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REPORT OF THE HUMAN SERVICES DIVISION
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COMMITTEE ON GENERAL WELFARE
Honorable Annabel Palma, Chair

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**Oversight – The Department of Homeless Services and the Adult Homeless LGBT
Population**

On June 10th 2013, the Committee on General Welfare, chaired by Council Member Annabel Palma, will hold a hearing on the Department of Homeless Services (“DHS”) and the adult homeless Lesbian, Gay, Bisexual, and Transgender (“LGBT”) population. Doug James, DHS Deputy Commissioner for Adult Services and Mark Neal, DHS EOA Officer, Coalition for the Homeless, the Legal Aid Society and other concerned members of the community are expected to testify.

Homelessness among the LGBT Community

Last year, roughly 105,000 people spent time in the City's emergency shelter system.¹ Although there are no available statistics on the number of LGBT people in the City's shelter system, a 2010 of low-income LGBT and gender non-conforming individuals from the New York City area found that 69 percent of the 171 survey-takers had been homeless at some point in their lives and 58 percent were currently living in shelters, on the streets and subways, or in another temporary living situation.²

While there is a lack of information about the adult LGBT homeless population, there has been a growing focus on the number of LGBT homeless youth. In 2011, the Center for American Progress found that of the 1.6 to 2.0 million youth that experience homelessness at some point each year, 20 percent consists of LGBT youth, although only 5 percent of the total youth population is LGBT.³ The high rate of homelessness among LGBT youth is caused in part by the earlier age of coming out, which is now 14 to 16 years old, as compared to 19 to 24 years old in the 1970s.⁴ When individuals come out as youth they often are met with families and providers who are not prepared to provide guidance and support, which can lead to these youth ending up on the streets.⁵ Presently, the average age that lesbian and gay youth in the City become homeless is 14.4 years of age, and 13.5 years of age for transgender youth.⁶ Additionally, LGBT youth are often failed by the foster care system, with 78 percent of youth in the City system

¹ Coalition for the Homeless, Basic Facts About Homelessness, *available at*

² Queers for Economic Justice, *A Fabulous Attitude: Low-Income LGBTGNC People Surviving & Thriving on Love, Shelter & Knowledge*, p. 13 (2010), *available at* <http://www.q4ej.org/Documents/afabulousattitudedefinalreport.pdf>.

³ Jeff Krehely & Jerome Hunt, Center for American Progress, *Helping All of Our Homeless: Developing a Gay and Transgender Inclusive Federal Plan to End Homelessness*, p. 2 (January 2011), *available at* http://www.americanprogress.org/issues/2011/01/pdf/lgbt_homelessness.pdf.

⁴ *Id.*

⁵ *See id.*

⁶ Center for American Progress, *Gay and Transgender Youth Homelessness by the Numbers*, (June 21, 2010), *available at* http://www.americanprogress.org/issues/2010/06/homelessness_numbers.html.

being either removed or running away from their placements due to discrimination related to their gender identity or sexual orientation.⁷

LGBT homeless youth face particular risks. Compared to 33 percent of heterosexual homeless youth, 58 percent of LGBT youth are sexually assaulted while on the streets.⁸ Additionally, 44 percent had been offered clothing, food, and shelter in exchange for sex, while only 26 percent of heterosexual youth encountered similar situations.⁹ Once homeless, LGBT youth may be at a disadvantage for finding adequate shelter in the City as faith-based organizations are less likely to take in LGBT youth.¹⁰ Also, research has found that LGBT youth are significantly less likely to be accepted at a shelter if they did not dress as “their birth-assigned gender.”¹¹ At the same time, LGBT youth are often assigned by gender, not sexual identity, leading to harassment and violence from other shelter residents.¹²

While the New York City Department of Youth & Community Development (“DYCD”) provides a range of services for runaway homeless youth, including services specifically geared toward LGBT youth, DYCD’s long-term shelter programs end when youth reach age 20 and short-term emergency shelters end at age 21.¹³ As these may youth have a difficult time transitioning out of shelter and into an independent and economically secure adulthood, many may remain homeless as adults and are left to transition into the Department of Homeless Services (“DHS”) adult shelter system.¹⁴

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Nico Sifra Quintana et al., Center for American Progress, On the Streets: The Federal Response to Gay and Transgender Homeless Youth, p. 26 (June 2010), available at <http://www.americanprogress.org/issues/2010/06/pdf/lgbtyouthhomelessness.pdf>.

