



Advancing LGBTQ Equality Through Local Executive Action

By Laura E. Durso, Caitlin Rooney, Sharita Gruberg, Sejal Singh,
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Introduction and summary

On June 26, 2015, the LGBTQ rights movement reached a major milestone in the pursuit of full equality when the U.S. Supreme Court legalized marriage for same-sex couples nationwide. Despite this progress, more than 200 laws designed to allow discrimination toward lesbian, gay, bisexual, transgender, and queer people were introduced at the federal, state, and local levels in 2016. The massacre at the Pulse Night Club in Orlando, Florida, last June claimed the lives of nearly 50 people, the majority of whom identified as LGBTQ and people of color, and the number of transgender people murdered in 2016 simply for being themselves, almost all of whom were transgender women of color, was the highest yet recorded.

Violence and discrimination born of intolerance and marginalization continue to take lives and create barriers to equity and opportunity for LGBTQ people and their families, and in 2017 the Trump administration has presented new threats to this community. Members of Trump's Cabinet and other agency appointees show clear animus against LGBTQ equality and have already taken steps to undermine protections for LGBTQ people, including rescinding the Obama administration's guidance clarifying the rights of transgender students in schools, hampering efforts to collect data on sexual orientation and gender identity in federal surveys, and promoting a vision of so-called religious liberty that can be misused to discriminate against LGBTQ communities. With the federal government taking a reduced or even hostile role in protecting civil rights, further action can and must happen at the local level. The goal of achieving full legal and lived equality for LGBTQ people and their families can only be met with the support of local leaders who are in a position to make decisions that fully include and protect LGBTQ people.

Mayors, county executives, and other leaders who manage local jurisdictions have the power to take action and make a difference in the lives of LGBTQ people and families. Studies on the diffusion of policy ideas indicate that actions that begin at the local level have the potential to influence peer jurisdictions and can translate to changes at the state and federal levels in a phenomenon called the "snowball effect."¹

Counties and municipalities that pass policies to better serve LGBTQ community members serve as case studies that provide policymakers with opportunities to evaluate and refine the effectiveness of emerging ideas that can be adopted in other jurisdictions.

In 2001, the City and County of San Francisco, under the leadership of its mayor, became the first major jurisdiction to remove exclusions that banned employee access to medically necessary transgender-specific care under employee health care plans.² Shortly thereafter, executives from across the country began adopting similar policies once questions about the policy were addressed during the implementation process. In 2016, 86 of the 506 cities that were rated in the Human Rights Campaign's Municipal Equality Index had removed transgender exclusions from employee health care plans.³

Local executives manage governments that implement thousands of federal and state programs, in addition to creating community-based programs that are designed to serve residents at the local level. The programs administered by local jurisdictions are diverse and encompass health, human services, economic security, education, and criminal justice services. The total annual expenditures of all local governments across the United States amounts to \$1.72 trillion.⁴ There are currently more than 3,000 county governments and nearly 36,000 active city and town governments in the United States.⁵ These county and local government entities employ millions of workers and provide direct services to every resident. Simply put, local governments affect the daily lives of every American in ways both big and small.

Differences in state laws authorizing the establishment of political subdivisions, including cities and counties, have resulted in the creation of numerous governance structures.⁶ Many localities have governing structures that centralize executive authority in an elected mayor or county executive. Certain localities require multiple elected officials to share and jointly exercise executive authority. Others elect council members who work with a manager who has executive authorities and is appointed to maintain operations beyond any individual elected member's term.

Like the relationship between the federal government and the states, each state must address similar issues when deciding how—or whether—to share power with their localities. There are two general governing types in terms of how states delegate power: home rule and Dillon's Rule.⁷ Home rule states grant broad powers to their municipalities to self-govern, although the exact extent varies by state, issue area, and—in some cases—by municipality.⁸ In states that utilize Dillon's Rule, municipalities can only exercise those powers explicitly granted to them.⁹

To complicate matters, these approaches are not actually mutually exclusive, and many states use a combination of both.¹⁰ No state completely prohibits local government authority, and no local government is completely independent of and immune to state authority.¹¹ New York, for example, follows Dillon’s Rule, but New York City is granted certain home rule powers.¹²

Even with this complicated landscape, mayors, county executives, and other officials have the power to enact policy changes that advance LGBTQ equality. These leaders are often responsible for crafting executive budgets that frame debates around the allocation of resources for services that support the most vulnerable residents. They can issue executive and administrative orders that establish policies affecting programmatic, human resources, and operational functions. Under mayors and county executives, department or bureau directors—who report to executives—negotiate questions on program design and evaluation and often work with nonprofit and private organizational partners to leverage external resources to better address unmet needs in communities. In sum, these leaders and local officials have an array of tools at their disposal that can be used to improve the lives of LGBTQ people and their families.

This report offers a broad menu of options for nonlegislative actions that can be taken by executives managing local governments in order to better protect, serve, and include LGBTQ residents. Given the mandate of local officials, along with their expertise born from close contact with constituents, they have the power to make meaningful change across entire counties and cities down to individual communities. Although it may not be possible to adopt or implement every idea presented in this report in every locality, each can serve as a starting place for deliberating on which actions would be suitable in a particular jurisdiction and spurring new ideas for securing equality and fairness for all.

How to read this report

This report was designed to meet three main goals:

- To provide local executives with a broad range of policy ideas that can be implemented at the county, city, and school district level. Every jurisdiction in the country has a role to play in advancing LGBTQ equality and the aim of this report is to be responsive to the needs of local governments at different levels of development of their own LGBTQ policy agendas.

- To provide concise recommendations for change that allow executives to easily move from idea to action. While it is helpful to read recommendations within the context of other sections of the report, each is drafted to stand alone, making this document easier to search and utilize.
- To show the diversity of administrative actions that have been taken at the local level as well as the diversity of geographies and government actors that have taken these steps. This report features municipalities from all nine U.S. Census regions and 28 states plus the District of Columbia. Even more jurisdictions than those named in this report have taken action to advance the rights of their LGBTQ residents; those included here were chosen to demonstrate the broad range of support for LGBTQ equality across the United States.

The report is organized into three interrelated sections. The first section, “Governance,” recognizes the unique role that local executives play in overseeing the public workforce and setting policy priorities through procurement and budgeting processes. The recommended actions included in this section affect public employees, buildings and services, and how governments function. The second section, “Community Engagement,” presents ideas to increase collaboration between executive offices and local LGBTQ organizations and community members. These actions focus on the interface between government and its constituents. The third section, “Equality Across Policy Domains,” explores the needs of LGBTQ constituents across areas of life such as health care and economic policy, and shares actions local leaders can take to positively affect the lives of all residents while working to reduce disparities faced by LGBTQ communities.

Within each section, headers indicate administrative actions for local authorities to consider implementing in their city or county. The description of each recommended action includes research detailing the scope of the problem the action would address, examples of jurisdictions that have taken the same or similar actions, and—where appropriate—best practices to guide officials toward developing policies appropriate for their locality. Recognizing the wide variation in government structures and codes, these sections do not include specific language for model policies but rather present key principles for executing the ideas and include references to resource documents or experts in the field to help guide officials in developing individual policies. Text boxes throughout the report highlight examples of executive actions across a range of policy areas and geographic locations.

Governance

In addition to enacting policies that affect local constituents, city and county officials are themselves employers and service providers overseeing their own workforce and the operation of public services. In that role, mayors, county supervisors, and other municipal officials make determinations that affect the hiring and management of public workers, the benefits afforded to them, and the terms under which contractors and grantees do business within their jurisdictions. In addition, these officials oversee the management of public property and facilities such as libraries and other places of public accommodation that public employees, residents, and visitors use and rely on daily. This section makes recommendations for actions that local officials can take—from equal employment policies to contracting and licensing to training opportunities—that can advance LGBTQ equality within their own governing structures.

Employment and inclusion in local government

One of the first and most important steps county and city executives can take to support LGBTQ equality is to create an inclusive and diverse workplace. At present, there is still no federal law that explicitly prohibits employment discrimination on the basis of sexual orientation, gender identity, or gender expression, although some federal courts have ruled that gender identity- or sexual orientation-related employment discrimination qualifies as sex discrimination under Title VII.¹³ Currently 20 states and the District of Columbia have employment nondiscrimination laws that cover both sexual orientation and gender identity; two more states have such laws that cover only sexual orientation.¹⁴ Despite this progress, 50 percent of the U.S. population still lives in a state with no explicit statutory protection from being fired solely on the basis of sexual orientation, gender identity, or gender expression.¹⁵

With 43 percent of lesbian, gay, and bisexual workers and as many as 90 percent of transgender workers experiencing discrimination or harassment on the job, employment discrimination is a serious issue for LGBTQ communities.¹⁶ In addition, other forms of employment discrimination include LGBTQ individuals not being hired to begin with, or being fired for being who they are. A recent study by the Center for American Progress found that LGBTQ Americans are twice as likely to lack health insurance as their non-LGBTQ counterparts, and job insecurity only exacerbates this problem.¹⁷ This is especially concerning given that discrimination based on sexual orientation, gender identity, and/or gender expression leads to poor health outcomes for LGBTQ individuals.¹⁸ Allowing employment discrimination worsens the economic plight of this already vulnerable community: Families headed by same-sex couples make \$15,500 less per year than families headed by different-sex couples and approximately 60 percent of transgender individuals report yearly incomes less than \$25,000.¹⁹

LGBTQ discrimination not only harms workers; it is also bad for employers. When companies lose qualified employees, they encounter increased turnover expenses. Approximately 2 million American workers leave their jobs due to discrimination annually, costing businesses an estimated \$64 billion.²⁰ On the flip side, the benefits of LGBTQ-inclusive workplace policies include lower health insurance costs, increased productivity, and higher job satisfaction among employees.²¹

Thinking about their own workforces, counties and cities can take action to protect their LGBTQ workers from discrimination. This is particularly important in the states that lack comprehensive nondiscrimination protections. By doing so, counties and cities can send a message to all LGBTQ constituents that their government values them. Below are steps that city and county executives can take to ensure nondiscrimination and inclusion in their own workforces, including implementing an LGBTQ-inclusive nondiscrimination policy, instituting programs to recruit and retain LGBTQ employees, establishing or supporting offices of equity, funding LGBTQ employee resource groups, providing employees and contractors with paid leave, and offering health benefits that cover transition-related care.

