



**TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS**  
**LD 1478 – OUGHT TO PASS**  
**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**  
**May 13, 2021**

Senator Deschambault, Representative Warren, and Honorable Members of the Committee on Criminal Justice and Public Safety: Good Morning. My name is Anthony Lombardi, and I am a legal fellow at GLBTQ Legal Advocates & Defenders, New England’s leading legal advocacy organization for the rights of LGBTQ+ people and people living with HIV, and I am a lobbyist associate of Mary Bonauto who lives in Portland. GLAD writes in support of LD 1478 – *An Act to Decriminalize Homelessness*. LD 1478 represents a significant step toward redirecting the energy aimed at Maine’s homeless population from criminalization and stigma to the provision of care and supports for success.

For many of us, basic activities such as resting, sleeping, drinking, and necessary body functions can be done from the comfort of our own homes. For those experiencing homelessness, these are too often criminal offences due to laws that prohibit loitering, sleeping outside, consumption of alcohol, and other behaviors. As such, those who are most vulnerable in our society are being constantly criminalized for just trying to survive.

Criminalizing homelessness, when paired with the barriers of reentry after serving time, creates a vicious cycle or “revolving door” of homelessness and incarceration. Research suggests that formerly incarcerated people are almost ten times more likely to be homeless than the general public, and that individuals who have been incarcerated multiple times are twice as likely to be homeless as those who are returning from their first prison term.<sup>1</sup> Recent data analyzing the homelessness population in Connecticut also found that, when considering individuals with overlap between shelter use and incarceration, “most formerly incarcerated people (69%) in the sample were homeless *before* their incarceration.”<sup>2</sup> When law enforcement is enforcing an offense such as sleeping in public spaces or other low-level offenses committed in public, individuals are pushed back through the criminal system, adding additional offenses to their records and making their likelihood of future homelessness (and, therefore, future incarceration and so on) more likely. LD 1478 would stop this nightmarish carousel cycling people through Maine’s system and the streets.

Addressing this crisis is critical for communities statewide, and for equity for communities more likely to enter this cycle, including people of color, indigenous people and LGBTQ+ people

---

<sup>1</sup> Lucius Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, PRISON POL’Y INITIATIVE (Aug. 2018), <https://www.prisonpolicy.org/reports/housing.html>.

<sup>2</sup> Alexi Jones, *New data: The revolving door between homeless shelters and prisons in Connecticut*, PRISON POL’Y INITIATIVE (Feb. 10, 2021), <https://www.prisonpolicy.org/blog/2021/02/10/homelessness/> (citing data from Connecticut Coalition to End Homelessness analysis of Connecticut Department of Corrections data on people who both used homeless shelters and who were released from DOC custody in the period of Jan. 2016-2019).



- or some combination thereof.<sup>3</sup> Focusing here on LGBTQ+ people, this community and especially LGBTQ+ youth, relative to the general population, are more likely than their cisgender or heterosexual counterparts to experience homelessness, exposing them to frequent interactions with law enforcement and the criminal legal system.<sup>4</sup> 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 to same-sex couples than comparable different-sex couples.<sup>5</sup> 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.<sup>6</sup> 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.”<sup>7</sup>

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 respondents experienced homelessness at some point in their life.<sup>8</sup> Transgender women of color have experienced especially high rates of homelessness (lifetime rates for certain groups listed in the survey include Indian (59%), Black (51%), multiracial (51%) and Middle Eastern (49%)).<sup>9</sup> Additionally, 23% of respondents had 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, including Black (49%), multiracial (39%), American Indian (39%), and Latina (37%) women.<sup>10</sup> Six percent (6%) of respondents were denied a home or apartment in the past year, and transgender women of color (Black (17%), multiracial (15%), and Latina (11%)) experiencing higher rates of this discrimination.<sup>11</sup> Recent data from the Williams Institute analyzing nationally representative surveys of U.S. adults between 2016-2019 found that 8% of transgender adults had recent experiences of homelessness in the 12 months prior to reporting, in contrast to 3% of cisgender

---

<sup>3</sup> As of January 2019, Maine had an estimated 2,106 experiencing homelessness on any given day. *See* U.S. INTERAGENCY COUNS. ON HOMELESSNESS (*last accessed* May 13, 2021), [https://www.usich.gov/homelessness-statistics/me/#:~:text=Maine%20Homelessness%20Statistics,and%20Urban%20Development%20\(HUD\)](https://www.usich.gov/homelessness-statistics/me/#:~:text=Maine%20Homelessness%20Statistics,and%20Urban%20Development%20(HUD)).

