

April 1, 2019

Committee on the Judiciary  
U.S. House of Representatives  
2141 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Nadler, Ranking Member Collins, and Committee Members:

The undersigned lesbian, gay, bisexual, transgender, and queer (LGBTQ) and allied organizations write to express our strong support for the Equality Act (H.R. 5). As LGBTQ and allied organizations, we are particularly eager to discuss how anti-LGBTQ discrimination drives LGBTQ people into poverty and the criminal legal system, as well as discuss the Equality Act's ability to help address these issues.

Employment discrimination is a significant factor contributing to LGBTQ poverty and unemployment rates. Over half of the US population lives in a state without comprehensive, explicit nondiscrimination laws prohibiting employment discrimination based on sexual orientation and gender identity.<sup>1</sup> A 2017 Harvard School of Public Health survey found that one in five LGBTQ people reported experiencing discrimination in hiring, pay, and promotions due to their sexual orientation or gender identity.<sup>2</sup>

Because of discrimination in employment, housing, education, and other areas<sup>3</sup>, LGBTQ individuals are more likely to be jobless, homeless, and poor than the general population. Additionally, same-sex couples are more likely to experience poverty than different-sex couples<sup>4</sup>, and the US Transgender Survey found that nearly one-third (29%) of transgender respondents were living in poverty compared to 12% of the general U.S. population.<sup>5</sup> This disproportionate rate of poverty is particularly acute for women, people of color, and bisexual people.<sup>6</sup>

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<sup>1</sup> Movement Advancement Project, "Non-Discrimination Laws," last modified March 25, 2019, available at [http://www.lgbtmap.org/equality-maps/non\\_discrimination\\_laws](http://www.lgbtmap.org/equality-maps/non_discrimination_laws).

<sup>2</sup> NPR, Robert Wood Johnson Foundation, Harvard T.H. Chan School of Public Health, "Discrimination in America: Experiences and Views of LGBTQ Americans" (2017), available at <https://www.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>.

<sup>3</sup> See Lourdes Ashley Hunter, Ashe McGovern, and Carla Sutherland, eds., *Intersecting Injustice: Addressing LGBTQ Poverty and Economic Justice for All: A National Call to Action* (New York: Social Justice Sexuality Project of the Graduate Center at the City University of New York, 2018), available at [http://socialjusticosexuality.com/intersecting\\_injustice/](http://socialjusticosexuality.com/intersecting_injustice/).

<sup>4</sup> M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community" (Los Angeles: The Williams Institute, 2013), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>

<sup>5</sup> Sandy E. James, "The Report of the 2015 U.S. Transgender Survey" (Washington: National Center for Transgender Equality), available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

<sup>6</sup> *Ibid*; James, "2015 U.S. Transgender Survey."

Widespread discrimination combined with higher rates of poverty lead many LGBTQ people to turn to underground survival economies, like the sex and drug trade, to obtain basic necessities including food and housing.<sup>7</sup> For example, family rejection and abuse led George, a gay man, to flee his home at the age of 14. Facing anti-LGBTQ discrimination and social stigmatization, George “lived on the streets and worked as a prostitute to survive” until he was arrested and placed in an LGBTQ group home.<sup>8</sup>

LGBTQ youth face similar pressure to seek survival economies for basic survival. The impact of schools’ severe disciplinary policies combined with bullying and harassment of LGBTQ students by their peers and school staff push more LGBTQ students out of schools and into the criminal legal system.<sup>9</sup> As a transgender teenager of color, Kourtnee Davinnie suffered bullying and being chased out of her school by her classmates, as well as discrimination by school staff.<sup>10</sup> The extra stress and unsafety she experienced in school caused her to battle “with being in and out of school, in and out of the streets, on drugs, and doing sex work...to survive on a daily basis.”<sup>11</sup>

To address anti-LGBTQ discrimination, the Equality Act explicitly prohibits discrimination based on an individual’s sexual orientation or gender identity in employment, housing, credit, education, public spaces and services, jury service, and programs receiving federal financial assistance. By combatting discrimination in these areas, the Equality Act will help address the issues that push many LGBTQ people into poverty and the criminal legal system. By protecting LGBTQ employees from discrimination in hiring, pay, and other working conditions, the Equality Act will help to reduce joblessness and poverty.

