

# WELCOME HOME: IMPROVING HOUSING SECURITY FOR LGBT OLDER ADULTS

POLICY BRIEF

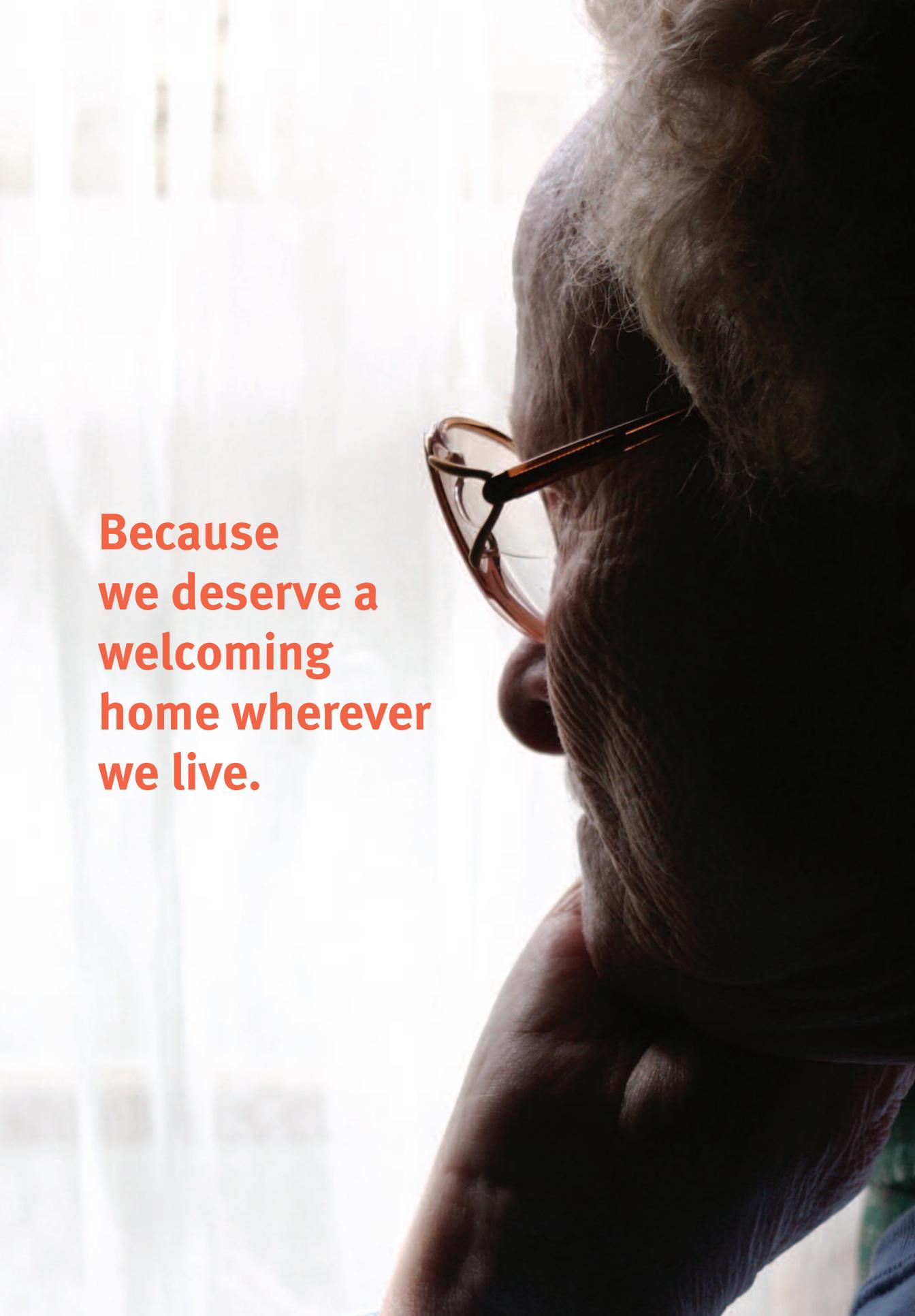
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Services & Advocacy  
for Gay, Lesbian, Bisexual  
& Transgender Elders

## **ACKNOWLEDGEMENTS**

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**Because  
we deserve a  
welcoming  
home wherever  
we live.**

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# INTRODUCTION

Lesbian, gay, bisexual and transgender (LGBT) older adults face profound challenges with securing welcoming and affordable housing—an inequality substantiated by a growing body of research and compounded by a lifetime of discrimination under the law and in all aspects of daily life.

