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RESEARCH THAT MATTERS

LGBT PEOPLE AND HOUSING AFFORDABILITY, DISCRIMINATION, AND HOMELESSNESS

APRIL 2020

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PREFACE

We are publishing this report in April 2020 while the COVID-19 pandemic is raging around the world. While this report on housing issues faced by LGBT people was drafted before, and does not specifically address, COVID-19, we are mindful that the issues we discuss are all the more meaningful when viewed in the context of the current pandemic. Public health professionals are urging, and some governments have ordered, people to shelter at home to help disrupt the spread of the virus. For those who are experiencing homelessness and housing instability, complying with directives to remain at home may be difficult if not impossible. For people living in or near poverty, the present economic turmoil and widespread loss of work could immediately lead to housing instability and even homelessness. Home may not even be a safe and secure place for people experiencing conflict with those with whom they live. And for those living alone, this pandemic could intensify the isolation that many were already experiencing. Each of these concerns is an acute one for the LGBT population in the United States because, as we discuss, LGBT people are more likely than non-LGBT people to be poor, to be renters, to have unstable housing, and to be homeless. Furthermore, LGBT elders are more likely to live alone than non-LGBT elders; LGBTQ youth have high rates of homelessness related, for many, to rejection from their families; and discrimination against LGBT adults in housing and homeless shelters is widespread. LGBT people live throughout the United States, but the cities and states hardest hit by COVID-19 as of this writing are also areas where higher proportions of LGBT adults live. For all of these reasons and others, COVID-19 is inordinately reverberating through many LGBT people's lives. COVID-19 also highlights even more brightly the need for law and policy, in the United States and beyond, to reduce the vulnerability and stigma that LGBT people experience.

EXECUTIVE SUMMARY

This report synthesizes research and policy related to the housing of lesbian, gay, bisexual, and transgender (LGBT) people in the United States, and makes recommendations to address the variety of challenges that we identify.

Compared to non-LGBT people, LGBT people appear to be more likely to face housing unaffordability, are less likely to own their homes and are more likely to be renters, and are more likely to be homeless.

HOUSING AFFORDABILITY

The evidence on housing affordability includes:

- LGBT adults, as a whole, have at least 15% higher odds of being poor than cisgender straight adults after controlling for age, race, urbanicity, employment status, language, education, disability, and other factors that affect risk of poverty (Badgett et al., 2019).
- Among LGBT people, poverty is especially prevalent among racial minorities, bisexuals, women, transgender people, and younger people (e.g., Badgett, 2018; Badgett et al., 2019; Carpenter et al., 2020; Meyer et al., 2019).

HOMEOWNERSHIP

The evidence on homeownership includes:

- According to representative data from 35 states, nearly half (49.8%) of LGBT adults own their homes, compared to 70.1% of non-LGBT adults (Conron, 2019).
- Homeownership is even lower among LGBT racial minorities and transgender people (Conron et al., 2018; Meyer et al., 2019).
- Same-sex couples are significantly less likely to own their homes than different-sex couples (63.8% and 75.1%, respectively) (original analyses herein).
- Homeownership is higher among married couples than unmarried couples, but married same-sex couples significantly are less likely to own their homes than married different-sex couples (72% and 79.4%, respectively) (original analyses herein).

HOMELESSNESS

The evidence on homelessness includes:

- Studies find that between 20% and 45% of homeless youth identify as LGBTQ, at least 2 to 4 times more than the estimated percentage of all youth who identify as LGBTQ (e.g., Baams et al., 2019; Choi et al., 2015).
- Among young adults aged 18-25, LGBT people have a 2.2 times greater risk of homelessness than non-LGBT people (Morton, Samuels, et al., 2018).

STIGMA AND DISCRIMINATION

LGBT people face an array of stigma and discrimination across the life course that undermines their ability to have stable, safe, and affordable housing. The evidence includes:

- Family rejection of LGBTQ youth is a major factor contributing to their high levels of homelessness (e.g., Choi et al., 2015; Ecker, 2016), and that rejection diminishes not only the possibility of reunification but also family ties for LGBT people into adulthood and elder years.
- LGBT youth and adults face challenges in accessing homeless shelters and services, such as harassment and violence, staff who are not equipped to appropriately serve LGBT people, and sex-segregated facilities in which transgender people are housed according to their sex assigned at birth (which leads many transgender people to go unsheltered instead).
- LGBT people face widespread harassment and discrimination by housing providers, who, for example, studies have shown are less likely to respond to rental inquiries from same-sex couples (Friedman et al., 2013) and are more likely to quote male same-sex couples higher rents (Levy et al., 2017) than comparable different-sex couples.
- LGBT elders are at risk of being turned away from or charged higher rents at independent or assisted living centers (Equal Rights Center, 2014), as well as harassed, treated poorly, or forced to go back in the closet once moved in (e.g., AARP Research, 2018).
- Same-sex couples face system-wide discrimination by mortgage lenders, with one study finding that, compared to different-sex borrowers of similar profiles, same-sex borrowers experienced a 3% to 8% lower approval rate and, among approved loans, higher interest and/or fees (Sun & Gao, 2019).
- Discrimination against LGBT people in employment and other settings is widespread and can destabilize housing and make it more unaffordable.
- LGBT people may face not only sexual orientation or gender identity discrimination in housing but also other forms of disadvantage, such as racial prejudice, language barriers, and inaccessibility related to a disability.

FEDERAL AND STATE LAW

Despite evidence of widespread discrimination and its harms, federal, state, and local law provide only a patchwork of protection against anti-LGBT discrimination in housing, lending, and social services—leaving the majority of LGBT people without clear, and possibly no, legal recourse when they face bias because of their sexual orientation or gender identity.

The legal patchwork includes:

- The federal Fair Housing Act and Equal Credit Opportunity Act do not expressly prohibit discrimination on the bases of sexual orientation and gender identity; but they do prohibit sex discrimination and many courts have concluded anti-LGBT discrimination is a form of sex discrimination under these and similar statutes.
- Title VI of the 1964 Civil Rights Act, which prohibits discrimination in programs and activities receiving federal funding, does not protect against sex, sexual orientation, or gender identity discrimination.

- Federal regulations prohibit anti-LGBT discrimination in programs and activities conducted by, or receiving funding from, the U.S. Department of Housing and Urban Development; yet, for instance, Dillbary & Edwards (2019) found systemic discrimination against same-sex male couples seeking mortgages backed by the Federal Housing Administration.
- Only a minority of states and localities prohibit sexual orientation or gender identity discrimination in housing, lending, and/or homeless services.

RECOMMENDATIONS

Among the recommendations that we make are:

- Adoption and enforcement of comprehensive federal and state protections against sexual orientation and gender identity discrimination in housing, lending, and government-funded programs and activities, among other settings.
- Evaluation of the extent to which LGBT people face barriers to accessing programs and services aimed at increasing housing affordability and reducing housing instability—such as Section 8 and homebuying programs of the Federal Housing Administration—and execution of corrective actions as necessary.
- Allocation of governmental and private funding to develop and implement evidence-based programs to reduce stigma and discrimination faced by LGBT youth and adults, including within LGBT people's families-of-origin.
- Expansion of housing and shelter options for LGBT youth and adults so that they are sheltered safely and appropriately.
- Mandated training for all staff at agencies providing housing, child welfare, homelessness, and other relevant services to the LGBT population, in order to ensure that staff become and remain equipped to serve LGBT people in an affirming manner.
- Enhanced data collection and research on housing issues faced by the LGBT population and subpopulations in order to improve our knowledge base and help design interventions.

INTRODUCTION AND OVERVIEW

Having adequate, stable, and safe housing is foundational to human well-being and flourishing. Yet within the United States, tens of millions of people struggle to secure and maintain housing because of affordability. Rents and home prices are rising faster than incomes; in many markets, demand for housing is far greater than the supply; governmental supports and protections intended to keep people housed are insufficient. More than three in ten, or 37.8 million, households spend 30% or more of their incomes on housing—the standard measure of housing affordability (Joint Center for Housing Studies of Harvard University, 2019). Affordability concerns are especially acute for renters; the housing costs of nearly half of renter households consume or exceed 30% of their incomes (Joint Center for Housing Studies of Harvard University, 2019). In order to afford housing, both renters and owners are often forced to move, spend less on essential and non-essential goods, and save less (Freddie Mac, 2019). Unable to afford housing, many people become homeless, which is defined under federal law as “lack[ing] a fixed, regular, and adequate nighttime residence” (42 U.S.C. § 11302). While annual point-in-time estimates from the U.S. Department of Housing and Urban Development show a general decline over the past decade in the number of homeless individuals nationally (Henry et al., 2018), the number of homeless individuals and families in high-cost places such as Los Angeles and San Francisco has spiked recently because of unaffordability (e.g., Los Angeles Homeless Services Authority, 2019).

A large body of research has documented that housing affordability and homeownership vary greatly by race and ethnicity, age, income and assets, sex, region, the presence of children, marital status, and other characteristics (e.g., Wilson & Callis, 2013). A growing body of research indicates that sexual orientation and gender identity are also important considerations. Indeed, affordable, stable, and safe housing are acute issues for many lesbian, gay, bisexual, transgender (LGBT) adults and youth, who face the same sorts of challenges around housing that non-LGBT people can face, such as rising housing costs, insufficient income and assets, racial prejudice, and inaccessibility related to a disability. The LGBT population additionally faces unique challenges with respect to housing, including:

- Family rejection that contributes to LGBTQ youth being far more likely to be homeless or unstably housed, and to LGBT adults having less support from their families-of-origin in times of need;
- Discrimination that is motivated fully or partly by an LGBT person's sexual orientation and/or gender identity by landlords, long-term care facilities, and other housing providers, and by mortgage lenders and others in the real estate market;
- Discrimination at work or bullying at school that can have downstream adverse effects on income and housing;
- The residual, negative effects of being long denied the benefits and protections of marriage, which could translate into having fewer financial and/or social resources over time; and
- Lower rates of parenting and obstacles to having children, which could limit family ties and housing options as LGBT people age.

