



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 identity¹. In 2010, the U.S. Department of Housing and Urban Development (HUD) issued guidance stating that discrimination against transgender renters or homebuyers based on gender identity or gender stereotypes constitutes sex discrimination and is prohibited under the federal Fair Housing Act. While federal authorities have pursued transgender housing discrimination claims under this guidance, 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 for transgender people.

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 family rejection². As a result, an estimated 20-40% of the more than 1.6 million homeless youth in the United States are LGBT³.

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>.

Unfortunately, transgender people facing homelessness also face discrimination from agencies that should be helping them, with nearly one in three (29%) reporting being turned away from a shelter due to their transgender status⁴. While leading experts on homelessness recommend providing emergency housing consistent with a person's gender identity⁵, 42% of trans people facing homelessness have been forced to stay in a shelter living as the wrong gender⁶.

As noted above, some initial strong steps have been taken to address these issues by the Obama Administration. Additionally, HUD has required grantees, including homeless shelters, to abide by state and local nondiscrimination rules; the Substance Abuse and Mental Health Services Administration (SAMHSA) has created and promoted educational resources on serving LGBTQ homeless youth; and the Administration for Children and Families issued the largest-ever LGBT-focused federal grant to develop a model program to support LGBTQ foster youth and prevent them from experiencing or returning to homelessness. Far more must be done in the coming years.

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/TransitioningOurShelters.pdf>.

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

Housing and Homelessness

Policy steps

- Congress should pass the Housing Opportunities Made Equal (HOME) Act, which would explicitly prohibit discrimination based on gender identity and sexual orientation in housing and lending.
- 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, through rulemaking or interpretive guidance, make clear that refusal by a HUD-funded housing provider to provide access to gender-specific temporary housing consistent with a person's gender identity because the person is transgender constitutes unlawful discrimination.
- The Departments of Housing and Urban Development and Health and Human Services should implement a unified homeless data collection system 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.
- Congress should appropriate funds to conduct the Prevalence and Incidence Study of runaway and homeless youth mandated by the Runaway and Homeless Youth Act of 2008.

A Place to Call Home

Excerpt from HUD Secretary Shaun Donovan's remarks at NCTE's Eighth Anniversary Awards Ceremony November 15, 2011

I'm here this evening, because this Administration is not only committed to ensuring the transgender community has a seat at the table—but also a place to call home. Every person in this room knows that rights most people take for granted are routinely violated against transgender people. It's estimated that 1 in 5 transgender Americans have been refused a home or apartment—that more than 1 in 10 have been evicted because of their gender identity or expression.

Nowhere is the challenge clearer than in homelessness. Forty percent of homeless youth are LGBT—and half of them report experiencing homelessness as a result of their gender identity or expression. Even more troubling, the majority of them report harassment, difficulty, or even sexual assault when trying to access homeless shelters.

Allowing this to happen is wrong – and more importantly, it's not who we are as Americans. That's why I'm proud to stand before you tonight and say HUD has been a leader in the fight—your fight and my fight—for transgender equality

The story of HUD is a story of expanding civil rights—a story that begins with a painful history, but leaves a proud legacy: one of opening the doors of America's homes to all Americans.

Let me tell you about Mitch and Michelle DeShane. Two years ago Michelle wanted to add her partner Mitch, a transgender man, to her housing voucher. The local housing authority denied her request because the couple did not meet its definition of "family. Then, the housing authority referred the couple to a neighboring housing authority – because, as they were apparently told, and I quote, the neighboring housing authority, "accepts everyone – even Martians." That's just wrong. No one should be subject to that kind of treatment or denied access to housing assistance because of their gender identity

And our work isn't over. Not for all of us in this room—and certainly not for the countless transgender people across the country who face discrimination, harassment, and violence—even here in our national's capital So long as the violence, exclusion, and discrimination continue, there is more work to be done.