Policy makers can address these challenges by expanding housing protections at all levels and ensuring that the current protections are enforced where they exist. We need more research and improved data on the housing realities of LGBT people as they age, as well as additional testing on housing discrimination among LGBT older people, in particular LGBT elders of color and transgender elders. Government should take steps to ensure that professionals in the wide array of senior living options, including supportive housing, are versed in the needs of LGBT older people; no LGBT older adult should need to reside in a home that feels unsafe or deal with a provider who unfairly denies them housing. Government should also incentivize the creation of LGBT-friendly affordable housing development, which would build on the achievements of advocates across the country in recent years.

*Welcome Home: Improving Housing Security for LGBT Older Adults* offers a policy road map with detailed recommendations to make this vision a reality. Through this policy brief and our National LGBT Elder Housing Initiative, SAGE is committed to ensuring that millions of LGBT older people are able to access welcoming LGBT housing in all its forms, regardless of where they live.

To learn more about LGBT older adults and housing, as well as SAGE's National LGBT Elder Housing Initiative, visit [sageusa.org/LGBTHousing](https://sageusa.org/LGBTHousing).

## ARE LGBT OLDER PEOPLE PROTECTED BY THE FAIR HOUSING ACT?

The Fair Housing Act (FHA) is a federal law that prohibits discrimination in most private and public housing on the basis of race, color, religion, national origin, sex, disability and familial status. While there are no explicit protections based on sexual orientation and gender identity/expression in the FHA, LGBT people might have legal recourse under the FHA for discrimination based on gender and disability. According to the National Center for Transgender Equality: “The Fair Housing Act prohibits discrimination based on sex in the sale or rental of housing and in mortgage lending. In recent years, courts have increasingly held that discrimination because a person is transgender, or because he or she fails to conform to gender stereotypes, is sex discrimination under federal civil rights laws.”

In 2010, the U.S. Department of Housing and Urban Development issued guidance stating that it would investigate complaints of housing discrimination against LGBT people—or refer discrimination matters to states and localities with LGBT non-discrimination protections—based on this understanding of the law. LGBT older adults should contact HUD if they experience housing discrimination. For more information, please visit the “housing” resources at SAGE’s National Resource Center on LGBT Aging at [lgbtagingcenter.org](http://lgbtagingcenter.org).



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# RECOMMENDATIONS FROM SAGE

# 1

## EXPAND LEGAL PROTECTIONS AGAINST HOUSING DISCRIMINATION FOR LGBT PEOPLE AT THE FEDERAL, STATE AND LOCAL LEVELS.

### DID YOU KNOW?

In a 2014 national investigation, **48 percent** of older same-sex couples experienced profound discrimination when inquiring about housing in a senior living facility, including receiving less information about additional available units, higher fees and more extensive application processes, among other instances.

LGBT people lack basic protections against housing discrimination in most parts of the country. Only 21 states (plus the District of Columbia) protect against housing discrimination on the basis of sexual orientation, and only 18 states (plus the District of Columbia) protect on the basis of gender identity. At the federal level, the Fair Housing Act does not include sexual orientation and gender identity as protected bases—though a January 2012 “Equal Access Rule” issued by the U.S. Department of Housing and Urban Development (HUD) acknowledged this need by extending such protections to a range of federally funded housing programs. This general lack of protections is especially concerning given mounting research documenting profound housing discrimination against LGBT people and same-sex couples.

### RECOMMENDATIONS

Congress should update the Fair Housing Act to explicitly include sexual orientation and gender identity as protected bases, protecting LGBT people against housing discrimination. Additionally, state and local governments should explicitly include sexual orientation and gender identity as protected bases in their housing non-discrimination laws.

