

June
2022

Partnership Policy Spotlight

Economic Opportunity in the LGBTQ+ Community:
History, Data, and Policy Solutions



LGBTQ+ individuals in our communities experience poverty, food insecurity, homelessness, health conditions, and other stressors at higher rates than their straight and cisgender counterparts. Within the community, certain subgroups, including multiracial and transgender individuals, experience even greater risks of insecurity.

Ensuring that all members of the LGBTQ+ community have meaningful access to programs and services that are offered in inclusive, welcoming settings is crucial to addressing the causes and conditions of poverty. **The National Community Action Partnership celebrates the history and pride of the LGBTQ+ Community, and recognizes the work of Community Action Agencies across the country to support and serve LGBTQ+ individuals and families.**

A HISTORY OF DISCRIMINATION

Laws discriminating against LGBTQ+ individuals pervade our history. Being forced by the state to hide your true self compounds trauma and creates stressors that can lead to economic insecurity. Discriminatory laws and policies directly result in LGBTQ+ individuals having [less access](#) to necessary programs and services, including housing, food assistance, education opportunities, and health care.

From the beginning, colonies and then states and the federal government [codified laws](#) criminalizing homosexual, or “sexually deviant,” behavior. The Plymouth Bay Colony reinforced strict gender dichotomies and convicted same-sex couples. The Diagnostic and Statistical Manual of Mental Disorders (DSM)

classified homosexuality as a mental disorder until 1973. By 1960, [every state](#) had outlawed sodomy. In 1986, the Supreme Court [upheld those laws](#), ruling that the Constitution did not protect the right to engage in homosexual activities. It wasn't until 2003, after 31 states had repealed their laws, that the [Court overruled](#) its earlier case, finding that criminal convictions for adult consensual sexual behavior in the home violated the Constitution's right to privacy.

In the summer of 1981, the [first cases](#) of the Acquired Immunodeficiency Syndrome (AIDS) were diagnosed in Los Angeles. After [years of inaction](#) and multiple acts of [civil disobedience](#) by queer resistance groups, like [ACT UP](#) and others, the federal government finally took limited action to address the pandemic (in 2011, the [Black AIDS Institute](#) graded the Regan Administration's response to the crisis an “F”). AIDS killed [324,029](#) men and women in the United States between 1987 and 1998. By 1995, 10 percent of men who identified as gay had died of AIDS, decimating a generation.

Multiple forms of stigma around the condition continue to this day. Until 2015, there was a [lifetime ban](#) on blood donations by gay and bisexual men, implemented by the Food and Drug Administration (FDA). In response to increased demand during the COVID-19 pandemic, [the FDA lowered](#) the deferral time for those donors from one year to three months. [HIV/AIDS is still a health crisis](#) in the United States, with gay and bisexual men still the most effected overall, but disparately high rates of diagnosis continue among people of color and members of the transgender community, especially young trans women.

Discrimination against LGBTQ+ service members has a long history. There are records of the Continental Army [dismissing gay soldiers](#). A years-long Department of Defense (DoD) policy refused security clearances to known or suspected gay applicants, and, in 1990, the 9th Circuit Court of Appeals [upheld the policy](#), finding that homosexuality was not a protected class because “it is behavioral and hence ... fundamentally different from traits such as race [and] gender.” In a [1995 Executive Order](#), President Clinton prohibited discrimination on the basis of sexual orientation in the issuance of security clearances. Another [DoD pol-](#)

[icy](#) allowed the enlistment of LGBTQ+ service members, unless evidence of their homosexual activity became known (i.e., “[Don’t Ask, Don’t Tell](#)”). After an [act of Congress](#) and a long administrative process, the policy was repealed in 2011. In 2018, President Trump released a [memo](#) banning transgender people from military service. President Biden [revoked the policy](#) through Executive Order in 2021.

