

## **Testimony Against Legislation Exempting Private Women's Shelters from Anti-Discrimination Requirements under the Maine Human Rights Act**

*Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee*

Thank you for the opportunity to testify today regarding proposed bill LD1337, which would exempt privately-owned shelters providing emergency services to women from anti-discrimination requirements under the Maine Human Rights Act, effectively allowing these shelters to deny services to transgender women

My name is Dr. Hien Nguyen, and I am an Economic Professor and the Cody van Heerden Chair in Economics & Quantitative Social Sciences at College of the Atlantic, Bar Harbor, Maine. I am writing today to respectfully urge you to **reject** this harmful legislation that would place an already vulnerable population at even greater risk.

### **The Existing Crisis Facing Transgender Mainers**

To understand the full impact of this legislation, we must first acknowledge the profound challenges transgender individuals, particularly transgender women, already face in Maine:

- **Disproportionate Homelessness:** National studies indicate that transgender individuals experience homelessness at significantly higher rates than the general population. According to the 2015 U.S. Transgender Survey, 30% of transgender respondents had experienced homelessness at some point in their lives, with transgender women of color facing even higher rates.
- **Violence and Victimization:** Transgender women face alarming rates of violence. The Human Rights Campaign has documented that transgender women, particularly transgender women of color, face the highest rates of fatal violence among all LGBTQ+ people. In 2024 alone, at least 32 transgender or gender non-conforming people were violently killed in the United States.
- **Employment Discrimination:** Despite existing protections, transgender Mainers continue to face significant barriers to employment. The unemployment rate for transgender individuals is approximately three times the national average, severely limiting their economic stability and housing options.
- **Healthcare Barriers:** Many transgender individuals report delaying or avoiding necessary medical care due to discrimination or inability to afford care, further compromising their overall health and stability.

- **Poverty and Economic Insecurity:** The combined impact of these barriers results in transgender individuals being more than twice as likely to live in poverty compared to the general population. In Maine's rural communities, where economic opportunities are already limited, these disparities are often magnified.

### **The Critical Role of Emergency Shelters**

Emergency shelters play an essential role in Maine's social safety net, particularly given our state's harsh winters and rural geography:

1. **Life-Saving Services:** For individuals experiencing homelessness, particularly during Maine's winter months, access to shelter can be literally life-saving. Temperatures well below freezing make outdoor living dangerous or fatal.
2. **Gateway to Services:** Shelters often serve as entry points to other critical services, including healthcare, mental health support, substance use treatment, housing assistance, and employment resources.
3. **Protection from Violence:** For women fleeing domestic violence or experiencing housing insecurity, shelters provide essential protection from further harm and exploitation.
4. **Geographic Scarcity:** In many Maine communities, particularly rural areas, shelter options are extremely limited. The next available shelter may be hours away, making transportation barriers insurmountable for those without resources.

### **The Particular Vulnerability of Transgender Women**

Transgender women face unique and compounded vulnerabilities that make shelter access particularly critical:

- **Heightened Risk of Violence:** Transgender women experience sexual assault and violence at rates far exceeding those of the general population. Survey-based research with trans women has found reported rates of physical abuse ranging from 39% to 47%, and sexual abuse rates ranging from 50% to 59%.
- **Family Rejection:** Many transgender individuals experience rejection from family networks that might otherwise provide temporary housing during crises, making shelter access even more essential.
- **Intersectional Challenges:** Transgender women who are also members of racial or ethnic minorities, have disabilities, or face other forms of marginalization experience compounded vulnerabilities.

- **Housing Discrimination:** Despite legal protections, transgender individuals continue to face significant discrimination in the housing market, making it harder to secure stable housing and increasing reliance on emergency services.
- **Health Vulnerabilities:** Transgender individuals often have specific healthcare needs that, when unaddressed due to lack of stable housing and access to services, can lead to serious health complications.

