

This updated Issue Brief reflects the legal and societal challenges that have targeted people who identify as lesbian, gay, bisexual, transgender, queer (or questioning) and others (LGBTQ+) which disproportionately impacts their ability to access housing, shelter, and services, and experience homelessness at higher rates than their straight peers. The last two years resulted in a nationwide deterioration of LGBTQ+ protections, increasing legalized discrimination in employment, housing, shelter, policing, healthcare access, and beyond. The impacts of this discrimination leave ripples of inequality peppered throughout the country, requiring swift action by community members and allies to push back against these policies that hinder a person identifying as LGBTQ+'s ability to thrive. This report highlights the connection between discrimination and housing and health instability, and our responsibility to change it.



POPULATION LACKING

Nationwide, the demographic estimate of people who identify as LGBTQ+ is difficult to quantify. While Census 2020 helped to collect data of subpopulations, it failed to include questions to identify information on LGBTQ+ people perpetuating and undercount of this historically under-represented population and missing an opportunity

to direct resources for expanded services and collective recognition. While a 2019 report from the American Community Survey estimates 980,000 same-sex households nationwide,¹ this number does not account for those who are not partnered or unhoused and may misrepresent multi-family households. However, this data indicates an increase of over 275,000 same-sex households over three years,² which at the very least, tells us the significant representation of same-sex households and normalizes this experience nationwide.

While data specific to LGBTQ+ people experiencing homelessness is severely lacking, what is available paints a bleak picture. Over the last four years, the number of transgender adults experiencing homelessness increased 88 percent and the number experiencing unsheltered homelessness increased 113 percent during the same period.³ This is a direct reflection of the discriminatory factors in law and society that pushes people who identify as transgender into unsafe circumstances. Additionally, LGBTQ+ youth are 120% more likely to experience homelessness than their cis-gendered peers,⁴ and this number does not include those who are pushed to hide their identity due to fear and abuse.



HOUSING DISCRIMINATION

Until February 2021, no federal law protected LGBTQ+ people from discrimination in housing.⁵ Since 1964, the Fair Housing Act prohibited housing discrimination based on race, color, national origin, religion, sex, familial status, and disability, but did not specifically include people who identify as LGBTQ+ which meant another discriminating factor must be in place to file a legal claim. Consequently, for the next sixty years following the Fair Housing Act, LGBTQ+ people would be discriminated in housing practices including the buying and selling of homes, rentals, and eviction. The 2021 Executive Order and HUD rules now in effect protect LGBTQ+ populations from discrimination, but the repercussions from the historical discriminatory policies will likely be felt for decades to come and will require stringent oversight to ensure the new rules are followed.

According to the 2015 U.S. Transgender Survey conducted by the National Center for Transgender Equality, nearly one quarter of transgender people report having experienced housing discrimination within the past year because of their gender identity.⁶ Similarly, a 2014 HUD study found that heterosexual couples were favored over same-sex couples by 16 percent in tests of housing providers. Moreover, LGBTQ+ people face widespread harassment and discrimination by housing providers,⁷ who, for example, studies have shown are less likely to respond to rental inquiries from same-sex couples and are more likely to quote male same-sex couples higher rents than comparable different-sex couples.⁸

The 2021 change by the Department of Housing and Urban Development was in direct response to the significant housing discrimination findings as above, which showed LGBTQ+ at a far greater risk of experiencing housing discrimination than their heterosexual peers.

SAFETY NET SERVICES

For those who have faced housing discrimination, homelessness can be an all-too-common outcome. In fact, one in five transgender people have experienced homelessness at some point in their lives.⁹ Unfortunately, safety net services like shelters, food banks, and supportive housing that are meant to protect vulnerable populations can often be the very same place where discrimination is perpetuated. The Trump administration proliferated this through many other attacks on the LGBTQ+ community through anti-LGBTQ+ legislation and executive orders, creating fear among LGBTQ+ populations and causing human rights organizations to call out the discrimination,

including Human Rights Campaign, GLAAD, Rolling Stone Magazine, Human Rights Watch, and many newspapers nationwide. While a 2016 law was upheld in 2021 mandating that single-sex shelters provide shelter access in accordance with a person's gender identity, reports of violence, harassment, and refusal for shelter services, especially among people who identify as transgender, indicates there is still work to be done.

Other LGBTQ+ protections were put in jeopardy during the Trump administration in addition to the aforementioned law, including the Department of Health and Human Services' ruling allowing social service agencies that discriminate based on religion, sex, sexual orientation, or gender identity to apply for and potentially receive federal funding. This ruling, which has not been overturned as of the printing of this report, is considered a gateway to discriminatory practices against LGBTQ+ people in the services most meant to protect them. This politicization of gender identity and sexual orientation threatens the rights of LGBTQ+ people and exacerbates trauma associated with rejection and as assault on human rights and identity.



