

# Comprehensive Nondiscrimination Protections Would Provide LGBTQ Millennials A Fair Shot At Economic Stability

By Hannah Finnie

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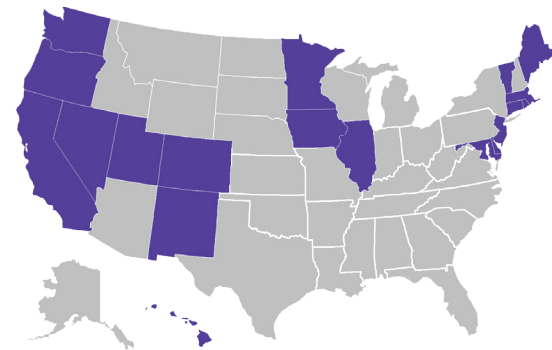
## Introduction

Millennials compose the largest, most educated, and most diverse generation in history, but are simultaneously saddled by unprecedented levels of debt, stubbornly high rates of unemployment, and widespread poverty.<sup>1</sup> Recent polling shows that Millennials are the only generation to prioritize economic stability over prosperity, meaning they're not just struggling to get ahead, they're struggling to get by. To that end, just 13 percent of Millennials believe they are "getting ahead" economically, while 64 percent feel they are "getting by" and 23 percent feel they are "falling behind."<sup>2</sup>

Lesbian, bisexual, gay, transgender, and queer (LGBTQ) Millennials, who often live at the intersection of multiple vulnerable populations, face many of the same barriers to economic stability as other Millennials but can face additional obstacles because of discrimination for who they are and who they love.<sup>3</sup> In a 2013 report from the Williams Institute studying 2010 data from the American Community Survey, an analysis of different-sex and same-sex couples found that, across every type of couple, young people faced the highest poverty rates. Among women in same-sex relationships, 25.3 percent of those under 25 experienced poverty, compared to 13.1 percent of those between 25 and 34, 6.1 percent of those between 35 and 44, and 1.5 percent of those between 45 and 54 (the poverty rates increase again for those 55 and older). Notably, while 25.3 percent of women in same-sex relationships under age 25 experienced poverty, the rate for people under 25 in married different-sex relationships was 6.5 percentage points lower, at 18.8 percent. The analysis found a similar decline in poverty rates by age for men in same-sex relationships: 21.7 of men in same-sex relationships under 25 were in poverty, versus just 3.7 percent of those between 25 and 34, 3.1 percent of those 35 to 44, and 4.7 of those 45 to 54. Men under 25 in same-sex relationships were 10 times more likely to be in

poverty than men over 55 in same-sex relationships.<sup>4</sup>

While legal protections won't solve everything, comprehensive protections for LGBTQ people that guard against discrimination in employment, housing, and public accommodations would help give LGBTQ Millennials their fair shot at economic stability. Today, a majority of LGBTQ Americans are still at risk of being fired because of their identity or denied access to housing and public accommodations, creating unnecessary and significant obstacles in their path toward economic stability.<sup>5</sup> Just 19 states have explicit, statutory provisions protecting people from discrimination based on sexual orientation, gender identity, or gender expression, meaning 31 states and the federal government lack explicit laws protecting LGBTQ Americans from discrimination. And even when protections are in place, they often fail to include the wide diversity of people who identify as LGBTQ: some protections cover sexual orientation but not gender identity or gender expression. Narrow protections that do not include gender identity and gender expression can leave transgender and gender nonconforming individuals vulnerable to discrimination and without legal recourse.



**FIGURE 1** Only 19 states and the District of Columbia ban discrimination based on sexual orientation and gender identity.

Young LGBTQ Americans, part of an already financially unstable generation, need comprehensive nondiscrimination protections that are both inclusive—that is, encompassing of sexual orientation, gender identity, and gender expression—and expansive—covering all areas of life, from employment to housing to public accommodations—to ensure they have their fair shot at economic stability regardless of who they are and who they love.

## Protections Should Include Sexual Orientation, Gender Identity, and Gender Expression

Comprehensive nondiscrimination protections would help give all LGBTQ Americans a fair chance at economic stability, but because Millennials identify as LGBTQ at higher rates than older generations, these protections are all the more important for the Millennial generation. A 2012 Gallup survey found that adults aged 18-29 were more than three times as likely to identify as LGBT than Americans 65 and older (6.4 percent to 1.9 percent). The report also found that among 30- to 64-year-olds, the likelihood of LGBT identity declined with age: 3.2 percent of 30- to 49-year-olds identified as LGBT, versus 2.6 percent of 49- to 64-year-olds.<sup>6</sup> More recently, a 2015 report from the Public Religion Research Institute found that 7 percent of Millennials identify as LGBT.<sup>7</sup>

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In addition to being more likely to identify as LGBTQ overall, younger Americans who identify as transgender are also more likely to identify gender nonconforming than older generations, which underscores the need for protections to cover not just sexual orientation, but gender identity and gender expression as well.