In this report, we synthesize and discuss recent research related to LGBT people and housing, as well as identify gaps in knowledge that researchers and governmental data systems should address. Part I focuses on the disparities and disproportionalities that LGBT people face with respect to housing

affordability, homeownership, and homelessness. Specifically, we first discuss studies finding that LGBT people are more likely to be living in poverty than non-LGBT people (e.g., Badgett et al., 2019). This body of research indicates that affordable housing is a pressing issue for many LGBT people, especially bisexuals, transgender individuals, younger people, and racial minorities. Second, existing research indicates that LGBT people are more likely to rent and less likely to own their homes than non-LGBT people (e.g., Conron et al., 2018; Freddie Mac, 2018; Meyer et al., 2019). In original analyses provided herein, we find the following: Same-sex couples are less likely to be homeowners than different-sex couples; unmarried same-sex and different-sex couples have similar homeownership rates; and married same-sex couples are less likely to own a home, and once homeowners, are more likely to be carrying a mortgage, than married different-sex couples. Third, we discuss studies finding that LGBT youth and adults are overrepresented among those who have unstable housing or are homeless (Choi et al., 2015; Durso & Gates, 2012; James et al., 2016; Morton, Dworsky, et al., 2018). Whereas approximately 6% to 11% of all youth identify as LGBTQ, studies find that between 20% and 45% of homeless youth and young adults identify as LGBTQ.¹

In Part II, we address how stigma and discrimination throughout the life course contribute to the disparities and disproportionalities presented in Part I. First, for many LGBT people, rejection or lack of support from their families-of-origin is the primary reason for their housing instability or homelessness. Research finds that LGBTQ youth are often kicked out of their homes or made to run away because of a lack of acceptance or violence from their parents, siblings, and relatives, and this rejection diminishes the possibility of reunification. Second, LGBT people face discrimination and other challenges in shelters and in accessing homeless services and programs. Third, a variety of recent studies find that LGBT people experience—and fear—discrimination and harassment in housing (e.g., Levy et al., 2017; Friedman et al., 2013). For example, LGBT elders are at risk of being turned away from or charged higher rents at independent or assisted-living centers (Equal Rights Center, 2014), as well as harassed or treated poorly once moved in. Fourth, very recent literature finds that same-sex couples face widespread discrimination in the mortgage industry (Dillbary & Edwards, 2019; Sun & Gao, 2019). Discrimination in housing and lending can directly and indirectly make housing more expensive for victims of any of the various forms of bias that we detail, and can also increase the risk that these people and their families will have unstable housing or become homeless. Fifth, we briefly discuss how discrimination against LGBT people in employment and other settings can destabilize their housing or lower their prospects of buying a home.

And yet, as we present in Part III, only a minority of states and localities prohibit discrimination based on a person's sexual orientation or gender identity in housing, lending, and homeless services, and the Fair Housing Act, Equal Credit Opportunity Act, and other relevant federal statutes do not prohibit such discrimination expressly. We detail the patchwork of federal, state, and local legal protections,

¹ Generally consistent with the literature on youth, we use “LGBTQ”—with the Q representing questioning or queer youth—to capture those youth whose identities are less developed or more fluid (e.g., Wilson et al., 2014). Certainly, adults question their sexual orientation or gender identity and identify as queer, especially younger adults (see also Goldberg et al., 2019, discussing that a higher percentage of younger adults identify as queer). However, few studies relevant to this report address housing among adults who specifically identify as queer or questioning; hence, we generally use “LGBT” when discussing adults.

which leave the majority of LGBT people in the country without clear—or possibly any—recourse when, because of their sexual orientation or gender identity, they are denied housing, charged higher rents, harassed by landlords, or turned away from homeless shelters.

In conclusion, we emphasize the importance of understanding these various issues through life-course and intersectional perspectives. At each stage of the life course, societal stigma and discrimination against minority sexual orientations and gender identities creates housing instability and/or reduces housing affordability, which may be compounded by or within other types of discrimination and vulnerability. For example, evidence we review indicates that while same-sex male couples face systematic discrimination in the mortgage industry, same-sex male couples in which one or both are Black fare even worse (Dillbary & Edwards, 2019). Or, in one national study we discuss, LGBTQ young adults were more than twice as likely to experience homelessness than youth who identified as heterosexual and cisgender, and Black LGBTQ people, especially men, had the highest rates of homelessness (Morton, Samuels, et al., 2018). Finally, we provide a variety of policy and programmatic recommendations to promote housing stability, affordability, and safety for LGBT people.

PART I. HOUSING AFFORDABILITY, HOMEOWNERSHIP, AND HOMELESSNESS

In this Part, we discuss research on poverty, homeownership, and homelessness among LGBT people, indicating that housing affordability and stability are significant concerns for the LGBT population.

A. HOUSING AFFORDABILITY

According to the U.S. Department of Housing and Urban Development, housing is defined as affordable if a household spends 30 percent or less of its after-tax income on monthly rental or mortgage payments plus utilities (U.S. Department of Housing and Urban Development, 2019). Using this measure of housing affordability, federal data indicate that three in ten households are cost-burdened by housing (Freddie Mac, 2019; Joint Center for Housing Studies of Harvard University, 2019), and more than 18 million renter and owner households pay more than 50 percent of their annual incomes for housing (Joint Center for Housing Studies of Harvard University, 2019). Spending so much on housing restricts individuals' and families' ability to afford food, clothing, health care, transportation, and other essentials (U.S. Department of Housing and Urban Development, 2019). Housing affordability varies greatly across the country (Joint Center for Housing Studies of Harvard University, 2019). In high-cost metropolitan areas such as Los Angeles and San Francisco, for example, affordability challenges are severe and have driven up the number of homeless individuals and families there (Cowan, 2019; Joint Center for Housing Studies of Harvard University, 2019; Los Angeles Homeless Services Authority, 2019; Oreskes & Smith, 2019).

Unfortunately, we are not aware of any nationally-representative study that estimates the percentage of LGBT people's income that goes toward housing; that examines this and other dimensions of housing affordability among segments of the LGBT population such as racial minorities; or that compares LGBT people's experiences with housing affordability to those of non-LGBT people. One important reason for this dearth of information is that most federal surveys that provide vast information on housing in the United States do not ask respondents to voluntarily identify their own and their household members' sexual orientation and gender identity, among other demographic items that are asked. Qualitative and community-based research is providing extremely valuable insights in this regard, but population-level studies that assess interaction between more than two of the following variables are exceedingly rare: sexual orientation, gender identity, race, ethnicity, age, location, language ability, immigration status, relationship status, disability, and presence of children, among other relevant characteristics. Some federal surveys that allow for comparisons of cohabiting same-sex and different-sex couples, such as the American Community Survey, could be useful; but these surveys do not allow for explorations of LGBT people who are not in a cohabiting same-sex partnership/marriage.

Nonetheless, more than a decade of research on poverty suggests that many LGBT people face challenges around housing affordability, and that bisexuals, transgender individuals, younger people, racial minorities, and certain other LGBT subgroups are especially at risk. Indeed, according to the largest survey of transgender and gender non-conforming adults to date, 9% of respondents reported living with friends or family on a temporary basis because they were unable to afford their own housing, and 13% reported having to move into a less expensive home or apartment within the previous year (James et al., 2016).

The most comprehensive quantitative study of poverty among LGBT people is Badgett, Choi, and Wilson's (2019) analysis of representative data from 35 states (collected between 2014 and 2017). According to this study, more than one in five (21.6%) LGBT adults in the United States were living in poverty, compared to 15.7% of cisgender straight adults. These findings are consistent with other research on LGB poverty using different data sources (e.g., Albelda et al., 2009; Badgett et al., 2013; Schneebaum & Badgett, 2019), as well as on LGBT food insecurity (Brown et al., 2016; Williams Institute, 2019a). Schneebaum and Badgett (2019), for example, found that when comparing same-sex and different-sex couples with the same predictors of poverty (race/ethnicity, educational attainment, age, etc.), female same-sex couples were more likely to be poor than married and unmarried different-sex couples, and that male same-sex couples were more likely to be poor than married different-sex couples and had comparable poverty rates to unmarried different-sex couples.

Poverty is not evenly distributed among LGBT people. Poverty rates differ by sexual orientation, sex, gender identity, race, age, geography, and other characteristics. According to Badgett et al. (2019), nearly one in three (29.4%) transgender adults and cisgender bisexual women were in poverty, as were 19.5% of bisexual men; these groups experienced poverty at higher levels than cisgender lesbian and straight women (17.9% and 17.8%, respectively), and cisgender gay and straight men (12.1% and 13.4%, respectively). The finding that transgender people and bisexuals are especially vulnerable to poverty reflects prior research using representative samples (e.g., Badgett, 2018; Carpenter et al., 2020; Meyer et al., 2019) and large non-representative samples (e.g., James et al., 2016).

With respect to racial differences, Badgett and colleagues (2019) found that LGBT adults of most races and ethnicities showed higher rates of poverty than their cisgender straight counterparts, and that for both LGBT and non-LGBT adults, racial minorities had higher rates of poverty than White people. For example, among Black adults, 30.8% of LGBT adults and 25.3% of cisgender straight adults were in poverty; among Asian adults, 22.9% of LGBT adults and 14.6% of cisgender straight adults were in poverty; and among White adults, 15.4% of LGBT adults and 9.1% of cisgender straight adults were in poverty.

Badgett and colleagues (2019) also found geographic variation. Whereas 16% of cisgender straight adults in both urban and rural places were poor, one in five (21%) LGBT adults in urban areas were in poverty, as were one in four (26.1%) LGBT adults in rural areas. In terms of age, poverty rates were highest among younger adults and lowest among older age groups. The only significant difference the researchers identified between LGBT and straight cisgender people was among those aged 18 to 44 years: Among those aged 18-24, for example, 30.7% of LGBT people and 26.9% of cisgender straight people were in poverty.