## 2

### **ENFORCE THE EXISTING PROTECTIONS FOR LGBT PEOPLE AGAINST HOUSING DISCRIMINATION—BOTH UNDER THE EQUAL ACCESS RULE AND IN SPECIFIC STATES AND COMMUNITIES.**

In 2012, HUD issued an Equal Access Rule that ensured housing protections to people served by HUD programs on the basis of sexual orientation, gender identity and marital status. And as noted earlier, 21 states and 18 states (plus the District of Columbia) protect against housing discrimination on the basis of sexual orientation and gender identity, along with a handful of localities. This patchwork of protections has significant limitations in scope, leaving out most states as well as a federal response. Thus, it remains essential that LGBT people covered by these protections know their rights and that the housing sector in these communities abide by them. Unfortunately, a large-scale, 2001 paired-testing study commissioned by HUD found significant discrimination against same-sex couples in the online rental market, including slightly higher experiences of discrimination in jurisdictions with state-level protections. This research affirms the importance of education and enforcement activities to ensure that these limited legal protections actually reduce discrimination against LGBT people.

#### **DID YOU KNOW?**

**A 2011 national study documented significant discrimination against same-sex couples in the online rental housing market, including in states with legislative protections.**

### **RECOMMENDATIONS**

Under its Equal Access Rule and through its Fair Housing Initiatives Program (FHIP), HUD should fund organizations and projects focused on promoting awareness and assistance in regards to fair housing and equal opportunity among LGBT older people. HUD should study the impact and effectiveness of the Equal Access Rule on LGBT people in aging and long-term care settings, which includes evaluating current data on fair housing complaints based on sex and gender non-conformity.

# 3

## IMPROVE DATA COLLECTION AND DEEPEN THE RESEARCH ON THE HOUSING EXPERIENCES OF LGBT OLDER PEOPLE.

### DID YOU KNOW?

When searching for housing, one in eight (13%) LGBT older people reports discrimination on the basis of sexual orientation and one in four transgender older people (25%) reports discrimination on the basis of gender identity.

Better data and research on the housing experiences of LGBT older people can better document their needs and aspirations, yielding appropriate policy and programmatic interventions. HUD administers a range of studies related to housing that could benefit from questions on sexual orientation and gender identity/transgender status, including but not limited to: the American Housing Survey which studies a broad range of housing subjects); the Family Report (which tracks HUD-assistance housing programs, including the housing needs of special population groups); and the Family Options Study (which assesses how interventions support families experiencing homelessness). Additionally, HUD should commission further studies that continually test for housing discrimination and examine the challenges that LGBT older people face in securing welcoming, affordable housing—in the rental market, in the sale of housing, in lending, and in the vast array of senior living communities.

### RECOMMENDATIONS

HUD should update its relevant surveys to include questions on sexual orientation and gender identity/transgender status. All of these studies should employ methodologies that ensure that sample sizes of LGBT older people are large enough for statistical analysis. Additionally, new research should continue testing the prevalence of housing discrimination against LGBT older people. Finally, HUD should survey state and local human rights agencies and other relevant entities that currently collect data on sexual orientation and gender identity to assess housing barriers facing LGBT people.

# 4

## PROMOTE CULTURAL COMPETENCE REGARDING TO LGBT OLDER ADULTS AMONG HUD'S GRANTEEES AND LOAN GUARANTEE RECIPIENTS.

A holistic cultural competence approach can reduce bias and discrimination and sensitize providers to the issues facing marginalized populations, such as LGBT older people. In the aging and long-term care field, SAGE's National Resource Center on LGBT Aging has ensured that more and more LGBT older people can safely access culturally competent care by training providers, providing a wide breadth of tools and online resources, and providing technical assistance to aging professionals. The key characteristics of a culturally competent organization include: properly trained staff, proper intake materials and marketing, responsive programs and services, relevant policies and procedures related to diversity and inclusion, and diverse leadership at all levels, among other factors. Likewise, the housing field could benefit from LGBT-specific cultural competence that creates more responsive housing experience for LGBT older people.