Employee nondiscrimination protections

In 2015, Allan Kauffman, mayor of Goshen, Indiana, signed an executive order expanding the discrimination and harassment policy for city government employees and applicants. The policy already prohibited discrimination on the basis of sexual orientation, but Kauffman's executive order expanded it to include a prohibition on gender identity discrimination and harassment. With this executive order in place, all residents in Goshen could file complaints of discrimination on the basis gender identity, along with sexual orientation and other protected classes.²² In explaining his decision to issue an executive order, Kauffman said: "It was not enough to simply say, 'We don't believe in discrimination, but we also won't do anything if it happens.'"²³

County and city executives can take a big step toward equality in the workplace by prohibiting anti-LGBTQ discrimination in employment and incorporating that prohibition into personnel policies. While many local governments have policies that protect against discrimination on the basis of race, sex, national origin, and religion, not all governments explicitly protect people from discrimination on the basis of sexual orientation, gender identity, and gender expression.

County and city leaders should issue executive orders or mayoral directives that explicitly prohibit discrimination based on sexual orientation, gender identity, or gender expression in government employment. Such a directive should explicitly direct human resources departments or other agency officials to update existing personnel policy to outline nondiscrimination guidelines and practices for the workplace. At the federal level, Executive Order 11478, issued by President Richard Nixon, prohibited discrimination against federal government workers on the basis of race, religion, or sex, among other characteristics, and was later expanded by President Bill Clinton to include sexual orientation and by President Barack Obama to include gender identity. Executive Order 11478 explicitly states that personnel policy and practice must incorporate the federal government's nondiscrimination policy in each department and agency.²⁴

On the local level, including such provisions in employee handbooks and other workplace and personnel policies is important, even for localities that have an existing nondiscrimination ordinance inclusive of sexual orientation and gender identity or expression throughout the city or county. Specifically, incorporating

LGBTQ-inclusive nondiscrimination provisions integrates the policy into pre-existing processes for hiring and other employment decisions, makes individual rights clear to employees, outlines for employers how to implement the policy in the context of each agency or department, and holds the employer accountable to following the policy.²⁵

Numerous cities and counties across the country have already issued LGBTQ-inclusive nondiscrimination policies for their workforces, such as Goshen, Indiana. (see text box) In 2012, Daniel McCoy, the county executive of Albany, New York, issued an executive order adding gender identity and gender expression to the list of classes protected from workplace discrimination in the county government.²⁶ The executive order specifically prohibited discrimination in hiring, firing, job appointments, compensation, and treatment. It also directed the county's human resources department to create clear guidelines on how to avoid such discrimination and allowed employees to file discrimination claims with the county division of affirmative action on those bases. In justifying the order, McCoy stated that no employee should be discriminated against because of gender identity and that such discrimination is counterproductive to creating a productive workforce and to attracting and retaining the best talent. The executive order also included a provision that required every agency manager to make "good faith efforts to ensure that all employees are afforded equal opportunity, without regard to gender identity."²⁷

Even earlier, in 2011, Dwight C. Jones, the mayor of Richmond, Virginia, issued an executive directive prohibiting discrimination against city government employees on the basis of sexual orientation or gender identity.²⁸ Specifically, Jones's directive relies on state and federal law and asserts that the Equal Protection Clause of the U.S. Constitution prohibits discrimination on the basis of sexual orientation or gender identity. The directive prohibits agency heads, managers, supervisors, and any city employee from discriminating against another city employee or candidate and directs that "hiring, promotion, compensation, treatment, discipline, and termination" decisions be based on an employee's merits, qualifications performance, and the city's need.²⁹

In addition to issuing explicit protections for LGBTQ government employees, mayors should direct local agencies to interpret discrimination based on sexual orientation, gender identity, or gender expression as discrimination based on sex as prohibited under Title VII. In 2016, the mayor of Jacksonville, Florida, issued just such a directive to his agencies.³⁰ Federal courts are increasingly recognizing that LGBTQ people are protected under Title VII, an argument that the Equal

Employment Opportunity Commission has also asserted in litigation.³¹ For localities that have an ordinance prohibiting sex discrimination in employment, directing local agencies to interpret sexual orientation and gender identity discrimination as a form of sex discrimination may be a crucial way to apply protections to all LGBTQ workers in the community, not just those working in local government.

Take steps to recruit and retain LGBTQ employees

Beyond just prohibiting discrimination, executives should take steps to ensure equal opportunity and foster an inclusive workplace climate by making sure managers recruit and retain LGBTQ employees. Studies show that LGBTQ-inclusive workplace policies are linked to better recruitment and retention of LGBTQ employees, increased commitment among LGBTQ employees to their organization, and reduced turnover of LGBTQ employees.³² Business leaders say that ensuring diversity of sexual orientation and gender identity in the workplace can benefit employee satisfaction, innovation, productivity, and customer experiences and client services.³³ As of 2011, the majority of Fortune 500 companies and the top 50 federal contractors that have workplace policies inclusive of sexual orientation and gender identity credit those inclusive policies and/or LGBTQ-inclusive diversity in the workplace with benefiting their businesses. These companies and contractors most commonly cited recruiting and retaining top talent as an economic benefit; they also identified other benefits such as fostering innovation and ideas, increased productivity, and improved customer service.³⁴

Through executive directives, counties and cities can instruct their human resources departments to engage in outreach efforts to LGBTQ community members, to consider diversity as an important factor in hiring decisions, and to enact policies that help to retain LGBTQ employees. Equal employment opportunity plans or other affirmative action steps, just like nondiscrimination policies, also should be incorporated into personnel policy. The executive directive should explicitly instruct the human resources department or other agency officials to update existing personnel policy such as employee handbooks to include or add an equal employment opportunity policy or plan. For example, federal Executive Order 11478—since amended to protect federal employees from discrimination on the basis of sexual orientation and gender identity—explicitly states that personnel policy and practice must incorporate the government’s equal opportunity policy and the realization of equal opportunity through a “continuing affirmative action program” in each department and agency.³⁵

Some local governments already engage in outreach to potential LGBTQ employees. For example, Jersey City, New Jersey, states on its website that it, “actively recruits LGBT individuals to serve within municipal agencies such as the [Jersey City] police and fire departments.”³⁶ Individual departments have also taken steps to recruit and retain LGBTQ employees. For example, the LGBTQ community liaison in the Norfolk, Virginia, police department has coordinated police force recruitment events at local LGBTQ pride festivals.³⁷ Since before 2000, the New York City Police Department, or NYPD, has actively recruited officers from the LGBTQ community.³⁸ Today, the NYPD’s Community Affairs Bureau LGBT Outreach Unit assists in recruiting potential officers from the LGBTQ community.³⁹

Local executives also have issued equal employment opportunity policies. In 2016, James Ritsema, the city manager of Kalamazoo, Michigan, issued an equal employment opportunity policy for city employment to increase opportunities based on classifications including race, sex, gender identity, and sexual orientation.⁴⁰ This came seven years after the city passed an LGBTQ-inclusive nondiscrimination ordinance.⁴¹ The policy states that the city will strive to inform diverse applicants of job openings through media and referral agencies, inform current employees of opportunities for promotions and consider restructuring or creating positions to provide promotional opportunities, and evaluate managers partly based on their efforts to increase diversity. Ritsema also made the city’s human resources director its equal employment opportunity officer, responsible for implementing the equal employment opportunity plan. The plan further explains how Kalamazoo will ensure equal employment opportunities, including informing managers and employees about the equal employment policy and the plan’s goals, modifying the city’s recruitment methods to reach diverse applicants, and monitoring employment decisions such as hiring, promotions, salary changes, and terminations to ensure compliance with the city’s nondiscrimination policy and to make corrective actions as necessary.⁴² The Kalamazoo plan, unlike the policy, does not explicitly mention sexual orientation and gender identity, but in order to ensure that affirmative action steps apply to LGBTQ people, executives should ensure that any equal employment opportunity plan is explicitly LGBTQ-inclusive when it outlines recruitment, monitoring, and any other steps.