There are several factors that contribute to the higher rates of poverty among LGBT people compared to non-LGBT people. LGBT people, especially bisexual and transgender people, are more likely to be people of color, young, and experiencing a disability—three characteristics that are related to risk of poverty (Badgett et al., 2019). By contrast, compared to cisgender straight and bisexual men, cisgender gay men have, on average, higher levels of education and fewer children—characteristics that are protective against poverty. Yet, when controlling for age, race, urbanicity, employment status, language, education, disability, and other factors that affect risk of poverty, Badgett and colleagues found that LGBT adults, as a whole, had at least 15% higher odds of being poor than cisgender straight adults. Schneebaum and Badgett (2019) similarly found that while same-sex couples have characteristics that reduce risk of poverty, such as greater education and labor force participation,

these couples are more likely to be poor than different-sex couples after controlling for those characteristics.

The stigma and discrimination that LGBT people experience may also play a role in poverty risk and economic vulnerability more broadly. For example, being fired from a job or evicted from housing can drive people into or deepen poverty, and wage discrimination suppresses earnings. In Klawitter's (2015) meta-analysis of numerous studies of wages, gay men earned 11% less than similarly-situated straight men, and lesbians earned less than straight and gay men—demonstrating that a gender analysis is necessary, too. For LGBT elders, a lifetime of being denied the benefits and protections of marriage and other forms of discrimination could leave them with fewer economic and social resources during senior years than they would otherwise have (Movement Advancement Project & SAGE, 2017; see also Goldsen et al., 2017). In this vein, Albelda et al. (2009) found that married different-sex older couples had an income 4.3 times higher than that of same-sex older couples when entering retirement, and that these different-sex couples' retirement income was 34.7% higher.

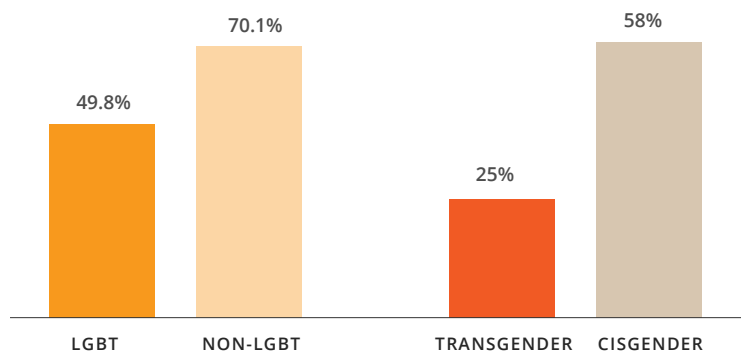
As this discussion reveals, poverty as well as housing affordability among LGBT and non-LGBT people should be understood more fully through an intersectional analysis that takes into account not just differences and biases along a variety of axes but also the interaction among them.

B. HOMEOWNERSHIP

Another dimension of housing affordability is homeownership, because renters are especially at risk for their housing to be or become unaffordable. Indeed, whereas 22.5% of homeowners were burdened by housing costs (using the 30%-of-income measure discussed above), nearly half (47.4%) of renters were so burdened. Among the 18.2 million U.S. households spending 50% or more of their income on housing, 10.8 million were renters (Joint Center for Housing Studies of Harvard University, 2019). Furthermore, unlike renters, homeowners generally build equity in, and benefit from the appreciation in value of, their homes, though certainly that has not been the case for all (e.g., Coghlan et al., 2018; Stiglitz, 2009 discussing predatory lending and other abusive practices that contributed to the recession that began in 2008). In 2018, 64.4% of U.S. households owned their homes (U.S. Census Bureau, 2018). Homeownership is generally lower among racial minorities especially African Americans, women, younger people, those who are not married, and people with lower incomes and fewer assets (Choi et al., 2018; Goodman et al., 2018; Kuebler & Rugh, 2013; Wilson & Callis, 2013; U.S. Census Bureau, 2018).

Estimates of LGBT homeownership are limited because of a scarcity of population-based data that assess both homeownership and sexual orientation/gender identity. Nonetheless, existing evidence indicates that LGBT adults are less likely to own homes and more likely to rent than non-LGBT adults. According to representative data from 35 states, nearly half (49.8%) of LGBT adults own their homes, compared to 70.1% of

Figure 1. Homeownership by LGBT identity and by transgender status



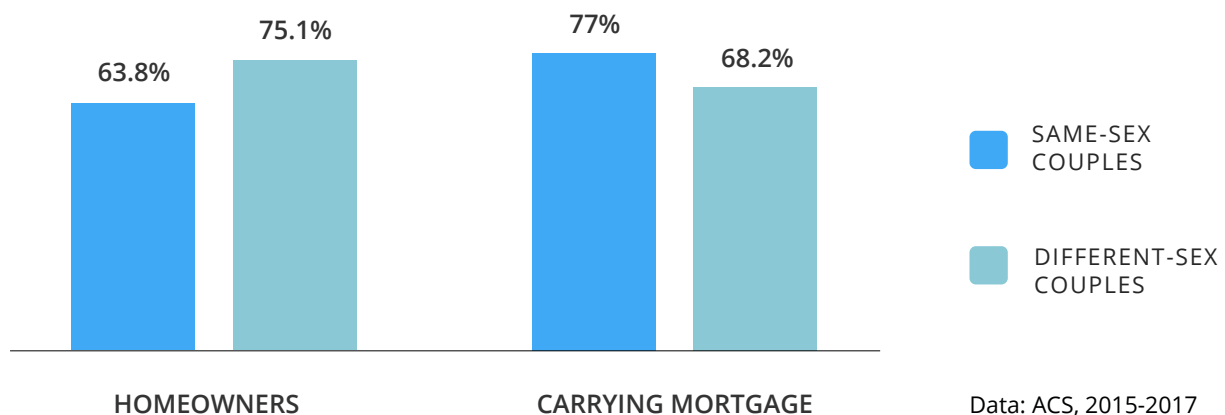
Sources: Conron (2019) and Meyer et al. (2019)

non-LGBT adults (Conron, 2019). These results reflect other studies' findings from both population-based and non-representative samples. For example, according to a 2018 survey of LGBT adults (aged 22-72) conducted by Freddie Mac, 49% of respondents reported owning their home, compared to 64% of the general U.S. population that year (Freddie Mac, 2018). Conron and colleagues (2018), analyzing data from a representative sample of adults aged 24-32 in 2008, found that among females, sexual minorities were less likely to be homeowners than heterosexual women, and that women who are sexual and racial minorities had the lowest rates of homeownership. Among males, sexual minorities were also less likely to be homeowners than their straight counterparts. Homeownership is particularly low among transgender people. Meyer et al. (2019) analyzed the first nationally-representative sample of transgender adults and found that only a quarter (25%) are homeowners, compared to 58% of cisgender adults.

The American Community Survey (ACS) provides nationally-representative information on household composition and homeownership, allowing us to compare homeownership rates between same-sex and different-sex couple-headed households (see, e.g., Gates, 2009). According to our analyses of ACS data collected between 2015 and 2017, same-sex couples are less likely to own their homes than different-sex couples. Specifically, 63.8% of same-sex couples reported owning their home (with an additional 0.5% under contract), compared with 75.1% of different-sex couples. Among those who owned their homes, same-sex couples were more likely than different-sex couples to be carrying a mortgage (77% vs. 68.2%, respectively).

The lower rates of homeownership by LGBT people, especially transgender individuals, compared to non-LGBT people, is likely at least partially explained by the higher rates of poverty among LGBT people discussed above. According to the survey of LGBT people by Freddie Mac (2018), for example, the top barrier to buying a home for renters is amassing the down payment. Other factors connected to homeownership may also play a role, such as the fact that the LGBT people are, on average, younger than non-LGBT people. However, prior research has found that income, education, and other characteristics associated with homeownership do not fully explain differences in homeownership rates between same-sex couples and married different-sex couples (e.g., Jespen & Jespen, 2002; Leppel, 2007a; Leppel, 2007b).

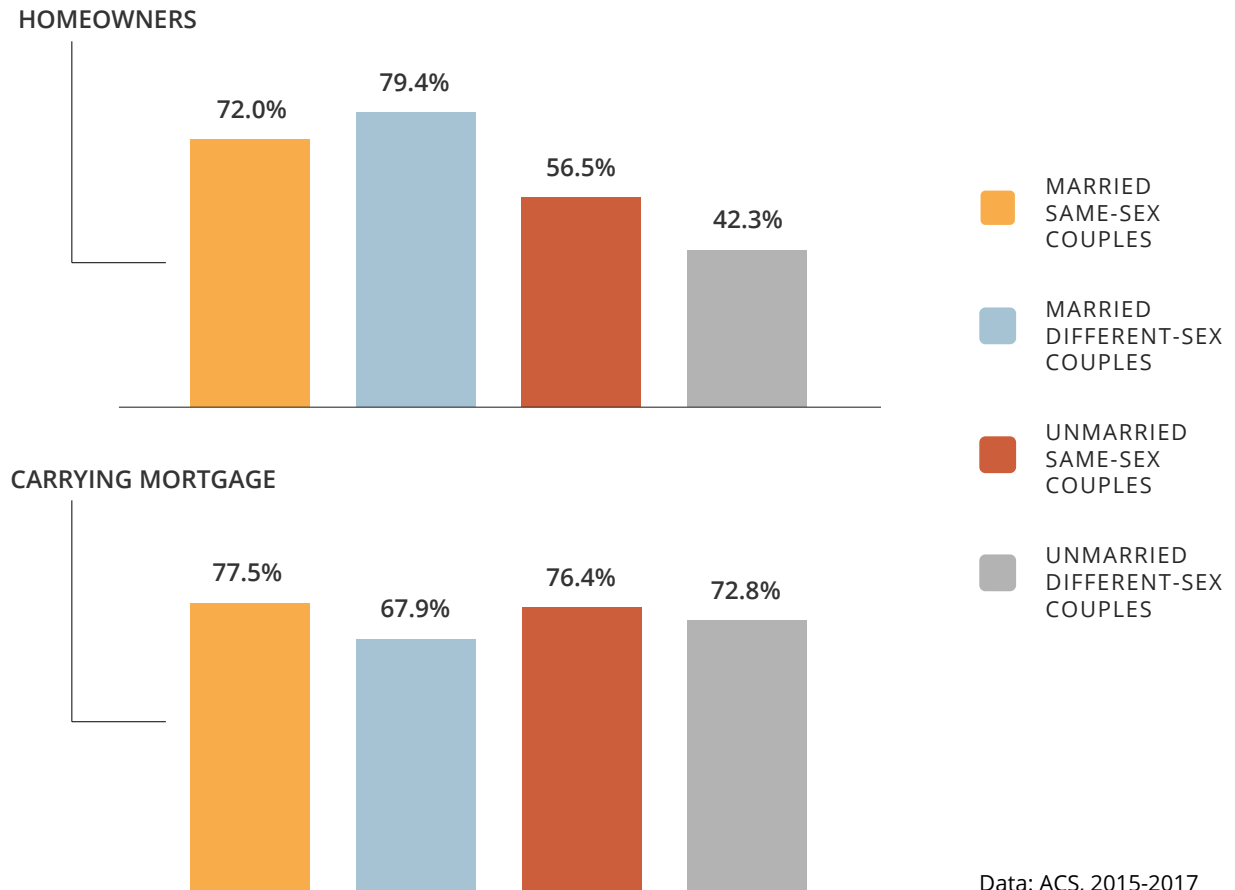
Figure 2. Homeownership and mortgage debt of same-sex and different-sex couples