## **The Harmful Impact of the Proposed Legislation**

This legislation would have several detrimental effects:

1. **Creating Service Deserts:** In communities with only one or a limited number of shelter options, this exemption could effectively create service deserts where transgender women have no access to emergency shelter at all.
2. **Increasing Risk of Violence and Death:** By denying transgender women access to women's shelters, the legislation would force them to either:
  - Seek shelter in men's facilities, where they face extraordinarily high risks of harassment and assault
  - Remain unsheltered, exposing them to violence, exploitation, and health risks, including hypothermia during Maine winters
3. **Undermining Existing Civil Rights Protections:** Maine has been a leader in establishing comprehensive non-discrimination protections. This exemption would create a dangerous precedent for rolling back these protections in other areas.
4. **Creating Implementation Challenges:** The legislation would create practical questions about how shelter staff would determine who is transgender, potentially leading to invasive questioning, demands for identification (which many homeless individuals lack), or discrimination based on physical appearance and gender expression.
5. **Reinforcing Harmful Stereotypes:** The legislation implicitly perpetuates the false and damaging stereotype that transgender women pose a threat to cisgender women, despite no evidence supporting this claim.

## **Evidence Against Purported Safety Concerns**

Proponents of such legislation often cite safety concerns for cisgender women, but these arguments are not supported by evidence:

- **Lack of Documented Incidents:** In states and municipalities that have had transgender-inclusive shelter policies for years, there is no pattern of incidents that would justify excluding transgender women from appropriate shelter services.

- **Professional Standards:** Organizations like the National Network to End Domestic Violence and the U.S. Department of Housing and Urban Development have developed best practices for ensuring safety and privacy for all shelter residents while being inclusive of transgender individuals.
- **Existing Tools:** Shelters already have protocols and procedures to address behavioral issues or safety concerns related to any resident, regardless of gender identity. These tools can and should be applied equally to all residents.
- **Actual Safety Data:** The evidence shows that transgender women are far more likely to be victims rather than perpetrators of violence in shelter settings and other contexts.

### **Economic and Social Costs**

The proposed exemption would create significant economic and social costs for Maine:

- **Increased Healthcare Costs:** When individuals cannot access shelter, they often experience deteriorating health conditions that eventually require emergency care, creating higher costs for Maine's healthcare system.
- **Increased Policing Costs:** Unsheltered individuals are more likely to interact with law enforcement and enter the criminal justice system, creating additional costs to the state.
- **Lost Productivity:** Housing instability makes it nearly impossible to maintain stable employment, reducing economic contributions and increasing reliance on public assistance.

### **Alternative Approaches**

Rather than creating exemptions that harm vulnerable populations, Maine could:

- **Support Training and Best Practices:** Provide resources and training to help shelters implement evidence-based practices that ensure safety and dignity for all residents.
- **Increase Shelter Capacity:** Address the underlying shortage of emergency shelter options in Maine communities rather than restricting access for certain populations.
- **Support Trauma-Informed Services:** Develop and implement trauma-informed approaches that recognize and address the needs of all shelter residents, including both transgender and cisgender women who have experienced trauma.

- **Enhance Privacy Features:** Support facility modifications that enhance privacy for all residents, addressing concerns without discriminating against transgender individuals.

## **Conclusion**

I urge this committee to reject this harmful legislation that would exempt private women's shelters from anti-discrimination requirements. Such an exemption would place an already vulnerable population at significantly greater risk of violence, health crises, and death, particularly during Maine's harsh winters.

Maine has a proud tradition of "neighbor helping neighbor" and ensuring that all residents can access basic services regardless of who they are. This legislation would undermine that tradition and create dangerous precedents for rolling back civil rights protections.

Instead, I encourage this body to consider how we might better support all Mainers experiencing homelessness through increased shelter capacity, enhanced training, and evidence-based practices that ensure safety and dignity for everyone seeking emergency services.

Thank you for your consideration.

Respectfully submitted,

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