

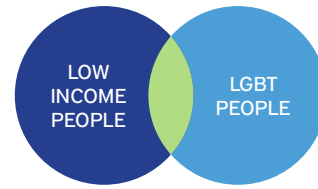


POVERTY IS AN LGBT ISSUE:

AN ASSESSMENT OF
THE LEGAL NEEDS
OF LOW-INCOME
LGBT PEOPLE

1 POVERTY IS AN LGBT ISSUE.

62% of low-income LGBT New Yorkers had difficulty paying for a basic need in the past year



2 PEOPLE WHO CARE ABOUT THE FIGHT FOR LGBT JUSTICE, AND THOSE WHO CARE ABOUT FIGHTING POVERTY, MUST TAKE ACTION.



3 LOW-INCOME LGBT PEOPLE ARE IN DESPERATE NEED OF CIVIL LEGAL SERVICES.



4 VIOLENCE AND HARASSMENT ARE SEVERE AND PERVASIVE PROBLEMS THAT CREATE MAJOR LEGAL NEEDS FOR LOW-INCOME LGBT PEOPLE

50% experienced some form of violence



5 LOW-INCOME TRANSGENDER PEOPLE FACE EVEN GREATER VIOLENCE AND HARASSMENT THAN LGBT PEOPLE, GIVING RISE TO EVEN GREATER LEGAL NEEDS

26% of the transgender respondents to our survey experienced problems with employment in the last year alone.

6 INTERSECTIONS BETWEEN RACE, POVERTY, SEXUAL ORIENTATION, AND GENDER IDENTITY POSE ADDITIONAL LEGAL CHALLENGES FOR MANY LOW-INCOME LGBT NEW YORKERS

Legal services providers should be vigilant about and be prepared to aggressively challenge discrimination in all its forms.



THANK YOU

I am honored to introduce this hard-hitting report—the first of its kind in the country—that documents both the unrelenting discrimination and harassment faced by low-income LGBT New Yorkers, and the ways that bigotry compounds the many problems that poverty creates.

Legal Services NYC is dedicated to fighting poverty and seeking racial, social, and economic justice for low-income New Yorkers. Advocating for low-income LGBT people is a crucial part of that mission. This report is an important step in advancing this work both at LSNYC and, we hope, elsewhere.

Many thanks to our staff and partners who helped create this needs assessment. And special thanks to those LGBT New Yorkers who shared their knowledge and personal stories with us. This report is dedicated to them.

Raun Rasmussen

Executive Director, Legal Services NYC

Our goal with this needs assessment is to give voice to low-income LGBT New Yorkers, to identify their pressing civil legal needs, and to prompt action. The report is the result of extraordinary effort and collaboration from scores of individuals and organizations—all of whom generously offered their time, labor and support. We are deeply grateful.

- LSNYC’s LGBT clients
- 500 individuals who took the survey
- The lead authors of this report—Cathy Bowman, Adam Heintz and Sonja Shield
- Scores of Legal Services NYC staff members
- Dozens of volunteers who facilitated the survey
- The LSNYC LGBT Working Group and its convenor, Nadya Rosen
- The LSNYC LGBT Working Group’s Outreach Subcommittee and its chair, Sonja Shield
- LSNYC’s Project Directors—Jane Aoyama-Martin (LSNYC-Bronx), Jennifer Ching (QLS), Peggy Earisman (MLS), Meghan Faux (BLS), Nancy Goldhill (SILS)
- LSNYC’s borough point people on LGBT rights—Justin Haines (LSNYC-Bronx), Dan Pepitone (MLS), Cathy Bowman (BLS), Richard Saenz (QLS), Johane Severin (SILS)
- The Anti-Violence Project
- Apicha Community Health Center
- The Audre Lorde Project
- BOOM!Health
- Bronx LGBTQ Community Services Center
- Callen-Lorde Community Health Center
- Empire Justice Center
- Immigration Equality
- The Latino Commission on AIDS
- The Legal Aid Society
- New York Civil Liberties Union
- The New York Legal Assistance Group
- Queens Pride House
- The Staten Island LGBT Community Center
- The Door
- Community Healthcare Network
- The Lesbian, Gay, Bisexual & Transgender Community Center
- Services & Advocacy for Gay, Lesbian, Bisexual & Transgender Elders
- Skadden, Arps, Slate, Meagher & Flom LLP
- Stout Risius Ross
- The Urban Justice Center
- VOCAL-NY
- Voces Latinas

Andrea Zigman

Deputy Director, Legal Services NYC

POVERTY IS AN LGBT ISSUE: AN LGBT LOW-INCOME CIVIL LEGAL NEEDS ASSESSMENT

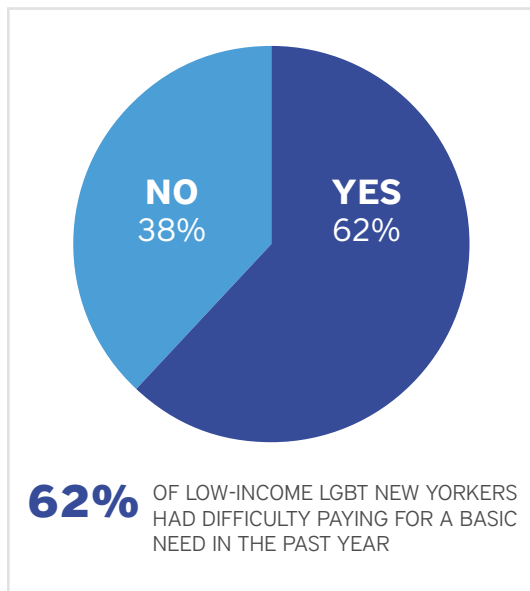
LEGAL SERVICES NYC AND THE LGBT COMMUNITY

Legal Services NYC (LSNYC) fights poverty and seeks racial, social, and economic justice for low-income New Yorkers. For almost 50 years, we have challenged systemic injustices that trap people in poverty and helped clients meet basic needs for housing, income and economic security, family and immigration stability, education, and health care. LSNYC is the largest civil legal services provider in the country. Our staff of nearly 400 people in neighborhood-based offices and outreach sites across all five boroughs helps more than 80,000 New Yorkers annually. We partner with scores of community-based organizations, elected officials, public agencies, pro bono lawyers, and the courts to maximize our effectiveness. Our work fights discrimination and helps to achieve equal opportunity and justice for all New Yorkers.

Legal Services NYC is also a leader in advocating for low-income Lesbian, Gay, Bisexual, and Transgender (LGBT) people. We have been dedicated to serving the LGBT community for more than 25 years. LSNYC represents hundreds of low-income LGBT clients every year, across all of our practice areas. LSNYC has filed lawsuits on behalf of transgender New Yorkers who were discriminated against by the City's welfare agency, HIV-positive New Yorkers discriminated against by employers and landlords, surviving spouses and children affected by laws that did not adequately recognize same-sex relationships, and more.

EXECUTIVE SUMMARY

Low-income LGBT people are in desperate need of civil legal services—a need made more acute by devastating levels of discrimination, harassment, and violence.



Like all of the people Legal Services NYC represents, our LGBT clients lack resources and power. But low-income LGBT people are too often also at the margins of efforts to provide help: at the margins of the legal services community because they are LGBT, and at the margins of the mainstream LGBT movement because they are poor. It is time to change the status quo. This document is part of that change—for all of us at Legal Services NYC and, we hope, for many others.

Our LGBT Low-Income Civil Legal Needs Assessment (the “Assessment”) gives low-income LGBT people a direct voice in identifying the legal challenges they face. It presents data and stories from hundreds of low-income LGBT New Yorkers and their advocates. And it offers a series of findings to enhance advocacy for all

low-income LGBT clients—including both overarching conclusions and specific findings in key poverty law practice areas: anti-discrimination, public assistance, housing, health care, immigration, family, employment, education, and veterans.

But here is our most important and most fundamental conclusion: Poverty is an LGBT issue. It is incumbent on those who care about the fight for LGBT justice, and those who care about fighting poverty, to take action.

CONCLUSIONS ON LEGAL NEEDS ACROSS PRACTICE AREAS

- **Every Area of Legal Practice.** Low-income LGBT people are buffeted by the same forces that all poor people face and need representation in every poverty law practice area.
- **Discrimination, Harassment, and Violence.** Civil legal needs are often made worse because of anti-LGBT discrimination, harassment, and violence. Discrimination and harassment against transgender people is generally more severe across the board than that directed at LGB people—especially so for people of color. Legal services providers helping low-income LGBT clients should identify, assess, and pursue related discrimination claims.
- **Poverty, racism, homophobia, transphobia, and other forms of oppression.** Low-income LGBT people of color experience racism, along with homophobia and transphobia. Institutional

racism and structural bias against people of color, immigrants, and others inform the experience of many LGBT people, as does discrimination against and mistreatment of low-income people in general. Work on behalf of these clients means recognizing and addressing these intersections. Legal services providers should be vigilant about and be prepared to aggressively challenge discrimination in all its forms.

- **Cultural Competence.** Lawyers for the poor must ensure that all staff and volunteers are trained to provide culturally competent services to low-income LGBT clients and to avoid re-victimizing clients who have likely experienced discrimination and abuse.
- **Visibility.** Legal services organizations should take visible steps to welcome low-income LGBT clients, because these clients may fear discrimination or harassment based on past experiences. It is incumbent on legal service providers to broadcast commitment to the LGBT community and to encourage LGBT clients to speak honestly with staff about their life experiences and legal needs. Failure to take affirmative steps in this direction may cause low-income LGBT clients to closet themselves or withhold important details when accessing services, fear and distress when working with attorneys and staff, or a decision to avoid legal services organizations entirely.
- **Trauma and safety.** Low-income LGBT New Yorkers experience high levels of violence and abuse. Legal services organizations should train staff on how to screen and serve LGBT clients who have experienced trauma. Social workers and counselors should be available for these clients when needed. Safety planning may be necessary for low-income LGBT clients—whether in relationships, at school, in public, or when dealing with the police.

TABLE OF CONTENTS

Executive Summary	4
Conclusions on Legal Needs Across Practice Areas	4
I. How and Why LSNYC Conducted the LGBT Needs Assessment	7
II. Findings on Civil Legal Needs of Low-Income LGBT People in New York City	11
A. Violence and Harassment are Severe and Pervasive Problems that Create Major Legal Needs for Low-Income LGBT People	11
B. Low-Income Transgender People Face Even Greater Violence and Harassment than LGB People, Giving Rise to Even Greater Legal Needs	16
C. Intersections Between Race, Poverty, Sexual Orientation, and Gender Identity Pose Additional Legal Challenges for Many Low-Income LGBT New Yorkers	18
D. Housing is an Area of Crisis for Low-Income LGBT New Yorkers that Requires Significant Legal Assistance	18
E. Income and Disability Assistance Needs Among Low-Income LGBT People Outstrip Existing Legal Resources	22
F. Immigration Presents Vast Legal Challenges for Many Low-Income LGBT People	24
G. Advocacy is Often Required to Secure Access to Safe Health Care for Low-Income Transgender People and Others	28
H. Family Law Presents Special Challenges for Low-Income LGBT People	32
I. Employment Discrimination and Other Issues at Work are Common for Low-Income LGBT People	35
J. School Safety is a Major Issue for Low-Income LGBT Students	38
K. Identity Documents are a Significant Legal Need for Transgender Clients	39
L. LGBT Veterans Face a Range of Additional Legal Challenges	40
III. Conclusion	42
IV. Appendix A: Summary of Key Conclusions and Findings	43
V. Appendix B: Methodology	49
VI. Appendix C: Survey Demographics	53

I. HOW AND WHY LSNYC CONDUCTED THE LGBT NEEDS ASSESSMENT

A. OBJECTIVES OF THE LGBT NEEDS ASSESSMENT

LSNYC undertook this assessment to identify the civil legal needs of low-income LGBT New Yorkers. We sought to understand which legal challenges are most important, how they are similar to those of other clients, and how they are different. Our goal is to use this information to improve our outreach, advocacy, and services for low-income LGBT people. We also hope that others—including funders, sister legal services organizations, and community groups—will use this report to expand and improve on legal support for LGBT people living in poverty.

To get a complete picture of the civil legal needs of the community, LSNYC turned to low-income LGBT New Yorkers themselves and the community groups closest to them.

B. BACKGROUND ON POVERTY IN THE LGBT COMMUNITY

New York City has the largest population of LGBT people in the country—estimated at more than 340,000.¹ Many LGBT people are not willing to identify as such to pollsters and census-takers, however, because of homophobic and transphobic discrimination, stigma, and shame. The actual size of the LGBT community in the City is, accordingly, likely considerably larger.²

LGBT New Yorkers reflect the City's racial and ethnic diversity.³ Twenty-three percent of New Yorkers are African-American, 29% are Latino, 13% are Asian, and 35% are White. We are also a city of immigrants: close to 36% of our residents were born outside of the United States.⁴ Forty-nine percent of New York City residents speak a language other than English at home and 24% are not English-proficient.⁵

Low-income New Yorkers face substantial challenges. More than 20% of NYC residents live below the federal poverty level ("FPL").⁶ This percentage dramatically undercounts New York City's actual poverty; the FPL measures only income and fails to account for our very high cost of living. New research from The Robin Hood Foundation reveals that in 2014 nearly 40% of New Yorkers faced a persistent shortage of critical resources or underwent an episode of acute deprivation, such as staying in a shelter, having utilities shut off, or being unable to pay for a doctor.⁷ Racial disparities are also acute. In Manhattan, for example, Latino and Black households earn just one-third the income of White households.⁸

For LGBT New Yorkers, the challenges of poverty and near-poverty are especially acute. Contrary to the stereotype that LGBT people are financially privileged, researchers have concluded that "LGBT Americans are **more** likely to be poor."⁹ In particular:

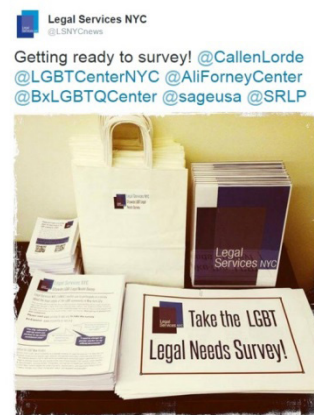
- According to a 2012 Gallup survey, 20.7% of LGBT people living alone had incomes below \$12,000—near the poverty level—compared to 17% of non-LGBT people living alone.¹⁰

- Single LGBT adults raising children are three times more likely to have incomes near the poverty level compared to single non-LGBT adults raising children.¹¹
- Similarly, married or partnered LGBT parents raising children are twice as likely to have household incomes near the poverty level compared to married or partnered non-LGBT parents.¹²
- A study of transgender Americans found that they are nearly four times more likely to have a household income under \$10,000 per year than the population as a whole (15% vs. 4%).¹³

For LGBT people of color, the reality is even worse. African-American children in gay male households have the highest poverty rate (52.3%) of any children in any household type. The rate for children living with lesbian couples is 37.7%.¹⁴ African-Americans in same-sex couples have poverty rates at least twice those for different-sex, married African-Americans and are more than **six** times more likely to be poor than White men in same-sex couples.¹⁵

C. METHODOLOGY OF THE LGBT NEEDS ASSESSMENT

Attorneys and staff at Legal Services NYC began meeting to discuss our work on behalf of low-income LGBT people and to enhance those efforts.¹⁶ We concluded that it was imperative that we hear directly from low-income LGBT New Yorkers and LGBT-serving organizations.¹⁷ To get that input, LS NYC created a plan to survey low-income LGBT individuals, conduct interviews of key organizations, and meet with small groups of low-income LGBT people. Ultimately, this undertaking relied on hundreds of people who generously donated thousands of hours of time. More than 300 low-income LGBT people took the survey or participated in focus groups. Scores of volunteer attorneys and law students administered surveys. Pro bono analysts reviewed the data free of charge. Dozens of community-based organizations met with LS NYC and made space for us to survey their clients. And dozens of LS NYC staff made room on weekends, evenings, and during their busy days to bring this project to fruition.



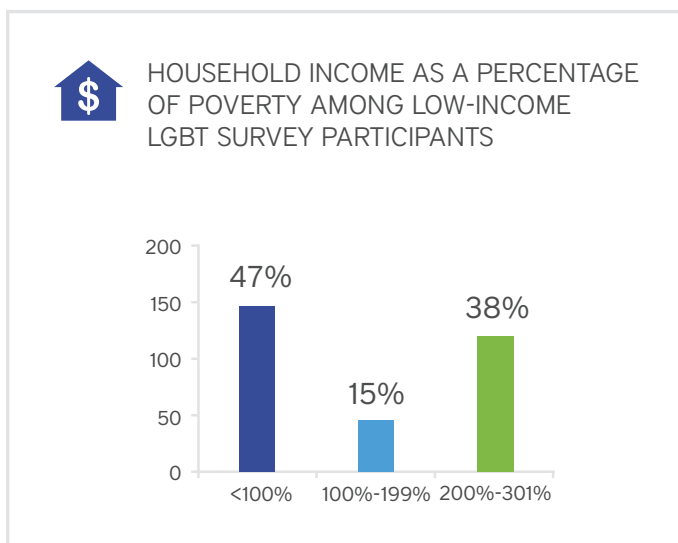
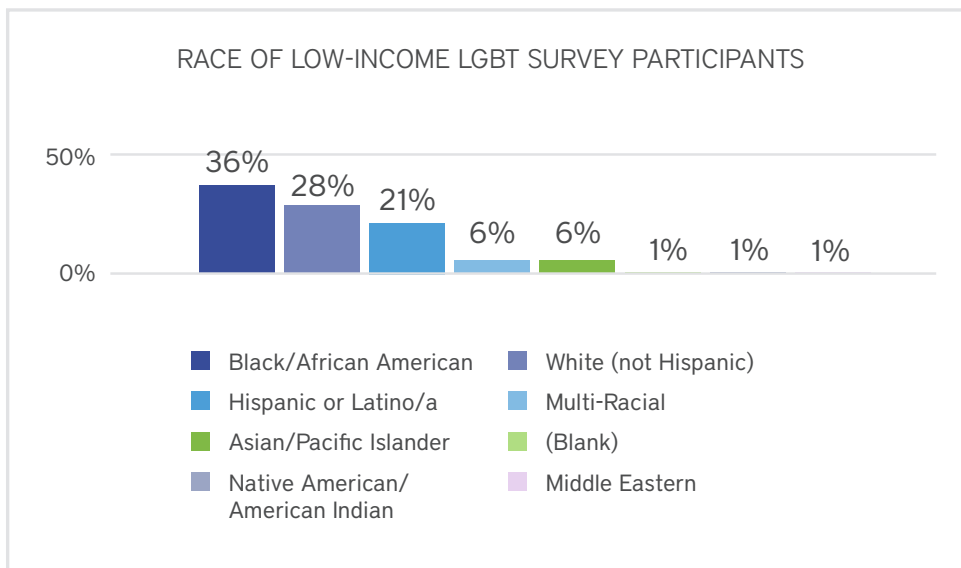
This needs assessment is the result of that collective effort. Our assessment had five key components: (1) interviews with providers and community-based organizations that work directly with low-income LGBT people; (2) a survey of low-income LGBT New Yorkers; (3) focus groups within subsets of the community; (4) analysis of research and demographic data; and (5) analysis by LS NYC attorneys and consulting data analysts.