The Equality Act will also decrease other factors, such as housing and education discrimination, that drive many LGBTQ people into survival economies to escape poverty, homelessness, and hunger. Ultimately, the Equality Act will help place LGBTQ people on more equal footing, reduce stigma and bias, and give more LGBTQ people a fair chance to obtain an education, find housing, and support themselves and their families.

We ask that Congress recognize the critical need for these consistent, explicit, and nationwide protections.

Sincerely,

AIDS Action Baltimore

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<sup>7</sup> Hunter, *Intersecting Injustice*, 88-101; Catherine Hanssens, Aisha C. Moodie-Mills, Andrea J. Ritchie, Dean Spade, and Urvashi Vaid, “A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV” (New York: Center for Gender & Sexuality Law at Columbia Law School, 2014), 54-65, available at [https://www.law.columbia.edu/sites/default/files/microsites/gender-sexuality/files/roadmap\\_for\\_change\\_full\\_report.pdf](https://www.law.columbia.edu/sites/default/files/microsites/gender-sexuality/files/roadmap_for_change_full_report.pdf)

<sup>8</sup> Center for American Progress and Movement Advancement Project, “Unjust: How the Broken Criminal Justice System Fails LGBT People” (2016), 11.

<sup>9</sup> Hunter, *Intersecting Injustice*, 101; Hanssens, “A Roadmap for Change,” 36, 40-41.

<sup>10</sup> Center for American Progress and Movement Advancement Project, “Unjust: How the Broken Criminal Justice System Fails LGBTQ People of Color” (2016), 12.

<sup>11</sup> *Ibid.*

AIDS Alabama  
AIDS Foundation of Chicago  
American Association for Access, Equity and Diversity  
American Civil Liberties Union  
Black and Pink  
Center for Constitutional Rights  
CenterLink: The Community of LGBT Centers  
Drug Policy Alliance  
Equality California  
Equality Federation  
Equality Florida  
Equality Illinois  
Equality New Mexico  
Equality North Carolina  
Equality Ohio  
Equality Utah  
EqualityMaine  
FORGE, Inc.  
Freedom Overground  
Garden State Equality  
Georgia Equality  
GLAA  
Global Justice Institute  
Harm Reduction Coalition  
Hepatitis Education Project  
Howard Brown Health  
Human Rights Campaign  
Impact Fund  
In Our Own Voice: National Black Women's Reproductive Justice Agenda  
Justice Strategies  
JustLeadershipUSA  
JustUs Health  
Lambda Legal  
Legal Aid At Work  
LGBT Advocacy Clinic, Brooklyn Law School  
LGBT Bar Association of New York  
Mazzoni Center  
Movement Advancement Project  
NAACP  
NASTAD  
National Action Network  
National Association of Criminal Defense Lawyers  
National Association of Social Workers  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Center for Transgender Equality

National Coalition for LGBT Health  
National Coalition of Anti-Violence Programs  
National Employment Law Project  
National Latina Institute for Reproductive Health  
National LGBTQ Task Force Action Fund  
National Trans Bar Association  
National Women's Law Center  
National Working Positive Coalition  
One Colorado  
OutServe-SLDN  
People For the American Way  
PFLAG National  
Positive Women's Network-USA  
Pride Action Tank  
Public Justice  
Reframe Health and Justice  
Sargent Shriver National Center on Poverty Law  
Sexuality Information and Education Council of the United States (SIECUS)  
Silver State Equality  
The DC Center for the LGBT Community  
The National LGBTQ Workers Center  
TRANScending Barriers  
Treatment Action Group  
Utahns Against Hunger  
Whitman-Walker Health  
Witness to Mass Incarceration  
Workplace Fairness