Discrimination in housing and lending, discussed in the next Part, may play a role. And marriage, and its long denial to same-sex couples, is a factor. A study by the U.S. Department of Housing and Urban Development found that states permitting same-sex marriage—prior to *Obergefell v. Hodges* (2015), which guaranteed same-sex couples the right to marry nationwide—experienced an 8% to 13% increase in mortgage applications by same-sex couples following the state’s adoption of same-sex marriage (Miller & Park, 2016). Consistent with this finding, our analyses of ACS data found that a greater percentage of married couples—same-sex and different-sex—owned their homes compared to unmarried cohabiting couples. But among married couples, 72% of same-sex couples owned their homes, significantly less than the 79.4% of different-sex couples that did. Married same-sex couples were also more likely than married different-sex couples to be carrying a mortgage (77.5% and 67.9%, respectively). Interestingly, among unmarried cohabiting partners, same-sex couples were more likely to own their home than different-sex couples (56.5% vs. 42.3%, respectively), with the proportion of homeowners with a mortgage being roughly comparable (76.4% same-sex vs. 72.8% different-sex couples).

Ultimately, greater data and research are needed to fully understand homeownership rates among all LGBT people, including analyses by sexual orientation, gender identity, race and ethnicity, relationship status, location, and immigration status.

Figure 3. Homeownership and mortgage debt of same-sex and different-sex couples, by marital status



C. HOUSING INSTABILITY AND HOMELESSNESS

Estimating the number of people who are homeless (including both those who are sheltered and unsheltered) or unstably housed—and what proportion of them are LGBT—is challenging for a number of reasons, including the difficulty of collecting data from people who may be living in temporary bridge housing, cars, friends' couches, or on the street. Yet, a variety of studies have shown that LGBT youth and adults are overrepresented among those with unstable housing or who are homeless.

Among youth, studies have consistently found that the proportion of youth experiencing homelessness or housing instability who are LGBTQ is disproportionate to the size of the LGBTQ youth population.² According to the 2017 Youth Risk Behavior Survey, a school-based survey developed by the Centers for Disease Control and Prevention, an estimated 11% of high school aged students in the United States identify as lesbian, gay, or bisexual (Kann et al., 2017). Other studies estimate that sexual minorities make up between 6% and 8% of the U.S. youth population (Wilson et al., 2014). Recent estimates of teenagers identifying as transgender range from 0.73% to 2% (Herman et al., 2017; Johns et al., 2019), and some studies have even higher estimates for gender minorities (see Wilson et al., 2014). By contrast, studies estimate that LGBTQ youth make up between 20% and 45% of homeless youth (e.g., Choi et al., 2015; Durso & Gates, 2012; Freeman & Hamilton, 2008; Van Leeuwen et al., 2006; Whitbeck, 2004). Most recently, Baams et al. (2019) analyzed data from the California Healthy Kids Survey, a large but not representative sample of 895,000 middle- and high-school aged youth in California, and found that 3.5% of the respondents were living in unstable housing and that more than a quarter (25.3%) of those unstably-housed youth identified as LGBTQ—at least 2.3 times what would be expected given national estimates of the size of the LGBTQ youth population. Similarly, the 2015 LGBTQ Homeless Youth Provider Survey estimated that, across 138 agencies, LGBTQ youth accounted for 29% of all homeless youth served, with transgender and genderqueer youth specifically accounting for approximately 4% (Choi et al., 2015). Furthermore, several studies have found that LGBTQ youth report longer time spent homeless, on average, than their non-LGBTQ peers (e.g., Choi et al., 2015; Freeman & Hamilton, 2008).

Turning to adults, approximately 4.5% of the adult population in the United States identifies as LGBT (Williams Institute, 2019b), though federal estimates using different methods are somewhat lower (e.g., Ward et al., 2014; Truman et al., 2019). Little evidence exists on the prevalence of homelessness among LGBT adults. One study, a 2016-2017 nationally-representative sample of young adults age 18-25, found that LGBT people experienced prior-year homelessness or housing instability/couch surfing at a rate over double that of the sample (20% vs. 9.7%) (Morton, Dworsky, et al., 2018; Morton, Samuels, et al., 2018).

A number of available estimates focus specifically on transgender and gender non-conforming people. Meyer et al. (2019) found in a representative U.S. sample that 30% of transgender adults reported that they moved two or more times in the prior two years, compared to 11% of cisgender adults. The U.S. Transgender Survey (USTS) reported that 30% of its 27,715 respondents had experienced homelessness at some point in their lives, with 12% having had such an experience

² See note 1.

within the past year (James et al., 2016). Transgender women of color experienced even higher rates of homelessness in the USTS: American Indian (59%), Black (51%), multiracial (51%), Middle Eastern (49%), and Latina (35%).

HUD's January 2018 point-in-time estimate of homelessness provides additional information on transgender and gender non-conforming adults and youth (Henry et al., 2018). According to this count, 2,521 transgender people were experiencing homelessness at that time, as were 1,173 gender non-conforming people. In other words, among people experiencing homelessness at that time, 0.5% identified as transgender and 0.2% identified as gender non-conforming; these proportions are roughly similar to the proportion of adults who identify as transgender (0.6%, see Herman et al., 2017). Larger proportions of transgender and gender non-conforming individuals were unsheltered than sheltered, reflecting other estimates that found that 56% of homeless transgender adults were unsheltered, compared to 48% of cisgender adults (Janosko, 2018). HUD's 2018 point-in-time estimate further found that transgender youth comprised 1.4% of the unaccompanied youth population. According to HUD, 3% more cisgender women and 1% more cisgender men became homeless between January 2017 and January 2018, but the number of transgender individuals jumped by 22% (Henry et al., 2018). It is unclear whether this staggering one-year increase in the number of homeless transgender people is due to an actual increase in the transgender homeless population, challenges in accurately identifying transgender and gender-nonconforming people who are homeless, or both.

Housing instability and homelessness are significant concerns for a multitude of reasons, including that they increase the risk of violence victimization, exploitation, and poor health among LGBT people (Conron, 2019; Conron et al., 2015; McLaughlin, 2012). Among respondents to the California Healthy Kids Survey, for example, LGBTQ youth who were unstably housed or in foster care reported worse school performance, less safe school climates (including more fights and victimization in school), worse mental health, and higher rates of substance use, relative to both LGBTQ youth in stable housing, and heterosexual youth who were unstably housed (Baams et al., 2019). These findings suggest that LGBTQ youth may be more vulnerable and susceptible to the negative impacts of housing instability than their heterosexual and cisgender peers (Baams et al., 2019). Multiple other studies have found that homeless and unstably housed LGBTQ youth report higher rates of substance use/abuse, poor mental health (including depression, anxiety, and suicidality), physical and sexual violence, risky sexual activity, and/or turning to survival sex (e.g., exchanging sex for goods, food, shelter, or money) or non-sexual subsistence strategies (e.g., begging for money and shoplifting/petty crime) (e.g., Baams et al., 2019; Choi et al., 2015; Morton, Samuels, et al., 2018; Whitbeck et al., 2004; Ecker, 2016; Ecker et al., 2019; Maccio & Ferguson, 2016; Rhoades et al., 2018). USTS respondents who had experienced homelessness in their lifetime were more likely to face abuse and violence, including sexual assault and intimate partner violence (James et al., 2016). Not only do housing instability and homelessness increase risk for violence, risky sex, survival/transactional sex, and substance use, they increase the risk of acquiring HIV and other infections, and they are associated with worse outcomes for people living with HIV in both the general and LGBT populations (especially among men who have sex with men and transgender people). Those worse outcomes include: increased barriers to accessing care, lower treatment adherence, and lower rates of viral suppression (Aidala et al., 2016; Ecker et al., 2019; Fletcher et al., 2014; Wainwright, et al., 2019). As a result, unchecked homelessness and housing instability runs the risk of having long-reaching effects on the health, well-being, and even socioeconomic future of LGBTQ youth and adults, potentially perpetuating disparities into adulthood and beyond.

