

October 30, 2020

Mr. Balakrishnan Rajagopal
Office of the United Nations High Commissioner for Human Rights
United Nations Office at Geneva
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Submitted via registry@ohchr.org

Dear Mr. Rajagopal:

We are grateful for the opportunity to provide input to the Independent Expert's call regarding the right to adequate housing, with particular emphasis on the challenges to fully realizing that right facing lesbian, gay, bisexual, and transgender (LGBT) persons in the United States.

The Williams Institute is a research center at the University of California, Los Angeles, dedicated to conducting rigorous and independent academic research on sexual orientation and gender identity, including on the lived experience, well-being, rights, and legal protections of LGBT people both inside the United States and globally. The Institute is comprised of an interdisciplinary team of scholars with expertise in law, political science, public policy, public health, psychology, and economics, among other fields.

Below we discuss key findings primarily from Williams Institute research that address the barriers to obtaining stable, secure, and affordable housing for LGBT people in the United States, including a recent study specifically examining the cross-cutting issues of housing affordability, homelessness, and discrimination affecting LGBT people (Romero et al., 2020). We aim to add to the Independent Expert's record of research and shed light on the multiple, intersecting dimensions of housing instability. While critical disparities are highlighted below, we provide links to the full reports cited for additional findings and analysis.

Housing Affordability

The U.S. Department of Housing and Urban Development defines a household as "cost burdened" by housing if spending more than 30 percent of after-tax income on monthly rental or mortgage payments (U.S. Department of Housing and Urban Development, 2019). By this measure, three in ten households in the United States are cost-burdened by housing, impacting their ability to afford food, clothing, health care, and other essential services (Romero et al., 2020). The failure to include sexual orientation and gender identity along with other demographic characteristics on federal surveys means there is no nationally-representative data to estimate the proportion of LGBT households that are burdened by housing costs or otherwise impacted by unaffordable housing.

However, research on poverty indicates that LGBT people disproportionately face economic insecurity, putting them at risk of being unable to afford adequate housing. In the most

comprehensive quantitative analysis of poverty among LGBT people, a 2019 report by Williams Institute scholars found that 21.6% of LGBT adults in the United States were living in poverty, compared to 15.7% of cisgender straight adults (Badgett et al., 2019). This is particularly acute among transgender adults and bisexual women, with 29.4% of each group living in poverty, compared to 19.5% of bisexual men, 17.9% of cisgender lesbians, and 12.1% of cisgender gay men (Badgett et al., 2019; Meyer, 2019). Moreover, among LGBT adults, racial minorities had higher rates of poverty than White people, with 30.8% of Black people and 22.9% of Asian adults in poverty, compared to 15.4 of White people. A more recent qualitative study, using surveys and in-depth interviews to analyze pathways to poverty, found an association between housing instability and poverty, with survey respondents reporting periods of unstable housing, living temporarily with friends or in a shelter, or living on the street or in a car (Wilson et al., 2020). While not directly speaking to the numbers of LGBT households cost-burdened by housing, the high rates of poverty among LGBT people suggests that, given the substantial cost of housing in urban centers where many LGBT people reside, those already facing economic hardship are likely to face barriers to finding and maintaining affordable housing.

Homeownership

Those who rent are at particular risk for housing to become unaffordable. While estimates of homeownership among LGBT adults are limited given scarce data collection on sexual orientation and gender identity, research shows that LGBT adults are more likely to rent and less likely to own homes than non-LGBT adults. Research based on representative data from 35 states finds that 49.8% of LGBT adults own their own home compared to 70.1% of non-LGBT adults (Conron, 2019). Among transgender people, rates of homeownership are even lower: an analysis of the first nationally representative sample of transgender adults found that only one-quarter (25%) are homeowners, compared to 58% of cisgender adults (Meyer et al., 2019). Similarly, an analysis of data from the American Community Survey found that 63.8% of same-sex couples reported owning their home compared to 75.1% of different-sex couples (Romero et al., 2020).