According to a study of transgender Americans from the National Center for Transgender Equality (NCTE), 16 percent of respondents aged 18-24 identified as transgender, and 34 percent identified as gender nonconforming. Of 25- to 44-year-olds, 52 percent identified as transgender and 59 percent identified as gender nonconforming. Meanwhile, among 45- to 54-year-olds, just 18 percent of respondents identified as transgender and 5 percent identified as gender nonconforming. In general, younger transgender Americans surveyed were more likely to identify as gender nonconforming than older generations.<sup>8</sup> Because it's uncertain whether gender identity and gender expression effectively cover all non-binary and gender nonconforming people, laws concerning nondiscrimination protections should explicitly state their intent to cover these populations.

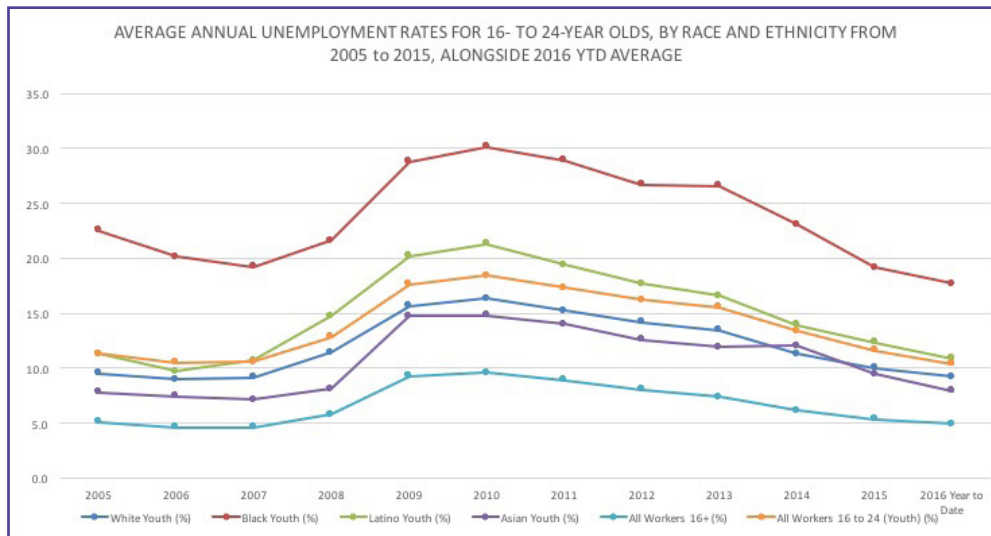
Thus, broadly inclusive nondiscrimination protections that cover sexual orientation, gender identity, and gender expression would benefit all in the LGBTQ community, but particularly Millennials. And, as this paper will detail, protections in employment, housing, and public accommodations are important tools LGBTQ Millennials need to become economically stable.

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## Protections Should Include Employment

Facing the deepest recession in eight decades, the 2008 economic crisis devastated many Americans. But the recession proved exceptionally ruinous for young Americans, many of whom were finishing up their final years in school and just beginning their careers when the crisis struck. Today, young people are still reeling from coming of employment age during an economic crisis. Despite falling below 2008-2010 heights, the youth unemployment rate remains stubbornly high at 10.4 percent, according to the latest available statistics from the Bureau of Labor Statistics.<sup>9</sup> For many youth of color, the outlook remains even more grim: according to 2016 year-to-date averages, 17.7 percent of black youth were unemployed.<sup>10</sup> Latino young people, too, face unemployment rates that hover above the youth average, while white and Asian youth tend to experience lower-than-average unemployment rates, though disaggregated data of the AAPI community show significant variation in economic status and unemployment by ethnicity.<sup>11</sup> Despite being the most

educated generation in history, young people today are still struggling with the consequences of the recession.<sup>12</sup>



