

HOMELESSNESS IN THE LGBTQ COMMUNITY IN THE UNITED STATES

Prevalence of LGBTQ Homelessness

- Approximately **4.5% of the adult population** in the United States identifies as LGBTQ; yet **17% of sexual minority adults** report having experienced homelessness-- **double** the occurrence in the general population. [1]
- **LGBTQ youth have a 120% increased risk of experiencing homelessness** compared to youth who identify as heterosexual and cisgender. [2]
- Risk of homelessness is further heightened for racial and ethnic minorities in the LGBTQ community.
 - **One in four** LGBTQ Black men from ages 18 to 25 report having experienced homelessness. [3]

Causes of LGBTQ Homelessness

- LGBTQ homelessness usually begins in youth, largely stemming from stigma at home and family rejection when coming out.
 - The LGBTQ Homeless Youth Provider Survey identified being forced out by parents or running away due to sexual orientation, gender identity, or gendered expression, "family issues," and abuse at home as the main reasons for homeless in **over 75%** of LGBTQ youth clients. [4]
- The LGBTQ community is more likely to experience police intervention and incarceration, which increases risk of homelessness nearly **10 times**. [5]
 - **40% of incarcerated girls** [6] and **13-15% of all youth in the juvenile justice system** [7] identify as LGBTQ, while **85% of LGBTQ youth in juvenile justice facilities are youth of color**. [8]
 - The 2011-2012 National Inmate Survey showed that **8% of inmates** in state and federal prisons and **7% of inmates** in city and county jails identified as lesbian, gay, or bisexual, despite making up **less than 4% of the general population**. [9]
- LGBTQ adults experience discrimination and barriers to access housing.
 - An analysis of over 5 million mortgage applications found that Black male same-sex couples were the least likely to have their mortgage applications approved, and interracial male same-sex couples the second least likely. [10]

Disproportionate Homelessness in the LGBTQ Community Violates Fundamental Rights

- Homelessness of LGBTQ individuals is a prima facie violation of the right to adequate housing,[11] protected under the **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**. [12]
- LGBTQ homelessness stems from underlying discrimination, in violation of the right to equality, which requires addressing disparate impacts, [13] under the UDHR, as well as the **International Covenant on Civil and Political Rights (ICCPR)**, **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**, and the **Convention on the Rights of the Child (CRC)**. [14]

Responses to LGBTQ Homelessness

- Discrimination against LGBTQ individuals is so severe that the United Nations established the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity to focus on this. [15]
- The federal government has taken some steps to address LGBTQ homelessness.
 - The Consumer Financial Protection Bureau affirmed that the Equal Credit Opportunity Act prohibits sexual orientation and gender identity discrimination as forms of sex discrimination under the Act. [16]
 - The U.S. Department of Housing and Urban Development (HUD) stated that the Fair Housing Act prohibits gender identity discrimination under the Act's ban on sex discrimination. [17]
 - HUD re-issued the Equal Access Rule, which ensures that transgender individuals can seek shelter in accordance with their gender identity. [18]
- Advocates have developed a holistic approach to address LGBTQ homelessness.
 - Miami-Dade's Lotus House provides a trauma-informed safe haven for LBTQ+ individuals, offering holistic shelter and wrap-around supportive services, education, tools and resources for LBTQ+ individuals and families. [19]
 - New York City's Ali Forney Center (AFC) hosts the nation's only 24-hour Drop-In Center welcoming LGBTQ youth at any time with access to food, medical care, mental health services, and many other services. [20]
 - New York City's Unity Works Program provides job training, social services, and mental health resources to young LGBTQ people who are at risk of or are currently experiencing homelessness. [21]
 - In Los Angeles, the LGBT Center facilitates access to housing and provides seniors with medical and mental health services. [22]
 - The State Index on Youth Homelessness rates U.S. States (and D.C.) across multiple categories of policies impacting youth homelessness and provides recommendations for good practices at the state level. [23]

