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RE: Written Testimony for the Blue Springs City Council – Adding Sexual Orientation and Gender Identity to Chapter 265 of Blue Springs City Code, Fair Housing

Dear Mayor and Members of the Blue Springs City Council:

My name is Brad Sears and I'm the founding director of the Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy, a national research center at UCLA School of Law that provides academic research to inform policies related to LGBT people. I'm currently a scholar with the Williams Institute and the Associate Dean of Public Interest Law at UCLA Law.

I also grew up in Blue Springs and attended Blue Springs schools from first grade until my high school graduation. My mother also attended Blue Springs High School and graduated in 1962, and her father graduated from Blue Springs High School in 1933. So while I have lived for a long time in Los Angeles, I will always be from Blue Springs.

The recommendation to add sexual orientation and gender identity to the Blue Springs Fair Housing Ordinance came to my attention because the students initiating this effort cited Williams Institute research, which I track online. I am so proud of them, and how far they and the city have come.

When I graduated from Blue Springs High School in 1988, no students were openly LGBT or even openly allies of LGBT people. I knew of three people who were rumored to be LGBT in the classes ahead of me in high school: two transferred to schools in Kansas City, and the third was severely bullied at the school and then transferred. The message was clear: I could hide or move. I am glad today that LGBTQ students and adults, and their allies, in Blue Springs have different options.

I write today to present the work I have been doing for the last 20 years, empirical research to inform LGBT law and policy issues. Below is a summary of that research.

I. More than 2,000 LGBT people live in Blue Springs and over 73,000 LGBT people live in the greater Kansas City Metropolitan Area

Using data from the Gallup Daily Tracking Poll, collected between 2012 and 2017, and other sources, the Williams Institute estimates that over 2,000 LGBT people live in Blue Springs, including 1,700 adults and 400 youth.¹ More than 200 of these residents are transgender.²

If you consider the principal housing market for Blue Springs to include those who live in the greater Kansas City area, we estimate that over 73,000 LGBT residents live in the greater Kansas City metropolitan area, including approximately 60,000 adults and over 13,000 youth.³ Over 8,000 of these residents are transgender.⁴

II. The LGBT Residents of Blue Springs and Kansas City reflect the full diversity of the population overall.

While the Gallup Daily Tracking Poll does not give us enough data to estimate demographic and socio-economic characteristics for the LGBT population in Blue Springs, there are enough data for the Kansas City metropolitan area, which includes Blue Springs.

In many ways the LGBT people in the Kansas City area reflect the diversity of the population overall. For example, about half are male and half are female; 28% are People of Color compared with 23% of non-LGBT people in the area.⁵ And while non-LGBT people are more likely to be married, to be raising children, and to have served in the military, approximately 40% of LGBT people are either married to or living with a partner; 24% of those age 25 and up are raising children; and almost 9% have served in the military.⁶

One notable difference between the LGBT population in the Kansas City area and non-LGBT people is that they are, on average, younger. While 28% of the non-LGBT population is 34 years old or under, 44% of the LGBT population falls in this age range.⁷

In short, LGBT people—young and old, male and female, couples and single people, parents and veterans—make their home in Blue Springs and Kansas City.

III. LGBT people experience high levels of housing discrimination

National surveys have documented that LGBT people continue to face high levels of discrimination in housing. For example, in response to a 2017 survey conducted by Harvard and the Robert Wood Johnson Foundation, almost one in four (22%) LGBT respondents said they had experienced discrimination while trying to rent or buy housing (Harvard et al., 2017). Similarly, nearly one-quarter (23%) of transgender respondents to the 2015 U.S. Transgender Survey said they had experienced housing discrimination in the prior year because of their gender identity, and 12% of respondents had experienced homelessness in the prior year because of their gender identity (James et al., 2016). Finally, a more recent survey conducted in 2018 by the Williams Institute found that compared to heterosexuals, LGB people were 2.5 times as likely to have been prevented by a landlord from renting an apartment or by realtor from buying a house or apartment (15% v. 6%) (Meyer, 2019).