The fight for marriage equality began in earnest when a state court in Hawaii [ruled](#) the state’s same-sex marriage ban unconstitutional under the state constitution. In response, Congress passed the [Defense of Marriage Act \(DOMA\)](#), which [prohibited](#) federal recognition of same-sex marriages and relieved states of their requirement to give “full faith and credit” to same-sex marriages legally entered into in other states. In 2003, the Supreme Judicial Court of Massachusetts [ruled](#) that the state constitution prohibited marriage discrimination on the basis of sex. Public opinion on the issue began to turn – from 2004 to 2015, same-sex marriage became legal (through judicial ruling, referendum, or statute) in 36 states and the District of Columbia. In a 2013 case, [United States v. Windsor](#), the U.S. Supreme Court struck down the

federal recognition section of DOMA, ruling that it violated the Constitution’s right to due process and equal protection because “the purpose and practical effect of the law ... are to impose a disadvantage, a separate status, and so a stigma upon [same-sex couples].” Two years later, in [Obergefell v. Hodges](#), the Court ruled all state bans on same-sex marriage unconstitutional, finding that the Constitution’s fundamental right to marry (first recognized in [Loving v. Virginia](#)) applies to same-sex couples.

Employment laws have also discriminated against members of the LGBTQ+ community, especially when rights of LGBTQ+ employees conflict with sincerely held religious beliefs. In 2019, the Court [ruled](#) in *Bostock v. Clayton County* that the protection against employment discrimination on the basis of sex in Title VII of the Civil Rights Act of 1964 applies to sexual orientation and gender identity.

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[Less than 16%](#) of countries around the world recognize same-sex marriage and [more than a third](#) criminalize homosexual behavior or identity. In the United States, the *Obergefell* decision does not apply to Tribal nations and 2% still ban same-sex

marriage. Many states still allow discrimination against LGBTQ+ people in [public accommodations](#), which affect all aspects of LGBTQ+ individuals' daily lives. In 2018, the Supreme Court [held](#) that a bakery owner's First Amendment rights were violated by an ordinance preventing him from discriminating against a same-sex couple based on his sincerely held religious belief.

At the state level, there have been multiple recent attempts to abridge LGBTQ+ rights that would also increase the stigma and otherness surrounding the LGBTQ+ community. In 2016, North Carolina passed a law that prohibited local governments from passing LGBTQ+ nondiscrimination ordinances and prevented individuals from using single-gender public restrooms that did not correspond to their gender assigned at birth. After multiple protests, corporate disinvestment, public backlash, and a large cost to the state (over \$400 million), the law was [fully repealed](#) in 2020. Earlier that year, the Fourth Circuit Court of Appeals [held](#) that federal anti-discrimination laws prohibit states from restricting bathroom use to a person's assigned at birth gender and the U.S. Supreme Court let the ruling stand.

Florida passed a [law](#) in March, 2022 preventing elementary-age students from accessing information about sexual orientation and gender identity. Dubbed the "Don't Say Gay Bill" by opponents, the [law](#) also allows parents to sue school districts for potential violations. Proposals by states and school districts to [ban books](#) addressing LGBTQ+ issues dramatically increased in 2022, with over 700 challenges nationwide. [Multiple states](#) are considering Florida-style laws that prohibit LGBTQ+ information and services being offered in schools. Over 300 anti-LGBTQ+ laws have been proposed so far this year and LGBTQ+ individuals are not fully protected from discrimination in [29 states](#).

LGBTQ+ COMMUNITY & ECONOMIC OPPORTUNITY

Poverty and Access

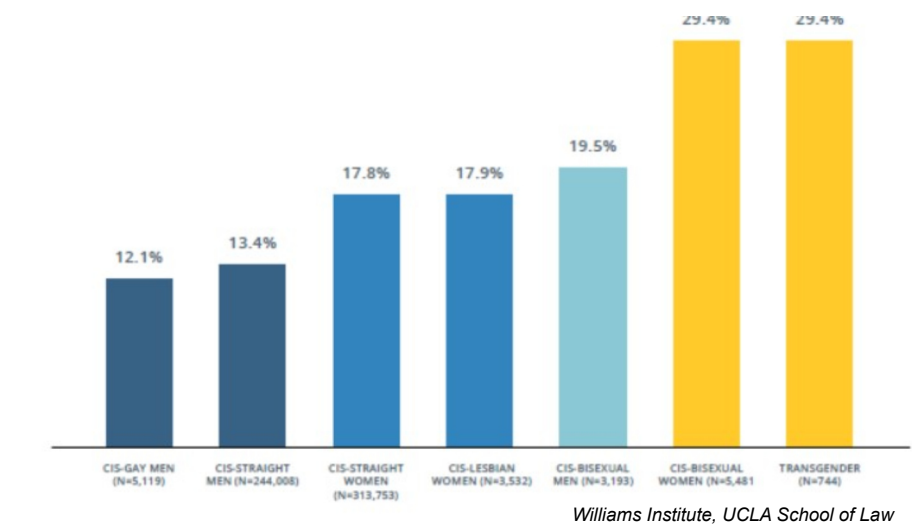
The poverty rate among individuals identifying as LGBTQ+ is [21.6%](#), compared to 15.7% among cisgender straight individuals. Rates are even higher among some groups within the community, including transgender individuals ([29.4%](#)), Black LGBTQ+ individuals ([30.8%](#)), and LGBTQ+ individuals living in rural areas ([26.1%](#)). People identifying as bisexual women and men experience higher rates of