States also have implemented equal employment opportunity policies through the executive branch, which can serve as a model for local executives.⁴³ In 2003, the governor of Pennsylvania issued an executive order that both broadened state employment discrimination protections to include gender identity and expression and also directed each state agency to take positive steps to ensure equal employment opportunity.⁴⁴ The order directs the heads of departments and agencies to

take several steps, including designating an equal opportunity officer and creating mechanisms for compliance, and directs the Pennsylvania secretary of administration and the Bureau of Equal Employment Opportunity to take certain steps, such as creating and implementing statewide equal employment opportunity policies and training and working with agency staff on actions that affect equal employment opportunity, including recruitment, hiring, promotions, and salary.

Prohibit city and county employees from discriminating in services, activities, and programs

Nondiscrimination in public services

Although Decatur, Georgia, has not passed an LGBTQ rights ordinance, its public nondiscrimination statement issued by the city manager states that the city will not discriminate “in the provision of public services, programs, and activities, because of race, color, religion, sex, age, national origin, disability, genetic information, sexual orientation, sexual preference, gender identity or expression, or political affiliation.”⁴⁵

The statement of nondiscrimination posted by Millington, Tennessee, which was issued alongside the city’s notice of compliance with the Americans with Disabilities Act and Title VI of the Civil Rights Act, prohibits discrimination on the basis of gender identity, sexual orientation, and other protected characteristics “in admission to, access to, or operations of [the City’s] programs, services, or activities.”⁴⁶

Crucially, both Decatur and Millington have made their nondiscrimination statements easily accessible online and both policies clearly indicate how city residents can file a grievance if they have faced discrimination in city services or programs.

LGBTQ people experience routine discrimination when attempting to access municipal services, potentially barring them from a wide range of services, from after-school arts and athletics programs for young people to life-saving housing and food assistance programs. A 2015 study found that transgender people who visit government benefits offices regularly experience discrimination: nearly one in five reported being denied equal treatment and/or being verbally harassed just in the past year.⁴⁷

Local executives can prohibit discrimination in public services and programs by adding sexual orientation and gender identity or expression to their city's public notice of nondiscrimination. Nondiscrimination statements should make clear that no individual should be excluded from participation in, denied the benefits of, or subject to discrimination under any city or county programs, activities, or services on the basis of sexual orientation or gender identity or expression, in addition to race, color, religion, national origin, sex, disability, age, and other relevant protected characteristics.

Many cities across the country have already banned discrimination in public services, including cities that have yet to pass an LGBTQ-inclusive nondiscrimination law, such as Millington, Tennessee, and Decatur, Georgia. (see text box)

In addition to listing protected characteristics, nondiscrimination statements should clearly articulate specific forms of conduct that constitute prohibited discrimination. For example, municipal employees and programs should be prohibited from the following actions on the basis of protected characteristics:

- Denying services, financial aid, or other benefits provided under a municipal program
- Providing city services or benefits of a different quality, of a different quantity, or in a different manner than those provided to other persons
- Separating or segregating participants in any part of a municipal program
- Establishing different requirements or standards to receive a benefit or participate in a municipal program

Local leaders should also ensure that municipal employees receive appropriate training about a city's nondiscrimination policies and best practices on providing public services to LGBTQ residents. For more information on training see "Trainings and Technical Assistance" on page 29.

Ensure restrooms in city and county buildings are accessible regardless of gender identity or expression

Local government executives can also create an inclusive environment for transgender employees and residents by instituting restroom policies that ensure that all employees and visitors have appropriate and equal access to these facilities based on their gender identity and/or expression. These inclusive policies may include a formal policy allowing people to use the restroom in accordance with their gender identity in government buildings and/or designating restrooms as gender neutral. Transgender and gender-nonconforming people face high rates of discrimination when it comes to restroom access, and policies denying them restroom access cause further harm.⁴⁸ In addition to the negative consequences to transgender individuals, these policies harm the economy as well, as the backlash against North Carolina's anti-transgender House Bill 2 showed.⁴⁹ Enacting inclusive policies may help both employees and members of the public feel more welcome and be more likely to engage in the public sphere, as well as preventing damage to the local economy.

In the 2015 U.S. Transgender Survey, the largest survey of transgender people ever conducted, one-quarter of transgender adults reported being denied access to a restroom, having their presence questioned, or being verbally, physically, or sexually assaulted while in a restroom in the past year.⁵⁰ Another study found that transgender and gender-nonconforming people who were discriminated against in places of public accommodation were more likely to experience negative physical and mental health outcomes such as headaches, heart palpitations, asthma, and gastrointestinal issues.⁵¹ The 2015 U.S. Transgender Survey found that 8 percent of transgender adults reported having a urinary tract infection or kidney-related medical problem in the past year due to avoiding the use of restrooms.⁵²

This discrimination occurs not only in the public square but also within places of employment. For example, 70 percent of transgender and gender-nonconforming people surveyed in Washington, D.C., in 2008 reported experiences of being harassed, assaulted, or denied access to public restrooms, with 27 percent of those working in the District of Columbia having experienced verbal harassment or being denied access to restrooms at work.⁵³ This treatment led some individuals to miss work frequently, perform less well on the job, and even quit.⁵⁴ This evidence suggests that discrimination is counter to creating a productive, talented workforce and that implementing inclusive restroom policies would be beneficial for the government's workforce.

Protections would also benefit transgender members of the public. When transgender people are denied restroom access, they might avoid public accommodations altogether: more than half of transgender and gender-nonconforming respondents in the District of Columbia reported avoiding going out in public because of safety concerns in public restrooms.⁵⁵ In the 2015 U.S. Transgender Survey, the majority of transgender people surveyed reported that in the last year they sometimes or always avoided using a restroom, including at work, school, or in public, to avoid confrontations or other issues.⁵⁶ Inclusive facility policies may help transgender residents feel safer accessing resources from city agencies in city and county buildings, participating in community events such as town halls, and participating in public life in the community in places such as public parks, playgrounds, and recreation centers. Allowing transgender residents access to restrooms in accordance with their gender identity and/or expression in government buildings sends a message that they are included and accepted, and may make them more comfortable accessing government resources.

Through an executive order, county and city executives can create a policy to ensure inclusive restroom access for transgender residents and employees in government buildings and facilities. One method of ensuring access is to explicitly specify that employees and members of the public can use restrooms in public buildings in accordance with their gender identity and/or expression. For example, in 2016 New York City's mayor signed an executive order requiring city agencies to ensure that all residents, including transgender people, can use single-sex restrooms in any city government building according to their gender identity. This policy covered city agency offices as well as public spaces such as parks, pools, and playgrounds and mandated training for managers on the policy. The executive order further called for the restroom policy to be posted in conspicuous locations.⁵⁷

Ensuring equal access does not come at the expense of public safety, as opponents of transgender equality argue. No evidence suggests that allowing transgender people access to restrooms that align with their gender identity poses a threat. In fact, Media Matters for America interviewed law enforcement, government employees, and civil and human rights groups in 12 states with nondiscrimination protections for transgender people inclusive of public accommodations, and none of the participants reported that the protections led to incidents of sexual harassment or abuse.⁵⁸

Another way to make restroom policies more transgender-inclusive is to designate single-occupancy restrooms as gender neutral, as several cities and counties have done. In 2013, Jeff Gogen, the board chairman of Multnomah County, Oregon,

signed an executive order requiring all new construction projects in the county to have single-occupancy gender-neutral restrooms.⁵⁹ The county also took steps to ensure that all pre-existing government buildings designate one or more restrooms as gender neutral, if possible, by requiring buildings to change signs to make single-occupancy restrooms gender neutral rather than designated for men or women. The county also indicated in its press release and an FAQ that some multi-stall restrooms would become gender neutral.⁶⁰ Cogen made these changes in response to feedback from his employees. “Some folks have told us they literally have to wait and go home during the day to go to the bathroom,” explained Cogen. “Clearly, that is suffering no one should have to endure.”⁶¹ Similarly, in 2015, Mayor Martin J. Walsh of Boston signed an executive order establishing single-occupancy gender-neutral restrooms in city hall outside of the mayor’s office and city council chamber.⁶²

Ensure that human resources policies and benefits for city and county employees are inclusive of LGBTQ people and their families

Remove exclusions in employee health benefits

Removing exclusions in employee health plans

In 2013, the Washington, D.C., Mayor’s Office of Gay, Lesbian, Bisexual, and Transgender Affairs informed the city’s Department of Insurance, Securities, and Banking that several insurers in the region were using discriminatory exclusions in their coverage. To address this issue, the department issued a bulletin that prohibited private insurance companies writing health insurance in the district from categorically denying coverage on the basis of an insured’s gender identity.⁶³ In 2014, the department updated its original bulletin to clarify that health insurance carriers operating in Washington must assess the medical necessity of treatments related to gender transition in a nondiscriminatory manner and in keeping with up-to-date expert standards of care for gender dysphoria, such as those maintained by the World Professional Association for Transgender Health.⁶⁴ In conjunction with the release of the 2014 bulletin, the DC Department of Human Resources published a statement welcoming the new bulletin’s application to the city’s municipal employee benefit plans,⁶⁵ and the city’s Department of Health Care Finance also issued its own guidance clarifying that coverage for gender dysphoria is available through the district’s Medicaid program.⁶⁶

