

CHAPTER 2:

HOUSING AND HOMELESSNESS



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Shelter is a basic human right, yet trans people face severe discrimination and hardship in many ways as we pursue suitable housing. Whether it is fair participation in the rental and homebuying market or access to homeless shelters, the pervasive nature of discrimination follows trans people home. When trying to rent or buy a home, one in five transgender people (19%) in the U.S. have been refused a home or apartment, and more than one in ten (11%) have been evicted, because of their gender identity.¹ While federal authorities agree that the Fair Housing Act's ban on sex discrimination protects transgender people, lack of awareness and legal clarity mean that discrimination persists. Strong, explicit legal protection from gender identity discrimination is essential to securing equal housing opportunities.

Homelessness is also a critical issue for transgender people, with one in five having experienced homelessness at some time in their lives because of discrimination and/or family rejection.² As a result, an estimated 20-40% of the more than 1.6 million homeless youth in the United States are LGBT.³ A ten-year federal plan to prevent and end homelessness has made significant progress but has been limited by the slow economic recovery and inadequate federal, state, and local investments in affordable housing and programs to quickly help people move into permanent housing. Transgender people facing homelessness also face discrimination from or at agencies that should be helping them, with nearly one in three (29%) reporting being turned away from a shelter due to their transgender status and 22% of those who stayed at a shelter reported experiencing sexual assault from staff or other residents.⁴ While leading experts on homelessness recommend providing emergency housing consistent with a person's gender identity,⁵ 42% of trans people facing homelessness have been forced to stay in a shelter living as the wrong gender.⁶

Policy Advances

- The Department of Housing and Urban Development (HUD) issued guidance to homeless shelters and transitional housing programs clarifying that all persons should have access to shelter based on their gender identity. (2015)
- The National LGBTQ Youth Homelessness Prevention Initiative was established by HUD, in cooperation with other federal agencies, which created pilot programs in Houston/Harris County, TX and Cincinnati/Hamilton County, OH to implement cohesive, coordinated plans to address homelessness of LGBTQ youth in these areas, to serve as national models if successful. (2014)
- HUD announced the first federal study of anti-transgender housing discrimination. (2013)
- The HUD, and the Department of Justice (DOJ) filed the government's first transgender Fair Housing Act case in federal court, arguing that the transgender person faced illegal sex discrimination. (2013)
- HUD issued regulation called the Equal Access Rule that bans anti-LGBT bias in all federally-funded housing programs. (2012)

1 Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 112-13.

2 Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 112.

3 Nico Quintana, Josh Rosenthal, and Jeff Krehely, *On the Streets: The Federal Response to Gay and Transgender Homeless Youth*, 6. Washington, DC: Center for American Progress (2010). Available at: <http://www.americanprogress.org/issues/2010/06/pdf/lgbtyouthhomelessness.pdf>.

4 Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 116.

5 See, e.g., New York City Division of Adult Services, Procedure No. 06-1-31: Transgender and Intersex Clients (2006); Lisa Mottet and John M. Ohle, *Transitioning Our Shelters: A Guide to Making Homeless Shelters Safe for Transgender People*, at 11-14. Washington, DC: National Gay and Lesbian Task Force and National Coalition for the Homeless (2003). Available at: <http://thetaskforce.org/downloads/reports/reports/TransitioningOur-Shelters.pdf>.

6 Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 118.

- The HUD, and the Department of Justice (DOJ) filed the government's first transgender Fair Housing Act case in federal court, arguing that the transgender person faced illegal sex discrimination. (2013)
- HUD issued regulation that bans anti-LGBT bias in all federally-funded housing programs. (2012)
- Opening Doors federal homelessness plan and Runaway and Homeless Youth Act grants target help for LGBT homeless youth. (2011-ongoing)
- HUD announced that the Fair Housing Act's sex discrimination provisions protect transgender people. (2010)

Needed Policy Changes

- Congress should pass legislation which would explicitly prohibit discrimination in housing based on gender identity and sexual orientation.
- Congress should reauthorize and strengthen the Runaway and Homeless Youth Act, including adding a nondiscrimination provision, and fully funding a prevalence and incidence study of runaway and homeless youth, which should include LGBT demographic questions.
- Congress should fully fund implementation of the Federal Strategic Plan to Prevent and End Homelessness, including expanding the nation's supply of affordable housing.
- The Department of Housing and Urban Development (HUD) should use rulemaking to legally codify protections for transgender people to access emergency shelters and other forms of housing consistent with their gender identity under both the Fair Housing Act and the 2012 Equal Access Rule.
- The Departments of Housing and Urban Development and Health and Human Services should implement a unified homeless data collection system for both youth and adults that includes data on gender identity and sexual orientation.
- The Departments of Housing and Urban Development and Health and Human Services should publish and promote best practices for supporting homeless transgender youth.

ACCEPTED, RESPECTED, AND HOUSED

**Excerpt from HUD Secretary Julian Castro's remarks at the 2015 Family and Youth Homelessness Conference of the National Alliance to End Homelessness
February 20, 2015**

It's no secret that a major cause of homelessness among young people is the prejudice associated with being lesbian, gay, bisexual or transgender. So many folks are being thrown out of their homes—or running away from them—because they are being rejected for who they are, and this simply isn't right. It's not who we are as Americans. That's why HUD is taking action.

We've partnered with the True Colors Fund, and other federal agencies, to launch a first-of-its-kind pilot in two communities—Cincinnati and Houston. It focuses on prevention and will go all-in by working with families to address and prevent the conflict that LGBT youth are often subjected to.

Daniella Carter is a 20-year-old advocate working with the Fund who, in her own words, "refuses to be another story of neglect, abuse and shame." She believes that this work will help turn this belief into a reality for her and her peers—and so do I, but we need to keep pushing forward.

HUD is committed to helping lead this fight. I believe it's our duty to ensure equal protection for the LGBT community, especially when someone is turning to a homeless shelter to get back on their feet. Unfortunately transgender Americans often encounter more obstacles when they seek help. In some cases they are turned away.

In others they'll be accepted but placed in a shelter for the wrong gender. And even when they are put in the right shelter, they'll sometimes be segregated and told to use separate facilities.

It's an injustice that any transgender person is mistreated when seeking help, which is why HUD is taking action. Today I'm proud to announce that we're publishing guidance so that providers treat these Americans with the dignity they deserve.

Our nation is at its best when we open our arms, our minds, and our hearts to our fellow Americans in need. And it's our hope that this measure will do its small part in shaping a future where every person is accepted, respected and housed.