You can review our methodology in greater detail in Appendix B.

D. DEMOGRAPHICS OF PARTICIPANTS IN THE NEEDS ASSESSMENT

Data for this needs assessment was gathered from a diverse pool of people within New York City’s low-income LGBT community—diverse racially, in age, and in LGBT identity. As described above, there were three distinct stages of outreach during the assessment: (1) meetings with community-based organizations that serve large numbers of low-income LGBT people; (2) a survey of low-income LGBT people; and (3) focus groups targeting particular subsets of the LGBT community. Each stage was calibrated to draw input from people with a range of experiences and identities.

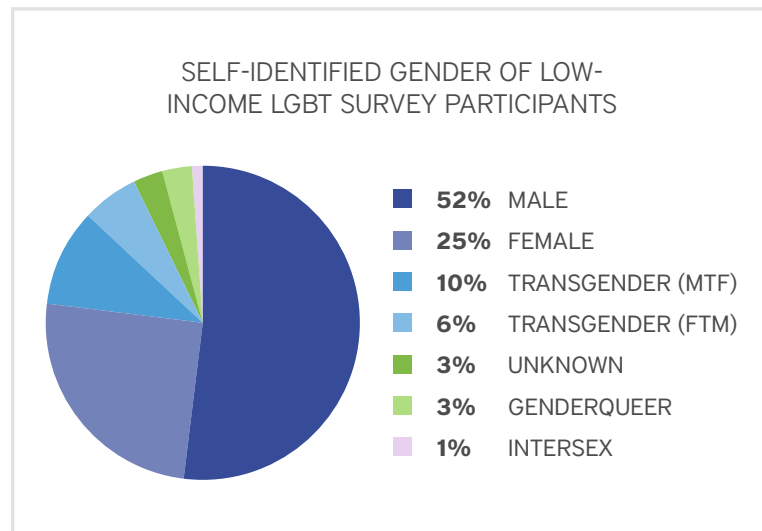
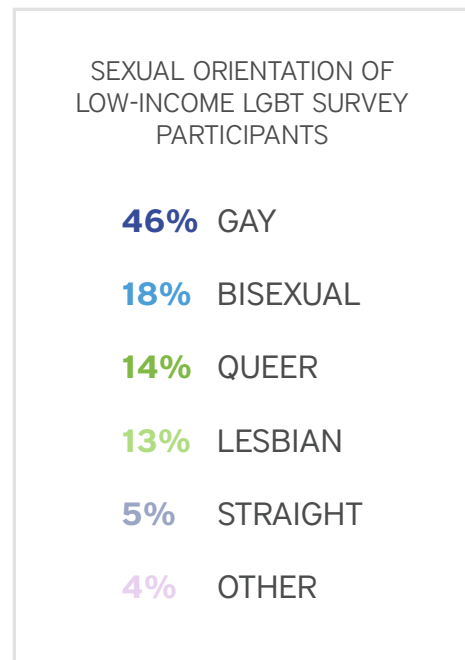
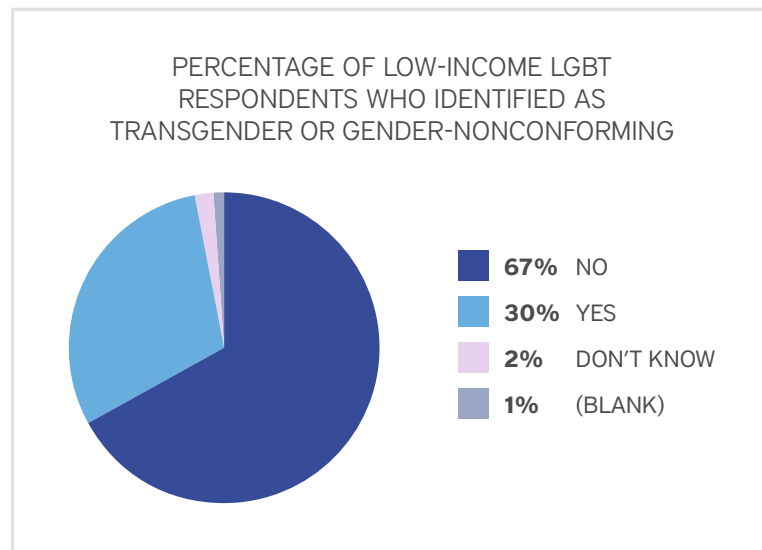
This report analyzes responses from 310 survey participants, all low-income LGBT people. Most are people of color, and nearly a third are transgender or gender-nonconforming.



Taking account of the very high cost of living in New York City in a way that federal poverty calculations fail to, low-income was defined as at or below approximately 300% of the federal poverty level based on household size.

The vast majority of respondents to our survey are extremely low-income: 55% earned less than \$1,000 per month, putting them close to or below the official Federal Poverty Level (\$11,770 per year). Fully 62% of participants reported that they had difficulty paying for a basic need in the past year.

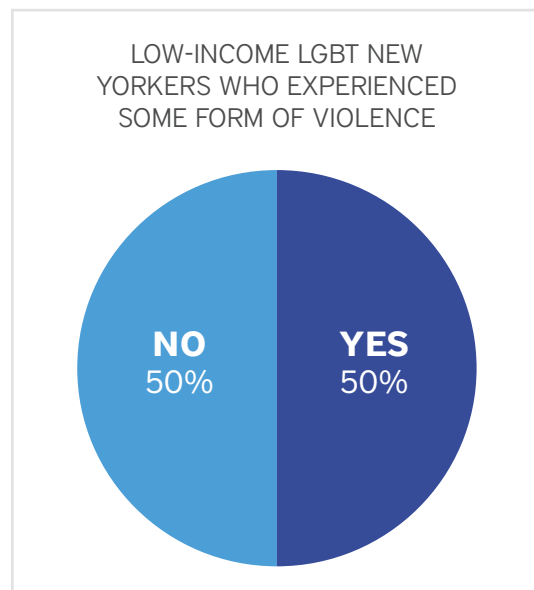
See Appendix C for greater detail on participant demographics.



II. FINDINGS ON CIVIL LEGAL NEEDS OF LOW-INCOME LGBT PEOPLE IN NEW YORK CITY

This section presents Legal Services NYC’s core findings from the Needs Assessment, demonstrating that low-income LGBT people have significant legal needs in every major civil legal practice area. Like others living without means, low-income LGBT people are desperate to access affordable housing, secure needed benefits and services, and protect their safety, employment, families, and legal status. But all too often, low-income LGBT clients are in a worse position than others: subject to anti-LGBT violence and harassment; discriminated against by government agencies, employers, and landlords; and left in limbo by a legal system that has been slow to protect LGBT people, relationships, and families. At the end of each of the subsections below, we offer key findings and recommendations to address these injustices.

A. VIOLENCE AND HARASSMENT ARE SEVERE AND PERVASIVE PROBLEMS THAT CREATE MAJOR LEGAL NEEDS FOR LOW-INCOME LGBT PEOPLE



Low-income LGBT New Yorkers experience pervasive violence and harassment. These problems are compounded by racism and are often much worse for transgender people. In many instances, violence was motivated by anti-LGBT animus. While measuring the cumulative effect of the trauma from this abuse is beyond the scope of this report, it has far-reaching implications for legal services providers (and others) working with this community.

Without financial resources to escape these forces, low-income LGBT people find themselves exposed—often repeatedly—to trauma and bias. These facts inform every aspect of this legal needs assessment, because it is the context in which so many low-income LGBT people find themselves.

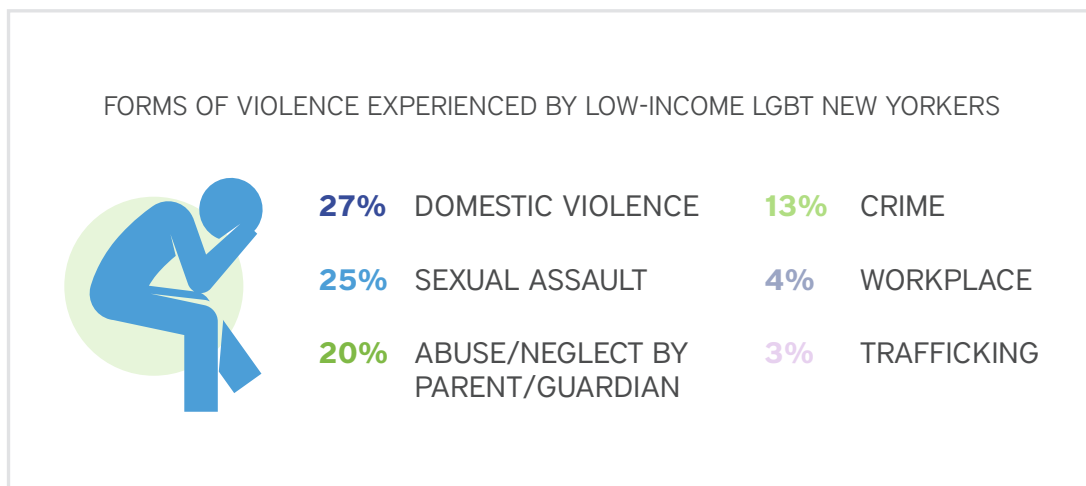
The discrimination and violence discussed in this section give rise to a range of associated civil legal needs. These include orders of protection, anti-discrimination work, and immigration relief, as described in greater detail below.

Just as important, our findings suggest that legal services organizations must take internal steps to work effectively with low-income LGBT people. In particular, providers helping low-income LGBT clients must be equipped to deal with people who have experienced severe and repeated bias and

trauma. Adequate service to low-income LGBT clients means knowing how to speak sensitively and empathetically about violence and abuse, having the skill to screen for intimate partner violence, and providing access to counseling and related supportive services for clients.

The pervasive discrimination and harassment faced by low-income LGBT people underscores the importance of offering culturally competent services that are visibly LGBT-friendly. It is incumbent on legal services providers to provide safe environments to LGBT clients, to broadcast commitment to the LGBT community, and to encourage LGBT clients to speak honestly with staff about their life experiences and legal needs. Failure to do so may cause clients to closet themselves or withhold important details when accessing services, fear working with attorneys and staff, or avoid legal services organizations entirely.

Our findings make clear that violence and harassment are recurring problems for low-income LGBT New Yorkers. Abuse occurs in many contexts, and from a number of different actors: intimate partners, parents, strangers, classmates or teachers, or the police. This section explores violence in each of these areas.



“Low-income LGBT folks are so used to being treated poorly by institutions that it’s our responsibility to affirmatively reach out. We need to let everyone know that we believe that the legal needs of people who are LGBT are important and that help is available in a safe and supportive environment.”

Cathy Bowman, LGBT & HIV Unit Director, Brooklyn Legal Services

1. ANTI-LGBT VIOLENCE AND HARASSMENT IS COMMON IN PUBLIC PLACES

Violence and harassment motivated by anti-LGBT animus occurs at troublingly high rates for low-income LGBT New Yorkers. **In just the past year**, 39% of survey respondents reported being verbally harassed in public because they are LGBT; 9% reported being physically harassed or assaulted; and 5% reported being sexually assaulted based on their LGBT identity. Other studies have found similar high rates of verbal harassment and violence in public places.¹⁸

This violence is overwhelmingly directed at people of color. A report by the National Coalition of Anti-Violence Programs found that 80% of those murdered because of anti-LGBT bias in 2014 were people of color.¹⁹ Transgender people are also subjected to a greatly disproportionate share of anti-LGBT violence and harassment.

The numbers alone demonstrate that many low-income LGBT people are victims of bias-related violence and harassment and that many others live with the constant threat of this abuse.²⁰

The impact of these threats and violence is powerfully illustrated by the words of survey participants. For example, fear of bias forces some respondents to hide who they are.

One participant explained,



"I portray myself as straight to evade persecution and harassment."

Others avoid public settings altogether:



"I tend to avoid a lot of public encounters that I don't know will be LGBT-friendly because of the fear of this sort of thing."

Some who are visibly LGBT reported regular verbal harassment in public and fear that worse might happen.



"I'm constantly verbally harassed and there's always the threat of physical violence. I'm lucky it hasn't happened yet. I expect it will at some point. I don't expect the police to help because they've pointed and laughed at me as well."

Others reported bias-related sexual harassment or assault.



"A taxi driver verbally harassed me for being a lesbian and tried to kiss me to 'turn me onto men.' He kept insisting I hold his hand and kiss him, and I feared it turning into a sexual assault if I didn't exit the cab immediately; before reaching my destination."

Focus groups yielded similar stories, including harassment on public transit, when trying to meet with attorneys, and in shelters.

*"I was harassed and bullied on the train by a performer who was making homophobic and transphobic comments. I thought MTA would help me but the MTA workers joined in."*²¹

*"I went to meet with my lawyer and the security guard was harassing me because I asked them to use my preferred name; thankfully my lawyer came in right after me."*²²

In Queens, participants reported that shelters are "hostile and filthy." They also feel that transgender women are not safe in shelters, even when they are placed in women's shelters. For some, it is safer to live on the streets²³

In Staten Island, participants shared many experiences of being harassed on the street and at school. One person admitted to changing his clothes four different times throughout the day just to feel comfortable at home, at school, and with his peers.²⁴

Transgender New Yorkers in particular face overwhelming discrimination, harassment, and violence in public places.²⁵ One respondent to our survey said:

"I am perpetually harassed on the street. It often leaves me afraid to leave the house."

2. VIOLENCE AND HARASSMENT BY THE POLICE REMAIN PERVASIVE, PARTICULARLY FOR LGBT PEOPLE OF COLOR AND IMMIGRANTS

Just during the past year, 8% of respondents reported that they have been verbally harassed by police, and 6% reported physical harassment or assault by the police. Peer legal service organizations also report hearing many complaints of sexual and physical assault by police officers, in particular against LGBT youth of color and transgender women of color.²⁶

"I have problems with the police just walking down the street."

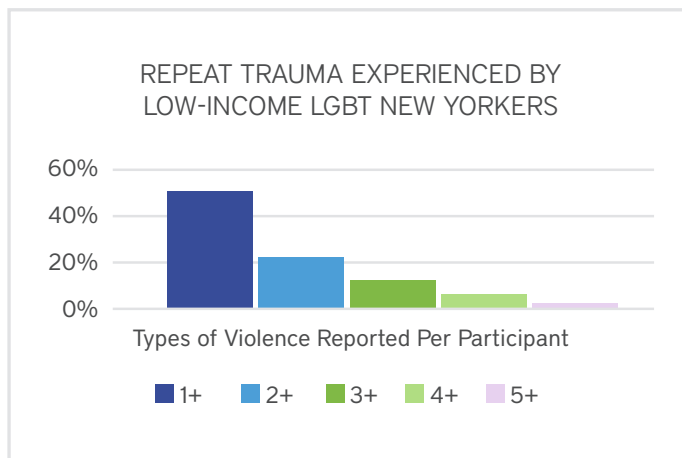
Focus group comments reflect fears and concerns about the police. Participants reported that they are often stopped by the police and searched. Many believe that the police would not help them if they self-identified as LGBT while placing a 911 call. Notably, a participant said that if she has an emergency, she calls 311 instead of 911 because 311 is more likely to be helpful than the police.²⁷

3. VIOLENCE AND HARASSMENT AT SCHOOL IS AN ONGOING CHALLENGE FOR MANY LGBT YOUNG PEOPLE

As described in greater detail below in section II (J), anti-LGBT violence and harassment at school are a common problem for young people.

4. INTIMATE PARTNER VIOLENCE AND SEXUAL ASSAULT OCCUR AT EPIDEMIC LEVELS—SIMILAR TO STATISTICS FOR HETEROSEXUALS AND NON-TRANSGENDER PEOPLE

Some 27% percent of respondents reported that they have been victims of intimate partner violence.²⁸ This number is consistent with other studies about intimate partner violence rates in the LGBT community.²⁹ A quarter of respondents reported that they have been victims of sexual assault. Other studies have found somewhat higher numbers.³⁰ A fifth of respondents reported abuse or neglect by a parent, guardian, or foster parent. Roughly 13% of respondents indicated that they had been a victim of criminal activity.



In total, half of respondents indicated that they have experienced at least one of these forms of violence. Although most respondents who experienced violence reported having experienced only one form, a substantial percentage experienced more than one type of abuse. Twenty-two percent of respondents reported experiencing two or more forms of violence, while 12% had experienced three or more forms of violence, and 6% experienced four or more forms of violence.

The tremendous violence experienced by low-income LGBT New Yorkers creates a range of legal needs. These include orders of protection, advocacy with the police, and access to shelter. It also suggests that LGBT people seeking help may fear additional harassment and abuse from service providers.

In the face of so much discrimination and violence, it is incumbent on service providers to create an LGBT-welcoming space. It is crucial that advocates recognize, plan for, and challenge the homophobia and transphobia that clients face.

KEY FINDINGS ON LEGAL NEEDS RELATED TO VIOLENCE AND HARASSMENT

- 1. Violence and harassment in public.** Low-income LGBT people report frequent violence and public harassment that causes fear, closeting, and isolation. These problems are particularly acute for low-income LGBT people of color and transgender people. Legal advocacy is needed to ensure that low-income LGBT people have equal access to public services without fear of mistreatment.
- 2. Police misconduct.** Police misconduct is a big problem for many low-income LGBT people, particularly LGBT people of color and transgender people. Legal advocacy is needed to ensure safe access to law enforcement when needed and to combat police misconduct.

- 3. Cultural competence.** Legal services organizations should take overt steps to welcome low-income LGBT clients because these clients may fear discrimination or harassment based on past experiences. Providers must ensure that staff and volunteers are trained to provide culturally competent services to low-income LGBT clients and to avoid re-victimizing a community that has experienced frequent harassment.
- 4. Interpersonal violence.** Low-income LGBT people experience rates of interpersonal violence similar to non-LGBT people. Legal services are necessary to help these individuals obtain orders of protection and other forms of relief from violence.
- 5. Trauma and safety.** Low-income LGBT New Yorkers experience high levels of violence and abuse. Legal services organizations should train staff on how to serve LGBT clients who have experienced trauma. Social workers and counselors should be available for these clients when needed. Safety planning may be necessary for low-income LGBT clients—whether in relationships, at school, in public, or when dealing with the police.