Local governments can support their employees by requiring that human resources departments remove exclusions from employee health care plans that discriminate against transgender people. Although there is a broad medical consensus that hormone therapy and transition-related surgeries are medically necessary for many transgender people, insurance plans often categorically exclude these services, even when the same services are covered for cisgender—non-transgender—patients for indications other than gender dysphoria.⁶⁷ For instance, insurers might cover a hysterectomy for a cisgender woman but deny coverage of a hysterectomy for a transgender man.⁶⁸ In the 2015 U.S. Transgender Survey, the majority—55 percent—of insured transgender respondents who tried to get coverage for transition-related surgeries and a quarter—25 percent—of insured transgender respondents who tried to get coverage for hormone therapy were denied coverage by their plan.⁶⁹

In 2016, to respond to these discriminatory coverage denials, the federal Department of Health and Human Services promulgated a rule clarifying that the sex nondiscrimination provision in the Affordable Care Act prohibits discrimination against transgender people in health care and health insurance coverage.⁷⁰ This rule bans insurance plans from denying transgender patients coverage for health services if similar treatments are covered for cisgender patients. However, legal challenges and the appointment of anti-transgender officials to the department signal an uncertain future for federal protections, making it critical for state and local governments to take action to protect their transgender employees.⁷¹

Already, 18 states have issued guidance prohibiting transgender exclusions in private health insurance coverage, and at least 12 states explicitly cover transition-related care for state employees.⁷² Some local executives have taken similar steps. In 2001, localities started banning categorical exclusions, with San Francisco being the first to ban exclusions legislatively.⁷³ Since then, local executives have also taken steps to ban exclusions through administrative action. In 2010, for instance, the county chair of Multnomah County, Oregon, issued an executive fiat to remove transgender exclusions in employee coverage and ensure that employee plans affirmatively cover transition-related surgeries.⁷⁴ In 2013, Washington, D.C., banned exclusions in employee health plans, private health plans, and Medicaid. (see text box) In 2014, the interim city manager of Cincinnati worked with the city's group health insurer to add gender reassignment surgery to its list of covered services. This important step expanded transgender-inclusive coverage beyond mental health therapy and hormone therapy, which were already covered.⁷⁵

In 2015, Chicago's mayor proposed removing the exclusion of gender reassignment services from city health care plans.⁷⁶ In the same year, the mayor of Jersey City, New Jersey, announced that his administration planned to extend municipal employee coverage for transition-related care, including surgeries, and noted that the estimated cost of this coverage is "very small."⁷⁷ In 2016, the mayor of Phoenix asked the city's health care task force to consider providing transgender-inclusive medically necessary health benefits to city employees, and at their recommendation, the city made the change.⁷⁸ In his announcement, the mayor said that extending inclusive coverage to transgender city employees would make the Phoenix government "a more sought-after employer" and noted it was "the right thing to do."⁷⁹

Extend paid family leave and paid sick leave to all city and county workers and contractors, with inclusive definitions of family

Another way to ensure that human resources policies and benefits for government employees and contractors are inclusive of LGBTQ people and their families is to extend paid family leave and paid sick leave to all government workers using an inclusive definition of family. Many Americans are still unable to take time off to care for themselves and their loved ones without worrying about losing wages or their jobs. More than one-third of workers in the private sector do not have paid sick leave, and only 13 percent have paid family and medical leave.⁸⁰

Those least able to afford to take unpaid leave are also less likely to have paid leave. Workers in the lowest earnings quartile are two times less likely to have paid sick leave and four times less likely to have paid family leave than those in the highest earnings quartile.⁸¹ This discrepancy in access is even more dramatic when analyzed by race, as more than 40 percent of African Americans and more than half of Latinx people lack access to paid sick leave.⁸² Gender and sexual orientation also appear to interact to reduce access, with 55 percent of lesbian and bisexual women lacking access compared to 60 percent of heterosexual women.⁸³ Some workers resort to taking unpaid leave anyway, losing \$20.6 billion in wages each year.⁸⁴ In fact, the City of Chicago Absenteeism Task Force found that more than three-fifths of absenteeism in the city was unpaid sick leave.⁸⁵

LGBTQ Americans are especially hurt by this lack of access to paid sick and family leave. Thirty states lack comprehensive employment nondiscrimination laws covering both sexual orientation and gender identity.⁸⁶ While a few federal district and appellate courts have extended some Title VII employment discrimination protections to LGBTQ people, the protections granted are not entirely comprehensive and the issue is by no means settled law.⁸⁷ Given this climate, many LGBTQ people worry that taking unpaid leave will be used as an excuse to fire them.⁸⁸

Another leave issue faced by LGBTQ workers is the limits placed on the individuals for whom caregivers may take leave. With limited definitions for who qualifies as “family,” policies often render many American families invisible and fail to support their needs. The reality is that more than 80 percent of American households diverge from the idealized married couple with their minor children.⁸⁹ These households, according to the Center for American Progress report “Making Paid Leave Work for Every Family,” include “families such as those with children older than age 18, families not headed by married couples, and households occupied by one individual or a group of individuals unrelated by blood, marriage, or adoption.”⁹⁰ No states currently provide paid family leave to care for a same-sex partner with no legal relationship to the employee, and only four states provide paid family leave to care for a child regardless of the child’s legal relationship to the employee.⁹¹

There is movement in the right direction, however. In 2016 Arizona became the first state to adopt a statewide paid sick leave law including as “family” anyone related by “blood or affinity” who has “the equivalent of a family relationship” with the employee.⁹² This inclusion of more extended family relationships is important. Broadening the definition of family to better match reality will benefit families of many different types, and LGBTQ families in particular. Studies indicate that LGBTQ people often form close bonds with chosen families, or informal support networks of friends and others, due to stigma they face from their own biological families and neighbors.⁹³ LGBTQ people rely on these chosen families for support, a role made all the more important given that a study found that LGBTQ Baby Boomers live alone at rates double that of non-LGBTQ Baby Boomers.⁹⁴ Although LGBTQ families particularly benefit from broadening the definition of family, this is not just an LGBTQ issue: In a 2007 Los Angeles County health survey nearly 300,000 people reported that they provide care for extended family members and close friends.⁹⁵

Mayors and county executives can institute paid sick leave and paid family leave for all local government workers in their jurisdiction with an executive order. In New York City, for example, the mayor issued a personnel order in 2016 that extended paid parental leave to city employees.⁹⁶ While this order only made biological, adoptive, or foster parents eligible, a more inclusive order would include stepparents, legal guardians, and any “person standing *in loco parentis*—one who is acting in the place of a parent.”⁹⁷ Such a policy would cover a wider spectrum of caregiver-child relationships, especially ones where an LGBTQ parent may not have a biological or legal connection to the child.⁹⁸

For the purposes of paid sick leave and family leave policies, the definition of family should also include the previously mentioned chosen families. Both Chicago and its encompassing Cook County in Illinois provide perhaps the best examples of an inclusive definition of family, adding to their list of family members “any other individual related by blood or whose close association with the Covered Employee is the equivalent of a family relationship.”⁹⁹ Minneapolis is unique in including “members of the employee’s household” in its definition of family, though this fails to include many types of chosen family.¹⁰⁰ Cities with policies that allow employees to designate a person or people that they may use sick time to care for, such as San Francisco, are also worth noting, although the designation requirement is likely too rigid to effectively capture chosen families whose composition may change.¹⁰¹ Jurisdictions allowing such designations should allow employees to change their designee(s) at least quarterly to allow flexibility.

Paid leave programs at the local level have generally been funded by the city or county.¹⁰² For ease of implementation, several states have built their paid family leave programs on top of existing program structures, such as temporary disability insurance, and cities could do the same.¹⁰³ Mayors and county executives also could go further and require that all contractors doing business with the city or county and its agencies provide their employees with paid leave. With Executive Order 13706, President Obama did just that, mandating that certain federal contractors provide paid sick leave, including for family care, to their employees.¹⁰⁴ Any paid leave order should also cover all applicable employers even if they only have one employee, as does the law in Saint Paul, Minnesota.¹⁰⁵ To extend paid leave to all private non-contractor employers, however, the municipal or county legislature would likely need to pass an ordinance. Mayors and county executives have the opportunity to be a part of a wave of positive change in this area. A previous report by CAP found that in the last half of 2016 alone nearly 7 million people gained access to paid sick leave that included an inclusive definition of family thanks to local and state initiatives.¹⁰⁶

Establish an office of equity

County and city executives should establish offices of equity to ensure that, among other goals, policies for their LGBTQ employees are fair and inclusive. In the 2012 General Social Survey, 1 in 10 government employees reported being harassed on the job because they were perceived to be lesbian, gay, or bisexual.¹⁰⁷ An office of equity can create a more welcoming workplace for LGBTQ municipal employees and work to address this discrimination.

