

From: National LGBTQ Task Force Action Fund

To: House Judiciary Committee

Re: Testimony for the Record on HR5: The Equality Act

Dear Judiciary Committee members,

We provide this written testimony in favor of H.R. 5, titled as the Equality Act. The National LGBTQ Task Force Action Fund is the nation's oldest national LGBTQ advocacy group. As a progressive social-justice organization, the National LGBTQ Task Force Action Fund works to achieve full freedom, justice, and equality for Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) people and their families. The National LGBTQ Task Force Action Fund trains and mobilizes activists across the Nation to combat discrimination against LGBTQ people in every aspect of their lives, including housing, employment, healthcare, retirement, and basic human rights. Recognizing that LGBTQ persons of color are subject to multifaceted discrimination, the National LGBTQ Task Force Action Fund is also committed to racial justice. To that end, the National LGBTQ Task Force Action Fund hosts the Racial Justice Institute at its annual Creating Change Conference, which equips individuals with skills to advance LGBTQ freedom and equality. It is the largest convening of LGBTQ people and allies in the country.

Currently, there are no explicit federal protections from discrimination protecting the LGBTQ community. This means that in 30 states, LGBTQ people can be denied housing, jobs, service in public spaces and more, solely because of who they are. This is an issue of national urgency. For example, in the 2015 U.S. Trans Survey, nearly a third of transgender respondents said that they had been discriminated against in employment because of their transgender identity. Pervasive discrimination has consequences: Nearly a third were also living under the poverty line, and 40% had attempted suicide.

Because our laws only protect people from discrimination under certain categories (race, color, sex, religion, national origin, disability), LGBTQ people whose identities intersect in more than one of these categories, are not fully protected. A Black LGBTQ person may not know if they're being discriminated against because of their race or because of their sexual orientation or their gender identity. This provides cover for employers, landlords, and businesses to discriminate against people with multiple marginalized identities since they can say it was because of their sexual orientation or their gender identity.

This also has serious consequences. The poverty rate for transgender people of color in 2015 was incredibly high - 43% for Latinx respondents and 41% for Black respondents. Of the respondents with disabilities, 45% were living in poverty.

Because of this, the National LGBTQ Task Force Action Fund has launched the “All of Me All the Time” campaign – to highlight the intersectional need of people with multiple marginalized identities for the passage of federal non-discrimination protections as reflected in the Equality Act. Below, you will find additional information regarding discrimination statistics that highlight the need for robust, federal nondiscrimination protections.

Discrimination Rates in States Across the Country

We wanted to provide committee members with more detailed information about the frequency of housing discrimination complaints filed with comparative data from state to state. In 2016, the Williams Institute Published its report, “Evidence of Housing Discrimination Based on Sexual Orientation and Gender Identity: An Analysis of Complaints Filed with State Enforcement Agencies,” which provides detailed information on sexual orientation and gender identity housing discrimination complaints filed in 18

states that explicitly prohibit discrimination against LGBTQ people in housing. That report is available at this link: [Housing Discrimination Complaints](#).

Unfortunately, we lack clear comparative data about the efficacy of protections in states where sexual orientation and gender identity discrimination are explicitly protected in housing law. Though some housing testing has been conducted to explore the prevalence of discrimination against same-sex couples, there has been little research into discrimination against transgender and gender non-conforming people or single LGBTQ people due to a lack of resources to support that work. We do know that explicit protections are not sufficient to eradicate systemic discrimination against LGBTQ people. Just like protections based on race, ethnicity, gender, and other protected classes, a strong system of implementation and enforcement is critical to ensuring the success of statutory provisions.

LGBTQ People and Gentrification

Due to the fact that LGBTQ people are more likely to live in poverty and to be people of color, the common experience of neighborhood gentrification is felt strongly by our community. Non-white racial and ethnic groups are [more likely](#) to identify as LGBTQ, and LGBTQ immigrants are slightly more likely to be [undocumented](#). LGBTQ people, especially women, bisexual people, and transgender people, are more likely to live in [poverty](#). 40% of young people experiencing [homelessness](#) identify as LGBTQ; because periods of homelessness often make permanent housing stability less likely, it is expected that similar rates are present in the adult homeless population. [Young people](#) are much more likely to identify as LGBTQ, and that number has been increasing with every successive generation. Although LGBTQ people are more concentrated in urban areas, same-sex couples live in every Congressional [district](#) in the country. LGBTQ people who live at the intersections of multiple marginalized identities (i.e., lesbian and Black, transgender and undocumented), experience exponentially higher rates of poverty,

homelessness, and involvement in the criminal legal system. In fact, up to [40% of women in incarceration](#) identify as LGBTQ.

There has been little exploration of the impact of gentrification on LGBTQ communities. From works like Sarah Schulman's memoir *The Gentrification of the Mind*, we know that the AIDS epidemic left tens of thousands of New York City apartments unoccupied and in that manner contributed to the gentrification of dozens of neighborhoods. We also know that the more privileged members of the LGBTQ community are often complicit in the displacement of people of color in today's cities. Yet because we are more likely to be living in poverty and more likely to be people of color, it is likely that deeper research would find that we are more often on the losing end of gentrification.