Homelessness

As with other dimensions of access to housing, estimating the number of LGBT people with unstable housing or experiencing homelessness is challenging due to difficulty collecting data. Using available data, though, research shows that a disproportionate number of youth experiencing homelessness identify as LGBT. The most recent national study funded by the U.S. Department of Housing and Urban Development estimates that LGBTQ youth make up over 20% of homeless youth (Dworsky et al., 2017)—at least 2 times higher than their proportion of the youth population in the U.S. (Conron, 2020). Further, the 2015 LGBTQ Homeless Youth Provider Survey found that, across 138 agencies, service providers estimated that LGBTQ youth accounted for an average of 29% of all homeless youth served, with transgender and genderqueer youth specifically accounting for approximately 4% (Choi et al., 2015), despite estimates that only 0.73% of youth ages 13–17 in the United States are transgender (Conron, 2020). High rates of homelessness are also observed in school-based samples of youth. For example, according to a recent study based on the California Healthy Kids Survey—a large sample of 895,000 middle- and high-school aged youth in California—3.5% of respondents reported being unstably housed, and more than a quarter (25.3%) of those who were unstably housed identified as LGBTQ (Baams et al., 2017).

Research shows that these disparities appear to continue into young adulthood and beyond where population-based studies of households demonstrate disproportionate rates of reported incidence of homelessness among LGBT adults. A recent population-based study of LGB adults in the U.S. found that 17% reported experiencing homelessness at some point in their lives (Wilson et al., 2020) (compared to a general population estimate of 6%) (Fusaro et al., 2018). The Williams Institute (2019) estimates that 4.5% of the U.S. adult population identifies as LGBT, yet one study of adults ages 18-25 found that 20% of LGBT people experienced homeless over the prior year compared to 9.7% of the sample overall (Morton, Dworsky et al., 2018). The disparity is even more stark when examining the experience of homelessness among transgender people. One study found that 30% of transgender adults reported moving at least two times in the prior two years—an indicator of unstable housing—compared with only 11% of cisgender adults (Meyer et al., 2019).

The U.S. Department of Housing and Urban Development’s January 2019 point-in-time estimate of homelessness provides additional information on gender minorities’ experiences with homelessness. (Henry et al., 2020). According to the Department, 3,255 transgender people were experiencing homelessness at that time, as were 1,362 gender non-conforming people (Henry et al., 2019). Researchers have estimated that the number of adult transgender people experiencing homelessness has increased 88% since 2016 (with a 113% increase in those experiencing unsheltered homelessness in the same period) (National Alliance to End Homelessness, 2020), which appears consistent with the Department’s own counts demonstrating some degree of significant increase. Larger proportions of both transgender and gender non-conforming homeless people were found to be unsheltered than sheltered in both 2018 and 2019 (National Alliance to End Homelessness, 2020), reflecting other estimates that 56% of homeless transgender adults are unsheltered, compared to 48% of cisgender adults (Janosko, 2019). Furthermore, the Department has found that while 8% more cisgender women and 5% more cisgender men became homeless between January 2018 and January 2019, a staggering 30% more transgender people became homeless in the same period, an increase characterized by the Department as “driven by an increase in unsheltered individuals” (Henry et al., 2020).

Stigma and Discrimination Against LGBT People

The experience of stigma and discrimination on the basis of sexual orientation or gender identity impacts access to housing for LGBT people across all of the dimensions described above. Discrimination in employment (Mallory & Sears, 2020; Meyer, 2019; Romero, 2019), education (Johns et al., 2016), and access to healthcare (Singh & Durso, 2017) can create both immediate and downstream effects that impact financial stability and ability to afford housing. For example, an LGBT person facing discrimination at work may be fired or receive reduced earnings if passed over for promotion. And children bullied at school may have difficulty concentrating, resulting in lower educational attainment that reduces earnings over time and thus ability to secure stable and affordable housing (Romero et al., 2020).

Research shows that rejection by family is among the most significant drivers of homelessness among LGBT people. According to the LGBTQ Homeless Youth Provider Survey, service providers reported that being “forced out by parents/ran away because of [their sexual orientation, gender identity, or gender expression]” was the primary reason for homelessness in over 55% of their LGBTQ youth clients and over 67% of their transgender clients (Choi et al.,

2015). Likewise, an analysis of the U.S. Transgender Survey found that among transgender adults who had been kicked out of their homes, 74% experienced homelessness at some point in their lives—three times as many as those who had not been kicked out (James et al., 2017). This unfortunate link also holds among foster families and group homes, where LGBTQ youth are overrepresented and more likely to report discrimination and experiences of homelessness (Wilson et al., 2019).

Even in cases where services are available for people experiencing homelessness, shelters or other programs that are not affirming of LGBT people can drive individuals to continue in housing unstable situations. LGBT people who face unwelcoming or hostile staff may avoid seeking help or support services (Romero et al., 2020). LGBT youth, in particular, frequently report being harassed or otherwise victimized at homeless shelters where staff fail to intervene or even decide to punish the LGBT youth by isolating them (Coolhart & Brown, 2017). Additionally, sex segregation in homeless shelters, where people are housed according to their sex assigned at birth rather than in accordance with their gender identity, can put transgender people at risk for violence and harassment.