As an executive agency that primarily advises other agencies, an office of equity can be created by executive order, which was what New York City did in establishing its Commission on Gender Equity.¹⁰⁸ Offices of equity can be established either at the level of individual departments or city- or countywide.¹⁰⁹ They can also have suboffices focusing on specific populations, such as in Multnomah County, Oregon, where a youth commission was created within its office of equity to ensure that youth policy concerns are heard by the government.¹¹⁰ Offices could similarly include a director of LGBTQ affairs to manage policy coordination, public engagement initiatives, and LGBTQ employee resource groups. An office of equity can review the local government's internal personnel policies to ensure that they are upholding principles of equity and diversity, including any nondiscrimination policy that may already exist. Offices of equity can also process discrimination complaints based on local laws and provide trainings on compliance to municipal employees, as the Office of Human Rights in Washington, D.C., does.¹¹¹

The city of San Antonio is one of a growing list of localities that has designated ongoing funding to support an office of diversity and inclusion, with the aim of strengthening services for the community and improving workplace environments.¹¹² Others, such as the Office for Equity and Inclusion of Dane County, Wisconsin, are charged with reviewing county policies and with making a centralized outreach effort to underserved populations.¹¹³ The Office of Diversity and Equity in Multnomah County, Oregon, both reviews policies and provides other services for county workers to ensure the workplace is inclusive of all employees, regardless of their sexual orientation or gender identity, among other factors. It offers training to the county's staff to create a safe work environment in addition to collecting data on the demographics of the government's workforce.¹¹⁴ It also encourages county employees to volunteer as so-called "change agents" who liaise between the office of equity and their co-workers, advocate for dignity and respect, and identify opportunities for increased inclusion.¹¹⁵ The Office of Diversity and Inclusion in Jersey City, New Jersey, uses "inter-departmental and community collaboration on issues that promote the protection and inclusion of all persons."¹¹⁶ The office explicitly acknowledges the inclusion and protection of all citizens regardless of sexual orientation and gender identity as an organizational goal.¹¹⁷ All of these efforts help uphold these cities' and counties' commitment to their employees.

Fund LGBTQ employee resource groups

In addition to formalizing written policies that promote equality and inclusivity for LGBTQ employees, county and city executives can support their workforces by funding LGBTQ employee resource groups in the executive budget. LGBTQ employees and their allies may feel socially isolated at work or face a hostile work environment.¹¹⁸ Employee resource groups promote inclusiveness and understanding in the workplace, as San Diego County's human resources department advertises, by providing LGBTQ employees with opportunities to network and creating a process by which they can assist their employers with recruiting and retaining talent.¹¹⁹

Additionally, these groups can interface with nongovernmental community-based groups to support pride events and other activities that recognize the history and achievements of LGBTQ communities. In Multnomah County, members of the LGBTQ employee resource group Prism are entitled to meet during the work-day¹²⁰ and some funding is given for these activities through budgeting for the Office of Diversity and Equity.¹²¹ Research shows that employees who are members of resource groups are generally more engaged, satisfied in their jobs, and proud of their organization than those who aren't.¹²² It also has been found that LGBTQ-supportive workplace climates predict job satisfaction more than formal organizational policies do, further indicating that the support system provided by employee resource groups is important.¹²³

Executive budget

Crafting budgets that not only fund mandated services but that also meet unmet needs in communities across the country has become increasingly challenging for county executives.¹²⁴ General revenue recovery has been slow.¹²⁵ At the same time the costs for service provision for county and city governments have increased and residents facing economic struggles and other hardships have increasingly relied on the safety net provided by local governments to meet basic needs.¹²⁶ Research indicates that LGBTQ residents are more likely than non-LGBTQ residents to experience reduced economic security, and inclusion of issues of concern to LGBTQ communities throughout the budget process may result in better services that meet the needs of LGBTQ people and their families.¹²⁷

Multnomah County, Oregon, again provides a good example of how city and county executives can present budgets that include culturally specific, LGBTQ-targeted services. Multnomah County's proposed human services budget for 2016, for example, included funding for a designation program for culturally competent housing for LGBTQ seniors and increased support for the Sexual and Gender Minority Youth Resource Center.¹²⁸ The latter allocation was explicitly proposed in response to a 30 percent increase in the number of youth seeking services, demonstrating that funding can be designed to target specific needs of an underserved community.¹²⁹

Other examples of local executives proposing budgets that fund LGBTQ-targeted programs are New York City, San Francisco, and Los Angeles. Responding to data that indicate that, on average, between 20 percent and 40 percent of youth experiencing homelessness identify as LGBTQ, the New York City executive budget funds a runaway and homeless youth drop-in center targeted to LGBTQ youth.¹³⁰ The department that manages this program, the Department of Youth and Community Development, also gives grants to nonprofit organizations that provide crisis shelter and transitional independent living services to LGBTQ runaway and homeless youth.¹³¹ In another example, the mayor of San Francisco proposed funding what the city calls a "Getting to Zero" initiative in its budget, which is aimed at achieving zero new HIV infections, zero stigma, and zero deaths from HIV/AIDS in San Francisco.¹³² And a recent proposed budget for the city of Los Angeles included funding for the ONE National Gay & Lesbian Archives, the largest collection of LGBTQ materials worldwide.¹³³

Local governments can also leverage federal and state grant resources to better serve LGBTQ people and their families. The United States' 10 largest municipalities alone receive \$2.27 billion annually from the federal government.¹³⁴ Those funds can be distributed in ways that meet unmet needs of underserved communities. In fact, many LGBTQ-serving organizations rely on federal grants that are distributed by cities, such as Ryan White HIV/AIDS program funds.¹³⁵

Local executives should also be aware of the needs of LGBTQ people and their families when grants are not specifically targeted at LGBTQ communities. For example, the U.S. Department of Education funds community school programs across the country through the Full-Service Community Schools program.¹³⁶ Grantees work to remove barriers to academic attainment by providing a wide range of services that include health care and food security programs.

Partnerships between community-based service providers, schools, and government agencies create a network that can be adjusted depending on a community's unique needs.¹³⁷ Local executives can direct their chief education officers to include LGBTQ students in their implementation of these programs, such as supporting Gay-Straight Alliance or Genders & Sexualities Alliance programs and requiring partner organizations to create strategic plans that support LGBTQ students.¹³⁸ The community-schools model easily allows incorporation of program components that help meet the needs of LGBTQ students whose educational attainment can be hindered by hostile school climates and other barriers.¹³⁹

Contracting and licensing

Among the most powerful tools an executive has at their disposal is the ability to incentivize equality and, conversely, penalize inequality through contracting and local licensing requirements. By applying the terms and conditions for public employees to private contractors, executives can significantly increase the number of people protected by nondiscrimination policies and ensure that local governments do not do business with entities that enable discriminatory and harmful practices.

Include LGBTQ-inclusive nondiscrimination requirements in contracts and grants, including a requirement to not engage in conversion therapy

Mayors and county executives can use their contracting and procurement powers to prohibit contractors and grantees from discriminating on the basis of sexual orientation and gender identity or expression. As of 2012, at least 61 local governments had enacted nondiscrimination ordinances that apply to contractors and were inclusive of sexual orientation and gender identity.¹⁴⁰ That number has only grown. To illustrate this, as of March 22, 2017, more than 220 cities and counties in states lacking comprehensive employment nondiscrimination laws covering both sexual orientation and gender identity had adopted local ordinances offering such protections.¹⁴¹ While these initiatives are often accomplished through legislative means, government executives also have taken action through their procurement powers. In 2016, the mayor of Jacksonville, Florida, for example, issued a mayoral directive that required all contractors doing business with the city to adopt nondiscrimination policies inclusive of sexual orientation and gender identity or expression.¹⁴²

Municipalities from Ypsilanti, Michigan, to Los Angeles have adopted ordinances prohibiting employment discrimination by government contractors that could be used as templates for executive orders by leaders in other cities.¹⁴³ Atlanta provides a good example of an equal opportunity ordinance that applies to all city contracts and purchase orders valued above a certain dollar amount.¹⁴⁴ The Atlanta ordinance requires a clause in all contracts with the city that prohibits contractors from discriminating on the basis of sexual orientation or gender identity.¹⁴⁵ If a locality already has such an equal opportunity clause requirement, then sexual orientation and gender identity or expression can simply be added to the list of prohibited bases for discrimination.¹⁴⁶

The stringency of contract compliance requirements has varied among localities, with some entities requiring a preapproval process through a contract compliance agency.¹⁴⁷ Other localities have delegated monitoring to a community relations commission.¹⁴⁸ Punishments for breach generally include enabling the locality to terminate the contract and barring contractors from entering future contracts.¹⁴⁹ Still other ordinances allow monetary penalties for breach of contract.¹⁵⁰ Research has shown that in localities with these contracting requirements, contractors have complied with little resistance.¹⁵¹ To make compliance easier, however, localities may wish to give prospective contractors model nondiscrimination policy language that is compliant with their local ordinance, such as that developed by the Williams Institute for federal contractors.¹⁵²