Highlighted Resources

- [The Trevor Project](#)
- [Legal Help Desk](#), Lambda Legal
- [Take the Protected & Served Community Survey](#) on Government Misconduct in the criminal legal system against individuals identifying as LGBTQ+ or living with HIV/AIDS, Lambda Legal
- [National Center for Lesbian Rights](#)
- [Human Rights Campaign](#)
- [National Center for Transgender Equality](#)
- [Bisexual Resource Center](#)
- [National LGBTQ+ Task Force](#)
- [Learn More About Pronouns!](#)
- [Tribal Equity Toolkit: Tribal Resolutions and Codes to Support Two Spirit & LGBTQ+ Justice in Indian Country](#)
- [At the Intersections: A Collaborative Resource on LGBTQ+ Youth Homelessness](#), True Colors United
- [Gender Affirming Care & Young People Fact Sheet](#)
- [SAMHSA – LGBTQ+ Behavioral Health Equity Center of Excellence](#)
- [Listen to the Making Gay History Podcast!](#)
- [Mapping Non-Discrimination Laws Across the States](#)

poverty ([29.4%](#) and [19.5%](#), respectively) compared to their straight counterparts. In July 2021, the U.S. Census Bureau [added questions](#) related to sexual orientation and gender identity to the Household Pulse Survey, marking the first time a government survey has captured LGBTQ+ data in real-time. The first [data](#), released August 2021, show higher rates of difficulty paying for household expenses (36.6%), food insecurity (13.1%), and difficulty making housing payments (8.2%) among households with LGBTQ+ individuals.

The processes for applying for and using public benefits and services create [unique obstacles](#) for LGBTQ+ individuals. Due partially to workplace and identification discrimination, transgender individuals, particularly transgender individuals of color, generate income through informal and unreported means (e.g., sex work, etc.) making eligibility determinations difficult. The lack of uniform rules for gender and name preferences on driver's licenses and other forms of identification create confusion and can lead to discrimination by government workers during the application process, especially interviews. A lack of cultural competency training among some public and private front-facing staff also leads to discrimination and can dis-



suaude LGBTQ+ individuals from seeking the benefits they need.

Health Disparities

Poverty is a social determinant of health and higher poverty rates among LGBTQ+ individuals result in less access to care and higher prevalence of chronic health conditions, especially transgender individuals and transgender individuals of color. Multiple health [disparities](#) have been documented among LGBTQ+ populations, including higher rates of sexually transmitted infections (STI), substance use, mental health conditions, heart disease, breast and cervical cancer, and obesity and eating disorders. [Nearly 1 in 10](#) LGBTQ+ individuals (3 in 10 that identify as transgender) report being refused health care services because of actual or perceived sexual orientation or gender identity.

LGBTQ+ individuals are more likely to experience mental health issues due to discrimination, stigma, family or community rejection, and other issues. In 2019, [47.4%](#) of LGBTQ+ individuals over 18 suffered from a mental illness. Factors negatively affecting mental health are more pronounced among transgender individuals and LGBTQ+ youth. In 2021, 45% of LGBTQ+ youth reported seriously considering suicide and fewer than one in three transgender or nonbinary youth described their home as gender affirming. Despite higher rates of mental illness among LGBTQ+ individuals, [27.9% of adults and 38.2% of youth](#) cannot access services.