In addition to survey data, there have been several large testing studies to determine whether LGBT people face housing discrimination. These studies do not rely on individuals seeking housing to report their experiences, but directly measure how real estate agents and landlords treat LGBT people. (Testing studies train two or more testers to seek housing who differ only on one characteristic like race or sexual orientation or gender identity.) In 2017 the Urban Institute published a study based on over 2,000

tests in the Dallas, Los Angeles, and Washington D.C metro areas (Levy et al., 2017). The study found that housing providers told gay men about fewer available apartments than heterosexual men, were less likely to schedule an appointment with them, and quoted them average yearly rental costs that were over \$270 higher (Levy et al., 2017). In addition, the study found that housing providers told transgender testers about fewer units than they told others about (Levy et al., 2017). Similarly, a testing study conducted by the U.S. Department of Housing and Urban Development (2013) found that same-sex couples were less likely than heterosexual couples to receive responses when inquiring about available apartments (Friedman, 2013).

While there have been fewer studies documenting discrimination against LGBT people in Missouri, a 2006 Kansas City LGBT Community Health Assessment found that in the previous three years, 13% of respondents reported experiencing a LGBT-related hate crime, 14% reported experiencing workplace discrimination, and 2.0% reported experiencing housing discrimination (The Lesbian & Gay Community Health Center of Greater Kansas City and the Kansas City Missouri Health Department, 2006).

More recently, the 2015 U.S. Transgender Survey (USTS) examined the experiences of transgender people in the United States, with 27,715 respondents nationwide, including 509 Missouri residents. Of these transgender Missouri residents: 22% had experienced housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender; 13% had experienced homelessness in the past year because of being transgender; and almost one in three (31%) had experienced homelessness at some point in their lives (2015 U.S. Transgender Survey: Missouri State Report, 2017). For transgender people in particular, housing discrimination can mean the difference between having a home and being homeless.

IV. If LGBT people are protected under the fair housing ordinance, past experience with similar laws shows that they will file complaints at the same rate as other protected groups

Several recent studies have collected complaints of discrimination based on sexual orientation and gender identity filed with state agencies that enforce state non-discrimination laws. These studies indicate that LGBT people file complaints of sexual orientation and gender identity discrimination at similar rates to People of Color filing race discrimination complaints and women filing sex discrimination complaints. For example, a 2016 Williams Institute study analyzing housing discrimination complaints found that, on average, three complaints of sexual orientation or gender identity discrimination were filed for every 100,000 LGBT adults each year; five complaints of race discrimination were filed for every 100,000 adults of color each year; and one complaint of sex discrimination was filed for every 100,000 women each year (Mallory and Sears 2016).

V. Discrimination against LGBT people can have a negative impact on LGBT people's economic stability and health

Stigma and discrimination, including housing discrimination, can result in negative outcomes for LGBT individuals including economic instability and poor health. National research indicates that LGBT people, in general, are disproportionately poor, and that social climate and policy are part of the cause. In

addition, research has linked living in an area with unsupportive laws and social climate to health disparities for LGBT people, including higher rates of depression. LGBT people in Missouri and Kansas City have lower incomes and poorer health than non-LGBT people, in part due to discrimination.⁸

Impact on economic stability

LGBT people are disproportionately poor in general, but poverty is concentrated in certain sub-populations within the LGBT community such as female same-sex couples, People of Color, transgender people, young people, people who live in rural areas, and the elderly (Badgett, Durso, & Schneebaum, 2013). For example, key findings from a 2013 study on poverty in the LGBT community include:

- Over 20% of children of same-sex couples live in poverty, compared to 12% of children of married different-sex couples;
- African American same-sex couples have poverty rates more than twice that of married different-sex African American couples; and
- Female same-sex couples who live in rural areas are much more likely to be poor (14%), compared to female same-sex couples in large cities (5%) (Badgett et al., 2013).

The 2015 U.S. Transgender Survey found that, nationally, nearly one-third of respondents were living at or near the federal poverty line, which is twice the rate of poverty in the U.S. general population (29% v. 14%) (James et al., 2016).

Similarly, research on food insecurity in the LGBT community found that, in the year prior to the survey, more than one in four LGBT adults (27%) experienced a time when they did not have enough money to feed themselves or their family, and nearly half of LGB adults aged 18-44 who are raising children (46%) received food stamps (Brown, Romero, & Gates, 2016).