A Good Practice: Addressing Youth Homelessness

- The **HOMY (Helping Our Miami-Dade Youth) Collective** is a collaboration of about 100 organizations and youth leaders working to prevent and end youth homelessness, with backbone support by **Miami Homes For All**.
- The **Alliance for GLBTQ Youth** is a founding partner of HOMY and collaborates with the Collective to center LGBTQ and racial equity in the work to end youth homelessness. The organization is committed "providing prevention, early intervention social services, and advocacy to gay, lesbian, bisexual, transgender, and questioning youth, their families, and communities." [24]
- Miami-Dade's **Lotus House**, another HOMY partner, welcomes both unaccompanied and parenting LBTQ+ youth with holistic shelter, supportive services, health care, educational resources, employment and housing assistance, and specialized Rainbow Lotus programming. [25]
- Working groups within HOMY focus on education and employment, stable housing, permanent connections, and well-being.
- HOMY focuses on mental health and family support for LGBT youth, working to prevent homelessness by keeping individuals in the family home. [26]

Recommendations

- Ban discrimination on the basis of sexual orientation and gender identity, as well as the harmful practice of conversion therapy. [27]
- Include specific protections against sexual orientation and gender identity discrimination with regards to housing, lending, education, and employment.
- Bolster protections for LGBTQ students through Title IX.
- Fund holistic services for LGBTQ individuals experiencing homelessness, including stable housing, 24-hour and LGBTQ friendly youth drop-in centers, education, employment, mental health and primary care resources, and social support.
- Ensure LGBTQ inclusive housing and shelter options, and enhance training for staff at housing and social services to better serve the LGBTQ community.
- Collect disaggregated data by sexual orientation and gender identity to understand and address LGBTQ struggles in accessing adequate housing.