**FIGURE 2** Youth unemployment by race

While unemployment remains high, wages remain low. In 2014, Millennials made up 70 percent of minimum-wage workers and for a 30-year-old today, wages are lower than they were for a 30-year-old in 2004.<sup>13 14</sup> It's no surprise, then, that the median income of 18- to 34-year-olds today falls thousands of dollars below the median income of the same age group in the 1980s, 1990s, and 2000s.<sup>15</sup> Not only are Millennials making less, they're owing more. The 2015 graduating class was the most indebted in history, with the average borrower owing over \$35,000 in student loan debt—nearly twice the figure just two decades ago.<sup>16</sup>

As if these factors weren't enough to systematically place Millennials at the brink of financial insecurity, the lack of clear and explicit nondiscrimination protections for employment puts LGBTQ Millennials at even greater risk of economic instability due to job loss. The risk, like Millennials' falling wages, is real: nearly one in 10 out lesbian, gay, and bisexual workers say they have been fired from their job because of their sexual orientation, and one in four transgender people say the same.<sup>17</sup> Meanwhile, NCTE found in their survey of transgender Americans that respondents faced unemployment at twice the rate of the national average, and that transgender people of color experienced unemployment rates four times higher than the national average. Moreover, NCTE found that 47 percent of respondents experienced an "adverse job outcome" because of being transgender or gender nonconforming, including behind fired, not hired, or denied a promotion. Twenty-six percent said they had lost a job because of their transgender or gender nonconforming identity,

and 44 percent reported experiencing underemployment.<sup>18</sup> A 2014 report from the Center for American Progress and the Movement Advancement Project notes the effects of holes in employment history on lifetime earnings, citing research demonstrating that one bout of unemployment during a recession can lead to a loss in earnings of \$100,000 over one's career.<sup>19</sup>

Against the backdrop of a harsh economic landscape for all Millennials, we should be making it easier, not harder, for LGBTQ Millennials to achieve financial stability. Provisions at the local and national level prohibiting discrimination on the basis of sexual orientation, gender identity, and gender expression in employment will help bring LGBTQ Millennials closer to economic stability by addressing factors that make it harder for LGBTQ Millennials to keep up with their non-LGBTQ peers.

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## Protections Should Include Housing

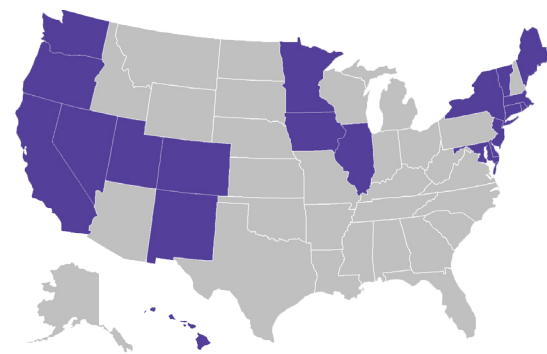
While protections in employment present an obvious part of the answer to securing economic stability for LGBTQ Millennials, protections in housing are a crucial part of the equation as well. For many, owning one's own home is a marker of independence; for others, home ownership is a sound investment that can provide long-term dividends and ensure a secure retirement. But in 2015, the American homeownership rate plummeted to its lowest level in nearly 50 years. More narrowly, young people—the future of the housing market—aren't buying homes like they used to.<sup>20</sup> Data from the U.S. census show that Millennials today are buying homes at the lowest rate in over 30 years, and 77 percent of young renters cite affordability as the biggest impediment to homeownership.<sup>21 22</sup> Many experts, including Secretary of Housing and Urban Development Julián Castro, attribute the fall in young homeowners in part to copious amounts of student debt.

Indeed, student debt in America is at crisis levels. In 2012, student debt crossed the trillion dollar mark.<sup>24</sup> In 2015, the college graduating class received the unfortunate graduation gift of being the most indebted class in history, with the average student who borrowed money for their bachelor's degree leaving school with \$35,051 in student loan debt.<sup>25</sup> In 2016, the graduating class received the same award, pushing the average debt load even higher, to \$37,173 for the average borrower pursuing a bachelor's degree.<sup>26</sup> Today, 43 million people in the United States have student debt and the total student loan debt in the U.S., which exceeds \$1.3 trillion, surpasses the amount of credit card debt and car loans. Millennials, the majority of recent and soon-to-be graduates, bear the brunt of the crisis.