¹¹ Id. at 16.

¹² Id. at 27.

¹³ NYC Department of Youth & Community Development, Runaway Homeless Youth, <http://www.nyc.gov/html/dycd/html/runaway/runaway.shtml> (last visited June 2013).

¹⁴ See, Helping All of Our Homeless, *supra* note 3.

Poverty in LGBT Communities

Despite the myth of affluence in the gay community, according to some national research, the reality is that members of the LGBT community are as, or more, likely to live below the poverty line as their heterosexual counterparts.¹⁵ Twenty-four percent of lesbians and bisexual women, for example, live in poverty compared to 19 percent of heterosexual women.¹⁶ With a poverty rate of 15 percent, gay and bisexual men are somewhat closer to their heterosexual counterparts, of whom 13 percent live in poverty.¹⁷ At 9.5 percent, families headed by lesbian parents also experience higher rates of poverty than their heterosexual and gay male counterparts, at 6.7 and 5.5 percent respectively.¹⁸ Another study has found that many transgender individuals live in extreme poverty – with the sample of respondents being four times more likely to have a household income of less than \$10,000 a year compared to the general population.¹⁹ The Williams Institute, a think-tank that specializes in sexual orientation and gender identity law, attributes the higher rate of poverty in the LGBT community to several factors: the lack of employment protections in most jurisdictions; exclusion from marriage-related financial benefits; lack of health insurance; lack of institutional support for LGBT families; and inhospitable home life for LGBT youth.²⁰

Workplace Issues for Members of the LGBT Community

Workplace discrimination is an obstacle for LGBT individuals hoping to escape poverty. An analysis conducted of LGBT workplace discrimination surveys by the Williams Institute

¹⁵ Randy Albelda et al., The Williams Institute, Poverty in the Lesbian, Gay, and Bisexual Community, p. 1 (March 2009), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Albelda-Badgett-Schneebaum-Gates-LGB-Poverty-Report-March-2009.pdf>.

¹⁶ Id. at ii.

¹⁷ Id.

¹⁸ Id.

¹⁹ Jaime M. Grant, Ph.D. et al., National Gay and Lesbian Taskforce, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, Executive Summary, (2011), available at http://www.thetaskforce.org/downloads/reports/reports/ntds_summary.pdf.

²⁰ Poverty in the Lesbian, Gay, and Bisexual Community, *supra* note 15.

found that between 15 and 43 percent of LGBT workers have experienced discrimination in the workplace, and between eight and 17 percent of been “passed over for a job or fired because of their sexual orientation or gender identity.”²¹ When examining the transgender population exclusively, the numbers are even more dramatic – according to the National Transgender Discrimination Survey, 90 percent of respondents reported experiencing discrimination in the workplace, and 47 percent reported being fired, denied employment or denied a promotion on the basis of their gender identities.²² With respect to income disparities, studies published in the last ten years have shown that gay men are paid 10 to 32 percent less than heterosexual men, with lesbian and heterosexual women earning less than either group.²³ An analysis of studies conducted between 1999 and 2005, moreover, found that 22 to 64 percent of employed transgender individuals earn less than \$25,000 a year.²⁴

Economic stability for LGBT adults is also negatively affected by the Defense of Marriage Act (“DOMA”), a law passed in 1996 which, among other things, established that the federal government would only recognize marriages between two people of the opposite sex.²⁵ Because the federal government does not formally recognize any same-sex unions, legally married same-sex couples are unable to file their federal taxes jointly, are subject to the same gift and estate tax obligations as unmarried opposite-sex couples, and are heavily taxed when they

²¹ Crosby Burns & Jeff Krehely, Center for American Progress, Gay and Transgender People Face High Rates of Workplace Discrimination and Harassment, p. 1 (May 2011), *available at* http://www.americanprogress.org/wp-content/uploads/issues/2011/06/pdf/workplace_discrimination.pdf.

²² Injustice at Every Turn, *supra* note 19.

²³ Jennifer Pizer et al., Evidence of Persistent and Pervasive Workplace Discrimination Against LGBT People: The Need for Federal Legislation Prohibiting Discrimination and Providing for Equal Employment Benefits, 45 *Loy. L.A. L. Rev.* 715, 737 (2012).