B. LOW-INCOME TRANSGENDER PEOPLE FACE EVEN GREATER VIOLENCE AND HARASSMENT THAN LGB PEOPLE, GIVING RISE TO EVEN GREATER LEGAL NEEDS

“It is dehumanizing to get policed and analyzed. Transphobia is rampant - limiting to me, my communities, and my future ... The trans community is being buried under transphobia and discrimination.”

The severity of discrimination and violence faced by transgender people—combined with certain distinctions from anti-LGB abuse—is so extreme it warrants separate discussion.

Of survey participants, 30% identified as transgender or gender-nonconforming. Their participation in this needs assessment is particularly important because the estimated 58,000 transgender³¹ New Yorkers³² are much more likely to be extremely poor than the general population.³³

Even greater discrimination, harassment, and violence. Low-income transgender people and their advocates report discrimination, harassment, and violence even more pervasive than that faced by LGB people. This is particularly so in employment, when accessing healthcare, in public, and from the police. Clients told heart-wrenching stories in each of these areas. “I’ve had seven jobs in a year due to unfair and uncomfortable treatment [because I’m] transgender,” said one client.

Challenges unique to transgender and gender-variant people: Low-income transgender and gender-variant people also experience two obstacles that are not usually problems for LGB clients: difficulty accessing sex-segregated facilities, and barriers to changing names and gender markers.

When trying to access sex-segregated facilities like bathrooms, locker rooms, and shelters, low-income transgender people report discrimination, harassment, and violence. About 53% of transgender respondents have been denied access to or treated badly while using a bathroom or locker room

that matches their gender identity. One respondent stated, “When I get kicked out of facilities like restrooms I feel that I don’t even have the right to ‘take a leak,’ much less to live and exist.” Advocates report that transgender people who are homeless have trouble accessing shelter facilities corresponding to their gender identity.

Low-income transgender people also need representation to secure name changes and gender marker changes. Obtaining these changes is essential for transgender clients living in poverty. It improves the chances that they will be called by the correct name and pronoun when they secure government benefits, look for work, sign leases, meet with caseworkers, or appear in court, thereby greatly reducing potential conflicts. On a profound level, it means that they are able to live their lives as themselves. These issues are explored in detail in Section K, below.

Such distinctions make it all the more crucial that low-income transgender people have zealous advocates to fight bias in every facet of their lives. It also suggests that service providers must work even harder to demonstrate to transgender clients that theirs is a safe and welcoming space.

KEY FINDINGS ON LEGAL NEEDS RELATED TO ANTI-TRANSGENDER VIOLENCE AND HARASSMENT

Each of the key findings discussed in Section II(A) apply to transgender and gender-variant people. The following are additional legal needs of low-income transgender clients.

- 1. Pervasive and severe discrimination.** Discrimination and harassment against transgender people is generally more severe and pervasive than that directed at LGB people—especially for people of color. Legal services providers should be particularly vigilant about the many settings in which transgender people experience discrimination and be prepared to aggressively fight for their health, safety, and rights.
- 2. Sex-segregated facilities.** Many transgender New Yorkers report harassment, discrimination, or violence in sex-segregated facilities. Legal advocacy is needed to ensure that low-income transgender people can safely access bathrooms and locker rooms that match their gender identity.
- 3. Changing identity documents.** Low-income transgender people need assistance securing gender marker and name changes on identity documents.

C. INTERSECTIONS BETWEEN RACE, POVERTY, SEXUAL ORIENTATION, AND GENDER IDENTITY POSE ADDITIONAL LEGAL CHALLENGES FOR MANY LOW-INCOME LGBT NEW YORKERS

LGBT identity does not occur in a vacuum. Some 63% of survey participants were LGBT people of color. Their voices, and those of their advocates, make clear that it is impossible to divorce LGBT discrimination from other forms of oppression and abuse. Racism, in particular, is a significant problem for low-income LGBT people of color. LGBT people of color reported especially severe housing discrimination. At school and with the police, many find it difficult to ascertain whether they are targeted because they are LGBT, because they are people of color or immigrants, or some combination of these factors. This assessment shows that discrimination and harassment frequently relate to more than one aspect of an individual's identity. In addition to challenging homophobia and transphobia, advocates should be vigilant about disparate treatment based on race and utilize the full complement of anti-discrimination laws to zealously confront racism and other forms of discrimination affecting low-income LGBT people.

KEY FINDINGS ON LEGAL NEEDS RELATED TO INTERSECTIONALITY

Poverty, racism, homophobia, transphobia, and other forms of oppression. Low-income LGBT people of color experience racism, along with homophobia and transphobia. Institutional racism and structural bias against people of color, immigrants, and others inform the experience of many LGBT people, as does discrimination against and mistreatment of low-income people in general. Work on behalf of these clients means recognizing and addressing these intersections. Legal services providers should be vigilant about and be prepared to aggressively challenge discrimination in all its forms.

D. HOUSING IS AN AREA OF CRISIS FOR LOW-INCOME LGBT NEW YORKERS THAT REQUIRES SIGNIFICANT LEGAL ASSISTANCE

"New York City's shortage of affordable housing has reached a crisis point," according to New York City's official Housing Plan.³⁴ Huge numbers of low-income people continue to be displaced as gentrification sweeps through dozens of neighborhoods in all five boroughs. Others are already homeless with about 60,000 sleeping in City-run shelters each night,³⁵ or are making due in unsafe and illegal units. Meanwhile, much of the stock of affordable housing in the City is in a state of terrible disrepair, with mold, vermin, broken appliances, and other problems. As of March 2015, more than 270,200 families were on the waiting list for New York City Public Housing, with another 121,356 families on the waiting list for Section 8 Housing.³⁶

This is the context in which low-income LGBT New Yorkers find themselves. In many instances, however, these problems are compounded by discrimination, harassment, and disparate access to benefits.

Key housing legal needs for low-income LGBT clients in New York City include representation to prevent eviction, pursue repairs, fight landlord harassment in gentrifying neighborhoods, access shelter, secure subsidies, and challenge discrimination.

1. HOMELESSNESS IS A COMMON SCOURGE FOR LGBT PEOPLE, PARTICULARLY LGBT YOUTH

LGBT people—particularly youth—are disproportionately homeless.³⁷ This is partly because many are kicked out of their family homes when they come out. Participants in a focus group on Staten Island noted that family hostility toward youth coming out as LGBT, along with the loss of affordable housing due to gentrification, lead to many local young people becoming homeless.

Homeless shelters present significant safety and health concerns, particularly for transgender people. Transgender Latina participants in a focus group in Queens described the hostility and filth in homeless shelters. Some shelters for women do not allow transgender women. But even when transgender women are allowed to stay at a women’s shelter, many feel so unsafe that they prefer to live on the streets.

Representation can prevent homelessness for low-income LGBT clients—by halting illegal evictions, challenging harassment by landlords and neighbors, and securing access to income-support benefits.

2. UNSAFE APARTMENT CONDITIONS & HARASSMENT BY LANDLORDS ARE FREQUENTLY REPORTED BY LOW-INCOME LGBT PEOPLE

Many low-income New Yorkers live in unsafe apartments and are unable to get repairs made.³⁸ Living in poor conditions was the housing problem most frequently identified by survey respondents. Some 44% of respondents stated that in the last year alone they could not get needed repairs.

Some landlords of rent-stabilized buildings withhold necessary repairs or refuse to provide heat or hot water to force tenants out of their apartments so that they can dramatically increase rents. One respondent noted, “I didn’t have heat all winter and repeatedly reported this issue to 311, but it was never resolved. My quality of life greatly suffered.” Another long-term rent-stabilized tenant said, “The landlord has been harassing me to pay for repairs, which I believe is an attempt to get me out as I [have lived] in a rent stabilized apartment for 17 years now.” A focus group participant at the AIDS Center of Queens County said that when he complained about the lack of heat in his apartment his landlord told him to use his gas stove to warm it up. He ended up in the hospital with pneumonia. He decided to withhold rent, and his landlord is now suing him in housing court.

Low-income New Yorkers have powerful tools available to compel landlords to make repairs and fight harassment. City law permits tenants to file actions in housing court to enforce the housing maintenance code, with stiff civil penalties and contempt judgments against landlords who fail to comply with court orders. Unfortunately, few low-income tenants are able to navigate this process without attorneys. Low-income LGBT New Yorkers need representation to fight unsafe and uninhabitable living conditions.

3. UNAFFORDABLE RENT IS A SIGNIFICANT PROBLEM FOR LOW-INCOME LGBT NEW YORKERS

The cost of housing in New York City is fast becoming prohibitive to low- and middle-income people. Many LGBT people who are searching for housing cannot find an affordable apartment. Many others who are tenants cannot afford high rents or face steep and sometimes illegal rent increases.

Many low-income LGBT tenants are struggling with unaffordable rents for their current apartments. The high cost of rent was the second most-frequent housing issue identified by survey respondents: 15% state their landlord had tried to evict them in the last year because they owed rent. Other tenants are victimized by rent overcharges. For example, one survey participant noted, “My apartment is rent-stabilized and my landlord probably charged more than the legal rent ...last year it was registered at \$713 and this year, \$2,200 [per month] ...”.

The subsidized housing programs that help defray out-of-pocket housing costs for tenants are strained and are increasingly unmoored from the real costs of housing in New York City. Public assistance, for example, provides a maximum of \$215 toward rent for a single adult, far below the cost of almost any apartment in New York.³⁹ Many of LSNYC’s clients have told us of desperate housing searches in which they call prospective landlord after prospective landlord, only to be told, when they disclose that they receive a subsidy, that the landlord “doesn’t take programs.” Such source-of-income discrimination is illegal in New York City, barred in 2008 by Local Law 10, Administrative Code §§ 8-101—but it continues to be a serious problem.

Legal representation is needed for low-income LGBT New Yorkers to advocate for access to subsidies and to fight source-of-income discrimination.

4. LGBT-SPECIFIC HOUSING ISSUES INCLUDE EXPLICIT AND IMPLICIT DISCRIMINATION

Of our survey respondents, 12% have experienced LGBT-specific housing issues. Examples include landlords who refused to rent to them or treated them badly because they are LGBT, and shelters that treated them badly or refused to house them with their same-sex partner. One respondent noted, “The super in my building. . . frequently uses anti-LGBT slurs. . . .” A recent study found that 25% of LGBT older adults have experienced housing discrimination.⁴⁰

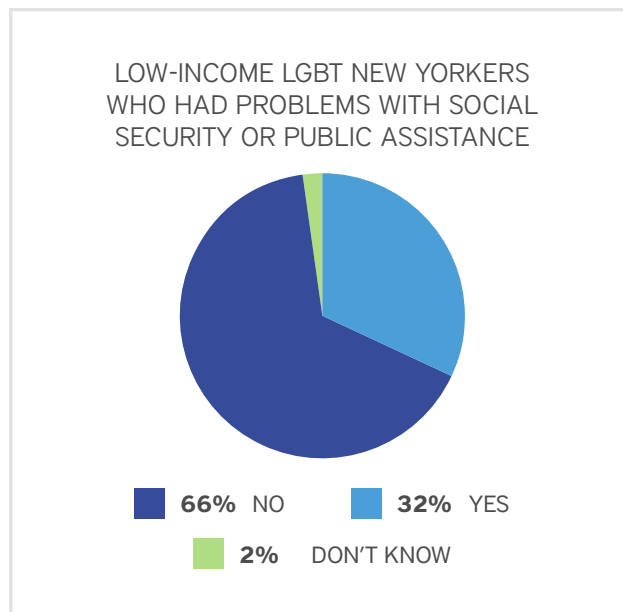
Some transgender respondents said they feel obligated to hide their transgender status in order to obtain or keep housing. About 14% of transgender respondents told us they have experienced housing problems in the last year alone that they attributed to being transgender.⁴¹ One survey participant stated: “I hid being transgender so we wouldn’t run into any problems. It wasn’t worth taking a chance.” Another noted, “I’m afraid of getting my name/gender changed in my [housing] contract for fear of discrimination.” Participants at a focus group in Queens that was primarily made up of Spanish-speaking transgender women told us that they have trouble finding housing because when their identity documents do not match each other or their appearance, the broker or prospective landlord asks intrusive personal questions about their personal life.

New York City has also been the site of a historic foreclosure crisis fueled by predatory lending that targeted communities of color. That crisis has affected LGBT borrowers in those communities. Analysis of annual 2012 Home Mortgage Disclosure Act data on mortgage lending has revealed that same-sex mortgage applicants face higher denial rates than mixed gender couple applicants.⁴² Along those lines, several large banks have settled LGBT discrimination complaints with HUD for sexual orientation and marital status discrimination. Because marriage equality is a recent development, many unmarried LGBT couples where only one owner is on the mortgage face problems if a partner dies leaving the remaining partner very vulnerable and without any rights to negotiate assumption of the mortgage.

KEY FINDINGS ON LEGAL NEEDS RELATED TO HOUSING FOR LOW-INCOME LGBT PEOPLE.

- 1. Representation on core housing matters.** Low-income LGBT people are suffering because of the affordable housing crisis in New York City. Representation is necessary to prevent eviction, fight landlord harassment, and secure apartment repairs.
- 2. Anti-LGBT discrimination.** Discrimination, harassment, and disparate access to benefits compound the crisis for New York City's low-income LGBT tenants. Legal advocacy is needed to confront anti-LGBT bias in housing.
- 3. Racism and anti-transgender discrimination.** Low-income LGBT people of color and transgender people face particularly severe housing discrimination. Advocates should be vigilant about prohibited discrimination and aggressively challenge it.

E. INCOME AND DISABILITY ASSISTANCE NEEDS AMONG LOW-INCOME LGBT PEOPLE OUTSTRIP EXISTING LEGAL RESOURCES



Public assistance benefits and Supplemental Security Income (SSI) disability benefits are designed to provide extremely low-income New Yorkers with essential subsistence income and benefits. LGBT people often encounter significant obstacles when trying to secure or maintain critically needed benefits—LGBT people of color even more so.

Key benefits-related legal needs for low-income LGBT people include representation to fight the denial, reduction, or termination of benefits; advocacy to secure essential housing and medical subsidies; and counsel to challenge discrimination and harassment within the government agencies that administer aid.

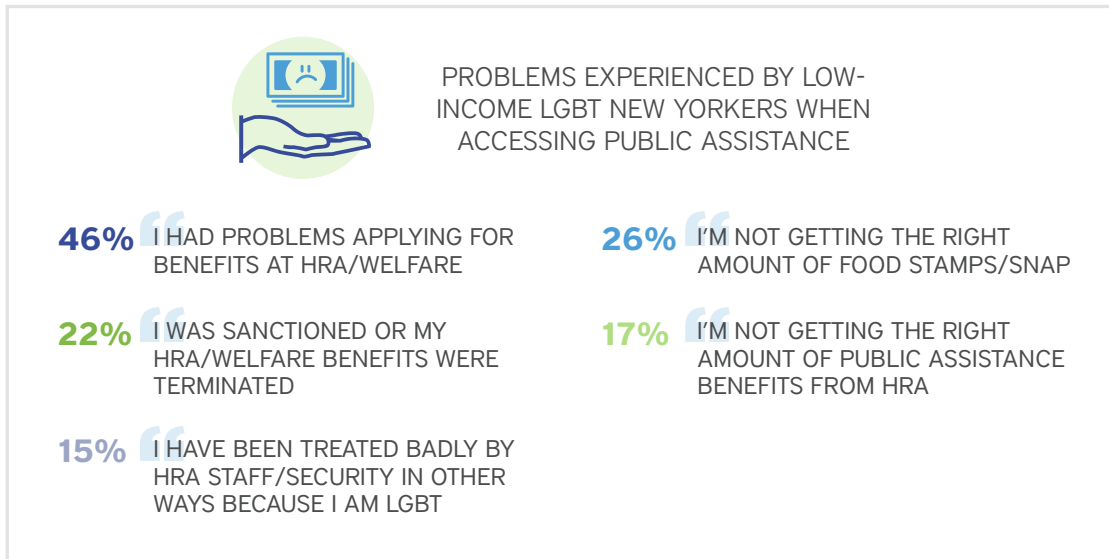
Low-income New Yorkers rely on public benefits:

- 36% of the respondents to our survey receive either public assistance⁴³ from New York City's Human Resources Administration (HRA) or Supplemental Security Income (SSI) and/or Social Security Disability (SSD)⁴⁴ from the Social Security Administration.
- 32% of our respondents receive Supplemental Nutrition Assistance Program (SNAP) benefits (also known as Food Stamps).
- Approximately a third of the respondents receiving benefits from either HRA or SSA have had problems with the agency in the last year.

1. PUBLIC ASSISTANCE IS UTILIZED BY LARGE NUMBERS OF LOW-INCOME LGBT PEOPLE, AND MANY NEED REPRESENTATION TO GAIN OR MAINTAIN BENEFITS

Too many low-income LGBT people have problems getting the public assistance they need:

- 24% of all respondents state they experienced problems with public assistance in the last year.
- 46% of those who identified problems with public assistance had problems applying for benefits.
- Another 40% believe they are not getting the right amount of food stamps or public assistance.
- 22% had their public assistance case sanctioned or closed.



Of those who had problems with public assistance, 23% experienced LGBT-related issues, and 14% had been treated badly by HRA staff or security personnel. One person noted that “the security people [at HRA] are very disrespectful and degrading,” while another described the following incident:

“My former partner accompanied me to apply for benefits at the Staten Island HRA office, one of the security guards said something offensive to one of his coworkers about him kissing me good bye within earshot of us. When I calmly approached him and told him that certain words are disrespectful and that he should keep his opinions to himself whilst at work he threatened to escort me out for ‘starting trouble.’”

Another respondent observed that he was treated disrespectfully by HRA staff when he was in the midst of his transition and his gender presentation did not fit neatly into a box:

“As my gender presentation/attribution has changed over the years (pre-T/post-T) my treatment has changed. I felt the most hostility when my gender was of great confusion to them but much less so when they could easily assign ‘woman’/‘man’ to me without hesitation.”

Some transgender respondents noted that they tried to change their name or gender on their benefits card, but HRA staff refused to make the administrative change.⁴⁵ Some said that HRA staff refuse to call them by their preferred name or pronoun.