Finally, research demonstrates pervasive discrimination in rentals and sales, including mortgage lending, that impedes access to safe, affordable housing for many LGBT people. One study found that LGB adults are significantly more likely than their straight peers to report being prevented from moving or buying a home/apartment (Meyer, 2019). Controlled experiments specifically designed to test for discrimination against LGBT people found that housing providers were less likely to schedule an appointment with gay men, told them about fewer units for rent, and quoted higher yearly rental costs by as much as \$272 (Levy et al., 2017). A second experiment found that same-sex male couples were 4.6% less likely than heterosexual couples to receive an active response from a prospective landlord (Schwegman, 2018). And still another test of access to mortgage financing found that same-sex couples experience a 3% to 8% lower approval rate for home mortgages compared with heterosexual couples with a similar profile (Sun & Gao, 2019).

According to a Williams Institute analysis of housing discrimination complaints filed with a number of U.S. state agencies, complaints of such discrimination are filed at a rate similar to complaints alleging race discrimination (five complaints for every 100,000 adults of color) and sex discrimination (one complaint for every 100,000 women) (Mallory & Sears, 2016). Yet even where accounts of discrimination are not overt or tracked, such pressures can impact LGBT people across the age spectrum. LGBT elders, for example, report a desire to live in communities with high concentrations of LGBT people to avoid discrimination; however, such communities, including New York City, San Francisco, and Los Angeles, may be cost prohibitive for older LGBT adults, relegating them to remain in less expensive and potentially less accepting locales (Romero et al., 2020).

The right to adequate housing remains out of reach for many LGBT people globally. In the United States, discrimination and stigma on the basis of sexual orientation and gender identity persist in creating conditions that inhibit LGBT people from fully realizing that right. While existing research, including studies by the Williams Institute, documents these disparities, more

data is needed to fully examine the experiences of LGBT people in securing safe, affordable housing.

Thank you for the opportunity to provide input. If you have any questions, please feel free to contact Ari Shaw, Director of International Programs, at shaw@law.ucla.edu.

Respectfully submitted,

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References

Baams L, Wilson BDM, Russell ST. LGBTQ Youth in Unstable Housing and Foster Care. *Pediatrics*. 2019;143(3): e20174211.

<https://pediatrics.aappublications.org/content/pediatrics/143/3/e20174211.full.pdf>.

Baams, L., Wilson, B.D.M., & Russell, S.T. (2019). LGBTQ Youth in Unstable Housing and Foster Care. *Pediatrics*, 143(3), e20174211. doi:10.1542/peds.2017-4211

Badgett, M.V.L., Choi, S.K., & Wilson, B.D.M. (2019). LGBT Poverty in the United States. The Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf>

Choi, S.K., Badgett, M.V.L., & Wilson, B.D.M. (2019). State Profiles of LGBT Poverty in the United States. The Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/State-LGBT-PovertyDec-2019.pdf>

Choi, S.K., Wilson, B.D.M., Shelton, J., & Gates, G.J. (2015). *Serving Our Youth 2015: The Needs and Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth Experiencing Homelessness*. The Williams Institute with True Colors Fund. <https://truecolorsfund.org/wp-content/uploads/2015/05/Serving-Our-Youth-June-2015.pdf>

Conron, K.J. (2019). Financial Services and the LGBTQ+ Community: A Review of Discrimination in Lending and Housing. Testimony before the Subcommittee on Oversight and Investigations. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Housing-and-Lending-Testimony-Oct-2019.pdf>

Conron, K.J. (2020). LGBT Youth Population in the United States. The Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Youth-US-Pop-Sep-2020.pdf>

Coolhart, D., & Brown, M.T. (2017). The need for safe spaces: Exploring the experiences of homeless LGBTQ youth in shelters. *Child and Youth Services Review*, 82, 230-238. doi:10.1016/j.chilyouth.2017.09.021

Dworsky, A., Van Drunen, M., & Gitlow, E. (2017). *Voices of Youth Count (voyc) Youth Count and Brief Youth Survey: Technical Report*. Chapin Hall at the University of Chicago.