<sup>4</sup> M.H. Morton et al., *Missed Opportunities: Youth Homeless in America*, CHAPIN HALL AT THE UNI. OF CHICAGO, (2017), [https://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall\\_VoYC\\_NationalReport\\_Final.pdf](https://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall_VoYC_NationalReport_Final.pdf) (finding that LGBTQ young adults had a 120 percent higher risk of reporting homelessness compared to youth who identified as heterosexual and cisgender).

<sup>5</sup> *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)).

<sup>6</sup> 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/>.

<sup>7</sup> 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](https://www.huduser.gov/portal/Publications/pdf/Hsg_Disc_against_SameSexCpls_v3.pdf).

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

<sup>9</sup> *Id.*, at 178.

<sup>10</sup> *Id.*, at 180.

<sup>11</sup> *Id.*, at 179.



sexual minority adults and 1% of cisgender straight adults.<sup>12</sup> Further, “a significantly higher proportion of transgender people reported recent housing instability compared to both sexual minority and cis straight people.”<sup>13</sup> Finally the analysis determined significant racial and ethnic experiences with homelessness among sexual minorities indicating disproportionately higher rates of recent experiences with homelessness among Black (5.9%) and Latinx (2.6%) sexual minority people as compared to white sexual minority individuals (1.5%).<sup>14</sup> Ultimately, the data suggests that 16.9% of the surveyed individuals (sexual minority adults) experienced homelessness at some point in their lifetime, compared to the estimated prevalence of homelessness among the general population of 6.2%.<sup>15</sup>

LGBTQ+ people are among those with unique needs following re-entry. A 2018 report found that “as a result of higher poverty rates, LGBTQ communities are more likely than the general population to be in need of comprehensive and equal public benefits programs” and have “distinct needs throughout the reentry process, including connection to health care, obtaining accurate identity documents, [and] and understanding of state laws (or lack thereof) prohibiting discrimination based on sexual orientation and gender identity.”<sup>16</sup> In other words, LGBTQ+ people are at a heightened risk of experiencing housing insecurity and homelessness, and are therefore much more likely to be the targets of law enforcement for simply trying to exist in a world that punishes people for lacking a stable place to rest their heads.

The fundamental principle undergirding reform efforts is that individuals that are experiencing these conditions need *more* support, not the added risk of arrest and imprisonment. Indeed, Portland’s City Council passed a resolve in February of 2020 to create a new emergency shelter in the city, noting that “the homeless folks who struggle the most” are also those that have the greatest difficulty of receiving services, and are the most likely to cost additional taxpayer money through incarceration and police calls.<sup>17</sup> LD 1478 aims to address this by redirecting the public’s response to homeless individuals from anger and disgust to compassion and empathy. Doing so can begin to break the cycle of homelessness, incarceration, and recidivism due to the “crime” of lacking shelter in Maine.

Thank you for your consideration, and we urge you to unanimously vote that LD 1478 ought to pass.

---

<sup>12</sup> Bianca D. Wilson et al., *Homeless Among LGBT Adults in the US*, WILLIAMS INST., UCLA SCH. OF L. 1 (May 2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf> (examining data from *Generations Study*, national probability survey of sexual minority adults and *TransPop Study*, national probability sample of transgender people in the U.S.).

<sup>13</sup> *Id.* at 3.

<sup>14</sup> *Id.* at 4.

<sup>15</sup> *Id.* at 5.

<sup>16</sup> Lourdes Ashley Hunter et al., *Intersecting Injustice: A National Call to Action, Addressing LGBTQ Poverty and Economic Justice for All*, Soc. Just. Sexuality Project 1, 40, 99 (March 2018).

<sup>17</sup> See City of Portland, *Planning for a New Homeless Services Center* (last accessed May 13, 2021), <https://www.portlandmaine.gov/2098/Planning-for-a-New-Homeless-Services-Cen> and City of Portland, *Why do we need a new shelter?* (last accessed May 13, 2021), <https://www.portlandmaine.gov/Faq.aspx?QID=550/>



Sincerely yours,

GLBTQ Legal Advocates & Defenders, by:

Anthony Lombardi, Esq.  
Legal Fellow  
GLBTQ Legal Advocates & Defenders  
Alombardi@glad.org

Mary L. Bonauto, Esq.  
Civil Rights Project Director  
GLBTQ Legal Advocates & Defenders  
mbonauto@glad.org  
257 Deering Ave., #203  
Portland ME 04103