Endnotes

1. Daniel Trotta, *Some 4.5 Percent of U.S. Adults Identify as LGBT: Study*, REUTERS (March 5, 2019), <https://www.reuters.com/article/us-usa-lgbt/some-4-5-percent-of-u-s-adults-identify-as-lgbt-study-idUSKCN1QM2L6>; Bianca D.M. Wilson ET AL., *Homelessness Among LGBT Adults in the US*, UCLA SCHOOL OF LAW WILLIAMS INSTITUTE (May 2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf>.
2. Dylan Waguespack & Brandy Ryan, *2019 State Index on Youth Homelessness*, TRUE COLORS UNITED & NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY (2019), https://drive.google.com/file/d/1VjGf9oFzjMJKn6_5TztjzxOtaSJOblPU/view.
3. *Id.*; see also, Adam P. Romero ET AL., *LGBT People and Housing Affordability, Discrimination, and Homelessness*, UCLA SCHOOL OF LAW WILLIAMS INSTITUTE (April 2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf> (highlighting the U.S. Transgender Survey's finding that transgender women of color experience higher rates of homelessness, with 59% of Native American transgender women and 51% of Black transgender women experiencing homelessness).
4. Romero ET AL., *supra* note 3.
5. Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People*, PRISON POLICY INITIATIVE (August 2018), <https://www.prisonpolicy.org/reports/housing.html>
6. Center for American Progress ET AL., *Unjust: Lgbtq Youth Incarcerated In The Juvenile Justice System* (June 2017)
7. Jerome Hunt & Aisha C. Moodie-Mills, *The Unfair Criminalization of Gay and Transgender Youth*, CENTER FOR AMERICAN PROGRESS (June 29, 2012), <https://www.americanprogress.org/issues/lgbtq-rights/reports/2012/06/29/11730/the-unfair-criminalization-of-gay-and-transgender-youth/>.
8. Center for American Progress ET AL., *supra* note 6.
9. German Lopez, *5 Ways LGBTQ People Fall Into the Criminal Justice System — And Suffer the Worst Once In*, VOX (Feb. 23, 2016), <https://www.vox.com/2016/2/23/11095980/lgbtq-gay-transgender-prison>.
10. Romero ET AL., *supra* note 3.
11. Hum. Rts. Council, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, ¶ 48, U.N. Doc. A/HRC/31/54 (2015) (citing CESCR, General Comment No. 3 (1990) on the nature of States parties' obligations, ¶ 10).
12. Universal Declaration of Human Rights ("UDHR") art. 25(1), G.A. Res. 217 (III) A, U.N. Doc. A/810 (Dec. 10, 1948); International Covenant on Economic, Social, and Cultural Rights ("ICESCR") art. 11(1), *signed* Oct. 05, 1977, 993 U.N.T.S. 3.
13. Hum. Rts. Comm., *General Comment No. 18: Non-Discrimination*, ¶¶ 6, 8, 10, U.N. DOC. HRI/GEN/1/Rev.9 (Vol. I) (Nov. 10, 1989) (explaining that right to equality and freedom of racial discrimination outlined in ICCPR should be interpreted broadly, requiring state parties to address disparate impacts of discriminatory conduct on part of either government agencies or private entities in addition to discriminatory intent of actions).
14. UDHR, *supra* note 10, art. 7; International Covenant on Civil and Political Rights ("ICCPR") art. 26, *ratified* Jun. 8, 1992, 1966, 999 U.N.T.S. 171; International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD") art. 2, *ratified* Oct. 21, 1994, 660 UNTS 195, 212; Convention on the Rights of the Child ("CRC") art. 2, *signed* Feb. 16, 1995, 1577 U.N.T.S. 3.
15. United Nations Human Rights Office of the High Commissioner, *About the Mandate of the Independent Expert on Sexual Orientation and Gender Identity*, <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/Mandate.aspx>.
16. Romero ET AL., *supra* note 3.
17. *Id.*
18. HUD *Withdraws Proposed Rule, Reaffirms Its Commitment to Equal Access to Housing, Shelters, and Other Services Regardless of Gender Identity*, HUD Exchange (April 22, 2021), <https://www.hudexchange.info/news/hud-withdraws-proposed-rule-reaffirms-its-commitment-to-equal-access-to-housing-shelters-and-other-services-regardless-of-gender-identity/>.
19. Rainbow Lotus- Lotus House welcomes the LGBTQIA+ Community, Lotus House, <https://lotushouse.org/rainbow-lotus/>.
20. Ali Forney Drop-In Center, The Ali Forney Center, <https://www.aliforneycenter.org/programs/drop-in/>.
21. Michael Gold, *They Came to N.Y.C. for Acceptance. Now They Need Jobs.*, THE NEW YORK TIMES (April 20, 2021), https://www.nytimes.com/2021/04/20/nyregion/lgbt-new-york-city-jobs.html?algo=combo_lda_newslettersize5_unique_edimp_fye_step50_diversified&block=1&campaign_id=142&emc=edit_fory_20210420&felback=false&imp_id=564122371&instance_id=29477&nl=for-you&nid=88151668&rank=1®i_id=88151668&req_id=300122195&segment_id=55973&surface=for-you-email-wym&user_id=944253ec8e1b2d79b46fd3bd3730b024&variant=1_combo_lda_newslettersize5_unique_edimp_step50_diversified.
22. Los Angeles LGBT Center, <https://lalgbtcenter.org/> (describing housing services to include short-term housing and housing referral services for LGBTQ youth, as well as having the nation's largest affordable housing development for LGBT).
23. See, *The State Index on Youth Homelessness*, <https://www.youthstateindex.com/>.
24. About, GLBTQ Alliance, <https://glbtqalliance.org/about>.
25. Rainbow Lotus- Lotus House welcomes the LGBTQIA+ Community, Lotus House, <https://lotushouse.org/rainbow-lotus/>.
26. HOMY Collective Comprehensive Plan to Prevent and End Youth Homelessness in Miami-Dade County, <http://www.homelesstrust.org/library/coc/2017-homy-comprehensive-plan.pdf>.
27. See, Graeme Reid, *Human Rights Watch Submission to the Special Rapporteur on the Right to Adequate Housing*, HUMAN RIGHTS WATCH (Oct. 28, 2015), https://www.ohchr.org/Documents/Issues/Housing/Homelessness/CSOs/28102015-HRW_LGBT_US.pdf (showing that while laws at the federal level like the Runaway and Homeless Youth Act (RHYA) and the McKinney-Vento Homeless Assistance Act aim at addressing youth homelessness, neither prohibit discrimination on the basis of sexual orientation and gender identity).