In their study on poverty, Badgett et al. (2013) suggested that social climate and policy are linked determinants of LGB poverty: “LGB people who live in non-coastal regions of the U.S. or rural communities are more likely than those in urban and coastal regions to be in poverty. These geographic areas are more likely to have social climates that are less accepting of LGB identities, increasing the stress and discrimination that LGB people face. These locales may also be less likely to offer legal protections that would guard against major life events, such as job loss or health issues that often contribute to poverty” (Badgett et al., 2013).

Building from that thesis, a 2014 report by the Williams Institute linked greater socio-economic disparities for LGBT people to region, a lack of legal protections, and a poor social climate (Hasenbush et al., 2014). The report found that LGBT Americans face greater social and economic disparities in states without statewide laws prohibiting sexual orientation discrimination, and in regions with a poorer social climate and fewer legal protections (Hasenbush et al., 2014). For example, while same-sex couples with children face an income disadvantage when compared to their different-sex married counterparts in all states, that income gap widens from \$4,300 in the states with protective laws to \$11,000 in states that lack such laws. Across a number of indicators, such as education, poverty, food insecurity, and health

insurance levels, LGBT people were worse off in the Midwest than in any other part of the country (Hasenbush et al., 2015).

Consistent with national data and analysis specific to the Midwest, LGBT people in Kansas City and Missouri are more likely to face socio-economic challenges. For example, in the Kansas City metropolitan area, LGBT people are somewhat less likely to have a college degree than non-LGBT people (30% v. 33%)⁹ which may indicate barriers to education such as rejection by their families at an early age, high rates of homelessness for LGBTQ youth, or more direct barriers to accessing K-12 and higher education including higher rates of bullying, discrimination, and other forms of exclusion and harassment. For example, a 2009 University of Missouri Campus Climate survey found that 35% of LGBTQ respondents and 57% of transgender respondents reported experiences of harassment on campus (University of Missouri, 2013).

This disparity in education carries over to the workforce and creates economic challenges. LGBT people are somewhat less likely to be employed in the Kansas City metropolitan area (only 92% of those in the labor force are employed, compared with 95% of non-LGBT people) and they are twice as likely to not have health insurance (25% v. 12%).¹⁰ They are also more likely to be poor or near poor than non-LGBT people (39% v. 30% live at or below 200% of the federal poverty level) and to have experienced food insecurity in the past year (22% v 15%).¹¹ Similarly, of the 509 transgender Missouri residents surveyed in the U.S. Transgender Survey, almost one in five (19%) were unemployed and over one in four (27%) were living in poverty (2015 U.S. Transgender Survey: Missouri State Report, 2017).

Impact on health

Experiences of discrimination and harassment, as well as living in a state with unsupportive laws and social climates, have also been linked to health disparities for LGBT people. This connection has been recognized by the U.S. Department of Health and Human Services in Healthy People 2010, Healthy People 2020 and the Institute of Medicine of the National Academies (Healthy People, 2020; Department of Health and Human Services, 2000; Institute of Medicine, 2011).

The minority stress model suggests that unsupportive social climates, created by anti-LGBT prejudice, stigma, and discrimination, expose LGBT individuals to excess stress, which, in turn, causes adverse health outcomes, resulting in health disparities for sexual minorities and transgender individuals compared with heterosexuals and cisgender people (Meyer, 2009). Research that has focused on mental and physical health outcomes of LGBT people supports the minority stress model (American Psychological Association, 2016). This research has demonstrated that both interpersonal experiences of stigma and discrimination, such as being evicted from an apartment for being LGBT, and structural stigma, such as living in a state without LGBT-supportive laws, contribute to minority stress (Hatzenbuehler et al., 2014).

A number of studies have found evidence of links between minority stressors and negative mental health outcomes among LGB people, including depression and low self-esteem (McLaughlin, Hatzenbuehler, & Keyes 2010; Riggle, Rostosky, & Horne 2009; Zakalik & Meifen, 2006). Studies have also linked a lack of legal protections and a poor social climate at the state level to health disparities for

LGB people. For example, in a 2009 study, Hatzenbuehler et al. found that an unsupportive state-level legal landscape for LGB people was associated with “higher rates of psychiatric disorders across the diagnostic spectrum, including any mood, anxiety, and substance use disorder” in the LGB population than was found in LGB populations in states with more supportive laws (Hatzenbuehler, Keyes, & Hasin, 2009).

