

State of LGBT Housing Equality in  
Massachusetts

- ▶ City/Burton, MassEquality
- ▶ Somerville LGBT Housing Training
- ▶ Thursday, April 25, 2013

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MassEquality

▶ *MassEquality is the leading statewide grassroots advocacy organization working to ensure that everyone across Massachusetts can thrive from cradle to grave without discrimination and oppression based on sexual orientation, gender identity, or gender expression. We do this by partnering across issues, identities and communities to build a broad, inclusive and politically powerful movement that changes hearts and minds and achieves policy and electoral victories.*

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Our Work on Housing

- ▶ Focus on Unaccompanied Homeless Youth (UHY)
- ▶ Up to 40% of UHY are LGBT
- ▶ Advocated for the creation of a statewide commission to study the specific issues faced by all unaccompanied homeless youth
- ▶ Led the working group on LGBT homeless youth
- ▶ Educate our supporters about the HUD rule and how it is being implemented
- ▶ Educate our supporters about the passage and implementation of the transgender equal rights bill and how it affects housing

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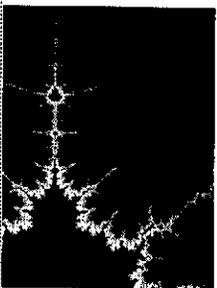
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Let's talk about Language....

What are the differences between these terms?

- ▶ Sexual orientation
- ▶ Gender Identity
- ▶ Gender Expression
- ▶ Biological Sex



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Gender Identity\*

- ▶ A person's **Gender Identity** is how someone identifies his/her own gender — the gender that is a part of a person's inner sense of "being".
- ▶ Some examples of gender identities are "man," "woman" and "genderqueer."
- ▶ Everyone has a gender identity.



\*These definitions are not the same ones in the Massachusetts General Laws.

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Gender Expression



- ▶ A person's **Gender Expression** refers to how a person expresses their gender identity.
- ▶ This can include clothing, mannerisms, makeup, behavior, speech patterns, a verbally expressed gender and more.

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Transgender

- ▶ Transgender is an umbrella term for people who transition from one gender to another and/or people who defy social expectations of how they should look, act, or identify based on their birth sex. This can include a range of people including: male-to-female (MTF) or female-to-male (FTM) people and, more generally, anyone whose gender identity or expression differs from conventional expectations of masculinity or femininity

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“Injustice at Every Turn”

- ▶ 17% were denied a house or apartment
- ▶ 10% had become homeless because of their gender identity or expression
- ▶ 22% had to find a temporary place to sleep/stay
- ▶ 18% had to move back in with family or friends
- ▶ 25% reported owning their own home compared to 67% of the general population

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History of the Non-Discrimination Law in MA

TIMELINE

- ▶2007-2008 - first introduced to Massachusetts legislature
- ▶2009-2010 – bill was introduced with majority co-sponsorship
- ▶2011-2012 – Transgender Equal Rights bill was introduced with less than majority co-sponsorship through attrition of members and fear of “bathroom bill” messaging
- ▶Governor signs Executive Order prohibiting discrimination on the basis of gender identity in the administration
- ▶November 2011 – Bill passes legislature and Governor signs it into law
- ▶July 1, 2012 - Law took effect

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Massachusetts New Transgender  
Equal Rights Law

An Act Relative to Gender Identity ch. 199 of the Acts of 2011

- ▶ Adds "gender identity" to existing Massachusetts non-discrimination laws for:
  - Employment
  - Housing
  - Public K-12 education
  - Credit and lending
- ▶ Adds "gender identity" to Massachusetts state crimes law.
- ▶ The Act does not expressly prohibit discrimination based on gender identity in public accommodations.

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"Gender Identity" as a Protected Class

Definition of "Gender Identity" under Massachusetts law

- ▶ Gender identity shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity *may* be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

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What are Public Accommodations?

- ▶ Hint They are more than just bathrooms!
- ▶ In MGL, public accommodation is defined as: A place of public accommodation, resort or amusement within the meaning hereof shall be defined as and shall be deemed to include any place, whether licensed or unlicensed, which is open to and accepts or solicits the patronage of the general public
- ▶ This includes restaurants, hotels, bars, public transportation, barber shops, grocery stores, etc.

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**NOT COVERED:**

Public Accommodations

- ▶ The Act does not expressly prohibit discrimination based on gender identity in public accommodations.
- ▶ Transgender advocates intend to continue legislative efforts to have "public accommodations" added to the statute.

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Enhancement of Massachusetts Hate Crimes Law

- ▶ Added a penalty enhancement for persons who are found to commit a crime against a person or their personal property based on the victim's gender identity or another protected characteristic.
- ▶ The statute provides grounds for individuals that have experienced ongoing harassment and threats based on their gender identity to seek a civil injunction to protect themselves.

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Questions???

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