A locality can further reinforce contractual nondiscrimination requirements by requiring “affirmative action or recruitment outreach steps” with respect to gender identity and sexual orientation.¹⁵³ In Bloomington, Indiana, for example, such affirmative actions required of contractors include, “the issuance of a statement of policy regarding equal employment and its communication to all personnel involved in recruitment, hiring, training, assignment, and promotion”; “notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of . . . sexual orientation [and/or] gender identity”; and recruiting in the LGBTQ community.¹⁵⁴ Local executives can also require that contractors provide evidence of good faith efforts to improve the diversity of their workforce, such as an affirmative action plan.¹⁵⁵

In furthering the equality of LGBTQ citizens, procurement power can also be used to bar contractors and grantees from engaging in so-called “conversion therapy” for minors, also sometimes called “reparative therapy,” “ex-gay therapy,” and “sexual orientation change efforts.”¹⁵⁶ According to the National Center for Lesbian Rights, practitioners today often use “a variety of behavioral, cognitive, psychoanalytic,

and other practices that try to change or reduce same-sex attraction or alter a person's gender identity."¹⁵⁷ The practice has been discredited and is "rejected by every mainstream medical and mental health organization."¹⁵⁸ Notably, both the American Psychological Association and the American Psychiatric Association have concluded that conversion therapy is not supported by any scientific research and that risks include a laundry list of poor mental health outcomes for recipients.¹⁵⁹ Subjecting a child to conversion therapy sends the ultimate message of rejection to that child. A San Francisco State University study found that LGBTQ youth who are rejected by their families are eight times more likely to attempt suicide and six times more likely to report high levels of depression than peers who experience familial acceptance.¹⁶⁰

Only eight states and the District of Columbia ban conversion therapy for minors.¹⁶¹ One additional state—New York—has regulations that serve as an effective ban.¹⁶² Local governments can fill this gap in protection. Cincinnati became the first city to ban conversion therapy in 2015.¹⁶³ More and more cities are banning the practice, with Toledo, Ohio, and Key West, Florida, being two of the most recent as of this writing.¹⁶⁴ The most significant statewide executive action against conversion therapy so far occurred in New York. In 2016, New York's governor announced several executive actions aimed at ending the practice of conversion therapy there.¹⁶⁵ Some of these actions do not translate to the local level; however, local procurement power provides an avenue for ensuring that municipal funds are not being misused to pay for conversion therapy.¹⁶⁶ To prevent the misuse of public funds, a mayor or county executive can require all contractors and grantees to agree, as a condition of receiving municipal funds or entering into contracts to provide services to local residents, that they will not engage in conversion therapy. Local executives can also ensure that municipal insurance policies for government employees expressly exclude coverage for conversion therapy.

Revoke licenses of businesses that violate nondiscrimination laws

Business licensing is the set of requirements that must be met by a company as a prerequisite to operate in a particular jurisdiction. Typically, the legislative branch of a municipality or county decides which businesses need to be licensed, what fees are associated with licenses, if a business must comply with certain laws and regulations in order to receive a license, and the scope of enforcement powers of administrative agencies. Some licenses are conditional on following all local ordinances, regulations, and/or state laws. Where possible, cities and counties can deter businesses from discriminating against LGBTQ people by revoking the licenses of businesses that do not comply with local nondiscrimination laws and policies.

When a license is conditional on the license owner and their agents following state and local laws, nondiscrimination laws should be strictly enforced. If, after an investigation, a business is found to discriminate against LGBTQ people, its license should be suspended or revoked. Some cities, such as Indianapolis, even allow enforcement agencies to temporarily suspend the licenses of licensees against whom there are credible charges of violations rising to the level of an “emergency.”¹⁶⁷ Whether violations are serious enough to warrant such immediate action is left to the license administrator’s discretion.¹⁶⁸ A hearing would be required to make the temporary suspension permanent, but this practice could be used by cities and counties to proactively take action against businesses that discriminate.¹⁶⁹

Even when emergency conditions are not present or such a rapid response is not available, all allegations of discrimination in violation of laws or regulations should be investigated. Strict enforcement of business licensing ensures that businesses understand the gravity of discriminating against LGBTQ people. Suspension and revocation of business licenses can be tools to deter discrimination and encourage fair treatment of LGBTQ people. Portland, Oregon, provides just one example of license revocation being used effectively against a cab driver who discriminated against a lesbian couple.¹⁷⁰

Strictly enforcing nondiscrimination laws can become a major deterrent to discriminatory practices. Twenty states and hundreds of localities have comprehensive nondiscrimination laws or regulations that include sexual orientation and gender identity.¹⁷¹ Many very populous localities in California have codes that allow this method of license enforcement, including Los Angeles County, Orange County, and the city of San Jose.¹⁷² Denver is an example of a municipality that already uses license revocation as a nondiscrimination ordinance enforcement tool.¹⁷³ Denver’s code specifically states that failure to comply with the nondiscrimination ordinance is grounds for license revocation.¹⁷⁴

In addition to strong enforcement of nondiscrimination statutes, the licensing department or related agencies should take proactive measures to educate local business leaders about compliance with nondiscrimination laws and LGBTQ cultural competency. San Francisco’s Human Rights Commission, for example, offers a training for businesses that has up-to-date information about compliance with state ordinances.¹⁷⁵ At least one study has found that when nondiscrimination obligations are presented and explained in a clear manner, compliance increases.¹⁷⁶

Include LGBTQ-owned businesses alongside other minority-owned businesses in contracting opportunities

Beyond preventing discrimination against LGBTQ employees of contractors and grantees, executives should take affirmative steps to provide opportunities to LGBTQ business owners. One of the ways to accomplish this is by tracking the number of contracts awarded to certified LGBT Business Enterprises, or LGBTBEs, which are businesses that are certified by the National Gay and Lesbian Chamber of Commerce to be majority-owned by LGBT people.¹⁷⁷

Businesses owned by racial and ethnic minorities and/or women are already specifically targeted for procurement by the federal government and by many state and local governments to address disparities in business ownership and increase opportunities for underrepresented groups; LGBTQ business owners should also be targeted. For example, procurement policies often target women-owned businesses, as single women are 3.9 percent less likely to own a business than single men with the same income, wealth, and education levels.¹⁷⁸ However, unlike businesses owned by racial minorities or women, LGBTBEs are often not included in such a targeted way. Because LGBTQ people are more likely to be unemployed or living in poverty than non-LGBTQ people, and because they face employment discrimination that might keep them out of the workforce, starting or owning their own business can be a key opportunity for LGBTQ people to avoid such discrimination and contribute to a local economy.¹⁷⁹

In 2015, certified LGBTBEs created more than 33,000 jobs and all LGBTQ-owned businesses contributed more than \$1.7 trillion to the U.S. economy.¹⁸⁰ According to National Gay and Lesbian Chamber of Commerce, intentionally seeking out LGBTQ businesses is common across the public and private sector, and the organization partners with the following entities to help increase opportunities for LGBTQ-owned businesses: more than a third of Fortune 500 companies; many top federal agencies, including the Small Business Administration, the U.S. Department of Transportation, and the U.S. Department of Agriculture; the Commonwealths of Massachusetts and Pennsylvania; major urban municipalities, including King County, Washington, Essex County, New Jersey, and San Francisco; and the Public Utilities Commission of California. All of these entities “actively seek out” LGBTBEs for contracting and procurement.¹⁸¹

City and county executives can join these efforts by increasing procurement and contracting with LGBTBEs. Executives can issue an executive order to seek out LGBTBEs in contracting opportunities alongside pre-existing racial minority-owned, women-owned, and emerging small business programs, or can direct equal opportunity offices or purchasing departments to seek out partnerships with LGBTBEs. One way to do this is to set a goal that a certain percentage of their contracts be awarded to those businesses—this practice is a helpful way for local governments to stay accountable to the goal of providing opportunity to underrepresented populations. Setting benchmarks is crucial, because it can help increase procurement and value of contracts for minority-owned businesses. For example, federal agencies set aside certain contracts for women-owned small businesses to reach the goal of 5 percent of contracting and awards going toward these businesses. According to the National Women’s Business Council, in the time since the Women-Owned Small Businesses Federal Contracting Program was implemented in 2011, women-owned contracted companies have increased the number and value of their federally awarded contracts.¹⁸²

In setting benchmarks, executives must be mindful of the intersecting identities and characteristics of business owners and the different economic advantages and disadvantages research shows to be associated with those factors. Executives can address this issue by including in their executive order or directive a requirement that the purchasing department must consider candidates holistically when awarding contracts under the LGBTBEs program, including taking into account sexual orientation, gender identity, race, socioeconomic background, and other factors to ensure that contracts fulfill their purpose of providing economic opportunity to underrepresented groups.