²⁴ Id.

²⁵ Naomi G. Goldberg & M.V. Lee Badgett, The Williams Institute, Tax Implications for Same-Sex Couples, p. 1 (April 2009), *available at* <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Goldberg-Badgett-Tax-Implications-Apr-2009.pdf>.

extend their health insurance benefits to their partners.²⁶ Married same-sex couples are also excluded from receiving any social security spousal benefits or survivor benefits.²⁷ DOMA's constitutionality is currently under review by the United States Supreme Court.

While some homeless members of the LGBT community are simply youth who matured into adulthood, economic hardship can also contribute to homelessness. A 2010 study by Queers for Economic Justice ("QEJ"), an organization serving low-income LGBT and gender non-conforming adults in New York City, found that 58 percent of the low-income LGBT and gender non-conforming individual respondents were currently either homeless or without permanent housing and 80 percent of the respondents were also recipients of government assistance, though 48 percent reported encountering discrimination when requesting public assistance and 40 percent reported being denied services.²⁸

Homelessness in New York City

The overall number of homeless individuals in DHS's shelter system has increased in recent years. According to the most recent *Mayor's Management Report*, between Fiscal Year 2008 and Fiscal Year 2012 the number of single adults entering the DHS shelter system decreased from 18,277 to 17,872; the number of adult families increased from 1,040 to 1,104; and the number of families with children increased from 9,664 to 10,842.²⁹ In addition, during the same period, the number of single adults in shelter increased from 6,737 to 8,622; adult families increased from 1,294 to 1,450; and families with children increased from 7,548 to 8,445.³⁰

²⁶ Id.

²⁷ Id. at 2.

²⁸ A Fabulous Attitude, *supra* note 2 at 38.

²⁹ Mayor's Management Report, Department of Homeless Services, (Sept. 2012) available at http://www.nyc.gov/html/ops/downloads/pdf/mmr0912/0912_mmr.pdf.

³⁰ Id.

New York City has a legal obligation to provide shelter to homeless individuals.³¹ Specifically, New York City must provide shelter and board to homeless individuals who apply for shelter, provided that 1) they meet the needs standard to qualify for public assistance, as established by the State, or 2) they need temporary shelter due to physical, mental, or social dysfunction. Homeless adults, who are at least 18 years old and seeking shelter must first go to an intake facility. There is one intake facility for men at East 30th Street, while there are two intake points for women, one in the Bronx and one in Brooklyn. A client's needs are assessed including those related to mental health or substance abuse, in order to determine the appropriate shelter placement.

Legally, pursuant to a court order in the Boston v. City of New York litigation, the City must also provide shelter to families and children who lack housing.³² Homeless families, however, undergo a different intake process than single adults. Homeless families seeking shelter must visit the Prevention Assistance and Temporary Housing Office (“PATH”) intake center in the Bronx.³³ Services at PATH are provided to families with children under 21, pregnant women, or families with a pregnant woman.³⁴ Adult families with no children younger than 21 must go to the Adult Family Intake Center (“AFIC”), located in Manhattan.

DHS Policy for Transgender/Intersex Clients

In 2006, DHS adopted a policy to ensure that transgender and intersex clients are aware that shelters and related services are available to them and also to ensure that they are treated

³¹ In 1979, in the Callahan v. Carey case, the Supreme Court of the State of New York ordered that the City and State must provide shelter for homeless men. Two years later, the Callahan case was settled by consent decree (“Callahan Decree”), which established a legal right to shelter for homeless men. See http://www.escri-net.org/usr_doc/callahanconsentdecree.pdf. In 1982, the Court in Eldredge v. Koch incorporated a right to shelter and equal shelter standards for homeless women into the Callahan Decree. See Coalition for the Homeless, The Right to Shelter for Homeless New Yorkers: Twenty Years and Counting, available at http://www.escri-net.org/usr_doc/righttoshelvertime.pdf.

³² Boston v. City of New York, Index No. 402295/08 (Sup. Ct. N.Y. Co. 2008).

³³ See Department of Homeless Services, Welcome to PATH, at 1 (on file with the Committee on General Welfare).