PART II. THE ROLE OF STIGMA AND DISCRIMINATION

A variety of evidence demonstrates that LGBT people experience stigma and discrimination that affects their housing across their lives. For example, a primary reason for such high levels of homelessness and housing instability among LGBTQ youth is lack of acceptance by these children's families. LGBT youth and adults who are homeless report harassment, violence, and other challenges in shelters and other services that may prolong their homelessness. Research also finds that housing, lending, and employment discrimination against LGBT people is widespread—discrimination that reduces housing affordability and increases housing instability and the risk of homelessness. Discrimination in housing or lending—such as being charged higher rents, denied a mortgage, or charged higher mortgage interest rates—can also negatively impact an LGBT person's financial well-being down the road, including reducing home equity and other assets. Housing discrimination can adversely affect people's mental and physical health, too. For instance, among respondents to USTS who had been evicted from their homes in the previous year, 69.1% reported thoughts of suicide in that year, with 22.3% actually making a suicide attempt; 65% of those who were denied housing in the previous year similarly reported suicidal thoughts, with 19.8% attempting suicide; finally, 69% of those who had couch surfed in the last year had since thought of suicide, with 18.8% attempting it (Herman et al., 2019). While LGBT people may face housing discrimination for any number of reasons, including prejudice related to HIV, religion, or race, or inadequate accommodations for a disability, our focus here is on research addressing LGBT people generally or sexual orientation and/or gender identity specifically.

A. FAMILY REJECTION

As we discussed in Part I.C, research finds LGBT youth and adults are overrepresented among the homeless and housing unstable. Researchers have identified multiple interpersonal, social, and institutional factors contributing to these disproportionalities, including housing unaffordability, lack of gainful employment, and other drivers of homelessness and housing instability in the general population. These factors can be exacerbated by discrimination in housing, lending, and employment, which are discussed below. A primary factor leading many LGBT people, particularly youth, to both become and remain homeless is family rejection of their LGBT identity. For some LGBTQ youth, coming out to their families—or having their sexual orientation or gender identity discovered—results in their being kicked out of their homes, or feeling the need to run away to avoid abuse (physical, verbal, and/or sexual), harassment, and conflict (e.g., Ecker, 2016; Whitbeck et al., 2004). And, because the home environment may be unsafe for LGBTQ youth, family reunification after running away or being kicked out is not necessarily a viable option for these youth.

In a recent systematic review of the U.S. and Canadian literature on queer youth homelessness, between 8% and 33% of queer youth surveyed reported they had left home due to “parental disapproval of their sexuality” (Ecker, 2016). Similarly, in the LGBTQ Homeless Youth Provider Survey, 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 LGBQ youth clients and over 67% of their transgender clients, with general “family issues” underlying homelessness for an additional 16.5% of LGBQ and 7.3% of transgender clients (Choi et al., 2015). Family poverty or lack of affordable housing was the primary reason for homelessness for another 8.2% of LGBQ youth clients and 4.9% of transgender clients. Abuse at home was the primary reason for homelessness for 7.1% of LGBQ youth and 1.2% of transgender youth.

According to the USTS, over 8% of transgender adults who came out to immediate family while growing up were kicked out as a result, and 10% chose to run away from home (32% of whom did so before the age of 15) (James et al., 2016). Among transgender adult respondents whose family had kicked them out of the house for being transgender, nearly three-quarters (74%) experienced homelessness at some point in their lives, almost three times that of respondents who had not been kicked out after disclosing to families (28% of whom experienced homelessness). Even if not immediately forced out of their home, violence and lack of support from family members was associated with increased lifetime risk of homelessness: Among the 10% of USTS respondents who experienced violence while growing up at the hands of a family member due to their transgender identity, 59% experienced homelessness at some point in their lives, more than twice that of respondents who did not experience family violence (29%). Those with unsupportive families in general were also at increased risk of homelessness: 45% of those who reported generally unsupportive families experienced homelessness, compared to 27% of those who said that their family was currently supportive.

Importantly, however, Morton, Samuels, and colleagues (2018) and other researchers who have done in-depth interviews with LGBTQ youth experiencing homelessness have found that family conflict leading to homelessness often escalates over time, rather than being a single event. Such interviews have also yielded more nuanced understandings of the conflict between LGBTQ youth and their families. For example, such conflict may be with only certain members of the household, and factors other than the LGBTQ youth's sexual orientation or gender identity may also be an issue, such as poverty, addiction, and mental health problems (Morton, Samuels, et al., 2018).

Like with families-of-origin, foster families, group homes, or shelters that are not affirming of LGBTQ youth can drive these youth onto the streets (Cook & Cohen, 2018). LGBTQ youth are overrepresented in the foster care system (Baams et al., 2019; Wilson et al., 2014), and they are more likely to report worse experiences and outcomes than their cisgender/heterosexual peers (Baams et al., 2019; Cook & Cohen, 2018; Wilson et al., 2014). For example, in a study of foster youth in Los Angeles County, Wilson et al. (2014) found that 19% were a sexual or gender minority, and that these youth were much more likely than non-LGBTQ foster youth to report discrimination, poor treatment, and higher than average numbers of placements, as well as homelessness.

Lack of familial support can increase LGBT peoples' risk of housing instability and homelessness well beyond youth/adolescence. From a financial perspective, lack of family acceptance can prevent access to family income and assets, which are directly connected to housing affordability and homeownership (see Wilson & Callis, 2013). For example, LGBT adults who do not receive any financial support from their families may find it exceedingly difficult to purchase a home, relative to cisgender/heterosexual peers whose families provide financial and material support. From a social perspective, lack of family and community support can result in isolation throughout one's adult years. LGBT seniors, on average, are less likely to be married or have children and are more likely to be single or living alone (Choi & Meyer, 2016; Wallace et al., 2011). For these reasons, according to the New York City Department of Aging (2017), "about 25 percent of LGBT older people do not have a support system in case of an emergency. Because of their lack of support networks, LGBT older adults are more likely than their heterosexual counterparts to rely on service providers for care and assistance as they age. And they are more likely to face discrimination in relation to their sexual orientation and gender identity when accessing health care and social services" (pp. 27-28; see also Choi & Meyer, 2016; Movement Advancement Project & SAGE, 2017).

B. DISCRIMINATION IN HOMELESS SERVICES AND SHELTERS

Another factor that contributes to the elevated risk of housing instability and homelessness among LGBT youth and adults is that services and programs aimed at reducing homelessness have been slow to adapt to meet the needs of the LGBT population. Outside of safe housing, emotional support/acceptance is the most cited need for LGBQ youth; transition-related services (e.g., access to hormones, legal help, emotional support during transition) are the most cited need for transgender youth (e.g., Remlin et al., 2017). Evidence from the scientific literature has consistently identified a lack of staff who are prepared to work with LGBT youth as a major factor causing many LGBT people to feel unwelcome, misunderstood, and invisible when seeking services (e.g., Cooper et al., 2017; Cray et al., 2013; Coolhart & Brown, 2017; Shelton, 2015; Maccio & Ferguson, 2016). As a result, those who seek out services and encounter an absence of staff who are equipped to support LGBTQ youth—or worse, encounter staff who are actively hostile to LGBTQ youth—may be driven into continued or prolonged homelessness as a result of delaying or avoiding seeking services in order to prevent increased feelings of stigmatization and risk of harmful encounters.

A unique challenge faced by LGBT youth and adults who seek out homeless shelters is an increased risk of harassment and victimization relative to cisgender/heterosexual peers, which is often met by inaction by shelter staff. Across multiple studies, LGBTQ youth consistently report being bullied, harassed, and even assaulted by other youth, with staff either remaining unresponsive or punishing the LGBTQ youth by isolating them (rather than addressing the perpetrator) (Cray et al., 2013; Coolhart & Brown, 2017; Maccio & Ferguson, 2016). LGBTQ youth further report that staff have harassed and discriminated against them, refused to work with them, or refused to acknowledge their gender identity or allow their desired gender expression (Coolhart & Brown, 2017). Among USTS respondents who experienced homelessness and stayed in a shelter in the previous year, 70% reported some form of mistreatment, including being harassed, assaulted, or kicked out because of being transgender (James et al., 2016). Unsurprisingly, then, more than one-quarter (26%) of USTS respondents who experienced homelessness in the previous year avoided staying in a shelter because they feared being mistreated as a transgender person.

Another challenge identified across the literature is the typical system of sex segregation within homeless shelters. Cisgender LGBQ youth have reported being housed with other-gender youth (e.g., gay and bisexual boys housed with cisgender girls) or being isolated altogether, in order to avoid “inappropriate conduct” with their same-gender peers (e.g., Morton, Samuels, et al., 2018; Coolhart & Brown, 2017). In some instances, such assignments occur out of well-meaning staff perception that LGBQ youth would be bullied or uncomfortable if housed with same-gender peers. But some LGBQ youth report that such actions lead them to feel singled out, different, or as if nothing more than their identity matters, rather than affirmed.

On the other hand, transgender youth and adults report being housed according to their sex assigned at birth or natal sex (i.e., transgender girls and women being housed with boys and men, and transgender boys and men being housed with girls and women), rather than in accordance with their gender identity or their own assessment of where they will be safest (Coolhart & Brown, 2017; Shelton, 2015). Such assignments put transgender girls and women particularly at risk for violence and harassment. Transgender people seeking shelter also report having to choose between changing and sleeping in shared quarters where they lack privacy and encounter harassment or

being isolated from other residents altogether.

In response to these challenges, a few localities and non-governmental organizations have built shelters and created services centered on LGBT youth and, to a lesser extent, adults (Childers, 2016; Fagan, 2019; Martin, 2019; Quinn, 2019; Warth, 2019; Wiley, 2019). Some of these shelters and services focus on transgender people. For example, Los Angeles recently opened Casa de Zulma, the first publicly funded bridge shelter for transgender women there (Flores, 2019). And in Indianapolis, an AIDS service organization recently launched an initiative aimed at moving transgender people from the streets to short-term housing (Daudelin, 2019). But, to date, it appears that the majority of LGBT adults and youth experiencing homelessness in the United States lack access to such dedicated options, and they may even lack shelters and services that are merely affirming of LGBT people. And, LGBT people are affected by the fact that in many places, there are drastically insufficient programs and services to help keep all types of people from becoming homeless and to assist those who are experiencing homelessness.