Some localities have already taken steps to seek out LGBTBEs for procurement and contracting. In 2016, King County, Washington, announced plans to track the number of contracts awarded to LGBTQ entrepreneurs in order to increase the diversity of contractors utilized by the county government.¹⁸³ In Cleveland, the Mayor’s Office of Equal Opportunity recognizes certified LGBT Business Enterprises and includes them in a registry for contractors seeking subcontractors, along with racial minority- and women-owned businesses.¹⁸⁴

Before creating new benchmarks, executives can conduct a local disparity study to determine whether disparities based on race, sex, sexual orientation, gender identity, or other factors exist in a government’s workforce or in its contractor force. Essex County, New Jersey, conducted such a study, and it led to the creation of the state’s Office of Small Business Development and Affirmative Action,

which includes a resource center for small businesses owned by racial and ethnic minorities, women, and LGBTQ people.¹⁸⁵ In 2011, the office partnered with the National Gay and Lesbian Chamber of Commerce and began recognizing LGBTBEs, and it expanded its outreach to the LGBTQ affiliates.

A model for executive action on programs for LGBTBEs also exists on the state level. The Philadelphia Regional Port Authority, an independent agency of Pennsylvania, recently expanded its diversity and inclusion policy to include LGBTQ people. Under its policy, at least 20 percent of contracts worth \$100,000 or more must go to subcontractors certified as LGBT-owned, women-owned, veteran-owned, or racial minority-owned small businesses.¹⁸⁶

Additionally, in 2015, the Massachusetts governor issued an executive order to include LGBTBEs within a diversity program that requires contractors for a state project costing more than \$150,000 to use a certain percentage of that state awarded money on subcontractors and suppliers that are LGBT-owned, women-owned, veteran-owned, racial minority-owned, or owned by people with disabilities.¹⁸⁷ The executive order also increased state benchmarks—spending goals—for the amount of state money to use on various types of businesses to 7 percent for racial minority-owned businesses and 13 percent for women-owned businesses. The governor’s office noted it would give LGBTBEs two to three years to increase capacity before setting benchmarks for procuring a certain amount of LGBTBEs.¹⁸⁸ However, if data on other demographic groups certified under the supplier diversity program provide any indication, including LGBTBEs in the program will provide them with the opportunity to compete for a sizeable portion of the state’s contracting budget: “In fiscal year 2014, businesses certified under the supplier diversity program were awarded \$991 million in state contracts out of \$4 billion in total state spending on goods and services.”¹⁸⁹

Trainings and technical assistance

Promoting or mandating trainings that address the diverse needs of LGBTQ communities—and hiring local experts to conduct such training—is an important way for local executives to improve the delivery of services to LGBTQ residents in their community. Local governments can provide their own employees and government-funded organizations with LGBTQ-related training opportunities and require such trainings for government employees or contractors.

Mandating inclusivity trainings may be particularly important for certain departments where major initiatives are housed—for example, training police departments to properly respond to hate crimes. Incorporating LGBTQ trainings into larger diversity trainings allows the training to address the intersections of sexual orientation and gender identity with other factors such as race, disability, homelessness, and poverty, and the impact of these intersections on employee perceptions of the community. This is important to ensure that employees—from public transportation workers to police officers to senior center staff—better understand the challenges faced by the diversity of LGBTQ people that they serve and are better able to recognize and address their own bias against certain communities. If LGBTQ trainings are conducted separately from other diversity trainings, they should also explicitly address how bias and discrimination affect subgroups of the LGBTQ community in different ways, particularly LGBTQ people of color.

Ensuring that government officials are able to respectfully interact with LGBTQ residents and provide appropriate services has several benefits: It makes clear to LGBTQ residents that they are included in local initiatives and are valued members of the community; it may build greater trust in government institutions; and it may increase engagement and participation from LGBTQ community members in public life.

Make government employee diversity trainings LGBTQ-inclusive

One way that executives can provide an inclusive environment for their LGBTQ residents and employees is by mandating that all government employee diversity trainings are LGBTQ-inclusive. Providing employees with more information about LGBTQ people and the issues and discrimination that they face helps employees better understand those residents and prepares them to provide services in a nondiscriminatory and respectful manner. Equipping employees with this type of training can also create a more welcoming office environment for LGBTQ employees and can help make LGBTQ individuals feel more comfortable using government services. It can allow LGBTQ community members to go to city hall, attend a public meeting, get a marriage license, obtain a certificate of a name or gender marker change, or seek help at a local government office with less fear of being harassed, made to feel unwelcome, or being discouraged from seeking help.

Unfortunately, research shows that LGBTQ people currently face discrimination in accessing public services. The 2015 U.S. Transgender Survey found that 17 percent of respondents who reported that government staff or employees “knew or thought” that they were transgender reported negative experiences—“being denied equal treatment or service or being verbally harassed”—at a public assistance or government benefit office because of their gender identity. Additionally, 13 percent reported negative experiences at a court or courthouse, and more than a third—34 percent—reported such negative experiences while using public transportation.¹⁹⁰ Some transgender people even avoided using such government services for fear of being mistreated.¹⁹¹

As the visibility of the transgender community increases, these data show the necessity of training to equip government employees to respectfully serve transgender people and to respond sensitively and appropriately to instances of discrimination. Education about what it means to be transgender is particularly important, as the concept of gender identity isn’t well known to the general public. One 2016 study, which examined public attitudes on transgender people in advertisements as well as the public’s knowledge about transgender identities, showed that people do not have a clear understanding of what being transgender means. While 93 percent of people surveyed said they know what it means to be a transgender person, respondents on average received a “C” grade on a transgender IQ test, which asked participants to rate as true or false several statements about gender identity and transgender people.¹⁹²

Local governments that already mandate that their employees undergo diversity training may simply include an LGBTQ cultural competency component. The inclusion of this dimension of diversity in other types of trainings is not new: the majority of Fortune 500 companies have diversity training that includes sexual orientation and 42 percent include gender identity or expression, and the vast majority of companies rated in the Human Rights Campaign’s Corporate Equality Index utilize LGBTQ-inclusive diversity training.¹⁹³

For governments that have a local LGBTQ-inclusive nondiscrimination policy, employee trainings ideally cover how to follow that policy—whether it applies to LGBTQ employees, LGBTQ residents served by the government, or both—and explains any consequences for failing to follow the policy. In its Corporate Equality Index, the Human Rights Campaign rewards points to companies that utilize trainings that incorporate reviewing definitions or scenarios of the company policy.

However, even in governments that don't have an explicit nondiscrimination policy that includes sexual orientation and gender identity or expression, trainings can provide employees with a better understanding of LGBTQ identities, the issues facing LGBTQ communities, and best practices for engaging with LGBTQ coworkers and members of the public.

Out and Equal, a leading national organization that provides online and onsite LGBTQ cultural competency training to corporations and government agencies, has several main goals for its trainings. These key goals can serve as guiding principles for local governments providing such trainings or working with a community organization to provide trainings. The goals include explaining LGBTQ terminology and identities, breaking down myths and stereotypes about LGBTQ people, explaining why being LGBTQ-inclusive is good for the organization and its ability to serve the public, and discussing best practices for LGBTQ-inclusive workplace policies.¹⁹⁴ While many organizations provide online trainings that governments can use, having an in-person training with one or more LGBTQ educators is ideal because it allows employees to ask questions and have a conversation. It is also important that local governments periodically evaluate their trainings to ensure that they are up-to-date, effective in informing employees, and shifting employee behavior to better align with the office's policies or best practices.

Some local executives have already mandated LGBTQ-inclusive diversity trainings for government employees. In 2016, Seattle's mayor issued an executive order directing the city's Office of Civil Rights to provide guidance and train city staff that interact directly with the public on how to follow the city's nondiscrimination in public accommodations law and how to provide "safe and inclusive spaces for residents, including transgender and gender-diverse people."¹⁹⁵ The office planned to develop the trainings in conjunction with local LGBTQ organizations. Tempe, Arizona, includes LGBTQ diversity training within its inclusion training, which is conducted in two four-hour sessions and seeks to help employees understand that inclusion is a business imperative; learn what aspects of a work environment lead to better retention, productivity, and customer service; and better understand LGBTQ communities.¹⁹⁶ According to the executive order, the LGBTQ component specifically covers "definitions, statistics, EEOC laws, City of Tempe employment protection, and the business case for LGBT inclusion."¹⁹⁷

Mandate LGBTQ-inclusive trainings for local police

Local police commissioners should mandate LGBTQ-inclusive cultural competency trainings for their police officers to help them better serve their community, including LGBTQ residents. Unfortunately, LGBTQ people are both vulnerable to violence and are over-criminalized by law enforcement, even when seeking help from police.