INCARCERATION

Lesbian, gay, and bisexual people are threetimes more likely to experience incarceration than the general population due to a history of bias, abuse, and profiling toward LGBTQ+ people by law enforcement, along with high rates of poverty, homelessness, and discrimination in schools and the workplace, has contributed to disproportionate contacts with the justice system.¹⁰ Similarly, LGBTQ youth make up approximately 15 percent of youth in juvenile detention centers, despite being just 5 to 8

percent of the total youth population.¹¹ When considering other identities including race and experiencing poverty, these numbers dramatically increase. For example, 9 percent of Black transgender women were incarcerated in 2014, approximately ten times the rate in the general population.¹² Of course, the jail to homelessness cycle is well documented, and is evident in Colorado: in a sample study of people experiencing homelessness who were incarcerated in eight Colorado jails, 46.3 percent of those who were not homeless in the past 30 days anticipated being homeless after leaving jail, and 79.2 percent who had previously experienced homelessness in the last 30 days.¹³ Nearly half (46.3 percent) of those who were not homeless in the past 30 days reported that they expected to be homeless upon leaving the jail or they did not know if they would be homeless. This figure was 79.2 percent among those who reported homelessness in the past 30 days.

Discrimination also leads to unnecessary and unreasonable policing of vulnerable populations. In the case of the LGBTQ community, this policing has most commonly occurred in the introduction and attempted enforcement of “bathroom bills” which restrict access to restrooms in public spaces and schools to the gender assigned to an individual at birth. Thankfully, Colorado lawmakers in 2008 passed a law that forbids discrimination based on sexual orientation and gender identity in public places to reduce the policing of a person’s own body.¹⁴

COVID-19 AND LGBTQ+ PEOPLE

The COVID-19 pandemic made it abundantly clear that historically marginalized populations continue to suffer from significant health inequities. LGBTQ+ people face barriers to culturally-competent health care and may encounter social stigma regarding their identity, sexual orientation, or gender expression in clinical spaces.¹⁵ Compared with cisgender heterosexuals, LGBTQ+ populations are more likely to lack health insurance and rate their health as poor.¹⁶ Human rights organizations were particularly concerned about the impacts of COVID-19 on LGBTQ+ populations who have more risk factors commonly associated with becoming dangerously ill from the virus including smoking, asthma, and diabetes. Most concerning was the disproportionate percentage of LGBTQ+ people with access to healthcare (17 percent without access compared to 12 percent of straight peers).¹⁷ No data is yet to be released nationally on LGBTQ+ populations and the impact of COVID-19 on their health and survival from the virus.



The Denver Coliseum became a temporary shelter in the midst of COVID-19 to help alleviate overcrowding and to slow the spread of the virus.

Other inequities, such as lacking protections in employment, further complicated the virus’s impact on the livelihood of the LGBTQ+ community threatening their ability to maintain employment, housing, and safety. A study conducted in July of 2020 showed that 63% of LGBTQ+ households have experienced employment loss since the beginning of the pandemic. Earlier this year, the Biden administration established a new COVID-19 Health Equity Task Force to address the pandemic’s disparate impacts on different demographic groups, including sexual and gender minorities.¹⁸

LOOKING TO THE FUTURE

In 2021, the Equality Act passed the United States House of Representatives, which prohibits discrimination based on sex, sexual orientation, and gender identity in areas including public accommodations and facilities, education, federal funding, employment, housing, credit, and the jury system. Specifically, the bill defines and includes sex, sexual orientation, and gender identity among the prohibited categories of discrimination or segregation.¹⁹ This expansion of the law, which sits in the Senate at the publication of this report, would help to further equalize public accommodations and dismantle discrimination to help better support LGBTQ+ people to ensure their fates are not fraught with housing and health injustice. However, the Equality Act sits in challenging circumstances in the Senate. All Democratic Senators and 10 Republican Senators would be required to pass this bill into law.

COLORADO COALITION FOR THE HOMELESS

Through its broad range of services, Colorado Coalition for the Homeless supports people across the gender

expression spectrum and helps LGBTQ+ people and others to heal from the trauma of homelessness, secure high-quality housing, and access integrated health care. The Coalition believes in creating low barriers to services, in recognition of but regardless of sexual orientation or gender identity, and works to provide patient-centered, inclusive, trauma-informed care for LGBTQ+ people. At the Coalition's Stout Street Health Center, the Coalition provides supportive, non-judgmental therapy services around gender identity issues as defined by the client. Additionally, the Coalition provides general evaluations for gender affirming surgery letters, initiation, and prescribing of hormones, and helps to connect people to LGBTQ+ resources and agencies across the state. Most recently, the Coalition's Equity, Inclusion, and Diversity (EID) Council alongside the Quality Assurance Team worked to update

medical paperwork to reflect a patient's gender identity rather than their sex at birth to make the experience of transgender patients more trauma-informed.

Through the work of the EID Council and with support of CCH's Executive Leadership, the organization works internally to promote an understanding of how systems of oppression impact society at all levels, including within the organization and its programs and teams, and for workforce members as individuals. Colorado Coalition for the Homeless recognizes that creating equity in health and housing services is complicated and an ongoing process; together, the organization is committed to doing this difficult work internally and externally.

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