C. DISCRIMINATION IN RENTALS AND SALES

Throughout their lives, LGBT adults face the prospect of being denied a lease or a home sale, charged a higher rent or sales price, denied timely repairs by a landlord, evicted from a rental unit, or other forms of housing discrimination. Some LGBT people also experience violence, harassment, and being made to feel unwelcome by neighbors and landlords. According to one account, for example, when a lesbian and her wife tried to rent a house in Billings, Montana, the landlord rejected their application because, as he said, “I don’t rent to your kind here” (Fadel, 2019). In *Smith v. Avanti* (2017), a same-sex couple (including someone who is transgender) was denied a rental apartment because of the “uniqueness” of their relationship, which the landlord suggested would disrupt her “low profile” in the community.

LGB adults in the United States are significantly more likely than their heterosexual peers to report being prevented from moving to or buying a house or apartment (15% and 6%, respectively) (Meyer, 2019). According to another representative survey, 22% of LGBT adults reported experiencing discrimination based on their sexual orientation or gender identity while attempting to rent or buy housing at some point in their lives (NPR et al., 2017).

Controlled experiments specifically designed to test for the presence of sexual orientation or gender identity discrimination in real-world housing scenarios have found discrimination against men and women in same-sex couples and transgender people. Levy and colleagues (2017) conducted a pilot study of matched pairs of individuals in a same-sex or a different-sex couple, who posed as renters seeking apartments in the Los Angeles and Dallas-Fort Worth metro areas. The tester pairs were matched on race, ethnicity, and approximate age, and they were assigned comparable employment and income. The gay and lesbian testers disclosed their sexual orientation to landlords by referencing a same-sex partner or spouse by a gender-specific name. After conducting 1,805 paired tests, the researchers found that housing providers treated lesbians and straight women comparably, but were biased at different steps in the rental process against gay men compared with straight men: The providers were less likely to schedule an appointment with gay men, told gay men about fewer available units, and quoted gay men \$272 more in average yearly rental costs.

A matched-pairs study conducted by the U.S. Department of Housing and Urban Development found evidence of discrimination against both male and female same-sex couples in online rental

markets across the country (Friedman et al., 2013). In this study, the test involved sending e-mails from matched pairs to housing providers that advertised online one-bedroom apartments; the emails had similar language, were from someone in a committed relationship, and disclosed the sexual orientation of the couple via gender-specific names and relationship terminology. Male and female same-sex couples were less likely to receive favorable responses to their inquiries than different-sex couples. Specifically, different-sex couples were favored over male same-sex couples in 15.9% of field tests and favored over female same-sex couples in 15.6% of tests.

According to a recent randomized matched-pair email correspondence test of 6,490 unique property owners in 94 U.S. cities, same-sex male couples were 4.6 percentage points less likely to receive an active response to their housing inquiry than were heterosexual couples (Schwegman, 2018). The study did not find evidence of discrimination against female same-sex couples, however. Race was also a factor. Compared to White couples, Black and Hispanic couples fared worse regardless of sexual orientation. Black and Hispanic same-sex male couples were 5.6 and 5.2 percentage points, respectively, less likely to receive a response than their same-race heterosexual counterparts, whereas White same-sex male couples were less likely to receive a response than White heterosexual couples by 3.9 percentage points.

Housing discrimination may be even more prevalent against transgender individuals, especially transgender women and transgender women of color. In the USTS, 6% of respondents reported being denied a home or apartment, and 5% reported being evicted, because of their gender identity in the previous year (James et al., 2016; see also Bradford et al., 2013). Even higher percentages of transgender women of color and undocumented respondents reported such discrimination: For example, 18% of undocumented respondents and 17% of Black transgender women reported being denied a home or apartment in the past year (James et al., 2016).

Levy and colleagues (2017) conducted an exploratory study of matched pairs of transgender and cisgender individuals who posed as renters seeking apartments in the Washington, D.C metro area. The tester pairs were matched on race, ethnicity, and approximate age and were assigned comparable income and employment; two protocols for expressly disclosing or not expressly disclosing the transgender tester's transgender identity were used. After conducting 204 paired tests, the researchers found that, under both protocols, housing providers told transgender testers about fewer rentals than the cisgender testers.

Housing discrimination can occur in residential facilities/senior housing as well, and discrimination remains an acute concern for LGBT elders in care facilities. In one community-based survey of LGBT seniors living in care facilities, almost a quarter reported experiencing verbal or physical harassment from other residents and 6% had been denied or refused medical services by facility staff (National Senior Citizens Law Center et al., 2010). According to a survey conducted by AARP of 1,762 LGBT people age 45 and older, 14% of transgender respondents and 4% of LGB respondents reported recently experiencing housing discrimination because of their gender identity or sexual orientation (AARP Research, 2018). In *Wetzel v. Glen St. Andrew Living Community*, for example, an older lesbian alleges that "[f]or 15 months, she was bombarded with threats, slurs, derisive comments about her family, taunts about a deadly massacre, physical violence, and spit" at an assisted living facility because of her sexual orientation (2018, p. 862).

A matched-pairs study examined discrimination against elders in same-sex couples (male and female) by independent living facilities, continuing care facilities, and assisted living facilities in ten states in different parts of the country (Equal Rights Center, 2014). All testers were at least 50 years old and were given similar personal and financial profiles, including health status, occupation, income, rental history, and credit history. In some of the pairs, the individual in the same-sex couple was given a more attractive profile, such as a slightly higher income. In 96 of the 200 tests, which were by telephone, the tester in the same-sex couple experienced at least one type of discriminatory treatment, such as being offered fewer available units, higher fees, higher rental prices, more extensive applications, and fewer financial incentives. In 12.5% of the tests, the tester in the same-sex couple experienced multiple forms of adverse treatment.

It is important to note, however, that in the everyday world, LGBT people who are not responded to, are charged higher rents and fees, are shown fewer apartments, or are subject to other manifestations of bias may not even know that discrimination has occurred, as opposed to researchers conducting a controlled experiment and who have comparative information. And people who do not know or sense that bias is afoot are unlikely to seek redress under any anti-discrimination laws that might be available. Relatedly, we note that Mallory and Sears's (2016) analysis of housing discrimination complaints filed with a number of state agencies found that, on average, three complaints alleging sexual orientation or gender identity discrimination were filed for every 100,000 LGBT adults each year, similar to the rate of complaints filed alleging race discrimination (five complaints for every 100,000 adults of color) and sex discrimination (one complaint for every 100,000 women).

Discrimination does not even have to occur to have an effect. The expectation of discrimination can deter LGBT people from becoming homeowners. According to a 2019 survey of members of the National Association of Gay and Lesbian Real Estate Professionals (NAGLREP), 58% of respondents believed that LGBT clients' fear of experiencing discrimination during the buying process had an impact on LGBT homeownership levels. Specifically, 31% percent believed fear of discrimination had caused their LGBT clients to remain renters; 22% reported clients' fears that discrimination would lead their housing offer to be rejected; 20% reported clients' fears that discrimination would prevent approval for a mortgage; and 13% reported clients' fears that discrimination prevented them from receiving the lowest available mortgage rate (NAGLREP, 2019). These fears of mortgage discrimination are well founded, as we discuss below.

Fear of discrimination in senior housing and long-term care facilities is a major concern for LGBT adults and elders. In its 2018 survey of LGBT people aged 45 and over, AARP found that somewhere between 6 and 7 out of 10 respondents were either very or somewhat concerned about being neglected, abused, refused services, and verbally or physically harassed if they or their spouse/partner needed long-term care, or that they would not be able to be out or would be forced to hide or deny their LGBT identity (AARP Research, 2018). These fears were especially common among transgender and non-binary individuals and lesbian women. Similar fears have been reported across the qualitative literature, with several studies of LGBT elders (both community dwelling and in residential settings) consistently reporting themes of feared discrimination in seeking long-term care—these fears largely related to being denied services; experiencing social isolation, harassment, or rejection by staff or other residents if out; or being forced back into the closet either by facility rules or out of self-preservation (e.g., Orel, 2014; Putney et al., 2018; Stein et al., 2010).

One way that LGBT people have sought to avoid stigma and prejudicial treatment is to make particular decisions about where to live. In one nationally-representative survey, 19.1% of LGBT adults made such decisions out of fear of discrimination, and nearly half (48.6%) of those who had experienced discrimination in the past year did so (Singh & Durso, 2017). To avoid discrimination, 11.7% of LGBT adults moved away from a rural area, 6.1% moved away from an urban area, and 16.8% moved away from family.

In a similar vein, LGBT adults consistently report a desire to live in particular communities that have high concentrations of LGBT people and/or have been a historical safe-haven for this community, based on a strong desire to live in an accepting community and avoid potential discrimination (e.g., AARP Research, 2018; Freddie Mac, 2018; NAGLREP, 2019). These enclaves include San Francisco, Austin, and Seattle (Gates, 2015). Similarly, LGBT elders consistently report a strong desire for senior living facilities, including long-term care and retirement homes, which are specifically targeted to LGBT clients (e.g., AARP Research, 2018; Fredriksen-Goldsen et al., 2011; Putney et al., 2018; Stein et al., 2010). In a qualitative study of LGBT elders who were living in senior housing that was designed and marketed to attract LGBT clients, respondents routinely reported feeling accepted and comfortable—some even to the point where they finally were able to live openly as LGBT—and part of a cohesive and accepting community (Sullivan, 2014). By contrast, many of these individuals' friends in traditional senior housing (i.e., not LGBT-focused) felt isolated and/or forcibly closeted. Yet, there are currently not enough senior homes specifically for LGBT elders to meet demand (Abrahms, 2016), and the cost can be prohibitive in any event. Cost can also serve as a barrier to living in an LGBT-dense community earlier in adulthood, and recently, gentrification and rising housing costs have pushed many LGBT people out of places like the Castro in San Francisco, Chelsea in Manhattan, West Hollywood in California, and several neighborhoods in Atlanta (Doan & Higgins, 2011; James, 2017; Stewart, 2016). At the same time, increasing social acceptance of LGBT people has both opened up new possibilities for places that they would like to live and can live safely (Aguilar, 2019).