Even some respondents who receive services through the HIV/AIDS Services Administration (“HASA”)—a specialized unit of HRA that provides a higher level of benefits and services to qualifying low-income people with HIV—reported discrimination and suboptimal services at that agency. LSNYC advocates represent clients whose HASA caseworkers have refused to process gender or name changes and who face roadblocks in applying for needed services.

Low-income LGBT clients need representation to challenge unfair benefits decisions through fair hearings and appeals and to advocate with—or litigate against—benefits agencies to challenge anti-LGBT discrimination.

2. ASSISTANCE WITH THE SOCIAL SECURITY ADMINISTRATION IS A SUBSTANTIAL LEGAL NEED FOR LOW-INCOME LGBT PEOPLE

Twelve percent of respondents have experienced problems at the Social Security Administration (SSA) in the past year. A number of the problems that respondents experienced at SSA are related to being LGBT, including being treated disrespectfully by SSA staff and/or security because they are LGBT. Some asked SSA to change their names or their gender markers and were refused. Others report problems obtaining benefits related to a same-sex partner.

Low-income LGBT clients need representation at SSI and SSD administrative hearings and appeals, both to secure benefits and to confront discrimination.

KEY FINDINGS ON LEGAL NEEDS RELATED TO INCOME AND DISABILITY ASSISTANCE

- 1. Accessing benefits.** Many low-income LGBT people are unable to secure or maintain desperately-needed public benefits that they are entitled to by law. Legal advocacy is needed to ensure that impoverished people are not homeless, hungry, and unable to get medical care.
- 2. Name changes and gender markers.** Although agency rules at both HRA and SSA allow for recipients to change their names and gender markers on identity documents, people still report problems. Continued advocacy is needed to ensure that agency rules are fully implemented.
- 3. Discrimination and harassment at agencies.** Some transgender, gender-nonconforming, and visibly gay people report being the target of harassment or discrimination by agency staff and security personnel. Legal representation is needed to combat this illegal and damaging treatment. Advocacy may be necessary to compel staff at benefits agencies to undergo training on how to treat LGBT people with respect and to comply with anti-discrimination laws.

F. IMMIGRATION PRESENTS VAST LEGAL CHALLENGES FOR MANY LOW-INCOME LGBT PEOPLE

Researchers estimate that there are more than 630,000 LGBT immigrants who have legal status in the U.S. and another 267,000 who are undocumented.⁴⁶ Many in this population are low-income and face a range of pressing legal needs.

“Low-income LGBT immigrants who are fleeing violence, persecution, and crime or who are married to U.S. citizens have legal rights that allow them to stabilize their lives in profound ways. However, without legal representation they are legal rights in name only. Access to quality legal help is essential.”

Audrey Carr, Legal Services NYC Director of Immigration and Special Programs

1. LARGE NUMBERS OF IMMIGRANTS ARE FLEEING ANTI-LGBT PERSECUTION AND MAY BE ELIGIBLE FOR ASYLUM

New York City is the new home of many low-income people fleeing anti-LGBT persecution in their countries of origin. Eighty countries have laws that criminalize people who are LGBT—with several applying the death penalty.⁴⁷ Many of these individuals arrive without money or assets and cannot afford legal counsel. Recent trends observed by Legal Services NYC immigration advocates and our sister organizations include many Russian immigrants and a steady volume of cases from Jamaica and other Caribbean nations, Central America, and a host of other regions.

Most of these immigrants have the legal right to asylum. Asylum results in transformational benefits for clients, including the ability to work legally, access to transition benefits, and the ability to sponsor family members. There are also significant risks and limitations when applying for asylum, however— asylum must generally be sought within one year of arrival in the U.S., and those whose applications are unsuccessful may be placed in removal proceedings. Other pathways to legal status may sometimes be preferable, when available.

2. MANY LGBT IMMIGRANTS ARE SURVIVORS OF DOMESTIC VIOLENCE AND CRIME AND MAY BE ELIGIBLE FOR RELATED IMMIGRATION RELIEF

Many low-income LGBT New Yorkers experience intimate partner violence and other crimes. Those who are undocumented immigrants may meet the legal requirements for obtaining legal status in the U.S.

Two special remedies are available to these immigrants. U Nonimmigrant Status—commonly known as a “U-Visa”—is available to an immigrant who is the victim of qualifying crimes that cause substantial physical and/or mental abuse (including intimate violence) and who aids law enforcement with the investigation or prosecution of the perpetrator. Self-petitions under the Violence Against Women Act (VAWA)—commonly called “VAWA Self-Petitions”—are available to immigrants who are or were married to abusers who are U.S. citizens or lawful permanent residents.

LSNYC and its sister organizations serve a number of clients who are victims of anti-LGBT hate crimes in the U.S. Many have problems when they tried to report crimes to the police. Sometimes they experience bias. In other cases, law enforcement refuses to classify anti-LGBT attacks as hate crimes. For some people, fear of the police is so strong that they decline to report any crimes—making it difficult to obtain related immigration relief because proof of cooperation with law enforcement is a requirement.

Mr. F. is an LSNYC client who was assaulted by his coworkers at a restaurant in Queens after they learned of his sexual orientation. Even though he reported their anti-gay bias to the Queens DA, his attackers were not charged with a hate crime, simply with a misdemeanor assault. This prevented him from receiving the necessary law enforcement certification for a U-Visa.

Intimate partner violence—which occurs at similar rates in both straight and LGBT relationships—is

another basis for both U-Visa applications and VAWA Self-Petitions for low-income LGBT immigrants.

Here too, LGBT clients face special challenges because of anti-LGBT bias from the police. In particular, LGBT people often report that not only are they not believed when they report intimate partner violence, they are sometimes ridiculed. This problem is compounded for transgender people, many of whom face police harassment motivated by anti-transgender bias. These individuals may accordingly find it difficult to consider going to the police for any problem they face, particularly when they are undocumented. When they are injured, terrified, and traumatized by an intimate partner, contacting law enforcement can loom as another trauma.

Mr. G. is an LSNYC client who was beaten into a coma by his abusive live-in boyfriend. When he recovered and reported the attack to the NYPD, it was classified as an assault by an “acquaintance.” Because assault is not a U-Visa qualifying crime, the NYPD’s failure to properly classify the crime as intimate partner violence denied Mr. G. access to immigration relief.

3. NUMBER OF LGBT IMMIGRANTS ARE VICTIMS OF HUMAN TRAFFICKING AND MAY QUALIFY FOR T-VISAS

Undocumented people who are victims of human trafficking may be eligible for T Nonimmigrant Status –commonly called T-Visas. (Trafficking includes crimes like involuntary servitude, debt bondage, and forced sex work, among other things.) T-Visas permit their holders to remain legally in the U.S. Advocates working with low-income LGBT immigrant populations in New York City frequently see trafficking, particularly among transgender clients. The level of violence encountered by these individuals is severe. Homophobia and transphobia, combined with being undocumented, puts some low-income LGBT people at greater risk from trafficking—they may be unable to find work, find a place to live, or safely report crimes to law enforcement.

Fear of law enforcement keeps many LGBT immigrants from reporting trafficking to the authorities. But because the trafficking must be reported to law enforcement for a victim to be eligible for a T-Visa, this form of relief is unavailable to these victims.

4. MARRIAGE RECOGNITION PRESENTS NEW OPPORTUNITIES FOR SOME LGBT IMMIGRANTS TO OBTAIN LEGAL STATUS

There are an estimated 24,700 same-sex couples in America that include one U.S. citizen and one non-citizen.⁴⁸ Beginning in 2013, citizens and legal residents married to non-citizens of the same sex became eligible to sponsor their spouses for lawful permanent residence, commonly known as “green cards.”⁴⁹ This form of immigration relief is commonly referred to as a “family-based petition.”

LSNYC and our sister organizations in New York City have already seen a rising number of LGBT clients seeking assistance with family-based petitions. The Supreme Court’s recent decision in *Obergefell*⁵⁰ legalizing same-sex marriage across the country is expected to increase this legal need further—both because more couples will be able to get married and because more couples are likely to learn that they are entitled to equal treatment under federal immigration law.

To succeed on family-based petitions, couples must show strong evidence of their relationship. Advocates report that the need for legal assistance is acute for many low-income LGBT couples, because they lack supporting documentation, such as shared bank accounts and shared property, to show that they are in marital relationships. Additionally, low-income same-sex couples who are raising children frequently have not established legal parental rights for both parents because of the legal hurdles and cost associated with doing so.⁵¹ Low-income people also face an extra hurdle when sponsoring a spouse: the requirement to prove that a spouse is not likely to become a “public charge.”

5. UNDOCUMENTED LGBT IMMIGRANTS FACE SPECIAL CHALLENGES

The challenges that undocumented immigrants face are often compounded by poverty, homophobia, and transphobia for low-income LGBT immigrants. At a focus group in Queens, participants reported that the lack of legal status significantly limited job opportunities and made them fearful of police.⁵² These concerns are echoed by local providers, who noted that the massive challenges for undocumented people, when combined with poverty and LGBT identity, make it extremely difficult to find work, shelter, and safety.

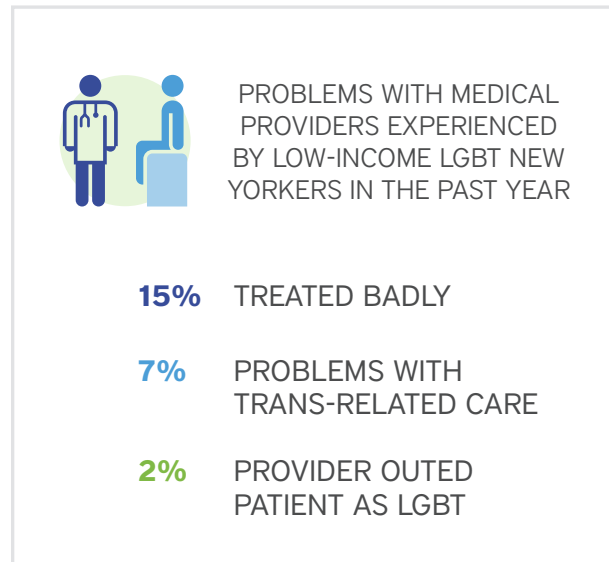
KEY FINDINGS ON LEGAL NEEDS RELATED TO IMMIGRATION

- 1. Immigration relief for victims of violence.** Many low-income LGBT immigrants have experienced violence or threats of violence—in their country of origin, while traveling to the U.S., and in this country. Legal representation is needed to apply for U-Visas, VAWA-self petitions, T-Visas, and asylum, when appropriate.
- 2. Screening and client sensitivity.** It is crucial that legal services organizations screen LGBT immigrants for every form of immigration relief for which they are eligible. This requires both expertise in immigration law and competency in talking about abuse and dealing with trauma for the many clients who have experienced violence. Providers must also take into account client fears about—and the potential for actual violence or discrimination by—law enforcement.
- 3. Abuse from law enforcement.** Abuse by law enforcement and the attendant fear of law enforcement are tremendous challenges that can impede access to immigration relief or give rise to additional legal needs. Violence and discrimination are particularly common against transgender immigrants. Legal advocacy is necessary to ensure that law enforcement treats LGBT immigrants fairly and to challenge instances of violence and discrimination.
- 4. Family-based petitions.** Many same-sex couples are now eligible for family-based petitions. Legal assistance is necessary to secure equal access to this legal status.

G. ADVOCACY IS OFTEN REQUIRED TO SECURE ACCESS TO SAFE HEALTH CARE FOR LOW-INCOME TRANSGENDER PEOPLE AND OTHERS

LGBT New Yorkers face serious challenges with health care. Key legal needs include help accessing health benefits and fighting discrimination from providers.

1. HOMOPHOBIA AND TRANSPHOBIA IS RAMPANT AMONG HEALTH CARE PROVIDERS



Nearly a quarter of survey respondents report that they have encountered problems with a medical provider in the past year. This alarming rate is even higher for low-income transgender people, who face multiple barriers when trying to access health care.

Many negative health care experiences are directly related to being LGBT. Approximately 15% of all respondents had been treated with hostility or asked inappropriate questions by a medical provider because they are LGBT.

One survey participant put it very simply: “I think they should be more open to us.” Another dis-

cussed the difficulty of patients’ fully assessing a provider’s cultural competence without putting themselves in a vulnerable position at the medical appointment:

“I always fully disclose with my health care providers: (1) because I’m not ashamed; (2) because it could impact their diagnosis/advice; (3) because a single side-eye is the only indication I need to never come back to that office. However, I wish there was a pre-screening available to avoid getting to #3 when I’m already shoe-less and in a paper dress.”

A 2011 study found that 17% of New York State transgender respondents had been refused medical care because of their gender identity or gender expression.⁵³

Transgender focus-group participants discussed the need for doctors and clinics to be trained to provide medical services to transgender women, including how to talk to patients and how to treat them fairly and respectfully. Survey respondents also described experiences of blatant disrespect and dehumanization by medical personnel. One stated:

“During my [surgery] three years ago I was stared at by a male orderly as nurses were giving me a sponge bath as I lay totally exposed while I had a tube down my throat and was unable to speak.”

Another survey participant described the questions and problems he is forced to navigate at the hospital or when seeing specialists outside of his LGBT health center:

"I go to Callen-Lorde where I receive mostly gender-affirming healthcare. However, when I am referred to see specialists for my respiratory issues and allergies or go to the hospital (which has happened twice in the past three months) there are always issues related to my legal and preferred name and gender both within their database systems and personnel using the wrong name or gender or simply making assumptions and then publicly asking me what my gender is, and having to explain that I am trans and my identity documents have not been corrected yet."

Experiences like this can cause people to avoid or delay necessary medical treatment. The 2011 National Transgender Discrimination Survey found that 28% of transgender respondents had experienced delayed medical treatment even though they were sick or injured.⁵⁴

Of transgender survey respondents, 11% note that they could not get the health care that they needed because they are transgender, and 7% were not able to obtain gender-specific or transgender health treatment. Hospitals and medical facilities can be particularly fraught sites. Patients are vulnerable, sometimes nearly naked, and are at the mercy of doctors, nurses, and other medical personnel. A respondent said:

"The most discrimination I face is in emergency rooms and hospitals; people will leave me alone for hours, mis-gender me, ask inappropriate questions that are not related to why I am there, and have lots and lots of students come through to see the freak show."

Medical providers also sometimes breach the confidentiality of LGBT patients. Some survey respondents reported being outed as transgender by their medical providers, having their HIV status revealed by a health care provider, or having other types of medical information disclosed without consent.

Low-income LGBT people need legal representation to fight discrimination by health care providers, litigate against illegal breaches of confidentiality, and secure access to care.

2. TRANSGENDER PEOPLE FACE PARTICULAR CHALLENGES SECURING INSURANCE COVERAGE

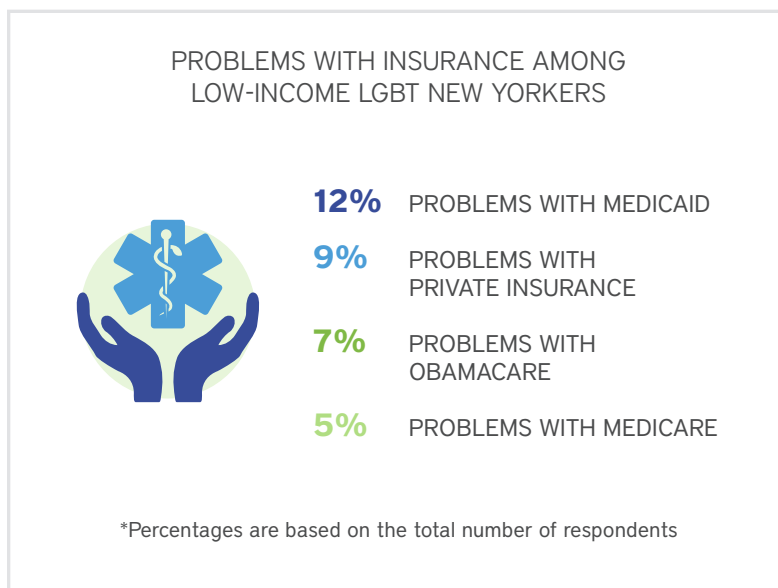
A number of transgender respondents identified problems with insurance failing to cover surgeries and hormones related to transitioning. At the time this survey was conducted, Medicaid and most private insurance companies did not provide transition-related care. Comments such as “private insurance will not cover my hormone replacement treatment,” “there is no transgender treatment coverage,” and “my health insurance doesn’t pay for a few surgeries that I need performed” were common. While coverage has increased significantly since then both generally (expanded Medicaid eligibility and new health plans under the Affordable Care Act) and in terms of transition-related care (regulatory changes regarding Medicaid, Medicare, and private health insurance), transgender patients need assistance accessing these new rights.

Even when transgender-related care is covered, a patient must still find a provider who is willing to accept the insurance plan. Many surgeons with expertise in transgender-related surgical procedures do not take Medicaid or Medicare. One respondent noted this dilemma:

“It’s great that Obama’s new executive order removed the blanket ban on Medicare covering trans-related surgeries, but the trick of course, is getting providers to accept Medicare. The ones who do the surgeries don’t take Medicare payments.”

The thicket of insurance regulations and bureaucracy also makes navigating insurance coverage difficult and can result in inappropriate denials of care. One transgender woman described how even though her gender marker has been changed to “F” for female, her insurance company is now refusing to pay for her Premarin estrogen hormones. Similarly, a transgender man stated, “Even though I don’t seek medical interactions often, without fail every time I do my insurance is a nightmare.”

Low-income transgender clients need attorneys to force insurers to provide access to care.



3. LGBT PEOPLE WITHOUT MEANS CANNOT AFFORD MEDICAL TREATMENT

Low-income LGBT New Yorkers cannot always afford health care. Some survey respondents noted that they cannot meet the cost of insurance. One said simply, “I am financially unable to get health care.” Another commented that “health and dental insurance are too expensive.”

Even for those with insurance, lack of health care affordability is a common problem. This was reflected in the responses of survey respondents, 30% of whom reported experiencing problems with their insurance coverage within the past year alone.

One person said, “I was prescribed a medication for health reasons that my insurance will not cover for a senior. Also, the price of all prescriptions, thus copay[s], keeps skyrocketing.” He noted how serious this problem was for seniors or anyone on a fixed income. Another participant stated, “I have basic medical coverage through my employer, but I still cannot afford the services I need at times due to a high copayment.”

Others are acutely aware of the cascade of problems that could occur if they lose their health insurance. One survey participant said: “I’m in a Medicaid program that my housing subsidy is attached to. I’m constantly nervous that I will lose my eligibility and thus my housing.”