### RECOMMENDATIONS

HUD should require its grantees and recipients of HUD-insured loans and loan guarantees to be culturally competent on LGBT older adults through an approach that includes ongoing training, tools and best practices. HUD should encourage these entities to work with LGBT stakeholders in their communities, as well as develop programming that improves their LGBT cultural competence and better engages LGBT communities.

### DID YOU KNOW?

One in four LGBT older people of color (24%) reports experiencing housing discrimination on the basis of race or ethnicity.

# 5

## ENCOURAGE THE FUNDING AND DEVELOPMENT OF LGBT-FRIENDLY AFFORDABLE SENIOR HOUSING DEVELOPMENTS NATIONWIDE.

### DID YOU KNOW?

One in six (17%) LGBT older people is very or extremely concerned that he/she will be discriminated against if others in an assisted-living community know about his/her sexual orientation or gender identity.

According to a 2014 national study, 44 percent of LGBT older adults are “very or extremely interested” in residing in an affordable LGBT-friendly housing development at some point in the future (and 78 percent are at least “somewhat interested”). Housing advocates and community developers are increasingly responding to this aspiration; such developments have emerged in Los Angeles, Philadelphia, Minneapolis and Chicago, with more cities in the planning stage. Additionally, this concept has gained mainstream political attention. In May 2014, New York City Mayor Bill de Blasio noted the need for LGBT-friendly senior housing in his 10-year housing plan to improve affordable housing throughout the city—a call heeded by SAGE and HELP USA, which announced plans to meet this goal over the next few years. These types of developments could benefit from support at two governmental levels: federal subsidies that incentivize these types of projects, and modified criteria regarding LGBT senior housing in state Qualified Allocation Plans for distributing credits under the Low-Income Housing Tax Credit Program.

### RECOMMENDATIONS

Through the Low Income Housing Tax Credit Program (LIHTC), the U.S. Department of the Treasury—with HUD’s involvement—should incentivize local housing and community development agencies to build LGBT-friendly affordable senior housing developments in various parts of the country. Additionally, state housing finance agencies nationwide should establish LGBT-friendly affordable senior housing projects as housing priorities in their state Qualified Allocation Plans under the LIHTC Program.

# 6

## **ENHANCE SUPPORTIVE HOUSING FOR LOW-INCOME AND FRAIL LGBT OLDER PEOPLE.**

The Section 202 program supports the expansion of affordable housing with supportive services, helping many low-income and frail older people with supports such as cleaning, transportation and more. In addition to experiencing high poverty rates and reduced economic insecurity, LGBT older adults also deal with high disability rates; a 2001 national study found that 44 percent of LGBT older people report that their physical activities are limited due to physical, mental and emotional problems, and 20 percent use equipment such as canes, wheelchairs and more. Because many LGBT older people rely on—or will eventually need—affordable housing with supportive services, steps should be taken to ensure that this housing stock becomes more LGBT-welcoming, beginning with enforcement activities through programs covered by HUD’s Equal Access Rule, as well as through better national monitoring and reporting.

### **RECOMMENDATIONS**

Recommendations: HUD should issue explicit guidance to grant recipients under its Section 202 program—as well as other applicable programs—that housing discrimination against LGBT people is unlawful under HUD’s Equal Access Rule. Additionally, HUD should take appropriate steps to assess and monitor the extent to which grant recipients under Section 202 are complying with the LGBT protections outlined in the Equal Access Rule. HUD should ensure that any future efforts to collect data through a Section 202 national reporting system include questions on sexual orientation and gender identity/transgender status.

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### **SAGE (Services and Advocacy for GLBT Elders)**

is the country's largest and oldest organization dedicated to improving the lives of lesbian, gay, bisexual and transgender (LGBT) older adults. Founded in 1978 and headquartered in New York City, SAGE is a national organization that offers supportive services and consumer resources to LGBT older adults and their caregivers, advocates for public policy changes that address the needs of LGBT older people, and provides training for aging providers and LGBT organizations through its National Resource Center on LGBT Aging. With offices in New York City, Washington, DC and Chicago, SAGE coordinates a growing network of 27 local SAGE affiliates in 20 states and the District of Columbia. For more information, visit [sageusa.org](http://sageusa.org).

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