Using Gallup Daily Tracking poll data, we see some evidence of these negative health impacts locally. In the Kansas City metropolitan area, LGBT people are twice as likely as non-LGBT people to report that they have been diagnosed with depression at some point in their lives (33% v. 17%), and report higher rates of current limitations due to disability (39% v. 28%).¹²

VI. Blues Springs Joins a number of other localities and corporations in Missouri that prohibit discrimination against LGBT people, not only to protect vulnerable citizens and employees, but to attract and retain the best and the brightest

A number of localities in Missouri prohibit discrimination in employment, housing, and/or public accommodations based on sexual orientation and/or gender identity in Missouri. These include Kansas City, Jackson County, Raytown, Columbia, Clayton, Creve Coeur, Ferguson, Kirksville, Kirkwood, Maplewood, Maryland Heights, Olivette, Raymore, Richmond Heights, St. Joseph, St. Charles, City of St. Louis, County of St. Louis, University City, and Webster Groves (Movement Advancement Project, n.d.).

Many of Missouri’s top companies have adopted internal corporate policies that prohibit sexual orientation and gender identity employment discrimination. According to the Human Rights Campaign, many large employers headquartered in Missouri prohibit discrimination based on sexual orientation and gender identity, including Emerson Electric, Enterprise, O’Reilly Auto Parts, Panera Bread, Edward Jones, and Anheuser-Busch (Bailey et al., 2019).

A growing body of research finds that supportive workplace policies and practices, such as non-discrimination policies, have a positive impact on employers. Corporations have increasingly adopted LGBT-supportive policies, in part, because the companies perceive that the policies will have a positive impact on the bottom line. A 2011 Williams Institute study found that when enacting non-discrimination policies, 92% of the leading companies in the U.S. did so based on a general argument that diversity is good for business, and 53% made that link specifically to LGBT-supportive policies and practices (Sears and Mallory, 2011). Similarly, a 2013 Williams Institute study found that over 60% of corporate respondents that offered transition-related health care coverage to their employees did so because of the business benefits (Herman, 2013). Some of the specific business-related outcomes that have motivated employers to adopt LGBT-supportive policies include: recruiting and retaining talented employees, sparking new ideas and innovations, attracting and serving a diverse customer base, and enhancing employee productivity (Sears and Mallory, 2011).

Academic research conducted over the past two decades supports the business case for LGBT inclusion. In 2013, the Williams Institute reviewed 36 academic studies examining the effects of LGBT-supportive policies, and concluded that the research supports that there are many positive links between LGBT-

supportive policies or workplace climates and outcomes that will benefit employers, such as greater job commitment, improved health outcomes, and increased job satisfaction (Badgett et al., 2013).

In short, LGBT people make up a vibrant part of the Blues Springs community and experience discrimination that impacts their economic stability and health. They and the City as a whole will benefit from LGBT supportive laws and policies.

It was a pleasure to have had a chance to meet with you on August 5th at the City Council meeting. If I can provide you with any further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Sears". The signature is fluid and cursive, with a long horizontal flourish at the end.

Brad Sears

David S. Sanders Distinguished Scholar of Law and Policy
The Williams Institute UCLA School of Law.

Endnotes

¹Unpublished population estimates for Blue Springs conducted by Kerith Conron and Shoshana Goldberg, the Williams Institute. Data sources include: Gallup Daily Tracking survey, Youth Risk Behavior Survey, Behavioral Risk Factor Surveillance Survey, and US Census data.

² See *supra* note 1.

³ Unpublished population estimates and demographic, socioeconomic, and health statistics for the Kansas City Metropolitan Statistical Area using 2012-2017 Gallup Daily Tracking Poll data, Census data, and other data sources conducted by Kerith Conron and Shoshana Goldberg, the Williams Institute.

⁴ See *supra* note 3.

⁵ See *supra* note 3.

⁶ See *supra* note 3.

⁷ See *supra* note 3.

⁸ See *supra* note 3.

⁹ See *supra* note 3.

¹⁰ See *supra* note 3.

¹¹ See *supra* note 3.

¹² See *supra* note 3.

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