Low-income LGBT people need advocates to secure access to Medicaid and other medical benefit programs for people without means.

KEY FINDINGS ON LEGAL NEEDS RELATED TO HEALTH CARE

- 1. Discrimination by health care providers.** Low-income LGBT patients too often receive less, worse, or insensitive health care because they are LGBT; low-income transgender clients face particularly severe discrimination. Advocates should be vigilant about prohibited discrimination and aggressively confront health care bias. Health care providers may need to be compelled to undergo training on cultural competence and the legal consequences of discrimination.
- 2. Improper denial of coverage for transgender clients.** Transgender people are frequently improperly denied insurance coverage for trans-related care or for procedures associated with a particular gender—*e.g.*, refusing gynecological coverage for a transgender man. Legal advocacy is needed to compel insurers and health care providers to comply with the law and treat transgender people fairly.
- 3. Lack of insurance.** LGBT patients may not be accessing medical coverage that is available to them. Legal providers need to ensure that LGBT clients are getting all health care insurance they are eligible to receive.

H. FAMILY LAW PRESENTS SPECIAL CHALLENGES FOR LOW-INCOME LGBT PEOPLE

Low-income LGBT people have a range of family-related legal needs. Millions of LGBT people are parents. Millions are in relationships. But despite the recent ruling in *Obergefell*, the law still has not caught up with LGBT families. As a result, LGBT people and their children face tremendous barriers and risks.

Key family legal needs for LGBT people include access to help for intimate-partner violence, protection for the parent-child relationship, access to divorce, and help navigating the impact of the historic exclusion from marriage.

1. INTIMATE-PARTNER VIOLENCE IS COMMON AMONG LOW-INCOME LGBT PEOPLE, WITH RATES SIMILAR TO OTHER GROUPS

LOW-INCOME LGBT NEW YORKERS WHO EXPERIENCED INTERPERSONAL VIOLENCE



27%

As discussed above, 27% of respondents reported that they had been victims of intimate-partner violence. The full range of legal services related to intimate-partner violence is essential for this community. These include orders of protection, divorces, custody, visitation, child support, and immigration relief.

Access to shelters for survivors of intimate-partner violence is another key need. In addition to providing a safe space for victims, shelters must also be safe and welcoming places for LGBT people. Advocates report that many shelters are unwelcoming to transgender people, who are sometimes incorrectly placed with people of the opposite sex. Others describe inadequate screening procedures to determine whether someone is a batterer—relying on gender stereotypes that are not helpful when dealing with LGBT couples.

2. MANY RESPONDENTS REPORTED NEGLECT AND ABUSE FROM PARENTS AND GUARDIANS

LOW-INCOME LGBT NEW YORKERS WHO EXPERIENCED PARENTAL ABUSE OR NEGLECT



20%

A fifth of survey respondents reported neglect or abuse by a parent, guardian, or foster parent. Although the survey did not ask additional questions on this topic, other data suggests that many low-income young people experience abuse and neglect from their families of origin based on homophobia and transphobia.⁵⁵

Advocates in the field report that LGBT youth who experience abuse at home face the full range of legal needs surrounding homelessness. But they also face additional challenges related to their LGBT identity. Particular challenges include locating shelters and foster homes that are safe and welcom-

ing for LGBT people, and, for transgender young people, accessing and paying for transition-related healthcare.

Advocates relay stories about young people who flee anti-LGBT parents and attempt to get public assistance—only to be told that the state will not provide benefits because the family of origin was willing to take them back ...but only if they stopped being gay or stopped identifying as transgender.

3. MARRIAGE EQUALITY PRESENTS NEW OPPORTUNITIES, BUT UNCERTAINTY AND CHALLENGES REMAIN

Same-sex couples face a range of legal problems caused by their historic exclusion from the institution of marriage. The legal gymnastics necessary to obtain some level of protection for couples and their children are complicated and rarely undertaken by people without means, resulting in a number of problems. Among other things, surviving same-sex partners faced the possibility of being excluded from their deceased partners' estates, evicted from their homes, barred from their partners' funerals, separated from their children, and denied federal surviving-spouse benefits from the Social Security Administration. Partners were banned from sick partners' hospital rooms. Children were denied a share of their non-biological parents' estates and unwillingly removed from their homes following the death of their biological parents.

Now that same-sex marriage is legal throughout the U.S., same-sex couples and their children find themselves in a dramatically improved environment. But it will take many years for the full benefits of access to marriage to accrue. In the wake of marriage equality, family law for LGBT people is in a state of flux, leaving clients with a number of uncertainties in this key practice area.

Low-income LGBT people already need help obtaining divorce. There are significant problems with equitable distribution. Some couples have been together for decades, had domestic partnerships for many years, civil unions for a few years, and marriage only recently. Courts sometimes fail to measure the duration of a relationship in a manner consistent with the history of the relationship, instead focusing on the more immediate legal marriage.

In other cases, people failed to dissolve a civil union or domestic partnership in one state before getting legally married to another person in a different state—partly because it was confusing and difficult to dissolve civil unions and domestic partnerships in many states, particularly after moving out of state—raising complicated questions about how to unwind these former relationships in order to secure their right to marriage equality.

4. LOW-INCOME LGBT PARENTS FACE MANY LEGAL BARRIERS

Some 37% of adults who identify as LGBT are parents—approximately 3 million people nationally.⁵⁶ Approximately 2 million more LGBT people nationally are interested in having children.⁵⁷

LGBT people who have—or are trying to have—children face several legal challenges. For example, parents of the same sex cannot both be genetically related to the child. Even when legally married, LGBT parents may face different treatment than their heterosexual counterparts. In particular, whether the presumption of parentage will apply to children of same-sex married couples is an open question. As a result, non-biological parents in New York still need a second-parent adoption, even when that couple is married.⁵⁸ Child support, custody, and visitation, among other things, are all destabilized when a parent does not have a legal relationship with his or her child.

Securing a second-parent adoption is expensive, invasive, and difficult to obtain for many low-income people. It is also insulting: non-biological parents have to get fingerprinted, have their homes inspected by the state, have criminal background checks, and have their names run through child neglect and abuse registries. Consequently, many same-sex parents do not have full parental rights to their children, with resulting risks for both parents and children.

Other LGBT couples hope to adopt children together or to access health benefits that will enable them to have a child biologically related to one parent. These options are often expensive and inaccessible to low-income people. Even the cheapest forms of adoption cost tens of thousands of dollars. In other instances, low-income lesbian couples may be unable to afford the cost of purchasing sperm from anonymous sperm banks, and instead turn to friends or others for sperm donation. This can lead to legal problems with a donor who later claims parental rights.

“My partner and I are trying to get pregnant and we need to understand what [is] required for sperm donor agreements and for second parent adoption. We have heard conflicting reports that we no longer need second parent adoption because marriage is legal, but I don’t buy it. We also need to know more about our insurance rights when it comes to artificial insemination.”

“I am a trans man; I would like to try to become pregnant using a known donor, and my partner and I need help figuring out how to have a legally protected family.”

KEY FINDINGS ON LEGAL NEEDS RELATED TO FAMILY

1. Representation on core family legal services. Low-income LGBT people need family legal services on a broad spectrum of topics, including orders of protection, shelter, marriage, divorce, custody and visitation, child support, and adoption. These clients may also need life- and estate-planning documents, such as wills, health care proxies, and powers of attorney. Legal services providers should make an extra effort to provide services to LGBT people because of their historic exclusion from many aspects of family court.

- 2. Interpersonal violence.** Low-income LGBT people experience rates of interpersonal violence similar to non-LGBT people. Legal services are necessary to help these individuals obtain orders of protection and other forms of relief.
- 3. Legal uncertainty.** In the wake of marriage equality, family law for LGBT people is in a state of flux, leaving clients with a number of uncertainties. Legal representation for low-income LGBT families is particularly important at this historical juncture. Judges are publishing decisions on seemingly minor cases because they address novel issues for LGBT families. Advocates should carefully consider the wider impact on this nascent area of law when deciding what cases to bring and which legal strategies to employ.
- 4. Screening and training.** The legal landscape for LGBT families varies significantly depending on the jurisdiction and the time period of significant family events—including relationship recognition and parental rights. Attorneys need to both be trained on these legal challenges and to carefully screen for those issues when working with low-income LGBT people. It is also particularly important that attorneys and staff provide safe and culturally competent services to LGBT people when dealing with the intimate subject of family law.

I. EMPLOYMENT DISCRIMINATION AND OTHER ISSUES AT WORK ARE COMMON FOR LOW-INCOME LGBT PEOPLE

Low-income LGBT people face particular challenges in obtaining and keeping employment. Many experience discrimination when they apply for a job or are discriminated against by coworkers or supervisors. Some are ultimately dismissed when their sexuality or gender identity is revealed at work. A large number of low-wage workers are employed in the service industry—particularly in food service. This presents particular challenges to the LGBT community because many employers discriminate as a result not only their own biases, but of the perceived biases of their customer base.

1. LOW-INCOME LGBT PEOPLE FACE DISCRIMINATION IN HIRING AND FIRING

Studies have found that 8% to 17% of LGB people have, at some point, not been hired or have been unfairly fired.⁵⁹ **In just the past year**, 8% of all respondents to our survey reported not being hired for a job they applied for because they are LGBT. These problems are particularly acute for transgender people. One study found that many transgender people have not been hired because they are transgender.⁶⁰

This leads to higher unemployment rates: LGB adults are 40% more likely to be unemployed than heterosexual adults.⁶¹ These disparities are even more pronounced for transgender adults, who are unemployed at twice the rates of cisgender adults.⁶² Transgender workers of color face even higher rates of unemployment: 28% of black transgender adults were unemployed, 24% of Native American transgender adults, 18% of Latino and multiracial transgender adults, 12% of white transgender adults, and 10% of Asian transgender adults, compared with 7% of the general population.

One respondent wrote:



"I have been on the job market for over a year, despite having a graduate-level degree from an Ivy-League school. Whether or not this is due to my queer/transgender identity is unclear but seems likely."

Another explained, "I have problem with trying to find employment because my gender is not changed on my ID." Because it is all but impossible to remain closeted while in the midst of a gender transition, or before all identity documents are congruent with each other and the worker's appearance, at least some low-wage workers may opt out of the legal workforce entirely until they can pass and are less likely to face workplace discrimination.

Transgender participants in a focus group held at Voces Latinas in Queens told us that they find they are often not hired for jobs because some employers already have a fixed belief that transwomen are only good for "being prostitutes or hairstylists." Some report being forced to rely on sex work to survive.

Those who have found employment have often run into obstacles when trying to transition on the job. For example, an LSNYC client was terminated from her job as a waitress when she began transitioning. Her employer explained that while he had no problem with her gender identity or expression, he felt that his customers are too transphobic to handle a transgender waitress. As a result, she lost her low-wage job and quickly slid into poverty. Another client interviewed for a job at a bodega and was immediately hired. She then walked back to her apartment, a few blocks away. In that short time span, the bodega owner learned from neighbors in the store that the client was transgender. Within the hour, she received a call telling her that the job offer was off the table. The owner indicated that his concern was his customer base—they simply could not handle a cashier who was transgender.

Overall, 26% of the transgender respondents to our survey experienced problems with employment in the last year alone. This figure includes only people seeking work, and does not include people who had already dropped out of the workforce because of problems obtaining work. Other studies have similarly documented high rates of employment and housing discrimination for transgender New Yorkers, with 47% of respondents reporting that they had been denied a job or promotion or had been fired based on their gender identity.⁶³

2. HOSTILE WORK-ENVIRONMENT DISCRIMINATION IS A SIGNIFICANT CHALLENGE FOR MANY LOW-INCOME LGBT PEOPLE

Eighteen percent of all respondents reported experiencing problems at work within the last year; 11% reported being treated badly or differently at work in the last year because they are LGBT. While many think of employment discrimination as primarily involving the hiring and firing of employees, even people who manage to find and keep employment may face a barrage of unwelcome comments, insults, and disparaging attitudes that can make life difficult, if not unbearable. This form of discrimination is known as "harassment" and/or "hostile work-environment discrimination."

For example, one respondent was told by his boss to “tone it down” and dress less “fem” at work. Others are harassed by coworkers who are then not disciplined for their behavior, giving their discrimination an implicit seal of approval. One survey participant stated, “Coworkers talk about me and supervisors don’t step in.”

It can be difficult for transgender employees to transition on the job, which requires the employee to out themselves to supervisors and coworkers. The employee may then be treated differently and, for example, prohibited from using the appropriate bathroom or wearing clothing that aligns with their gender identity. As one respondent explained, “Outing myself to HR has been quite humiliating and resulted in some confusion with pay and various procedures.”

To avoid the risk of being discriminated against because of their sexual orientation or gender identity, many people stayed closeted or tried to dress in conventionally gender-congruent ways. One survey respondent said, “I feel I need to present femininely at work to avoid employment discrimination.” Another noted,

“I was closeted at my previous job. I’m afraid I will have to stay that way in order to get and keep another.”

Another stated that “People at work ask you strange things, both colleagues and clients ask you very intimate questions or point out if you don’t conform to gender in some way.” A third commented that

“Co-workers are able to say derogatory and discriminatory things, and our boss does not discourage, and sometimes even encourages the behavior. When I try to correct co-workers, I am not taken seriously.”

To counter these pervasive problems, low-income LGBT New Yorkers need to be empowered to exercise their legal right to work free from discrimination, need legal services when those rights are violated and need to be able to count on advocates and government agencies to train employers, enforce these laws, and ensure that discrimination and harassment are not tolerated.

KEY FINDINGS ON LEGAL NEEDS RELATED TO EMPLOYMENT

- 1. Access to legal services.** Many low-income individuals have difficulty finding attorneys willing to take on employment discrimination claims, because low-wage work means relatively low damage awards. It is important that the nonprofit legal services community, as well as the New York City Commission on Human Rights, take active steps to reach out to the low-income LGBT community and to make sure low-income LGBT community members know their rights at the workplace.
- 2. Legal training for employers.** Despite New York City’s having one of the strongest anti-discrimination laws in the country, many small employers in the City are unaware of their responsibility not to discriminate, particularly against employees or job applicants who are transgender.

J. SCHOOL SAFETY IS A MAJOR ISSUE FOR LOW-INCOME LGBT STUDENTS

School presents serious challenges for low-income LGBT students. LGBT youth and their advocates report widespread discrimination and harassment. The consequences of this homophobia and transphobia in the schools are significant. LGBT students across all incomes who experience bias often stop attending classes regularly and may drop out.⁶⁴ Despite New York State's passage of the Dignity for All Students Act in 2010, anti-transgender discrimination in public schools has continued, due in part to the state's failure to provide guidance on applying the law to transgender youth.⁶⁵ LGBT students who are poor are more likely to face economic and racial disparities in the education system and to lack resources to transfer to more supportive schools.

Key legal needs for low-income LGBT students include advocacy to challenge discrimination from students, teachers, and administrators, including representation at suspension hearings. Advocates must ensure that the NYC Department of Education enforces regulations requiring school staff to take affirmative steps when made aware of bullying or harassment and force the State Education Department to provide guidance on applying the Dignity for All Students Act to transgender youth. Advocacy is needed to implement non-punitive solutions to address bullying and harassment, such as increased education and training for both students and staff. Just as with many other low-income students, LGBT youth with disabilities also need representation to fight for the special education benefits to which they are entitled.

1. MANY LOW-INCOME LGBT PEOPLE EXPERIENCE HOMOPHOBIA AND TRANSPHOBIA AT SCHOOL

Harassment or assault by other students is a common problem for low-income LGBT students. One young person described changing his clothes four different times throughout the day just to feel comfortable at home, at school, and with his peers. Respondents reported assault, bullying, and cyberbullying. Focus group members similarly said that they had been bullied at school because they identified as LGBT.

Problems are not confined to other students. As one respondent explained, "Often times student help centers make the one seeking help feel like the problem, calling attention to what they do to provoke others into the behavior that shouldn't be acceptable."

Said another: "I was put out of school for being transgender and had to finish at alternative school. The administration claimed I was a safety issue." Some respondents had actually been harassed or assaulted directly by school staff. It's no wonder students often refrain from reporting problems.

Some focus group participants said that counselors are clearly uncomfortable when participants came out to them, negated their feelings relating to their identity as LGBT, or tried to change the topic. A transgender student reported that he was prevented from registering for classes after he changed his name to reflect his gender identity. School officials also told him that they would not acknowledge his identity as a male. "Because of this, my education is delayed by at least four more months."

One respondent said that he felt like his life was threatened by a bully, but when he reported it to school staff, they did nothing to resolve the problem. Another was told: “What did you expect? You’re gay—this is what you chose.”

2. RACISM AND ANTI-LGBT BIAS ARE PROBLEMS IN SCHOOL DISCIPLINE

Many LGBT students find themselves the subject of unfair suspensions when they stand up to homophobic and transphobic bullies. This problem is compounded for students of color, who are disproportionately subject to discipline by schools. This fact is particularly troubling because of the high rates of school harassment of LGBT youth of color, with researchers reporting that 47% of Latino, 39% of African-American, and 35% of Asian/Pacific Islander LGBT youth have experienced harassment at school.⁶⁶

LSNYC education experts advocate for solutions that do not lead to increased discipline and suspensions, noting the value of “restorative practices” that provide positive school climates and help students learn from their mistakes rather than resorting immediately to punitive disciplinary procedures. Comprehensive bullying/harassment policies can help schools provide more effective protection to LGBT students. Students attending schools with such policies are more likely to report when they are being harassed or bullied, and school staff are more likely to intervene.⁶⁷

KEY CONCLUSIONS ON LEGAL NEEDS RELATED TO EDUCATION

- 1. Discrimination.** Many low-income LGBT New Yorkers experience discrimination at school, including harassment and assault. Legal representation is needed to challenge this discrimination so that low-income LGBT students can fully benefit from school.
- 2. Challenging disciplinary actions motivated by bias.** Legal services providers should be trained to assess and recognize whether school performance, attendance, discipline, or placement is the result of LGBT discrimination, racism, or another form of illegal bias. Legal advocacy is necessary to challenge this behavior.

K. IDENTITY DOCUMENTS ARE A SIGNIFICANT LEGAL NEED FOR TRANSGENDER CLIENTS

Low-income transgender people need representation to legally change their names and gender markers. These changes enable people to be known by their correct names and pronouns in all aspects of their lives, including obtaining government benefits, looking for work, signing leases, or appearing in court, thereby allowing them to live as their true selves and greatly reduce potential conflicts.

