



March 11, 2021

Via Electronic Mail

Rhode Island Senate Committee on Judiciary
jpbaxter@rilegislature.gov

Re: Support for S 0563

Dear Chair Coyne, Vice Chair Archambault, and members of the Senate Committee on Judiciary:

We write on behalf of GLBTQ Legal Advocates & Defenders (GLAD), a New England-based legal organization dedicated to creating a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. GLAD writes in support of S 0563, which will remove outdated language from the definition of sexual orientation in Rhode Island's fair housing law and repeal exemptions allowing discrimination on the basis of sexual orientation, gender identity or expression for smaller housing units. It is vitally important for Rhode Island to modernize the state's housing laws and ensure that Rhode Islanders have fair and equal access to housing on the basis of sexual orientation and gender identity and expression. Housing is a fundamental, human right that is key to everyday life and survival, and it is critical to ensure that LGBTQ+ Rhode Islanders are protected from discrimination in this realm.

Housing is a critical necessity for all Americans, one that is crucial for achieving and maintaining a sustainable quality of life. Discrimination in access to housing can lead to housing instability. Housing instability can exacerbate poverty and place substantial strains on an individual's health and wellbeing. Based on recent U.S. Census Bureau data, nearly 11% of Rhode Islanders live in poverty,¹ and almost half (48.8%) of all Rhode Islanders spend over 30% of their household income on rent.² The prevalence of poverty is even more pronounced in the LGBTQ+ community: the Williams Institute, a thinktank at UCLA School of Law, has found that "LGBT adults, as a whole, have at least 15% higher odds of being poor than cisgender straight adults after controlling for age, race, urbanicity, employment status, language, education, disability, and other factors that affect risk of poverty."³ Allowing an exemption from anti-discrimination statutes on the basis of sexual orientation, gender identity or expression in housing is harmful and erects additional barriers for people to access housing. For the nearly 4.5% of Rhode Islanders that identify as LGBTQ+, removing statutory exemptions through the passage of S 0563 is critical to removing barriers in access to housing and to enabling discrimination to be addressed.⁴

Research demonstrates that the LGBTQ+ community faces alarming rates of discrimination in housing, as well as alarming rates of homelessness. For example, studies have shown that housing providers are both less likely to respond to inquiries from same-sex couples and are more likely to quote higher rents

¹ U.S. CENSUS BUREAU, *QuickFacts Rhode Island* (2019), <https://www.census.gov/quickfacts/fact/table/RI/PST045219>.

² U.S. CENSUS BUREAU, 2019 AM. CMTY. SURV. 1-YEAR ESTIMATES, *Selected Housing Characteristics* (2019), https://data.census.gov/cedsci/table?q=Housing&t=Renter%20Costs&g=0100000US_0400000US44&tid=ACSDP1Y2019.DP04&hidePreview=true.

³ Adam P. Romero et al., *LGBT People and Housing Affordability, Discrimination, and Homelessness*, THE WILLIAMS INST., 10 (Apr. 2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf>.

⁴ The Williams Inst., *LGBT Demographic Data Interactive* (Jan. 2019), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=44#density>.

to same-sex couples than comparable different-sex couples.⁵ A recent survey found that more than one-third (37%) of transgender respondents and 28% of LGBTQ+ respondents overall faced discrimination that had a negative impact on their ability to rent or buy a home.⁶ Indeed, the U.S. Department of Housing and Urban Development has found that “same-sex couples experience less favorable treatment than heterosexual couples in the online rental housing market.”⁷

These issues of discrimination in housing and homelessness are even more pronounced for the transgender community and LGBTQ+ people of color. According to the 2015 U.S. Transgender Survey, nearly one-third of transgender people experience homelessness at some point in their life.⁸ Transgender women of color have experienced especially high rates of homelessness.⁹ Additionally, 23% of respondents experienced some form of housing discrimination or instability in the past year, and transgender women of color were more likely to have experienced such discrimination.¹⁰

While it is positive that Rhode Island law prohibits housing discrimination on the basis of sexual orientation and gender identity and expression in some settings, the exemptions outlined in the Rhode Island Fair Housing Practices Act effectively nullify the protections of the statute.¹¹ Sections 34-37-4.4 and 34-37-4.5 authorize discriminatory rental practices on the basis of sexual orientation and gender identity and expression if the housing accommodation comprises three units or less, one of which is owner-occupied.¹² It is imperative to note that the *vast* majority of Rhode Island’s housing stock could be exempted as a result of these sections – based on U.S. Census data from 2019, over 81% percent of all of the state’s housing units are structures with four units or less.¹³ Although we do not know how many of those units are owner-occupied, it is clear that smaller units are important sources of housing in Rhode Island and that it is critical to ensure that LGBTQ+ Rhode Islanders are protected from discrimination in accessing these units.

Passing S 0563 will be an important step in ensuring fair and equal access to housing for LGBTQ+ Rhode Islanders. Given the strain most Rhode Islanders already face with housing costs and the prevalence of discrimination in housing for LGBTQ+ people, repealing these discriminatory exemptions is a necessary step to fulfill the state’s policy to “assure to all individuals . . . equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state.”¹⁴

⁵ See Adam P. Romero et al., *supra* note 5, at 19 ((referencing D.K. Levy et al., *A Paired Testing Pilot Study of Housing Discrimination against Same-Sex Couples and Transgender Individuals*, URB. INST. (2017)).

⁶ Sharita Gruberg, et al., *The State of the LGBTQ Community in 2020*, CTR. FOR AM. PROGRESS (Oct. 6, 2020), <https://www.americanprogress.org/issues/lgbtq-rights/reports/2020/10/06/491052/state-lgbtq-community-2020/>.

⁷ Samantha Friedman et al., *An Estimate of Housing Discrimination Against Same-Sex Couples*, U.S. DEP’T OF HOUS. & URB. DEV., iv (June 2013),

https://www.huduser.gov/portal/Publications/pdf/Hsg_Disc_against_SameSexCpls_v3.pdf.

⁸ Sandy E. James et al., *The Report of the 2015 U.S. Transgender Survey*, 176 (2016).

⁹ *Id.*, at 178.

¹⁰ *Id.*, at 180.

¹¹ R.I. Gen. Laws Sections 34-37-4.4–5.

¹² *Id.*

¹³ Available census data measures “3 or 4 units” as an individual category: therefore, this percentage is a slightly overinclusive estimate when accounting for 4-unit structures that do not qualify for the non-discrimination exemptions. See U.S. CENSUS BUREAU, 2019 AM. CMTY. SURV. 1-YEAR ESTIMATES *Selected Housing Characteristics* (2019),

<https://data.census.gov/cedsci/table?q=housing&g=0400000US44&tid=ACSDP1Y2019.DP04&hidePreview=true>.

¹⁴ R.I. Gen. Laws Section 34-37-1.

Thank you for the opportunity to provide testimony in support of S 0563, and we hope the bill will receive a favorable vote out of committee.

Sincerely,



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