In a speech to the Mortgage Bankers Association at their 2014 annual convention, Secretary Castro made this very point, connecting Millennials' staggering debt loads with the decline in homeownership rates:

*"As you know, [Millennials] aren't striking out on their own at the same pace as previous generations. They came of age during the economic crisis, burdened with incredible student debt. They are living with their parents longer, and delaying getting married and having children. These factors are a big reason why the homeownership rate among folks under 35 has reached historic lows. If we help them prosper, our housing market will prosper."<sup>27</sup>*

In short, more than older Americans, Millennials must overcome low wages, high debt, and low credit scores in order to purchase a home.<sup>28</sup> But LGBTQ Millennials face another barrier: the lack of explicit protections barring discrimination against LGBTQ people in housing. According to CAP analysis, just 22 states and the District of Columbia offer nondiscrimination protections for housing on the basis of sexual orientation, 20 and the District of Columbia on the basis of gender identity, and 17 on gender expression.<sup>29</sup>



**FIGURE 3** Only 20 states and the District of Columbia ban discrimination based on sexual orientation and gender identity in housing.

Simply because of who they are and who they love, LGBTQ people can be denied access to housing and left with fewer ways to address that discrimination than members of other demographic groups. The Center for American Progress and the Movement Advancement Project outlined the many ways housing discrimination can cost LGBTQ Americans in their 2014 report, "Paying An Unfair Price." According to the report, housing discrimination against LGBTQ people can lead to limited housing options and costlier quotes, longer housing searches that can result in more application costs, and increases in loan and insurance costs.<sup>30</sup> A 2013 study commissioned by the U.S. Department of Housing and Urban Development reported that 16 percent of the time, heterosexual couples were favored over gay and lesbian couples in applications for rental housing. The same study also found that same-sex couples faced adverse treatment, including being given fewer housing options, quoted higher prices, or given a more arduous application process.<sup>31</sup>

But access to housing means more than just home ownership—it also includes access to emergency shelter, like homeless shelters. Today, though there are protections from the Department of Housing and Urban Development, a dearth of explicit laws on both the state and federal level means that LGBTQ Americans lack the same levels of protections as their non-LGBTQ peers in accessing homeless shelters. And yet, paradoxically, LGBTQ youth often need housing the most: homelessness is disproportionately high among LGBTQ



youth, with estimates finding that between 9 and 45 percent of homeless youth identify as LGBTQ.<sup>32</sup> Homelessness may be particularly prevalent among transgender youth, with the percentage of transgender homeless youth outpacing the percentage of transgender youth in the overall population: a 2015 report from the Center for American Progress notes that the transgender population is thought to be less than 1 percent of the country's population (though higher for young people), but that previous studies have found that 22 percent of transgender youth aged 18 to 24 have experienced homelessness.<sup>33</sup> Moreover, a more recent study from the Center for American Progress found that just 30 percent of homeless shelters surveyed were willing to house transgender women in accordance with their gender identity, but that states with LGBT protections were twice as likely to be willing to provide transgender women with proper accommodations according to their gender identity.<sup>34</sup>

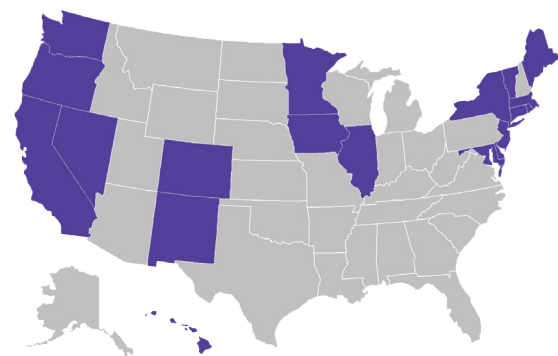
Without shelter, it's exceedingly difficult to find and maintain a good job, let alone economic stability. Discrimination in housing, whether trying to access a homeless shelter or trying to buy a house, presents just one more obstacle in the path between LGBTQ Millennials and economic stability. Unlike the economy, however, it can be easily changed: LGBTQ young people need nondiscrimination protections in housing covering sexual orientation, gender identity, and gender expression to have a fair shot at economic stability.

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## Protections Should Include Public Accommodations

In addition to employment and housing, public accommodations are another area in which nondiscrimination protections could help put LGBTQ Millennials on the path to economic stability. Public accommodations, public or private facilities used by the public, are an integral part of everyday life. From using public restrooms to going to the doctor's office to going to public or private schools, people rely on public accommodations to fully live their lives. And yet, just 21 states and the District of Columbia ban discrimination in public accommodations on the basis of sexual orientation. Of those, 19 states and the District of Columbia include gender identity in their protections.<sup>35</sup> But across all 50 states, young LGBTQ people spend significant portions of their lives in the public sphere—including one very important component of economic stability: school.