Of the low-income transgender respondents to our survey, 41% stated that they need to change their name legally and 12% need to change their legal gender marker (M/F). While legally changing one’s name is a relatively simple proceeding in New York City, the process for changing identity documents can be lengthy, bureaucratic, and confusing. There is no standard protocol or set of requirements. Instead, each governmental entity has different rules and standards for changing one’s identity documents, including birth certificate, driver’s license, Social Security card, passport, and benefits card.

For some, changing identity documents is impossible: many current New York residents were born in jurisdictions that do not allow transgender people to change their birth certificates. This is a fatal impediment to changing certain identity documents. For example, one transgender woman has been unable to change her name or gender marker on her birth certificate, because, as she explained, “I was born in a state where it is impossible to change my birth certificate in any way.” Another respondent stated:

“I have changed all of my legal documents, however, it was extremely difficult to change my birth certificate. It required me getting surgery before I normally would have and also required me going to my birth state of Texas to get a court ordered gender change because NY doesn’t supply those.”

At the time our survey was conducted, neither New York City nor New York State would change the gender marker on a birth certificate unless the applicant could show proof of gender reassignment surgery or hormone treatment. New York State modernized its rule for changing the gender marker on birth certificates in June 2014, and New York City in January 2015. As of May 1, 2015, the Human Resources Administration (HRA) removed the gender field from its identification cards.

Providing representation in name change proceedings can be a way to introduce transgender-friendly legal services to communities that are unsure whether legal providers will offer welcoming and culturally competent services to transgender clients.

KEY FINDING ON LEGAL NEEDS FOR IDENTITY DOCUMENTS

Changing identity documents. Low-income transgender people need assistance securing gender marker and name changes on identity documents.

L. LGBT VETERANS FACE A RANGE OF ADDITIONAL LEGAL CHALLENGES

Low-income LGBT veterans have a range of legal needs, including those described throughout this report. Like other low-income veterans, they need advocates to help them secure federal veterans benefits and access to benefits and preferences in housing and licenses under New York State law.⁶⁸ But the historic expulsion of LGB service members also gives rise to the additional need for legal help with discharge upgrades.

Roughly 100,000 service members were discharged from military service between World War II and September 2011 because of their sexual orientation. Between 1994 and 2011—the duration of Don’t Ask Don’t Tell (DADT)—more than 14,000 people were discharged due to their sexual orientation. Though women comprised roughly 15% of the military population, they were disproportionately affected by DADT, comprising 30% of those discharged under DADT.⁶⁹

Many discharged due to their sexual orientation received worse discharge statuses than they would otherwise have merited. Some received “Other than Honorable” discharges for offenses such as holding hands with their same-sex partner in public, which, as an act committed openly in public

view, was considered to be an “aggravating factor.” Others were given honorable discharges, but the narrative on their discharge paperwork identifies them as LGBT, opening them to discrimination from a potential employer or landlord who reviews the paperwork.

There are still many LGBT veterans with negative discharge statuses and discharge comments under DADT. These veterans would benefit from legal services to help them upgrade their discharge to a less pejorative status.

As of the date of this report, transgender people are still prohibited from enlisting in the military, and official military policy requires that transgender people are rejected if they apply and discharged from service if they are discovered. (Despite this explicit ban, transgender people enlist and serve at higher rates than the general population.⁷⁰) This policy is currently under review and may change soon, in which case transgender veterans who were discharged based on their gender identity will need legal services to obtain discharge upgrades.

KEY FINDINGS ON LEGAL NEEDS OF LOW-INCOME LGBT VETERANS

- 1. Across all legal practice areas.** Low-income LGBT veterans have a range of civil legal needs, including those described throughout this report.
- 2. Discharge upgrades and discharge transcripts.** Many veterans served during a time of de jure discrimination against LGBT service members, and many were discharged for being LGBT or under Don’t Ask Don’t Tell. Legal advocacy is needed to secure discharge upgrades and modify discharge certificates for these veterans.
- 3. Access to veterans’ benefits and services.** Legal advocacy is needed to secure the full range of veterans’ services for LGBT veterans, including access to VA benefits.

III. CONCLUSION

Low-income LGBT New Yorkers face the legal challenges that all people living in poverty do: housing insecurity; challenges securing benefits; and family safety and immigration needs. But they face significant additional risk caused by pervasive homophobia and transphobia, and because of the law's history of unequal treatment of LGBT people, relationships, and families. Without financial resources, they have little ability to avoid discrimination and violence or navigate a complicated legal landscape.

Free civil legal representation is essential for low-income LGBT people—whether through legal services providers, pro bono representation from the private bar, or LGBT organizations. Without an attorney, low-income LGBT people are far less likely to secure or maintain access to the fundamentals of life: housing, income, safety, and security. Advocates can also play a crucial role in identifying and challenging all-too-frequent discrimination based on sexual orientation and gender identity—often compounded by racism and other forms of bias.

Just as important, advocates must provide culturally competent, visibly LGBT-friendly services. Training for staff and outreach to LGBT communities are crucial for legal services providers. Without these steps, LGBT clients may assume bias or feel uncomfortable relating central elements of their lives to their advocates. Others will stay away entirely. Worse, without adequate training, legal services providers could themselves treat low-income LGBT clients unfairly.

Thankfully, there is no shortage of trainers, model policies, and program ideas to create an LGBT-friendly organization. Indeed, those that commit to providing LGBT-inclusive services may create a positive loop, with more and more LGBT clients coming to them, leading to even better advocacy and increased cultural competency.

The need for civil legal services among low-income LGBT people is vast. Poverty is an LGBT issue. Legal services are an LGBT issue. It is time for all of us who care about fighting poverty, and all of us who care about the LGBT community, to face this challenge together.

IV. APPENDIX A: SUMMARY OF KEY CONCLUSIONS AND FINDINGS

Our key conclusions and findings on each area of significant legal need for low-income LGBT New Yorkers are discussed within the context of each section. They are also summarized here.

CONCLUSIONS ON LEGAL NEEDS ACROSS PRACTICE AREAS

- 1. Every Area of Legal Practice.** Low-income LGBT people are buffeted by the same forces that all poor people face and need representation in every poverty law practice area.
- 2. Discrimination, Harassment, and Violence.** Civil legal needs are often made worse because of anti-LGBT discrimination, harassment, and violence. Discrimination and harassment against transgender people is generally more severe across the board than that directed at LGB people—especially so for people of color. Legal services providers helping low-income LGBT clients should identify, assess, and pursue related discrimination claims.
- 3. Poverty, racism, homophobia, transphobia, and other forms of oppression.** Low-income LGBT people of color experience racism, along with homophobia and transphobia. Institutional racism and structural bias against people of color, immigrants, and others inform the experience of many LGBT people, as does discrimination against and mistreatment of low-income people in general. Work on behalf of these clients means recognizing and addressing these intersections. Legal services providers should be vigilant about and be prepared to aggressively challenge discrimination in all its forms.
- 4. Cultural Competence.** Lawyers for the poor must ensure that all staff and volunteers are trained to provide culturally competent services to low-income LGBT clients and to avoid re-victimizing clients who have likely experienced discrimination and abuse.
- 5. Visibility.** Legal services organizations should take visible steps to welcome low-income LGBT clients, because these clients may fear discrimination or harassment based on past experiences. It is incumbent on legal service providers to broadcast commitment to the LGBT community and to encourage LGBT clients to speak honestly with staff about their life experiences and legal needs. Failure to take affirmative steps in this direction may cause low-income LGBT clients to closet themselves or withhold important details when accessing services, fear and distress when working with attorneys and staff, or a decision to avoid legal services organizations entirely.
- 6. Trauma and safety.** Low-income LGBT New Yorkers experience high levels of violence and abuse. Legal services organizations should train staff on how to screen and serve LGBT clients who have experienced trauma. Social workers and counselors should be available for these clients when needed. Safety planning may be necessary for low-income LGBT clients—whether in relationships, at school, in public, or when dealing with the police.

FINDINGS ON CIVIL LEGAL NEEDS OF LOW-INCOME PEOPLE IN NEW YORK CITY

A. VIOLENCE AND HARASSMENT ARE SEVERE AND PERVASIVE PROBLEMS THAT CREATE MAJOR LEGAL NEEDS FOR LOW-INCOME LGBT PEOPLE

- 1. Violence and harassment in public.** Low-income LGBT people report frequent violence and public harassment that causes fear, closeting, and isolation. These problems are particularly acute for low-income LGBT people of color and transgender people. Legal advocacy is needed to ensure that low-income LGBT people have equal access to public services without fear of mistreatment.
- 2. Police misconduct.** Police misconduct is a big problem for many low-income LGBT people, particularly LGBT people of color and transgender people. Legal advocacy is needed to ensure safe access to law enforcement when needed and to combat police misconduct.
- 3. Cultural competence.** Legal services organizations should take overt steps to welcome low-income LGBT clients because these clients may fear discrimination or harassment based on past experiences. Providers must ensure that staff and volunteers are trained to provide culturally competent services to low-income LGBT clients and to avoid re-victimizing a community that has experienced frequent harassment.
- 4. Interpersonal violence.** Low-income LGBT people experience rates of interpersonal violence similar to non-LGBT people. Legal services are necessary to help these individuals obtain orders of protection and other forms of relief from violence.
- 5. Trauma and safety.** Low-income LGBT New Yorkers experience high levels of violence and abuse. Legal services organizations should train staff on how to serve LGBT clients who have experienced trauma. Social workers and counselors should be available for these clients when needed. Safety planning may be necessary for low-income LGBT clients—whether in relationships, at school, in public, or when dealing with the police.

B. LOW-INCOME TRANSGENDER PEOPLE FACE EVEN GREATER VIOLENCE AND HARASSMENT THAN LGB PEOPLE, GIVING RISE TO EVEN GREATER LEGAL NEEDS

- 1. Pervasive and severe discrimination.** . Discrimination and harassment against transgender people is generally more severe and pervasive than that directed at LGB people—especially for people of color. Legal services providers should be particularly vigilant about the many settings in which transgender people experience discrimination and be prepared to aggressively fight for their health, safety, and rights.
- 2. Sex-segregated facilities.** Many transgender New Yorkers report harassment, discrimination, or violence in sex-segregated facilities. Legal advocacy is needed to ensure that low-income transgender people can safely access bathrooms and locker rooms that match their gender identity.
- 3. Changing identity documents.** Low-income transgender people need assistance securing gender marker and name changes on identity documents.

C. INTERSECTIONS BETWEEN RACE, POVERTY, SEXUAL ORIENTATION, AND GENDER IDENTITY POSE ADDITIONAL LEGAL CHALLENGES FOR MANY LOW-INCOME LGBT NEW YORKERS

Poverty, racism, homophobia, transphobia, and other forms of oppression. Low-income LGBT people of color experience racism, along with homophobia and transphobia. Institutional racism and structural bias against people of color, immigrants, and others inform the experience of many LGBT people, as does discrimination against and mistreatment of low-income people in general. Work on behalf of these clients means recognizing and addressing these intersections. Legal services providers should be vigilant about and be prepared to aggressively challenge discrimination in all its forms.

D. HOUSING IS AN AREA OF CRISIS FOR LOW-INCOME LGBT NEW YORKERS THAT REQUIRES SIGNIFICANT LEGAL ASSISTANCE

- 1. Representation on core housing matters.** Low-income LGBT people are suffering because of the affordable housing crisis in New York City. Representation is necessary to prevent eviction, fight landlord harassment, and secure apartment repairs.
- 2. Anti-LGBT discrimination.** Discrimination, harassment, and disparate access to benefits compound the crisis for New York City's low-income LGBT tenants. Legal advocacy is needed to confront anti-LGBT bias in housing.
- 3. Racism and anti-transgender discrimination.** Low-income LGBT people of color and transgender people face particularly severe housing discrimination. Advocates should be vigilant about prohibited discrimination and aggressively challenge it.

E. INCOME AND DISABILITY ASSISTANCE NEEDS AMONG LOW-INCOME LGBT PEOPLE OUTSTRIP EXISTING LEGAL RESOURCES

- 1. Accessing benefits.** Many low-income LGBT people are unable to secure or maintain desperately-needed public benefits that they are entitled to by law. Legal advocacy is needed to ensure that impoverished people are not homeless, hungry, and unable to get medical care.
- 2. Name changes and gender markers.** Although agency rules at both HRA and SSA allow for recipients to change their names and gender markers on identity documents, people still report problems. Continued advocacy is needed to ensure that agency rules are fully implemented.
- 3. Discrimination and harassment at agencies.** Some transgender, gender-nonconforming, and visibly gay people report being the target of harassment or discrimination by agency staff and security personnel. Legal representation is needed to combat this illegal and damaging treatment. Advocacy may be necessary to compel staff at benefits agencies to undergo training on how to treat LGBT people with respect and to comply with anti-discrimination laws.

F. IMMIGRATION PRESENTS VAST LEGAL CHALLENGES FOR MANY LOW-INCOME LGBT PEOPLE

- 1. Immigration relief for victims of violence.** Many low-income LGBT immigrants have experienced violence or threats of violence—in their country of origin, while traveling to the U.S., and in this country. Legal representation is needed to apply for U-Visas, VAWA-self petitions, T-Visas, and asylum, when appropriate.
- 2. Screening and client sensitivity.** It is crucial that legal services organizations screen LGBT immigrants for every form of immigration relief for which they are eligible. This requires both expertise in immigration law and competency in talking about abuse and dealing with trauma for the many clients who have experienced violence. Providers must also take into account client fears about—and the potential for actual violence or discrimination by—law enforcement.
- 3. Abuse from law enforcement.** Abuse by law enforcement and the attendant fear of law enforcement are tremendous challenges that can impede access to immigration relief or give rise to additional legal needs. Violence and discrimination are particularly common against transgender immigrants. Legal advocacy is necessary to ensure that law enforcement treats LGBT immigrants fairly and to challenge instances of violence and discrimination.
- 4. Family-based petitions.** Many same-sex couples are now eligible for family-based petitions. Legal assistance is necessary to secure equal access to this legal status.

G. ADVOCACY IS OFTEN REQUIRED TO SECURE ACCESS TO SAFE HEALTH CARE FOR LOW-INCOME TRANSGENDER PEOPLE AND OTHERS

- 1. Discrimination by health care providers.** Low-income LGBT patients too often receive less, worse, or insensitive health care because they are LGBT; low-income transgender clients face particularly severe discrimination. Advocates should be vigilant about prohibited discrimination and aggressively confront health care bias. Health care providers may need to be compelled to undergo training on cultural competence and the legal consequences of discrimination.
- 2. Improper denial of coverage for transgender clients.** Transgender people are frequently improperly denied insurance coverage for trans-related care or for procedures associated with a particular gender—*e.g.*, refusing gynecological coverage for a transgender man. Legal advocacy is needed to compel insurers and health care providers to comply with the law and treat transgender people fairly.
- 3. Lack of insurance.** LGBT patients may not be accessing medical coverage that is available to them. Legal providers need to ensure that LGBT clients are getting all health care insurance they are eligible to receive.

H. FAMILY LAW PRESENTS SPECIAL CHALLENGES FOR LOW-INCOME LGBT PEOPLE

- 1. Representation on core family legal services.** Low-income LGBT people need family legal services on a broad spectrum of topics, including orders of protection, shelter, marriage, divorce, custody and visitation, child support, and adoption. These clients may also need life- and estate-planning documents, such as wills, health care proxies, and powers of attorney. Legal services providers should make an extra effort to provide services to LGBT people because of their historic exclusion from many aspects of family court.
- 2. Interpersonal violence.** Low-income LGBT people experience rates of interpersonal violence similar to non-LGBT people. Legal services are necessary to help these individuals obtain orders of protection and other forms of relief.
- 3. Legal uncertainty.** In the wake of marriage equality, family law for LGBT people is in a state of flux, leaving clients with a number of uncertainties. Legal representation for low-income LGBT families is particularly important at this historical juncture. Judges are publishing decisions on seemingly minor cases because they address novel issues for LGBT families. Advocates should carefully consider the wider impact on this nascent area of law when deciding what cases to bring and which legal strategies to employ.
- 4. Screening and training.** The legal landscape for LGBT families varies significantly depending on the jurisdiction and the time period of significant family events—including relationship recognition and parental rights. Attorneys need to both be trained on these legal challenges and to carefully screen for those issues when working with low-income LGBT people. It is also particularly important that attorneys and staff provide safe and culturally competent services to LGBT people when dealing with the intimate subject of family law.

I. EMPLOYMENT DISCRIMINATION AND OTHER ISSUES AT WORK ARE COMMON FOR LOW-INCOME LGBT PEOPLE

- 1. Access to legal services.** Many low-income individuals have difficulty finding attorneys willing to take on employment discrimination claims, because low-wage work means relatively low damage awards. It is important that the nonprofit legal services community, as well as the New York City Commission on Human Rights, take active steps to reach out to the low-income LGBT community and to make sure low-income LGBT community members know their rights at the workplace.
- 2. Legal training for employers.** Despite New York City's having one of the strongest anti-discrimination laws in the country, many small employers in the City are unaware of their responsibility not to discriminate, particularly against employees or job applicants who are transgender.

J. SCHOOL SAFETY IS A MAJOR ISSUE FOR LOW-INCOME LGBT STUDENTS

- 1. Discrimination.** Many low-income LGBT New Yorkers experience discrimination at school, including harassment and assault. Legal representation is needed to challenge this discrimination so that low-income LGBT students can fully benefit from school.
- 2. Challenging disciplinary actions motivated by bias.** Legal services providers should be trained to assess and recognize whether school performance, attendance, discipline, or placement is the result of LGBT discrimination, racism, or another form of illegal bias. Legal advocacy is necessary to challenge this behavior.

K. IDENTITY DOCUMENTS ARE A SIGNIFICANT LEGAL NEED FOR TRANSGENDER CLIENTS

Changing identity documents. Low-income transgender people need assistance securing gender marker and name changes on identity documents.

L. LGBT VETERANS FACE A RANGE OF ADDITIONAL LEGAL CHALLENGES

- 1. All legal practice areas.** Low-income LGBT veterans have a range of civil legal needs, including those described throughout this report.
- 2. Discharge upgrades and discharge transcripts.** Many veterans served during a time of de jure discrimination against LGBT service members, and many were discharged for being LGBT or under Don't Ask Don't Tell. Legal advocacy is needed to secure discharge upgrades and modify discharge certificates for these veterans.
- 3. Access to veterans' benefits and services.** Legal advocacy is needed to secure the full range of veterans' services for LGBT veterans, including access to VA benefits.