Housing and Homelessness

LGBTQ+ individuals experience increased rates of housing discrimination and homelessness despite federal anti-discrimination

rules. [Same-sex couples](#) are discriminated against in the online rental market and [one in four](#) transgender individuals experience some form of housing discrimination. According to a recent [survey](#), 17% of LGBTQ+ adults experience some form of homelessness in their lifetime, and 3% of cisgender sexual minority adults and 8% of transgender adults reported recent experiences with homelessness. Among transgender individuals experiencing homelessness, over [25% reported](#) avoiding shelters due to fear of mistreatment.

LGBTQ+ youth are [120% more likely](#) to experience homelessness than their non-LGBTQ+ counterparts. In 2021, [28% of LGBTQ+ youth](#) reported experiences with homelessness or housing instability, with higher rates among Native/Indigenous LGBTQ+ youth (44%) and multiracial LGBTQ+ youth (38%). More than half of LGBTQ+ youth

who ran away from home in 2021 ([16%](#)) reported having done so as a result of mistreatment or fear of mistreatment due to their LGBTQ+ identity.

Food Insecurity

Census data from 2021 reported that LGBTQ+ adults are [twice as likely](#) to experience food insecurity as non-LGBTQ+ adults. Even

From the Field!

- **Fresno Economic Opportunity Commission:** In 2019, Fresno created the [LGBTQ+ Resource Center](#), which provides support services to enhance the health and well-being of all lesbian, gay, bisexual, transgender, non-binary, queer, HIV, and questioning community members in the Fresno County area. The Center's services include access to resources in a safe and inclusive environment, medical resources, low-cost or no-cost mental health services, substance use disorder assistance, virtual peer support groups, case management, housing assistance, name and gender change assistance, trauma-informed care, a clothing closet, and referrals for other services.
- **Community Action Pioneer Valley:** [GenerationQ](#) (GenQ) is a peer-led social support group for ages 14-24 in Western Massachusetts where LGBTQIA+ youth and young adults meet in person or virtually twice a week. GenQ offers a variety of peer-led, adult-supported activities, discussions, and workshops to encourage collaboration and education around issues that stand out to LGBTQIA+ young people today, such as comprehensive and inclusive sexual education, exploring gender affirming practices and materials, how to recognize content that may be alarming or triggering, and cognitive behavioral therapy. At the end of each month, GenQ allows participants from the 10-13 age range to join the group for intergenerational programming.
- **Community Action San Luis Obispo County** ([CAPSLO](#)): In May, 2022, Charley Newel, the CAPSLO Youth Programs Director, hosted a bilingual story time for kids as his drag persona, Cha Cha Binx, at San Luis Obispo's annual [Pridefest](#). Cha Cha had about 75 adults and kids in attendance at story time over the two days and did not disappoint! (pictured left).



before the pandemic, about [27% of LGBTQ+ adults](#) experienced food insecurity each year and rates were higher among adults 18-34 (30.2%), women (31%), and Black adults (37%). More than [one in four LGBTQ+ adults](#) ages 18-44 participate in the Supplemental Nutrition Assistance Program (SNAP), compared to 20% of non-LGBTQ+ adults. Now that the Census Household Pulse Survey collects data on sexual orientation and gender identity, a more complete and accurate picture of LGBTQ+ food insecurity will be available going forward.

Safety & Policing

The long history of [violence](#) against LGBTQ+ individuals by law enforcement and others is well-documented. Physical mistreatment by police was one factor precipitating the Stonewall riots. According to a [national survey](#), 25% of LGBTQ+ individuals reported at least one type of police misconduct and, among those who had face-to-face contact with police, respondents reported being verbally assaulted (14%), sexually harassed (3%), and physically assaulted (2%). During Pride Month 2020 (51 years after the Stonewall riots) the New York Police Department used [pepper spray](#) on queer protesters. Earlier that year, [Tony](#)

[McDade](#), a Black trans man was shot and killed by police in Tallahassee, Florida. [Multiple Pride parades](#) across America have banned police officers from participating in uniform.

Police inaction protecting LGBTQ+ individuals is also widespread, with one of the most infamous examples being the murder of [Marsha P. Johnson](#), “The Rosa Parks of the LGBTQ+ Movement,” which was originally ruled a suicide by the police. In that same national survey, 62% of respondents who reported incidents of personal assault to the police said that police failed to address the complaints. LGBTQ+ individuals are also incarcerated at three times the rate of non-LGBTQ+ individuals and experience more [carceral violence](#).