Disparate Impact and the LGBTQ Community

For decades, the National LGBTQ Task Force has been deeply committed to advocacy to improve data collection on LGBTQ people, both in the Census and in other federal surveys. Our [Census advocacy campaign](#), first launched in 1990, has grown increasingly more urgent as nondiscrimination protections have grown for a number of reasons. It is difficult for LGBTQ people to prove that their experiences of discrimination are more than just anecdotal stories without data that illustrates the pervasiveness of the problem. The common narrative that questions about sexual orientation and gender identity are too "sensitive" or too "personal" contributes to the stigmatization of members of our community.

Perhaps even more importantly, it will be difficult for LGBTQ people to fully enforce civil rights protections without data from the Census and other federal surveys. Disparate impact cases, for example, often rely on data from the Census and other national surveys to show how many people from a racial or ethnic group live in a community as part of their argument that a community is disparately impacted by a policy or process. We lack even

the most basic data on LGBTQ people because sexual orientation and gender identity is not collected on our largest federal surveys. Though institutions like the Williams Institute and the Center for American Progress have attempted to supplement the data we get from the Census Bureau and other federal agencies, their research is significantly smaller in scale and may not be sufficient to support a disparate impact complaint.

We hope that as Congress works to fully protect people in the LGBTQ community from discrimination, it also considers the need for improved data collection on sexual orientation and gender identity so that we can fully enforce the rights we have worked so hard to secure.

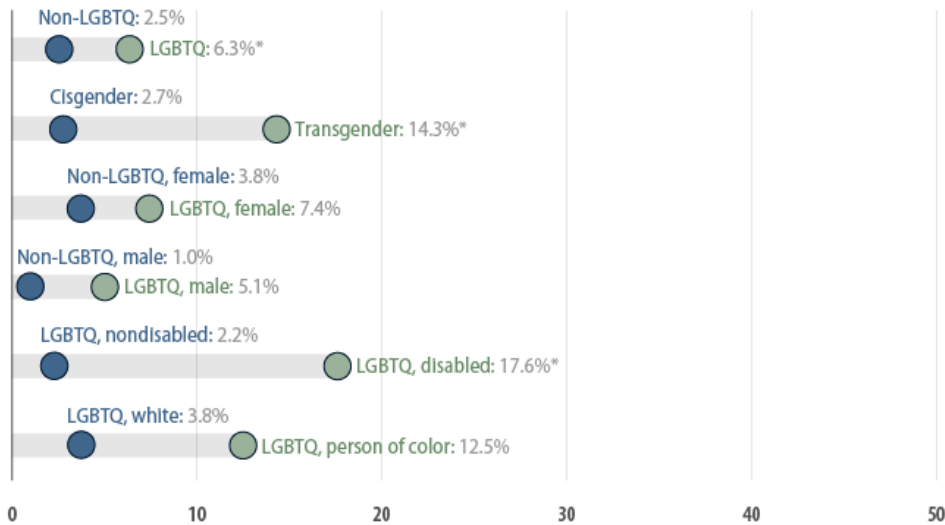
LGBTQ People and Public Housing Assistance

In a recent report titled “Protecting Basic Living Standards for LGBTQ People,” the Center for American Progress shared the results of a survey conducted in 2017, which showed that LGBTQ people and their families are more likely to participate in a range of public programs, including public housing programs. The chart below details their survey results on public housing program utilization, including detailed information about people in the LGBTQ community who hold multiple marginalized identities.

FIGURE 5

LGBTQ people, especially those with disabilities, and transgender people are more likely to receive public housing assistance

Percent of respondents reporting receipt of public housing assistance, by demographic



* indicates a statistically significant difference at the $p < .05$ level.
 Note: Individual respondents to the survey answered on behalf of themselves and their family. In this report, "family" refers to the respondent's partner and/or the respondent's child. Demographic breakdowns refer to the respondent only. LGBTQ female respondents include respondents who self-identified as LGBTQ and self-identified as female, including transgender women. LGBTQ male respondents include respondents who self-identified as LGBTQ and self-identified as male, including transgender men. Person of color respondents include respondents who self-identified as Hispanic or as non-Hispanic and black, multiracial, or other. White respondents include respondents who self-identified as white and non-Hispanic.
 Source: See Methodology in Caitlin Rooney, Charlie Whittington, and Laura E. Durso, "Protecting Basic Living Standards for LGBTQ People (Washington: Center for American Progress, 2018), available at <https://www.americanprogress.org/?p=454592>.



We ask the committee to vote in support of HR5, the Equality Act, and for the full House to pass it.

Should you have any questions or concerns, please reach out to Victoria M. Rodríguez-Roldán, Senior Policy Counsel, at either vrodriguezroldan@gmail.com or at 202-639-6328.