V. APPENDIX B: METHODOLOGY

This appendix sets forth in detail Legal Services NYC’s methodology for this needs assessment, from interviews with providers and low-income LGBT New Yorkers to data analysis.

A. PROVIDER INTERVIEWS

As a first step, LSNYC held a series of meetings with organizations in New York City that serve the LGBT community. We met with key staff members at dozens of community-based organizations that serve low-income LGBT people. The client populations, mission, expertise, and area of focus of these organizations varied, providing a broad representation of LGBT client concerns.

LEGAL SERVICES NYC INTERVIEWED THE FOLLOWING PROVIDERS	
Anti Violence Project	Staten Island LGBT Center
APICHA	The Door
Audre Lorde Project	Community Healthcare Network - Shine Project (Sexual Health Initiative and Education Project)
BOOM!Health	The LGBT Center – Community Services, Wellness, Recovery, Youth, Family directors
Bronx Pride House	SAGE
Brooklyn Community Pride Center	Urban Justice Center – DV Law Project
Callen-Lorde Community Health Center	Urban Justice Center – Peter Cicchino Youth Project
Good Shepherd Services - Safe Home Project	Urban Justice Center – Sex Worker Project
Immigration Equality	VOCAL-NY
Latino Commission on AIDS	Voces Latinas
Legal Aid Society	
NYCLU – LGBT project	
NYLAG – LGBT project	
Queens Pride House	

When meeting with these organizations, we asked about:

- Their mission and structure
- How clients find them
- Client demographics
- Which legal providers they partner with
- The reputation of Legal Services NYC among their staff and clients
- The most common problems facing their low-income clients
- How lawyers could be helpful in addressing those problems

These conversations gave LSNYC a good sense of the civil legal landscape for LGBT people living at or near the federal poverty level in New York City. That information, in turn, informed the next stage of our needs assessment: a client survey.⁷¹

B. CLIENT SURVEY

1. DEVELOPING THE SURVEY INSTRUMENT

LSNYC constructed a survey to gather direct input from low-income LGBT New Yorkers. The needs assessment asked about a range of key civil practice areas, including: income, public benefits, housing, health care, employment, education, policing, violence, immigration, family, and military issues. We also asked about harassment in public places, discrimination, and issues facing the transgender community.



Because LSNYC is dedicated to providing civil legal services, we intentionally spotlighted civil legal issues and did not include sections dedicated to criminal justice issues. However, because the practice of policing affects the daily experience of low-income LGBT people and people of color, we formulated questions about interactions with the police and governmental actors. We asked about both LGBT-specific issues and poverty-specific issues.

2. STAFFING AND TRAINING OF SURVEY-FACILITATORS

Most surveys were completed at community organizations around New York City using volunteers to staff survey tables. Volunteers included LSNYC staff and summer interns and law student members of Outlaw organizations, among others. Ultimately, 60 survey facilitators took part.

All survey facilitators attended training at Legal Services NYC. The training ensured that they were familiar with the questions asked in the survey, had fundamental cultural



competency in LGBTQ issues and poverty issues, and could navigate the survey in electronic form and troubleshoot any problems. At least one LSNYC staff member was present at each outreach event to provide oversight and assistance to volunteers.

3. CONDUCTING THE SURVEY

Surveys were conducted in July and August 2014. LSNYC supplied iPads and facilitators to provide assistance to participants as needed. Paper surveys were also available for those who preferred them. The survey was additionally available electronically using Google Forms and could be taken anywhere with an Internet connection. The survey was translated from English into Spanish and could be taken in either language.

LSNYC administered the survey at a dozen sites across all five boroughs, returning repeatedly to many sites. Survey sites were hosted by organizations serving the LGBT community, such as the New York City LGBT Community Center, HIV-specific organizations, like Housing Works and VOCAL, organizations focusing on LGBT youth, like Ali Forney, and elders, including SAGE. LSNYC sent two or three volunteers to each site.

Please participate in a survey about the legal needs of the LGBT community in NYC!

This survey will provide the first comprehensive understanding of the legal issues facing LGBT people in New York City, and will help Legal Services NYC, the largest provider of civil legal services in the country, provide respectful legal services for low-income people that are fully responsive to the needs of the LGBT community.

Take the survey at www.survey.ls-nyc.org
 En Espanol: www.encuesta.ls-nyc.org

English Español

SURVEY SITES	
Ali Forney	LGBT Center
BOOM!Health	Queens Pride House
Brooklyn Community Pride Center	Rainbow Heights Club
Bronx LGBTQ Center	SAGE
Callen-Lorde Community Health Center	Sylvia Rivera Law Project
Housing Works	Staten Island Pride Center
	VOCAL-NY

LSNYC brought signs and flyers to identify the project, plus palm cards for people to take if they wished to take the survey later or tell a friend about it.

The signs stated simply, “Take the LGBT Legal Needs Survey!” and did not specifically state that we wished to survey low-income people. We were concerned that asking people to self-identify as low-income might exclude some people in our target population and might also be read pejoratively.

Participants were not required to give their names, and they were given privacy to fill out the survey confidentially, while our volunteers were available to assist in case of problems—for example, if someone had trouble navigating the electronic format or did not understand a question.



In addition to making the survey available through outreach events at community organizations, we also made the survey available online through the Legal Services NYC website and social media platforms. Peer organizations assisted us by disseminating information about the survey to their networks.

We received 482 completed surveys (471 in English and 11 in Spanish).⁷²

4. ANALYSIS

To analyze survey data, LSNYC utilized pro bono services from Stout Risius Ross (“SRR”), a company with expertise in a range of investigation and data analysis. With SRR’s help, we eliminated responses from higher-income people, people living outside of New York City, and heterosexual cisgender people. After the over-income, outside-NYC, and non-LGBT respondents were removed, we were left with a participant pool of 310 people. SRR kindly ran many different analyses on the final participant pool.

C. FOCUS GROUPS

LSNYC utilized focus groups to further supplement its information about particular populations. Data from these groups enriched the needs assessment with data about members of the low-income LGBT community in New York City who were not sufficiently represented among survey participants. Although the survey was offered in Spanish, only 7% of respondents listed Spanish as their primary language. Focus groups offered in Spanish with members of the Translatina Network at Voces Latinas in Queens and clients of the AIDS Center of Queens County (ACQC) supplemented this data. Focus groups with the Golden Rainbow Group and youth members of the Staten Island LGBT Community Center provided additional information on senior and youth LGBT communities, respectively. These groups also provided increased representation of LGBT residents of Queens and Staten Island.



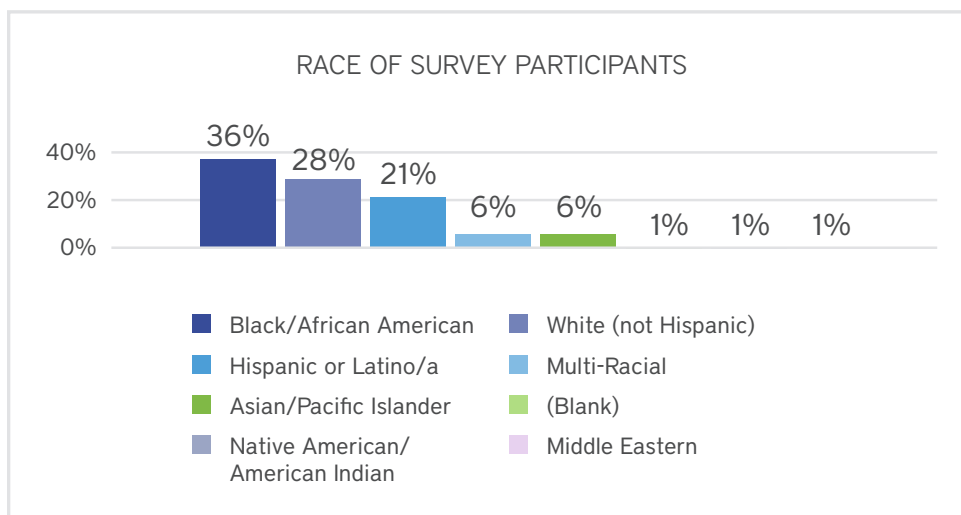
VI. APPENDIX C: SURVEY DEMOGRAPHICS

Data for this needs assessment was gathered from a diverse pool of people within New York City’s low-income LGBT community—racially diverse, diverse in age, and diverse in LGBT identity. As described above, there were three distinct stages of outreach during the assessment: (1) meetings with community-based organizations that serve large numbers of low-income LGBT people; (2) a survey of low-income LGBT people; and (3) focus groups targeting particular subsets of the LGBT community. Each stage was calibrated to draw input from people with a range of experiences and identities.

The analysis in this report covers 310 survey participants, all low-income LGBT people.

A. RACE

Survey participants were racially diverse, with 36% identifying as Black or African-American, 28% identifying as non-Hispanic White, 21% identifying as Latino or Hispanic, 6% identifying as multiracial, and 6% identifying as Asian or Pacific Islander.

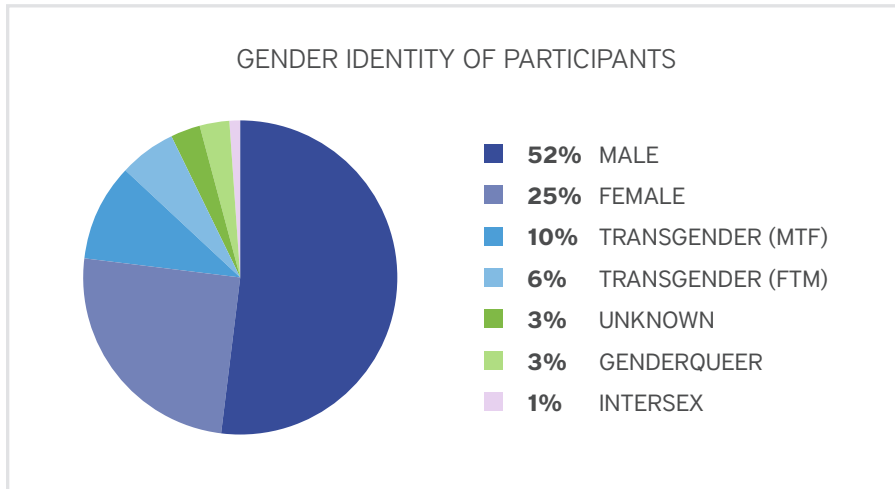


B. GENDER/SEX

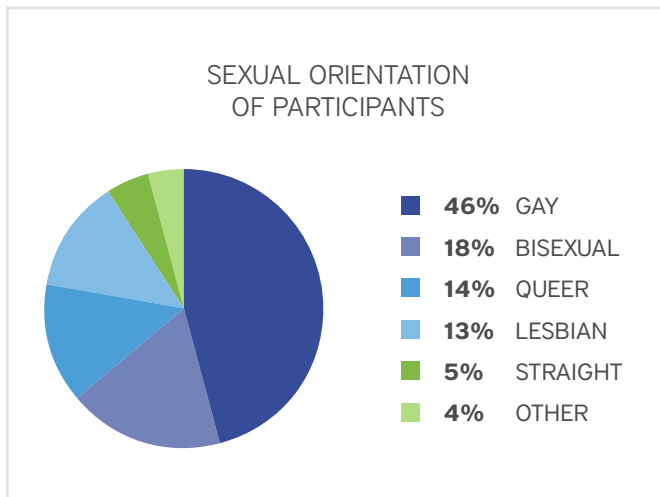
More men than women participated in the survey, with 51% of participants identified as male and 5% identified as FTM transgender men. A quarter of participants identified as female, along with 10 who identified as MTF transgender women. About 9% of participants either identified as something other than male or female or chose not to identify.

Some 30% of survey participants identified as either transgender or gender-nonconforming. In this analysis, we will refer to all such respondents as transgender, although we recognize that trans and gender-nonconforming people identify in many different ways. There were a range of identities that participants identified. The most common were participants identifying as MTF (10% of total partici-

pants), FTM (5% of total participants), and genderqueer (3% of total respondents). Note that survey participants were permitted to identify their gender however they saw fit. Some transgender people prefer to identify simply as “male” or “female” without modifying that identity related to their transgender experience.



C. SEXUAL ORIENTATION



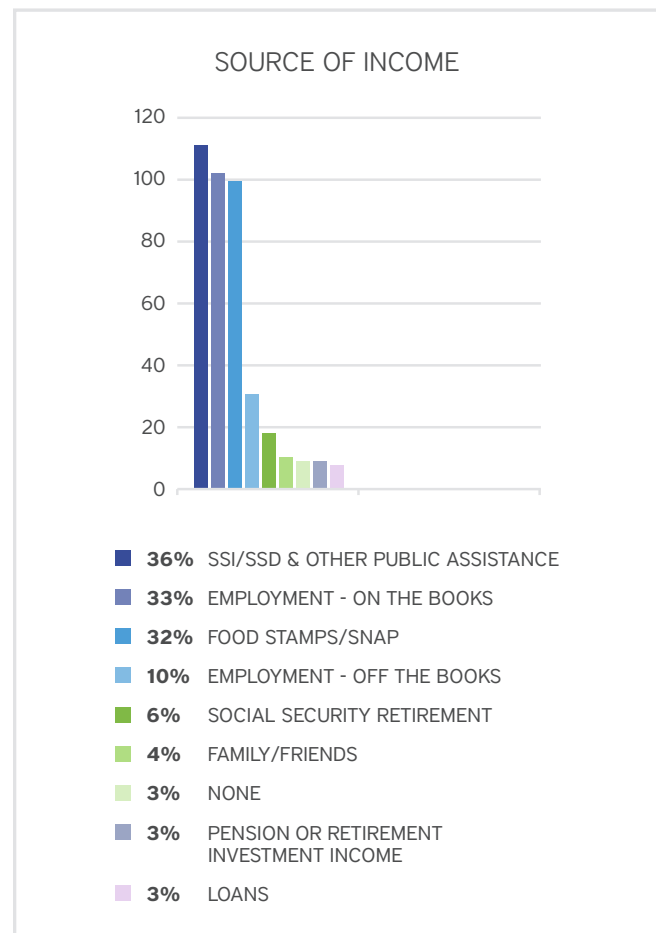
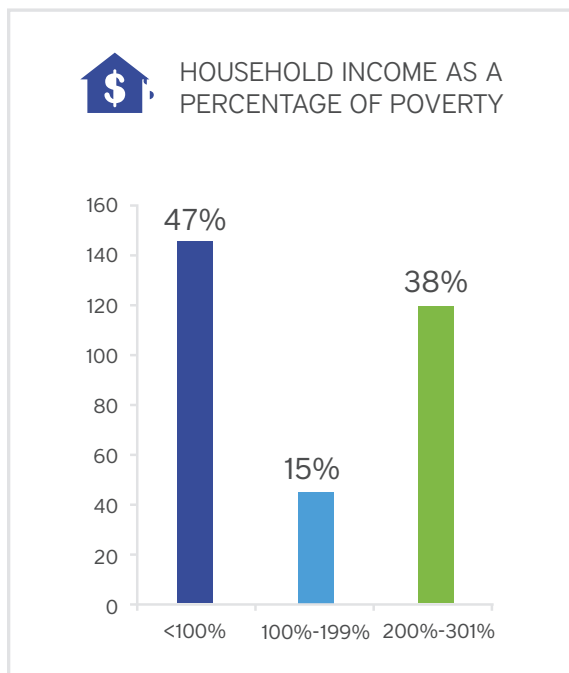
Survey participants came from across the spectrum of LGBT identities, with 46% identifying as gay, 18% identifying as bisexual, 14% identifying as queer, 13% identifying as lesbian, 5% identifying as straight, and 4% identifying as something else. Those identifying as straight also identified as transgender. Some of those identifying as lesbian, gay, bisexual, queer, or something else similarly identified as transgender. Moreover, some who identified as women (whether transgender or not) also identified as gay.

D. INCOME

All 310 analyzed surveys came from low-income participants. For these purposes—and taking account of the very high cost of living in New York City in a way that federal poverty calculations fail to—low-income was defined as at or below approximately 300% of the federal poverty level based on household size.

The vast majority of respondents to our survey were extremely low-income. About 55% percent earned less than \$1,000 per month—putting them close to or below the official Federal Poverty Level (\$11,770 per year). These numbers far exceed the national poverty rates. In 2013 (the most recent year for which data is available), the U.S. Census Bureau estimated that 14.5% of U.S. residents (45.3 million people) are in this lowest income category.⁷³ The source of income of 36% of respondents was SSI, SSD, or public assistance. Roughly 43% of respondents were employed, either on or off the books, but made less than \$3,000 per month.

Fully 62% of participants reported that they had difficulty paying for a basic need in the past year.



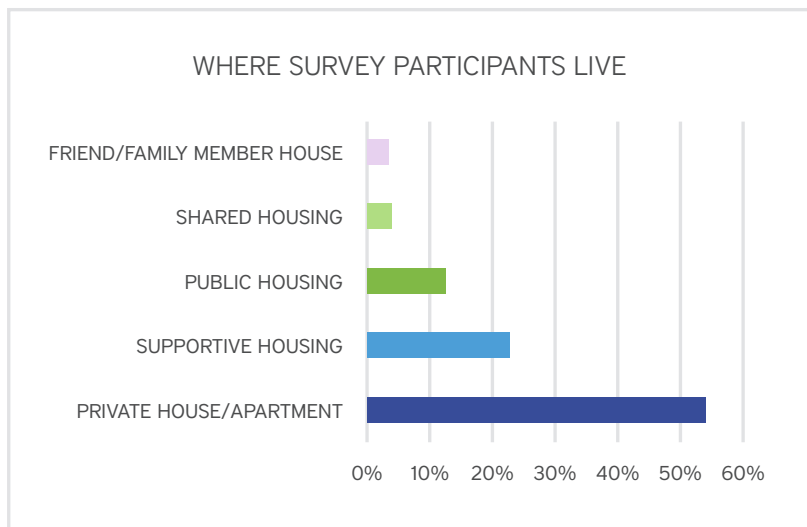
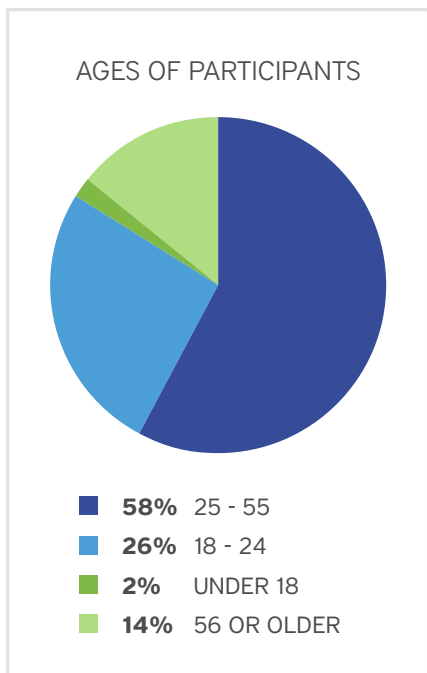
E. AGE

The largest group of survey participants—58%—ranged from ages 25 to 55. Fourteen percent were 56 or older and 26% were young adults between 18 and 24. Only 2% of participants were under 18.