D. DISCRIMINATION IN MORTGAGE LENDING

Access to mortgage financing greatly impacts many people's ability to purchase a home (Joint Center for Housing Studies, 2019). The literature on LGBT people's experiences with lending is very limited, in part because lenders are not required to collect data specifically on applicants' and borrowers' sexual orientation or gender identity. But lenders do collect data on applicants' and borrowers' gender, allowing for analyses comparing same-sex to different-sex borrowers. The available evidence indicates that same-sex couples experience discrimination in mortgage lending. Such discrimination could be a contributing factor to the lower homeownership rates among same-sex couples and LGBT people more broadly, as discussed in Part I.B above.

Sometimes lending discrimination can be quite explicit. For example, a same-sex female couple was asked to leave a bank and even to close their existing accounts while filling out an application to refinance their home because of "bank policy" to not "offer home loans to gay applicants" (Coleman, 2013). More commonly, however, discrimination in the mortgage industry can be hard to detect at the individual level because of a lack of comparative information. Two recent studies, however, provide strong evidence that same-sex couples face systemic and widespread discrimination in mortgage lending. Analyzing data collected pursuant to the Home Mortgage Disclosure Act (HMDA) and data from Fannie Mae, Sun and Gao (2019) found that compared to different-sex borrowers of

similar profiles, same-sex borrowers experienced a 3% to 8% lower approval rate. Further, among the loans approved, same-sex borrowers were charged higher interest and/or fees, equivalent to between \$8.6 and \$86 million more in interest/fees over time. Notably, Sun and Gao did not find any statistical evidence that same-sex borrowers were more risky borrowers than comparable different-sex borrowers; instead, both sets of borrowers had similar risk of default and the same-sex borrowers had lower prepayment risk.

Dillbary and Edwards (2019) analyzed over 5 million applications for mortgages backed by the Fair Housing Administration, data also made available by HMDA, and found that same-sex male applicants of every possible racial configuration were significantly less likely to have their applications accepted, compared to White heterosexual couples, even when the lender, county, loan amount, purpose of the loan, income of the applicants, and level of risk were all the same. This association persisted despite the loans being FHA insured and, therefore, carrying limited risk to lenders, regardless of any underlying characteristics of the applicants. Same-sex female applicants of every racial configuration were found to be either statistically indistinguishable from White heterosexual couples or in some cases treated more favorably. Race also plays a role: “black-male pairs [were] the least likely to be approved (-7.5 percentage points [than the White heterosexual baseline]), followed by the interracial pairs of black male/white male (-6.8), white male/black male (-4.3) and white male pair (-2.5). Interestingly, the exact same pattern holds for female pairs. From the least to most likely to be approved are black female pairs, followed by interracial black female/white female and white female/black female pairs, and white female pairs” (p. 53).

E. DISCRIMINATION IN EMPLOYMENT, EDUCATION, AND ELSEWHERE

While it is beyond the scope of this report to present the vast research demonstrating pervasive discrimination against LGBT people in employment (e.g., James et al., 2016; Klawitter, 2015; Mallory & Sears, 2020; Meyer, 2019; Romero, 2019), education (e.g., Johns et al., 2019; Kann et al., 2018), and healthcare and other settings (e.g., Singh & Durso, 2017), such experiences can directly and indirectly affect housing affordability, housing stability, and homeownership. For example, affording rent or buying a home could be difficult for someone who loses their job or is not promoted due to discrimination. Discrimination early in life can compound over time to further limit financial security and housing affordability down the road. For example, LGBT teens who have trouble concentrating in school or drop out altogether because of bullying may consequently see their lifetime earning potential reduced by their education level.

PART III. LEGAL PROTECTIONS AGAINST SEXUAL ORIENTATION AND GENDER IDENTITY DISCRIMINATION IN HOUSING, LENDING, AND HOMELESS SERVICES

Despite the evidence of discrimination against LGBT people recounted above, the law in the United States provides only a patchwork of protection from discrimination in housing, lending, and government-funded programs and services that is motivated by a person's actual or perceived sexual orientation or gender identity. In fact, of the estimated 11,046,000 LGBT adults (age 18+) in the United States, more than 5.6 million live in states without state statutes prohibiting sexual orientation and gender identity discrimination in housing, and nearly 8 million live in states without state statutes prohibiting such discrimination in credit (Williams Institute, 2019c). For that reason, it is critical to assess whether, and the extent to which, federal law prohibits housing providers, lenders, and service providers from discriminating against LGBT people because of their sexual orientation or gender identity. Ultimately, this complicated patchwork of federal, state, and local anti-discrimination laws leaves many LGBT people without clear legal remedies against discrimination and, therefore, could increase LGBT people's vulnerability to unstable housing and homelessness.

A. FEDERAL STATUTES

The Fair Housing Act (42 U.S.C. § 3601 et seq.) protects people from discrimination in the housing market, such as when renting an apartment, buying a home, or getting a mortgage or home improvement loan. The Equal Credit Opportunity Act (15 U.S.C. 1697 et seq.) protects credit applicants from discrimination in any aspect of a credit transaction. Both statutes prohibit discrimination on the bases of race, color, national original, religion, and sex. The Fair Housing Act additionally prohibits discrimination on the bases of familial status and disability. The Equal Credit Opportunity Act additionally covers marital status and age (if the applicant has contractual capacity).

Though neither of these statutes expressly enumerates sexual orientation or gender identity as a prohibited ground of discrimination, they both forbid sex discrimination. Over the past two decades, courts have increasingly interpreted the prohibition of sex discrimination in these statutes—as well as in Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination, and Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education—to encompass sexual orientation and gender identity discrimination (see Romero, 2019). That is because, at bottom, when a housing provider, lender, employer, or school discriminates against a LGBT person because of their sexual orientation or gender identity, they are taking the LGBT person's sex into account and may be acting on impermissible stereotypes about how men and women should look and behave. In *Wetzel v. Glen St. Andrew Living Community*, for example, the Seventh Circuit U.S. Court of Appeals held that, under the Fair Housing Act “discrimination based on sexual orientation qualifies as discrimination based on sex . . .” (2018, p. 862). In *Rosa v. Park West Bank & Trust Co.*, the First Circuit U.S. Court of Appeals held that gender identity discrimination is prohibited as sex discrimination under the Equal Credit Opportunity Act (2000).

Similarly, in 2016, the Consumer Financial Protection Bureau issued guidance that the Equal Credit Opportunity Act and the attendant Regulation B prohibit both sexual orientation and gender identity discrimination as forms of sex discrimination (Cordray, 2016). In 2010, the U.S. Department of Housing and Urban Development (HUD) issued a memorandum that the Fair Housing Act prohibits gender identity discrimination as sex discrimination (U.S. Department of Housing and Urban Development, 2010). In 2016, HUD affirmed this view in a final rule; HUD further concluded that sexual orientation discrimination may be actionable based on a sex stereotyping theory but, given the state of appellate law at the time, did not go so far as to provide that sexual orientation is per se sex discrimination under the Fair Housing Act (U.S. Department of Housing and Urban Development, 2016a). This rule remains in place, though the Trump Administration has generally reversed course on these questions under Title VII, Title IX, and other statutes prohibiting sex discrimination (Romero, 2019).

In its current term ending in June 2020, the U.S. Supreme Court is poised to decide whether Title VII proscribes sexual orientation and gender identity discrimination as forms of sex discrimination (*Altitude Express Inc. v. Zarda*, 2019; *Bostock v. Clayton County*, 2019; *R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission & Stephens*, 2019). In two of these cases, the Courts of Appeals held that Title VII prohibits sexual orientation or gender identity discrimination, and in one of the cases, *Bostock*, the Court of Appeals held Title VII does not cover sexual orientation discrimination. The Supreme Court's resolution of these matters under Title VII will inform how courts construe the Fair Housing Act and the Equal Credit Opportunity Act, because interpretation of the latter two statutes draws from Title VII law.

Especially relevant to homeless services and other types of housing programs supported by federal funding, Titles II and VI of the Civil Rights Act of 1964, which, respectively, prohibit discrimination in public accommodations and in programs and activities receiving federal financial assistance, do not include sex, sexual orientation, or gender identity as protected characteristics (42 U.S.C. §§ 2000a et seq. & 2000d et seq.). Nor does the Runaway and Homeless Youth Act, which authorizes shelters and services for runaway and homeless youth, expressly prohibit discrimination against youth because of their sexual orientation or gender identity (see generally Page, 2017). The Violence Against Women Act Reauthorization of 2013 expressly prohibits programs and activities receiving funding under the statute from discriminating on the bases of sexual orientation and gender identity, among other grounds (34 U.S.C. § 12291(b)(13)(A)), but its newest reauthorization is stalled in the Senate as of this writing (Carney, 2019).

The U.S. Congress could pass the Equality Act of 2019 and other legislation that would amend these various statutes and others to expressly enumerate sexual orientation and gender identity as protected characteristics, as well as to prohibit sex discrimination under Titles II and VI of the Civil Rights Act of 1964. While the Equality Act of 2019 passed the House of Representatives in May 2019 with bipartisan support, it does not appear to have traction in the Senate under Republican leadership, and President Trump expressed opposition (Axelrod, 2019).

Meanwhile, LGBT people who face discrimination based on any of the enumerated characteristics in federal anti-discrimination statutes may pursue remedies. For example, if a landlord refuses to rent to a LGBT person because he is HIV positive, that person could bring a complaint under the Fair Housing Act, which prohibits disability discrimination, and/or Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in any program or activity that receives federal financial assistance (U.S. Department of Housing and Urban Development, 2015a).

