaware who was denied work despite her talents and was told that she was not employable due solely to her being transgender.

Another member of our community just recently told me that they cannot even think about coming out and living authentically because they fear being kicked out of their apartment by their landlord, who has made it clear that people like them are not welcome to live there.

I would like to now ask my colleague, Arykah Carter to share her story.

Testimony of Arykah Carter of TransOhio:

My name is Arykah Carter (she/her) and I am a board member of TransOhio, a member of TransSaints, and a member of the HRC Workplace Committee in Cincinnati, Ohio. On behalf of my community and myself, I am grateful to submit testimony in support of House Bill 369, the Ohio Fairness Act.

I intend to be brief, be to the point, and to be quiet. I would like to share with you something personal that I have never shared so publicly before, so personal that many of my colleagues don't even know. I am a recovering alcoholic. My alcoholism started over twenty years ago in college as a coping mechanism for who I was and a society that wasn't ready to accept me. Alcohol took some of the pain away and I was a functioning alcoholic for the next 20+ years. Years ago, I took a great leap of faith and began my transition into the woman that I am today. Fortunately for me, I worked for a company and with people that encouraged and supported my transition. I immediately became happier, which led to me becoming sober, and that led to me becoming a more productive employee and involved citizen in the Cincinnati community, all because I was able to live and work as my authentic self. Without the Ohio Fairness Act, some would say that I have been lucky, I would say that it has all been due to the grace of God.

I live the triple negative life in this society, but not because I want to, but because I am. I am black in a society of systematic racism, a woman in a society of patriarchy, and I am transgender in a society of intolerance. Let's be honest with ourselves, we all desire to move onward and upward. Like many on this committee who ponder their next political progression, I too contemplate my next career step. Will I be employable at the next company, or will I be turned away because I can be discriminated against because I am transgender? Can I rent an apartment or buy a house, or will I be homeless because I can be denied because I am transgender?

Contrary to popular belief, I am not a pariah; I am a human being. Like many here I am the loving parent of a beautiful daughter who only wants the opportunity to provide her with great opportunity, and in fact, this week I begin my first semester of theology seminary. I am not a pariah; I am a human being.

I share my personal testimony because I know that there are talented others like myself who still suffer. Many oppressed and without housing because they can't find landlords that will rent to them, or others that are engaging in opioids, alcohol, or other drugs so that they can cope with performing illegal survival sex work to provide for themselves, simply because they can't find employers that will hire them.

I could probably go on at length, but I am going to close with the fact that we need to level the playing field.

I'm fortunate to live in a city that currently has legal protections for LGBTQ people on the books. Cincinnati, where I live and work, recently received a 100% on the Human Rights Campaign's Municipality Index. Yet, I know first-hand that discrimination in Cincinnati—and across Ohio—is still happening. In my work with local trans women of color, trans and nonbinary youth, and trans people of faith, I hear again and again how necessary these basic legal protections are. We are losing talented students and workers, who would rather be in a state with comprehensive nondiscrimination laws.

We are pleased to take questions of the committee, but would like to first invite my colleague in this work, Alana, to share further perspective from our partner organization, Equality Ohio.

Testimony of Alana Jochum, Esq., Equality Ohio:

Thank you, James and Arykah.

My name is Alana Jochum (she/her), and I am the executive director of Equality Ohio, Ohio's statewide LGBTQ education and advocacy organization.

We are long overdue for the basic protections afforded in the Ohio Fairness Act, and we are eager for this hearing today so that you may see the varied and diverse support that exists throughout Ohio for LGBTQ people having equal access in housing, employment, and public accommodations.

Over 400 individuals, businesses, professional experts, and faith leaders have submitted written testimony in support of HB369 today. This may be one of the most popular bills this body, and this committee is considering. Hundreds are streaming right now, and hundreds more will watch later.

I know one mom who is watching right now, and she told me she's hoping Ohio gets this done so that when her daughter graduates college, she might consider staying for a job here at home instead of moving away. And there are many like her.

This significant support from a wide range of perspectives shows the Ohio Fairness Act is good for Ohio's economy and is the right thing to do.

We hope that by flipping through these testimonies you will hear that fellow Ohioans want these protections—they've experienced discrimination as an LGBTQ person personally, they are straight parents fearful for their LGBTQ children, they are jobmakers who want to attract and retain their LGBTQ employees, or they want to see Ohio thrive with a vibrant economy.

Sometimes we are asked: does this really happen? Do LGBTQ people really experience discrimination?

In short: yes.

As James shared, we are the organizations that LGBTQ Ohioans turn to when they experience discrimination. It is our phones that ring when an LGBTQ person in Ohio feels they have no one else to turn to.

In addition to the stories and testimony you have in front of you, there are many who are not here who have much to say because they cannot be their full selves in society.

The people who use their initials on their return envelopes in order to disguise that they are in a same-gender relationship from their post office delivery person and third parties to whom they send mail;

the person who tells me that the interview for the job went great until he let the pronoun of his spouse slip in conversation;

the couple for whom apartments are suddenly not available once the agent suspects they are more than roommates; and

that person turned away from the convenience store when the clerk believes they are transgender, because "we don't serve your kind."

Because we work to prevent discrimination, people often call us for help when these things happen. Because 28 localities in Ohio have adopted local protections, sometimes we have good news to share for folks experiencing this kind of harassment. But most of the time, we don't. Those 28 localities only cover about a quarter of Ohioans—meaning most LGBTQ Ohioans just have to deal with legalized discrimination. And it's not fair.

It's not fair for the kid from Lima who doesn't want to leave his friends and family just because he thinks he has to move to the "big city" to live his life and be accepted. A person shouldn't have to hide who they are based on their zip code.

It's not good for Ohio's economy and our future. This is why Ohio Business Competes—a nonpartisan coalition of businesses that support our legislature acting to protect LGBTQ people in housing, employment, and public accommodations—has formed and has more than 850 members. Many of these businesses, large and small, have submitted testimony in the book before you and have contacted your offices directly.

It comes down to this: *everyone*, no matter where they live, should feel safe and that they can provide for their family if they work hard. That's the essence of all of this, the common chord among the diverse voices we seek to bring into this room because they cannot otherwise be here—out in public about who they are—absent the very protections we seek today.

Thank you for listening to the chorus of voices here today urging you to pass HB 369. Thank you for also listening to the great number of voices who are *not* here today, which collectively speak volumes.

James and I are both attorneys who are very familiar with this bill, and we welcome your questions here or at any point as you consider this important legislation. Thank you.