F. GEOGRAPHY & TYPE OF HOUSING

All survey participants were located in New York City. A third resided in Manhattan, 32% in Brooklyn, 17% in the Bronx, 9% in Queens, and 7% in Staten Island, with 2% unknown. (Boroughs with fewer respondents—Queens and Staten Island—were supplemented by focus groups, as discussed above.)

Survey participants resided in a range of housing arrangements, with the majority in private apartments or houses, but significant numbers in supportive housing and public housing.



ENDNOTES

- 1 Compare http://www.gallup.com/poll/182051/san-francisco-metro-area-ranks-highest-lgbt-percentage.aspx?utm_source=Social%20Issues&utm_medium=newsfeed&utm_campaign=titles (2012 data noting that 4% of respondents in the NYC metro area identify as LGBT) with <http://quickfacts.census.gov/qfd/states/36/3651000.html> (8.5 million people live in NYC).
- 2 Research supports this probability, showing for example that young adults (aged 18-64) are more than three times more likely than seniors (aged 65 and older) to identify as LGBT. <http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx>.
- 3 Most national surveys have shown that there were no statistically significant racial or ethnic differences found between heterosexual and LGB populations. See Gary Gates, LGBT Demographics: Comparisons Among Population-Based Surveys (September 2014) <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgbt-demogs-sep-2014.pdf>.
- 4 *The Newest New Yorkers: Characteristics of the City's Foreign-born Population*. Department of City Planning, City of New York, (2013), http://www.nyc.gov/html/dcp/pdf/census/nny2013/nny_2013.pdf.
- 5 NYC Mayor's Office of Immigrant Affairs, <http://www.nyc.gov/html/imm/html/news/stats.shtml>.
- 6 United States Census Bureau, <http://quickfacts.census.gov/qfd/states/36/3651000.html>.
- 7 Robin Hood: Poverty Tracker: Monitoring Poverty and Well-Being in NYC: *Meeting Needs of Low-Income New Yorkers*, (2014), https://www.robinhood.org/sites/default/files/user-uploaded-images/RH_PovertyTracker_121214.pdf.
- 8 Alliance For A Greater New York, *Poverty in New York City: Analysis of Data from the US Census Bureau 2010 American Community Survey*, <http://www.algnny.org/wp-content/uploads/2011/09/Poverty-In-NYC-September-2011.pdf>.
- 9 *Paying An Unfair Price: The Financial Penalty for Being LGBT in America*, available at <http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf> at 6 (emphasis added).
- 10 *Id.* at 4.
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 M.V. Lee Badgett, Laura E. Durso & Alyssa Schneebaum, The Williams Institute: *New Patterns of Poverty in Lesbian, Gay and Bisexual Community*, (June 2013), 2, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.
- 15 *Id.*
- 16 LSNYC has had an active LGBT practice for years, but we knew that we could do more. LSNYC was an early leader in legal efforts on behalf of people living with HIV. Much of our initial LGBT work grew out our response to the epidemic. We continue to serve many HIV-affected clients, along with many LGBT clients.
- 17 The efforts of this group also motivated LSNYC to improve efforts to de-bias our own organization and create a culturally competent and welcoming space for LGBT staff and clients. That includes training in each of our offices on LGBT issues, a nondiscrimination policy that extends to sexual orientation and gender identity, and an active working group on LGBT issues.
- 18 Stop Street Harassment, *Unsafe and Harassed in Public Spaces: A National Street Harassment Report* (Spring 2014), 15, <http://www.stopstreetharassment.org/wp-content/uploads/2012/08/2014-National-SSH-Street-Harassment-Report.pdf> (57% of LGBTQ respondents reported verbal street harassment; 45% of LGBTQ respondents reported physically aggressive street harassment).
- 19 National Coalition of Anti-Violence Programs: *Lesbian, Gay, Bisexual, transgender, Queer, and HIV-Affected: Hate Violence in 2014*, (2015), 9, http://www.avp.org/storage/documents/Reports/2014_HV_Report-Final.pdf.
- 20 Human Rights Campaign, *Hate Crimes and Violence against Lesbian, Gay, Bisexual, and Transgender People*, (May, 2009), 10, http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Hatecrimesandviolenceagainstlgbtpeople_2009.pdf (54% of LGBTQ people are concerned that they will be a victim of a hate crime) (citing a national online survey of 324 LGBT adults conducted Sept. 7-14, 2006, by Harris Interactive in conjunction with Witeck-Combs Communications Inc.).
- 21 Focus group held in Spanish at Voces Latinas, Jackson Heights, Queens, on May 19, 2015. Fifteen community members present, nearly all transgender women.
- 22 *Id.*
- 23 Focus group held in Spanish at Voces Latinas, Jackson Heights, Queens, on May 19, 2015. Fifteen community members present, nearly all transgender women.
- 24 Focus group at the Pride Center of Staten Island on April 2, 2015, with eight LGBT youth.
- 25 Indeed, murders of transgender people are at terrifyingly high levels. There were a record 19 reported murders of transgender people in the U.S. in 2015 as of Aug. 26. This included only known murders and did not include assaults, rapes, and other transpho-

- bic acts. Anti-Violence Project: NCAVP Mourns the Deaths of Jasmine Collins of Kansas City, MO, and Keyshia Blige of Aurora, IL, (Aug. 26, 2015), <http://www.avp.org/resources/avp-resources/430-ncavp-mourns-the-deaths-of-jasmine-collins-of-kansas-city-mo-and-keyshia-blige-of-aurora-il-these-are-the-18th-and-19th-reported-homicides-of-a-transgender-nonconforming-person-ncavp-has-responded-to-in-2015->.
- 26 Advocates reported that police sometimes profile transgender women of color as sex workers and arrest them if they are found to have any condoms in their possession.
 - 27 Focus group held at Voces Latinas, Jackson Heights, Queens, the evening of May 19, 2015, in Spanish. Fifteen community members present, nearly all transgender women.
 - 28 Unlike many other questions in this survey, survey participants were asked about each of these forms of violence in interpersonal relationships without a time limitation—i.e., it was not limited to violence that occurred “in the past year.”
 - 29 Kevin L. Ard, MD, and Harvey J. Makadon, MD, *Addressing Intimate Partner Violence in Lesbian, Gay, Bisexual, and Transgender Patients*, *J Gen Intern Med*. 2011 Aug; 26(8):930-933 (21.5% of men and 35.4% of women living with a same-sex partner experienced intimate-partner physical violence in their lifetimes; 34.6% of transgender respondents reported intimate partner violence at least once in their lifetime).
 - 30 Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey, 2010 Findings on Victimization by Sexual Orientation*, (January 2013), 11, http://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf (46.4% of lesbian women, 74.9% of bisexual women, 40.2% of gay men, and 47.4% of bisexual men reported other sexual violence by any perpetrator throughout their lifetime).
 - 31 Thirty-one percent of survey respondents identified as transgender or gender-nonconforming. In this analysis, we refer to all such respondents as transgender, although we recognize that trans and gender-nonconforming people identify in many different ways.
 - 32 Herman, J., April 2013, *The Cost of Employment and Housing Discrimination against Transgender Residents of New York*. Los Angeles: The Williams Institute (Stating that the population of New York in the 2010 census was just under 19.4 million, and according to Gates, 0.3% of New Yorkers identify as transgender). See also U.S. Census Bureau, Decennial Census, 2010, data available through American FactFinder’s Community Facts search engine, available at <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>; Gates, G. J., April 2011, *How Many People are Lesbian, Gay, Bisexual, and Transgender?* Los Angeles: The Williams Institute, available at <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/how-many-people-are-lesbian-gay-bisexual-and-transgender/>.
 - 33 A study of transgender Americans found that they are nearly four times more likely to have a household income under \$10,000 per year than the population as a whole (15% vs. 4%), (November 2014), ii, <http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf>.
 - 34 Housing New York A Five-Borough Ten-Year Plan: Executive Summary, 5, http://www.nyc.gov/html/housing/assets/downloads/pdf/housing_plan.pdf.
 - 35 Coalition for the Homeless: Number of Homeless People in NYC Shelters Each Night, September 2015, <http://www.coalitionforthehomeless.org/pages/basic-facts-about-homelessness-new-york-city-data-and-charts> (March, 2015).
 - 36 New York Housing Authority, <http://www1.nyc.gov/assets/nycha/downloads/pdf/factsheet.pdf>.
 - 37 Williams Institute, *Serving Our Youth: Findings from a National Survey of Services Providers Working with Lesbian, Gay, Bisexual and Transgender Youth Who Are Homeless or At Risk of Becoming Homeless*, (2012) available at: <file:///C:/Users/ahaintz/Downloads/eScholarship%20UC%20item%2080x75033.pdf> (“LGBT youth comprise approximately 40%” of clients at youth homeless shelters”).
 - 38 In just one example, the City and State have a plan to repair roofs at mold-infested NYCHA buildings that have been left unrepaired for many years. The first year of the plan targets 13,000 affected tenants in 66 buildings. <http://www1.nyc.gov/office-of-the-mayor/news/301-15/de-blasio-administration-300-million-nycha-roof-replacement-the-next-three-years>.
 - 39 The New York City HIV/AIDS Services Administration (“HASA”) and Section 8 require tenants to pay 30% of their income toward rent and subsidize the remainder, but will not enable a single person to live in an apartment that costs more than \$1,279 per month. As the price of housing rises, this rules out an increasing number of apartments. One gay Latino male noted that when he lost his job and had to rely on HASA to cover his housing expenses, his landlord pressured him to move out because HASA would only pay \$1,150 of his \$1,650 rent.
 - 40 Center for American Progress and Movement Advancement Project, *Paying an Unfair Price, The Financial Penalty for LGBT People of Color in America*, April 2015.
 - 41 In a similar survey, 19% of respondents to the 2011 National Transgender Discrimination Survey reported they were denied a home or apartment, and 8% reported being evicted due to anti-transgender bias.
 - 42 National Mortgage News, *HMDA Data Offers Clues on Discrimination Against Gays*, June 4, 2014, <http://www.nationalmortgage-news.com/blogs/hearing/hmda-data-offers-clues-on-discrimination-against-gays-1041913-1.html>.

- 43 Low-income residents of New York City may receive assistance through the Human Resources Administration's public assistance program. A single individual with no other source of income would receive public assistance of \$215 toward rent, up to \$194 from the Supplemental Needs Assistance Program (formerly known as food stamps), and \$183.10 in cash each month. People living with symptomatic HIV may be eligible for benefits from the HIV/AIDS Services Administration (HASA), which provides \$376 in cash each month and significantly higher shelter amounts than regular public assistance.
- 44 The federal Social Security Administration (SSA) provides benefits to people with disabilities who are unable to work through Social Security disability benefits and Supplemental Security Income (SSI). Many disabled individuals are completely reliant on these benefits for financial support. A single individual in NYS receiving SSI receives \$820 each month for all expenses.
- 45 As of May 1, 2015, HRA no longer uses a gender field on benefits identification cards.
- 46 The Williams Institute, *LGBT Adult Immigrants in the United States*, March 2013, <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/us-lgbt-immigrants-mar-2013/>.
- 47 Center for American Progress, *Living in Dual Shadows: LGBT Undocumented Immigrants*, March 2013, 24, available at <https://www.americanprogress.org/wp-content/uploads/2013/03/LGBTUndocumentedReport-5.pdf>.
- 48 The Williams Institute, *LGBT Adult Immigrants in the United States*, March 2013, <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/us-lgbt-immigrants-mar-2013/>.
- 49 The Supreme Court struck down the Defense of Marriage Act ("DOMA") in 2013, and the federal government consequently recognized the marriages of same-sex couples from states that had legalized marriage equality. New York legalized same-sex marriage in 2011; the entire country gained marriage equality in 2015.
- 50 *Obergefell v. Hodges*, 576 U.S. __ (2015).
- 51 This topic is discussed more in the section on Family Law.
- 52 A focus group in Spanish at Voces Latinas, Jackson Heights, Queens.
- 53 The National Center for Transgender Equality and the National Gay and Lesbian Task Force, *The National Transgender Discrimination Survey*, New York Results, 2011, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_state/ntds_state_ny.pdf.
- 54 Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, (2011), 6.
- 55 Williams Institute, *Serving Our Youth: Findings from a National Survey of Services Providers Working with Lesbian, Gay, Bisexual and Transgender Youth Who Are Homeless or At Risk of Becoming Homeless*, (2012) ("LGBT youth comprise approximately 40% of clients at youth homeless shelters"), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf>.
- 56 See The Williams Institute, *LGBT Parenting in the United States* (February, 2013), <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/lgbt-parenting-in-the-united-states/>.
- 57 The Williams Institute and the Urban Institute, *Adoption and Foster Care by Gay and Lesbian Parents in the United States* (March 27, 2007), 5-6, http://www.urban.org/research/publication/adoption-and-foster-care-lesbian-and-gay-parents-united-states/view/full_report, (52% of gay men and 41% of lesbian women want to have a child.)
- 58 See, e.g., *Matter of Paczkowski v Paczkowski*, 128 A.D.3d 968 (2d Dep't 2015) ("Contrary to the petitioner's contention, FCA § 417 and DRL § 24 do not provide her with standing as a parent, since the presumption of legitimacy they create is one of a biological relationship, not of legal status ... and, as the non-gestational spouse in a same-sex marriage, there is no possibility that she is the child's biological parent"); *Matter of Q.M. v. B.C.*, 46 Misc.3d 594 (N.Y. Fam. Ct, Monroe Co. 2014) (non-biological spouse not a legal parent to child born during marriage).
- 59 Movement Advancement Project, Center for American Progress, Human Rights Campaign, *A Broken Bargain: Discrimination, Fewer Benefits, and More Taxes for LGBT Workers*, 2013, <http://www.lgbtmap.org/file/a-broken-bargain-full-report.pdf>.
- 60 *Id.*
- 61 *A Broken Bargain: Discrimination, Fewer Benefits and More Taxes For LGBT Workers*, June 2013, <http://www.lgbtmap.org/file/a-broken-bargain-full-report.pdf>.
- 62 Jaime M. Grant, Lisa A. Mottee, and Justin Tani, *Injustice At Every Turn: A Report of the National Transgender Discrimination Survey*, Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- 63 Jaime M. Grant, M.D., Lisa A. Mottet, J.D., and Justin Tanis, D.Min., *Injustice At Every Turn: A Report of the National Transgender Discrimination Survey*, Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, <http://>

www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.

- 64 Joseph Kosciw, Ph.D., Emily A. Greytak, Ph.D., Neal A. Palmer, Ph.D., Madelyn J. Boesen, M.A. The 2013 *National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools*, (2014), https://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report_0.pdf.
- 65 *Dignity For All? Discrimination Against Transgender and Gender Nonconforming Students in New York State*, New York Civil Liberties Union, (June 2015), <http://www.nyclu.org/transyouth>.
- 66 Human Rights Campaign/LULAC, *Supporting and Caring for our Latino LGBT Youth*, (2012), <http://lulac.org/assets/pdfs/LGBT-LatinoYouthReport.pdf>.
- 67 Joseph Kosciw, Ph.D., Emily A. Greytak, Ph.D., Neal A. Palmer, Ph.D., Madelyn J. Boesen, M.A., *The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools*, (2014), 77, https://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report_0.pdf.
- 68 The breakdown for recent cases handled by LSNYC's Veterans Justice Project is: 45% housing, 18% family, 16% income, 8% consumer and education, 8% employment, and 5% other.
- 69 Williams Institute, *Discharges Under the Don't Ask Don't Tell Policy: Women and Racial/Ethnic Minorities*, (2010), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-Discharges2009-Military-Sept-2010.pdf>.
- 70 Gary J. Gates and Jody L. Herman, *Transgender Military Service in the United States*, The Williams Institute, (May 2014), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Transgender-Military-Service-May-2014.pdf>. These calculations are based on answers to the 2008 National Transgender Discrimination Survey (NTDS).
- 71 LSNYC conducted supplemental interviews with select LGBT service providers to obtain additional expert input into certain subject areas, particularly where respondents offered limited data.
- 72 Despite our best efforts to reach as broad a range of low-income LGBT New Yorkers as possible, we inevitably over- or under-sampled some communities, neighborhoods, and language groups. A participant pool of 310 people may not be sufficient to draw conclusions in some areas. Participation in the survey required a basic level of technological literacy and reading proficiency, which may have discouraged or prevented some people from filling out the survey. The program used for the survey, Google Forms, only saved entries once the survey was fully completed, so any partial responses were not captured. This is a community legal needs assessment and is not designed to be an academic document. We make no representations about the statistical significance of our findings.

CONNECT WITH US

Please go to www.legalservicesnyc.org to learn more about our work. You can also access an electronic copy of this report on our website.

Need Legal Assistance? Call our Hotline: 917-661-4500

For additional information about this report and our work for low-income LGBT people, please contact:

CITYWIDE

Andrea Zigman, Deputy Director

azigman@ls-nyc.org, 646.442.3555

Adam Heintz, Director of Pro Bono Services

aheintz@ls-nyc.org, 646.442.3582

Sonja Shield, President, Legal Services Staff Association, UAW/NOLSW 2320

sshield@lssa2320.org, 212.228.0992x7

THE BRONX

Justin Haines, Director of Foreclosure

jhaines@bx.ls-nyc.org, 718.928.2894

QUEENS

Richard Saenz, Senior Staff Attorney, HIV/LGBT Advocacy Project

rsaenz@queenslegalservices.org, 347.592.2177

MANHATTAN

Daniel Pepitone, Senior Staff Attorney, Comprehensive Rights Unit

dpepitone@mls.ls-nyc.org, 646.442.3144

BROOKLYN

Cathy Bowman, Director of the HIV/LGBT Unit

CathyB@sbls.org, 718.237.5571

STATEN ISLAND

Rachel Granfield, Staff Attorney, Housing Unit

rgranfield@silsnyc.org, 718.233.6459

Antonia David, Paralegal, Homeowners Defense Project

adavid@silsnyc.org, 718.233.6461