According to the 2011 census, 60 percent of people under 30 were enrolled in school. Public or private, schools fall under the umbrella of public



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**FIGURE 4** Only 19 states and the District of Columbia ban discrimination based on sexual orientation and gender identity in public accommodations.

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accommodations.<sup>36</sup> Without protections on the basis of sexual orientation, gender identity, and gender expression, LGBTQ Americans are at risk of discrimination in the very places purported to offer a safe space for growth, development, and a launching pad for getting ahead. This discrimination is not hypothetical: in May, 2016, Trinity Academy, a private Christian high school in Kansas, publicly clarified that it could expel or not admit a student based on their sexual orientation or gender identity, citing its Statement of Understanding and Agreement for Parent and Student:

*“Given the debate and confusion in our society about marriage and human sexuality it is vital that Trinity families agree with and support the school’s traditional, Christian understanding of those issues. Therefore, when the atmosphere or conduct within a particular home is counter to the school’s understanding of a biblical lifestyle, including the practice or promotion of the LGBT (lesbian, gay, bisexual, transgender) lifestyle or alternative gender identity, the school should have the right, in its sole discretion, to deny the admission of an applicant or discontinue enrollment of a current student.”<sup>37</sup>*

Even when discrimination is not as overt as Trinity’s and LGBTQ students are allowed to walk through the classroom door, intolerance can still prevent them from obtaining a high-quality education. Without protections, LGBTQ students can be harassed in the classroom and barred from certain activities or clubs, inhibiting their ability to learn. A NCTE study found that 78 percent of K-12 students who expressed a transgender or gender nonconforming identity reported experiencing harassment, with 15 percent saying the harassment was so serious they had to leave school.<sup>38</sup>

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Education and wages are highly correlated: a more educated workforce means a higher median wage.<sup>39</sup> Moreover, the gap in wealth between a person with low levels of education and a highly educated person is growing. According to a study from the St. Louis Federal Reserve, the median net worth for a household headed by someone 40 and over without a high school diploma was \$37,766 in 2013, or 44 percent less, after being adjusted for inflation, than the same demographic in 1989. Meanwhile, the median net worth of a household headed by someone with a bachelor’s degree or higher increased by 45 percent between 1989 and 2013.<sup>40 41</sup> Clearly, education is important for economic stability. But many LGBTQ Americans are at risk of being denied access to high quality educations or of being harassed in school because of their identity, putting their shot at economic stability at risk. This is particularly troubling for young Americans, the majority of whom are enrolled in school.

Young LGBTQ Americans deserve the same access to safe, welcoming learning



environments—environments that propel young people to high-quality jobs—as everyone else. When we forgo protections in public accommodations, we obstruct their access to an education, putting their economic futures at risk.

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## Conclusion

Millennials are already contending with a poor economic outlook defined by low wages and high un- and under-employment. Without comprehensive nondiscrimination protections that cover sexual orientation, gender identity, and gender expression in employment, housing, and public accommodations, the economic stability of young LGBTQ Americans is even further at risk. But we're not only putting the economic futures of LGBTQ Americans risk—we're also inhibiting their ability to put money back into the economy, we're limiting the amount of money they'll invest in America's future through taxes, and we're limiting their contribution to the American economy more broadly. What harms the economic stability of LGBTQ Americans harms the strength of the entire American economy.

Moreover, America has long been a country defined by a common ethos that everyone, no matter who they are or where they're from, should have an equal chance to get ahead. But without comprehensive nondiscrimination protections covering sexual orientation, gender identity, and gender expression, LGBTQ Americans don't get their fair shot at the American dream. For LGBTQ Millennials, who are part of a generation defined by economic instability, the need for protections is especially acute. Far from monolithic, Millennials are disproportionately people of color, low-income, and transgender—all identities already subject to high rates of discrimination in employment, housing, and public accommodations. Put together, they leave LGBTQ Millennials especially vulnerable to discrimination. Nondiscrimination protections won't end prejudice, but they will help ensure that all Americans can live their lives without fear of discrimination because of who they are and who they love. For young LGBTQ Americans, they can't come soon enough.

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## About the Author

**Hannah Finnie** is the Senior Policy and Communications Associate at Generation Progress.

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## Acknowledgements

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## End Notes

- 1 Author's note: Precise definitions differ on the exact age range of the Millennial generation, but most identify the generation as those born between around 1980 and 2000. When possible, this paper names the exact age range cited in particular studies. When not named, the author is broadly speaking about those who are approximately 18 to 35 years of age.
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