B. FEDERAL REGULATIONS

In addition to statutory protections, HUD promulgated three rules “focused on ensuring fair and equal access to housing for all Americans, regardless of their sexual orientation, gender identity, nonconformance with gender stereotypes, or marital status” (U.S. Department of Housing and Urban Development, n.d.). The first rule, issued in 2012, prohibits discrimination on these bases in programs and activities of HUD itself, as well as in housing that receives HUD assistance or financing (U.S. Department of Housing and Urban Development, 2012). Known as the Equal Access Rule, this rule also broadened HUD’s definitions of family and household. While the rule does not apply to private housing not receiving HUD funding, it broadly applies to HUD’s rental assistance and homeownership programs, including HUD’s Fair Housing Administration’s mortgage insurance programs, community development programs, and public and assisted housing programs. In 2018, HUD issued approximately \$2 billion in funding to 5,800 community-based and service providers (HUD, 2019); additionally, recent reports estimate that FHA-insured loans held a 17% share of the mortgage market in 2017 (Congressional Research Service, 2019), giving the Equal Access Rule an enormous reach. In 2013, HUD announced its first settlement under the Equal Access Rule, which required Bank of America to pay a relatively small fine and take corrective actions for discriminating against a lesbian couple applying for an FHA-insured loan (U.S. Department of Housing and Urban Development, 2013). In 2016, HUD issued a rule that applies the equal access provisions of the first rule to HUD’s Native American and Native Hawaiian programs (U.S. Department of Housing and Urban Development, 2016c).

Additionally, in 2016, HUD issued another rule—known as Gender Identity Rule—aimed at addressing “the significant barriers faced by transgender and gender nonconforming persons when accessing temporary, emergency shelters and other facilities with physical limitations or configurations that require and are permitted to have shared sleeping quarters or bathing facilities.” (U.S. Department of Housing and Urban Development, 2016b, p. 64764). HUD issued this rule after concluding the 2012 Equal Access Rule was insufficient: “[T]ransgender and gender nonconforming persons continue to experience significant violence, harassment, and discrimination in attempting to access programs, benefits, services, and accommodations” (p. 64764). This Gender Identity Rule mandated that providers of services funded in whole or in part by HUD’s Office of Community Planning and Development provide equal access to programs, benefits, services, and accommodations in accordance with an individual’s gender identity, and clarified that grantees should defer to an individual’s self-identification. In practice, this meant that transgender people could be housed in sex-segregated shelters according to their gender identity.

However, before the Gender Identity Rule could go into effect, HUD—now under a new President—delayed its implementation out of purported concern that transgender people may make some cisgender people in sex-segregated shelters “uncomfortable,” as HUD Secretary Ben Carson stated (Savransky, 2018). As of this writing, HUD and the Office of Management and Budget are developing a proposed regulation that would allow housing providers that provide single-sex or sex-segregated facilities to consider a range of factors when making admission and accommodation determinations, including sex assigned at birth, gender identity, privacy concerns, safety concerns, and religious beliefs (Office of Information and Regulatory Affairs, 2019). In other words, under this proposal, transgender people might be able to be sheltered and receive services consistent with their gender identity, but that wouldn’t be guaranteed.

In addition, a rule of the U.S. Department of Health and Human Services (HHS) prohibits its grantees, including foster care agencies and providers of homeless services to youth, from discriminating against program beneficiaries on the basis of sexual orientation, gender identity, or any other non-merit factor (45 C.F.R. § 75.300). However, in 2019, the Trump Administration announced that it will not enforce this rule and has proposed replacing it with one that will effectively eliminate most protections against sexual orientation and gender identity discrimination by HHS grantees (84 Fed. Reg. 63809; 84 Fed. Reg. 63831). Furthermore, HHS appears to have limited or ceased its enforcement of another rule that prohibits programs and activities funded under the Runaway and Homeless Youth Act from discriminating against youth because of their sexual orientation or gender identity, as well as requires grantees to engage in relevant training and monitoring (45 C.F.R. §§ 1351.22(a), 1351.23(a)).

C. STATE AND LOCAL LAW

Only 21 states and Washington, D.C. have statutes that expressly prohibit housing discrimination motivated by a person's sexual orientation and gender identity.³ Three additional states offer at least some forms of protection: Wisconsin prohibits housing discrimination on the basis of sexual orientation but not gender identity, and administrative bodies in Michigan and Pennsylvania have interpreted their state's prohibitions of sex discrimination to cover sexual orientation and gender identity discrimination (Movement Advancement Project, 2020a). With respect to protection against credit discrimination on the basis of sexual orientation and gender identity, only 14 states statutorily prohibit such discrimination (Movement Advancement Project, 2020b).⁴ And, only California, New York, and Washington, D.C. have laws explicitly prohibiting sexual orientation and gender discrimination in public facilities that serve homeless and runaway youth (Remlin et al., 2017).

As noted above, more than 5.6 million LGBT adults live in states without housing protections, and nearly 8 million LGBT adults live in states without credit protections (Williams Institute, 2019c). In many of the states without protections, large percentages of LGBT adults are people of color. For example, 60% of LGBT adults in Texas report a race/ethnicity other than non-Hispanic White, as do about half of LGBT people in Alabama, Arizona, Florida, Georgia, and Mississippi (Williams Institute, 2019a).

In states without statutory protections, some localities have enacted ordinances prohibiting housing discrimination on the bases of sexual orientation and gender identity in their communities (see Movement Advancement Project, 2020c). But in at least Tennessee and Arkansas, localities are preempted from implementing such protections in the housing context and in other settings (Arkansas Code Annotated § 14-1-403; Tennessee Code Annotated § 7-51-1802), and North Carolina preempts local sexual orientation and gender identity protections in employment and public accommodations (North Carolina General Statutes §§ 143-422.2 & 143-422.11; see also Phillips, 2017).

³ California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Nevada, Oregon, Rhode Island, Utah, Washington, and Vermont.

⁴ Colorado, Connecticut, Illinois, Iowa, Maine, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Nevada, Rhode Island, Washington, and Vermont.

CONCLUSION AND RECOMMENDATIONS

Throughout this report, we have discussed some of the numerous housing issues faced by LGBT people in the United States at all stages of the life course, including higher rates of poverty, lower rates of homeownership, higher rates of housing instability and homelessness, widespread family and social rejection, and discrimination by housing providers, lenders, employers, and social services providers.

Any potential solution to these issues must consider the various forms of stigma and discrimination LGBT people are at increased risk of encountering at different points in their lives, for what happens at one point in time can fundamentally alter what happens later. For example, a queer youth who experiences homelessness due to family rejection may not finish school, could get caught up in the juvenile justice system, might be violently harmed, or might turn to drugs to cope—each of which could negatively affect not only future employment prospects and the ability to buy a home, but also health and well-being. Or, discrimination in employment, housing, and lending in adulthood could compound into greater financial and social vulnerability in later years. Yet, depending on the circumstances and location, federal and state law may not protect against sexual orientation or gender identity discrimination in housing, lending, anti-poverty programs, housing affordability initiatives, and homeless services. Furthermore, as we have emphasized, sexual orientation and gender identity are only two of the many dimensions of LGBT people; an intersectional approach is needed to more fully understand LGBT people's experiences with housing and to address the disparities and discrimination they face.

We make the following recommendations to address some of the known and likely disparities faced by LGBT people in the housing and lending contexts. Our recommendations were informed by numerous sources we reviewed in drafting this report, including Cooper et al. (2017), Maccio and Ferguson (2016), Morton, Samuels, et al. (2018), and Quintana (2010). Of course, in conjunction with implementation of these recommendations, expanding and improving a diverse array of ongoing efforts to increase housing affordability and reduce housing instability in the general population would positively impact LGBT people, as well.

- Adopt comprehensive federal and state protections against sexual orientation and gender identity discrimination.
 - This includes amending the Fair Housing Act, Equal Credit Opportunity Act, and Titles II, VI and VII of the 1964 Civil Rights Act, among other statutes.
 - Implementing these legal protections would provide clear remedies against discrimination that increases housing vulnerability for LGBT people, and would help deter future discrimination from occurring—though certainly such legal protections would likely not be sufficient to eliminate sexual orientation and gender identity discrimination.
- Federal and state agencies should enforce existing, or promulgate new, rules that prohibit sexual orientation and gender identity discrimination in programs and services receiving federal or state funding.
 - This includes evaluating HUD's, housing providers', and lenders' compliance with the Equal Access Rule, and taking corrective measures as needed.
 - When authorized, federal and state agencies should bring enforcement actions against

housing providers, lenders, and employers that discriminate against LGBT people.

- Evaluate the extent to which LGBT people face barriers to accessing programs and services aimed at increasing housing affordability and reducing housing instability, and take corrective actions as necessary.
 - Such programs and services include the Housing Choice Voucher Program (Section 8), emergency assistance to help families pay rent to prevent eviction or pay for temporary housing, FHA and other homebuying programs, and homeowner assistance.
- Allocate governmental and private funding to develop and implement evidence-based programs to reduce stigma and discrimination faced by LGBT youth and adults.
 - For example, because family rejection underlies much of the homelessness and housing instability faced by LGBT youth, reducing that rejection could serve to prevent homelessness or allow for family reunification.
- Expand housing and shelter options for LGBT youth and adults so that they are sheltered safely and appropriately, and increase the number of LGBT-affirming agencies.
- Mandate training for all staff at agencies providing housing, child welfare, homelessness, and other relevant services to the LGBT population, in order to ensure that staff become and remain equipped to serve LGBT people.
 - Topics should include increasing awareness of the overrepresentation of LGBT people in their systems; teaching staff of the unique social, emotional, clinical, and institutional needs of the LGBT population at relevant stages of the life course; and implementation of targeted strategies and programs to affirm and support LGBT people.
 - Training should move beyond “cultural competency” to “LGBT preparedness,” including demonstrated evidence of knowledge retention and practice change.
 - Training should be part of a coordinated plan grounded in agency policy, rather than a “one and done” or ad hoc approach.
- Enhance data collection on housing issues faced by the LGBT population and subpopulations.
 - This would include incorporating measures of sexual orientation and gender identity into the demographic sections of the American Community Survey, Current Population Survey, Survey of Income and Program Participation, American Housing Survey, and the core questionnaire of the Behavioral Risk Factor Surveillance System.
 - Expanding availability of survey and administrative data on housing issues faced by LGBT people would serve to increase our overall knowledge base around these issues, offering critical information to inform future intervention efforts.
- Enhance quantitative and qualitative research on housing and homelessness among LGBT people and subpopulations, such as transgender individuals, people of color, and those in particular regions or states.
 - Throughout this report, we have identified gaps in knowledge that could be addressed by researchers if and when data become available.

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