

CHAPTER 2

HOUSING AND HOMELESSNESS



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Shelter is a basic human right, yet transgender 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 A 2015 survey in four states similarly found that homeless shelters for women routinely refused to admit transgender women.⁷ The Department of Housing and Urban Development has issued key regulations that make it clear that this harmful practice is prohibited in federally funded shelters.

While ending anti-transgender discrimination in housing and shelter is critical, the high rates of homelessness among transgender youth and adults and in the nation as a whole require more far-reaching change. NCTE strongly supports increasing our nation's investment in affordable housing, as well as eliminating barriers to stable housing for people with criminal records and local laws that effectively criminalize homelessness.

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*, at 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.

7 Caitlin Rooney, Laura E. Durso, and Sharita Gruberg, *Discrimination Against Transgender Women Seeking Access to Homeless Shelters* (2016). Available at: <https://www.americanprogress.org/issues/lgbt/report/2016/01/07/128323/discrimination-against-transgender-women-seeking-access-to-homeless-shelters/>.

POLICY ADVANCES

- The Department of Housing and Urban Development (HUD) issued regulations making clear that HUD-funded homeless shelters and transitional housing programs must admit individuals based on their gender identity. (2016)
- HUD issued key guidance documents aimed at reducing barriers to public and private housing for people with records of arrest or incarceration. (2016)
- HUD issued guidance and best practices documents to homeless shelters and transitional housing programs on welcoming transgender people. (2015, 2016)
- 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)
- HUD and the Department of Justice (DOJ) filed and ultimately settled 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)
- 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 the legislation that would explicitly prohibit discrimination based on gender identity and sexual orientation in housing and lending.
- 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 increase funding for the Department of Housing and Urban Development (HUD) and other agencies to fully implement the Federal Strategic Plan to Prevent and End Homelessness, including expanding the nation's supply of affordable housing.

- HUD should use rulemaking to codify protections for LGBT people under the Fair Housing Act's prohibition on sex discrimination.
- HUD and the Department of Health and Human Services (HHS) should implement a unified homeless data collection system for both youth and adults that includes data on gender identity and sexual orientation.
- HUD and HHS should publish and promote best practices for supporting homeless transgender youth.