³⁴ Id.

with dignity and respect while in DHS facilities.³⁵ DHS uses the term “transgender” to describe a person whose “gender identity and/or expression does not match society’s expectation of how an individual who was assigned to a particular sex at birth should behave or appear,”³⁶ including but not limited to: pre and post-operative transsexuals, transsexuals who have not undergone surgery or may or may not use hormones; persons who express gender characteristics that are perceived to be inconsistent with their sex assigned at birth; persons perceived to be androgynous; transvestites; cross-dressers; or drag queens or kings.³⁷ Intersex is defined as a person who, at birth, has sex chromosomes, external genitalia, or an internal reproductive system that varies from what is considered “standard” for either males or females.³⁸

Because DHS single adult intake shelters are separated by gender, the staff is trained to ask individuals upon intake how they identify and to classify them according to their gender identity, not necessarily by their sex assigned at birth.³⁹ Once the gender identity of the person is established, the person is addressed with names, titles, pronouns, and other terms that are consistent with their gender identity, regardless of the sex listed on any legal documentation or on the individual’s physical appearance.⁴⁰ Individuals are not allowed to change this identity in order to have access to certain facilities or services.⁴¹ DHS educates its staff through training so that the service it provides to these individuals is as respectful as possible. DHS’s policy does not allow discrimination based on gender identity, is committed to protecting the safety of all shelter clients and does not tolerate harassment of anyone in shelter.⁴²

³⁵ Department of Homeless Services, Transgender/Intersex Clients Procedure, Procedure No. 06-1-31, Jan. 31, 2006, at 1.

³⁶ Id.

³⁷ Id.

³⁸ Id. at 2.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

Following intake, DHS assigns the individuals, to the best of its abilities, to a program shelter that matches their gender identity, or in a co-ed shelter.⁴³ In addition, DHS policy states that while all residents are expected to employ modesty, individuals may dress in accordance with their gender identity.⁴⁴ Restrooms are available to all residents, and anyone who is concerned with privacy is directed to the restrooms, bathrooms and showers that allow for more privacy.⁴⁵ When making sleeping arrangements, DHS considers vulnerable persons and will place those with increased safety needs closest to the night staff.⁴⁶

Issues and Concerns

According to the findings of the QEJ study, LGBT adults in City shelters often face transphobia and homophobia and feel that they are at risk for being kicked out of shelter for being gay.⁴⁷ Survey participants reported that residents who attempt to file grievances are retaliated against, transferred arbitrarily to another shelter or called down for inspections in the middle of the night.⁴⁸ At today's hearing the General Welfare Committee would like to learn more about the experiences of LGBT adults in the DHS shelter system. The Committee expects to learn about the policies DHS has in place to support homeless LGBT adults, including the policy for transgender/intersex clients. Specifically the Committee would like to know how clients are made aware of this policy, what types of training DHS staff receives, and how this policy has helped LGBT clients in the DHS system.

Further, the Committee is interested in learning whether LGBT adults are safe in the DHS shelter system. While the DHS policy for transgender/intersex clients allows for residents

⁴³ Id.

⁴⁴ Id. at 3.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ A Fabulous Attitude, *supra* note 2 at 24.

⁴⁸ Id.

with “increased safety needs” to be offered a bed space that is closer to the night staff,⁴⁹ this may not be enough to keep residents safe. Respondents in the QEJ study reported that shelter security guards take no action when fighting occurs between residents and will even encourage fighting.⁵⁰ In a Q-Talk video, a web-series created by QEJ, Ravvin a transgender young woman describes aging out of the foster care system, bouncing around between friends’ apartments and finally ending up in the DHS shelter system. Although Ravvin was allowed to select to stay in a women’s shelter because she identifies as female, she felt unsafe in the women’s shelter.⁵¹ On her first night in shelter, a group of biologically female residents jumped two transgender women.⁵² Ravvin explained that there were fights and continuing harassment of the transgender women until a QEJ shelter support group stepped in to provide mediation.⁵³ Today the Committee expects to learn what DHS does to protect LGBT adults in its shelter system.

⁴⁹ *Supra* note 35.

⁵⁰ *A Fabulous Attitude*, *supra* note 2 at 24.

⁵¹ Queers for Economic Justice, Q-Talk, Homelessness & the LGBT Community, *available at* <http://blip.tv/qtalk-by-queers-for-economic-justice/queers-for-economic-justice-homelessness-lgbtq-community-4539823> (last visited June 2013).

⁵² *Id.*

⁵³ *Id.*