Fusaro, V.A., Levy, H.G., & Shaefer, H.L. (2018). Racial and Ethnic Disparities in the Lifetime Prevalence of Homelessness in the United States. *55 Demography* 2119. <https://doi.org/10.1007/s13524-018-0717-0>.

Henry, M., Watt, R., Mahathey, A., Ouellette, J., & Sitler, A. (2019). *The 2019 Annual Homeless Assessment Report (AHAR) to Congress – Part 1: Point-in-Time Estimates of Homelessness*. Department of Housing and Urban Development. <https://www.huduser.gov/portal/sites/default/files/pdf/2019-AHAR-Part-1.pdf>

James, S.E., Herman, J.L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. National Center for Transgender Equality. <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>

Janosko, J. (2019). Demographic Data Project — Part I: Gender Minorities. National Alliance to End Homelessness. <https://endhomelessness.org/wp-content/uploads/2019/09/DDP-Gender-Minorities-Brief-09272019-byline-single-pages.pdf>.

Levy, D.K., Wissoker, D., Aranda, C.L., Howell, B., Pitingolo, R., Sewell, S., & Santos, R. (2017). A Paired Testing Pilot Study of Housing Discrimination against Same-Sex Couples and Transgender Individuals. The Urban Institute. https://www.urban.org/sites/default/files/publication/91486/2017.06.27_hds_lgt_final_report_report_finalized.pdf

Mallory, C., & Sears, B. (2016). Evidence of Housing Discrimination Based on Sexual Orientation and Gender Identity: An Analysis of Complaints Filed with State Enforcement Agencies, 2008-2014. The Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Housing-DiscriminationComplaints-2008-2014.pdf>

Mallory, C., & Sears, B. (2020). LGBT Discrimination, Policy, and Law in the United States. In W.R. Thompson (Ed.), Oxford Research Encyclopedia of Politics. Oxford University Press.

Meyer, I.H., Reisner, S., Herman, J., Poteat, T., Bockting, W., Feldman, J. (2019, September). Findings from a U.S. Transgender Population Study. Presentation at the United States Professional Association for Transgender Health Conference, Washington, D.C.

Meyer, I.H. (2019). Experiences of Discrimination among Lesbian, Gay and Bisexual People in the US. The Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-DiscriminationWork.pdf>

National Alliance to End Homelessness. (2020). Transgender Homeless Adults & Unsheltered Homelessness: What the Data Tell Us. <https://endhomelessness.org/wp-content/uploads/2020/07/Trans-Homelessness-Brief-July-2020.pdf>.

Romero, A.P. (2019). Does the Equal Pay Act Prohibit Discrimination on the Basis of Sexual Orientation or Gender Identity? *Alabama Civil Rights & Civil Liberties Law Review*, 10.1, 35-94.

Romero, A.P., Goldberg, S.K., & Vasquez, L.A. (2020). LGBT People and Housing Affordability, Discrimination, and Homelessness. The Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf>

Schwegman, D. (2018). Rental Market Discrimination Against Same-Sex Couples: Evidence From a Pairwise-Matched Email Correspondence Test. *Housing Policy Debate*, 1051-1482. doi:10.1080/105114 82.2018.1512005

Singh, S., & Durso, L.E. (2017). Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways. Center for American Progress.
<https://www.americanprogress.org/issues/lgbtq-rights/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbtpeoples-lives-subtle-significant-ways/>

Sun, H., & Gao, L. (2019). Lending practices to same-sex borrowers. *Proceedings of the National Academy of Sciences of the United States of America*, 116(19), 9293-9302.
doi:10.1073/pnas.1903592116

U.S. Department of Housing and Urban Development. (2019). Affordable Housing. Retrieved on February 19, 2020 from
https://www.hud.gov/program_offices/comm_planning/affordablehousing/

Williams Institute. (2019). Adult LGBT Population in the United States.
<https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Population-Estimates-March-2019.pdf>

Wilson, B.D.M., Cooper, H., Kastanis, A., & Nezhad, S. (2014). Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles. The Williams Institute. https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_report_final-aug-2014.pdf

Wilson, B.D.M., Gomez, A. G. H., Sadat, M., Choi, S.K., & Badgett, M. V. L. (2020, October). Pathways In to Poverty: Lived Experiences among LGBTQ People. Los Angeles, CA: The Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Pathways-Overview-Sep-2020.pdf>

Wilson, B. D. M., Choi, S. K., Harper, G. W., Lightfoot, M., Russell, S., & Meyer, I.H. (2020). Homelessness among LGBT Adults in the U.S. The Williams Institute.
<https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf>.