Violence from non-government sources also disproportionately affects LGBTQ+ individuals. During Pride Month in 2016, a man opened fire inside [Pulse](#), a gay nightclub in Orlando, Florida, killing 49 people and wounding 53 more. Last year, [375 transgender people](#) were murdered – the “deadliest year” to date. Sexual violence and intimate partner violence (IPV) affect bisexual women and men at higher rates (61.1% and 37.3%, respectively) than non-

LGBTQ+ women and men (35% and 29%, respectively). And many incidents go unreported, with only 26% of men in same-sex relationships reporting IPV incidents to police.

Moving Forward & Solutions

Policies that increase opportunity for LGBTQ+ individuals and families while preventing and addressing discrimination have been proposed at every level of government. Studies have shown that laws and policies protecting LGBTQ+ rights have a measurably [positive impact](#) on the economic, physical, and mental well-being of not just LGBTQ+ people, but all people living and working in those jurisdictions. In the absence of federal legislation (See The Equality Act in *Issues We’re Tracking*), [21 states](#) and at least 330 local governments explicitly prohibit discrimination based on sexual orientation and gender identity in housing, employment, and public benefits. Within those jurisdictions, LGBTQ+ people experience higher employment and wages, better physical and mental health, and higher quality school environments. LGBTQ+ youth living in accepting communities reported [lower rates](#) of suicidal attempts.

In light of the Supreme Court’s *Bostock* ruling, which interpreted

the sex discrimination prohibition in the Civil Rights Act of 1964 to apply to sexual orientation and gender identity, President Biden signed two Executive Orders. [The first](#) directs federal departments to identify all sex discrimination laws, regulations, guidance, and policies related to their agencies and apply them to sexual orientation and gender identity. [The second](#) specifically directs the Secretary of Education to apply the sex discrimination prohibition for schools receiving federal funding in Title IX of the Education Amendments to sexual orientation and gender identity.

While some [states and municipalities](#) have proposed discriminatory policies, others continue to increase protections, remove barriers, and recognize diversity. Beginning in July 2022, residents of New York State will be able to identify their [gender as “X”](#) on state government identification cards. Many Native American and Alaska Native tribal nations continue to recognize [Two-Spirit individuals](#), which they have done for hundreds of years.

At the local level, community leaders and service providers are creating inclusive [facilities](#) where LGBTQ+ people can receive support and services. Multiple Community Action Agencies (CAA) continue to provide support for

Issues We’re Tracking

- Equality Act ([H.R. 5](#) / [S. 393](#)) – Prohibits discrimination on the basis of sexual orientation and gender identity in housing, public accommodations, employment, credit, and the federal jury system (*passed House February 25, 2021*)
- House Resolution on FDA Blood Donation Rules ([H.Res.290](#)) – Expresses the sense of the House that the FDA should allow blood donations by all people who can safely make them.
- John Lewis Every Child Deserves a Family Act ([H.R. 3488](#) / [S. 1848](#)) – Prohibits discrimination on the basis of real or perceived sexual orientation or gender identity by agencies providing child welfare or adoption services that receive federal assistance.
- [Tracking Anti-LGBTQ+ Legislation Across the States](#)

LGBTQ+ people in their communities through housing programs, youth support, and cultural activities (See *From the Field!*). In health care, [governments](#), associations, and [research institutions](#) are providing cultural competency training and guidance for health practitioners on issues including [LGBTQ+seniors](#) and [HIV/AIDS health services](#) so they can better serve LGBTQ+ patients.

Government discrimination against the LGBTQ+ community has created disparate access to opportunities for LGBTQ+ individuals in the U.S. and across the world. Despite some recent advances in legal protections, social

acceptance, and representation in popular culture, many disparities still exist in areas like housing, employment, food security, and policing. Multiple policy solutions to the obstacles facing LGBTQ+ people have been proposed by [policy experts](#), legislators, and federal, state, and local governments. CAAs and State Associations have a crucial and powerful role to play in their communities by advocating at all levels of government to move these policies forward and improve the lives of LGBTQ+ people across the country.