For example, while LGBTQ people are more likely to be the victims of hate crimes than their non-LGBTQ peers, LGBTQ victims are sometimes blamed or even arrested by police who show up on the scene instead of being provided aid.¹⁹⁸ In addition, according to the National Coalition of Anti-Violence Programs, almost one-third—31 percent—of LGBTQ and HIV-positive survivors of intimate partner violence who interacted with law enforcement in 2015 were arrested instead of their abusive partners.¹⁹⁹ Same-sex couples are at least 10 times more likely than different-sex couples to have an experience where both partners are arrested in cases of intimate partner violence.²⁰⁰ When responding to reports of intimate partner violence, police often make assumptions about the perpetrator based on physical appearance, gender stereotypes, and other biases, which may contribute to false and dual arrests of LGBTQ people in same-sex relationships.²⁰¹

Unfortunately, even beyond explicitly criminalizing LGBTQ survivors, police sometimes exhibit hostility and indifference toward LGBTQ victims: 12 percent of LGBTQ and HIV-positive survivors of intimate partner violence who interacted with law enforcement in 2015 said that the police were hostile, and 13 percent said the police were indifferent. Additionally, more than a third—36 percent—of domestic violence service providers reported that police didn't recognize domestic violence when it involved same-sex partners or a transgender person.²⁰² Interviews conducted by Amnesty International between 2002 and 2004 showed what a lack of recognition can look like. In that study, LGBTQ advocates, advocates against domestic violence, and law enforcement officials said that police often don't take cases of domestic violence in a same-sex couple seriously or do not recognize assault in the context of an intimate relationship. In cases involving lesbian couples, police often see the situation as a so-called “fair fight” and not a real incident of domestic violence. In cases involving two men, police often don't take the proper action because they believe that “men can fight their own battles.”²⁰³

LGBTQ people are also disproportionately incarcerated relative to non-LGBTQ people, and this often starts with police profiling LGBTQ people as criminals based on stereotypes.²⁰⁴ For example, police often assume transgender women—especially transgender women of color—are engaging in prostitution, even if all they are doing is walking down the street, a phenomenon termed “walking while trans.”²⁰⁵ According to the 2015 U.S. Transgender Survey, in the year prior to taking the survey 11 percent of transgender adults who interacted with police officers who “knew or thought” they were transgender were profiled by police as sex workers.²⁰⁶ Along with assuming that they are engaging in criminal behavior, police also often mistreat transgender people. According to the survey, the majority of transgender adults who interacted with law enforcement during the previous year reported some form of mistreatment, including being misgendered by an officer, being verbally harassed, or being physically or sexually assaulted.²⁰⁷

Criminalization and hostility likely contribute to a lack of trust in police and hesitation to reach out for help, which damages the relationship between a police force and the community it serves.²⁰⁸ Only one-third of LGBTQ and HIV-positive survivors of intimate partner violence formally reported the incident to police in 2015.²⁰⁹ In the 2015 U.S. Transgender Survey, the majority of respondents reported being somewhat or very uncomfortable seeking police help in general, and these levels are even higher for transgender people of color.²¹⁰ Ensuring that police officers are equipped with the knowledge and sensitivity to treat LGBTQ individuals with respect fosters community trust and helps law enforcement better serve and protect all members of the community, including the most vulnerable.

The chief or commissioner of the city or county police department can include LGBTQ cultural competency trainings within other mandatory trainings or as a separate training. The city or county government should also mandate that any private law enforcement contracted by the government receives the same training as its public law enforcement. Many jurisdictions authorize private contractors, sometimes called “special police,” to carry out the duties of law enforcement.²¹¹ Private contractors can be empowered to carry guns, make arrests, and charge citizens for certain offenses, but they are not accountable to community members in the same way as police or sheriff’s departments are and may have minimal formal training requirements.²¹² Mayors and county executives should ensure that contractors are held to the same standards as traditional officers. For example, the District of Columbia statutes authorize the mayor to determine the training requirements for special police officers and to receive information from the chief of police on officers requiring disciplinary action.²¹³ Local executives can use their authority to ensure that LGBTQ cultural competency training is a requirement for police officers and investigate complaints from LGBTQ members of the community.

In a survey conducted between 2003 and 2004 of police departments in the largest city in each U.S. state plus Washington and San Antonio, 69 percent of police departments reported having some training on LGBTQ issues. The main issues that these police departments addressed in such trainings were how to conduct strip searches of transgender people and how to respond to anti-LGBTQ hate crimes, domestic violence involving a same-sex couple, and sexual assault of an LGBTQ person.²¹⁴ Best practices for LGBTQ police trainings include those subject areas as well as addressing what pronouns to use when addressing or referring to a transgender person, how to respond when an individual's identification card has a gender marker that is in conflict with that individual's gender expression, and how to conduct an arrest placement of a transgender person in accordance with their gender identity and/or expressed needs.²¹⁵ LGBTQ cultural competency police trainings should also cover basic definitions to provide officers with a better understanding of the LGBTQ communities they interact with, and should focus on practical scenarios that address key issues that LGBTQ community members face when interacting with law enforcement.

Training experts and police officers interviewed by Amnesty International emphasized the need for LGBTQ police trainings to be practical to equip officers with the tools needed to interact properly with LGBTQ people.²¹⁶ In fact, a recent study showed that scenario-based LGBTQ police trainings are helpful in ensuring that officers can implement the practices that they learn into their day-to-day work, partly because they allow trainers and colleagues to provide feedback to the officers.²¹⁷ Another study found that LGBTQ police trainings increased law enforcement's confidence in using LGBTQ-affirming tactics, which LGBTQ community members associated with positive experiences with law enforcement. In addition, LGBTQ police trainings increased law enforcement's knowledge of LGBTQ identities and the issues LGBTQ people face in police interactions.²¹⁸

Best practices for LGBTQ cultural competency trainings developed at the federal level and for systems such as the juvenile justice system can serve as models for local executives. In 2016, the U.S. Department of Justice Community Relations Service released a training video highlighting best practices for interacting with transgender individuals and addressing the issues of pronouns and identification cards.²¹⁹ The video provides three different scenarios police may face when interacting with LGBTQ community members and demonstrates the correct way for officers to respond in those situations. The video also includes instruction from a police officer, definitions of what the terms *sexual orientation*, *gender identity*, and *transgender* mean, and testimony from a transgender woman on what transgender people face when interacting with police.

As another positive example, the Equity Project provides a training curriculum to staff involved in the juvenile justice system on how to interact with LGBTQ youth, and it includes specific training for police. The interactive training includes learning about LGBTQ identities, understanding implicit bias and profiling that LGBTQ youth face, and learning how to interact with LGBTQ youth in an unbiased way; it also involves quizzes and discussions about the best way to handle possible scenarios.²²⁰ While videos and scenarios can provide important information, an in-person training with an LGBTQ educator or advocate is ideal, as with other government employee diversity trainings, so that officers can ask questions.

Several localities have already begun training their police forces in LGBTQ cultural competency. For example, the police force in Dallas has been providing such training for 15 years. It uses a local training group to provide a mandatory four hours of training, including one hour specifically on transgender issues, to all recruits during their training for the job.²²¹ Specifically, recruits are trained on how to interact with LGBTQ community members and how to follow the federal law prohibiting anti-LGBTQ hate crimes.²²² The Austin, Texas, police department has taken crucial steps in training its officers in how to interact with LGBTQ community members, including how to respond to domestic violence situations involving LGBTQ people and how to properly conduct searches of transgender people. The force also trains officers on how to respond to potential hate crimes, and the force even includes an internal hate crime review team.²²³

In Seattle, the city's LGBTQ commission worked with the police there to "develop and implement an on-going diversity training program for new police officers."²²⁴ As part of that effort the department's education and training section produced a training video that incorporated its new transgender policy and instructed police on how to respectfully treat transgender people, including what pronouns to use and how to avoid profiling and unlawful searches.²²⁵ The video features transgender community members discussing their identities and their experiences with police and offers ideas to help police respectfully interact with transgender people. For example, one transgender man featured in the video suggests that police officers ask a transgender person what their preferred pronouns are and explicitly indicate to the person that the officer will be respectful and is concerned for their safety.²²⁶

Other local police departments have partnered with federal departments or other groups to develop and implement LGBTQ trainings. In 2015, the Jackson, Mississippi, police department collaborated with the U.S. Southern District of the Mississippi Attorney's Office and local LGBTQ organizations to conduct a training for officers on transgender cultural competency.²²⁷ The training explained key

terms, discussed the issues transgender people face, and provided best practices on interacting with members of the transgender community, including the use of pronouns. In 2016, the Jackson police department worked with the Department of Justice Community Relations Service to provide LGBTQ cultural competency trainings to its police officers. As recommended by Department of Justice, the Jackson police department had transgender Mississippians participate in the training. These individuals drew from personal experience and helped to break down the barriers between the police and the transgender community.²²⁸

Provide cultural competency training to service providers working with LGBTQ older adults

LGBTQ cultural competency trainings in centers serving older adults

The Area Agency on Aging, or AAA, in Boulder County, Colorado, developed its own training curriculum called Project Visibility, which it used to train more than a thousand people throughout the county.²²⁹ Nancy Grimes, a longtime staffer at the Boulder County AAA, said that it made a difference to have the “credibility of county government” when inviting elder care service providers at other county departments to participate in Project Visibility. The experience of the Boulder County AAA underlines the role city and county executives can play in ensuring that service providers prioritize such trainings. The Project Visibility curriculum has been delivered to service providers in other parts of the country as well, and the agency recently developed a 30-minute web-based version of the training that is free to the public.²³⁰

LGBTQ senior citizens face higher rates of social isolation than the general elderly population.²³¹ They also face higher rates of economic insecurity than the general population, particularly senior lesbian couples and older LGBTQ people of color.²³² Compared to non-LGBTQ older adults, they are less likely to have children and spouses, and are more likely to be estranged from their families of origin.²³³ Many LGBTQ older adults spent their formative years experiencing rejection from mainstream society.²³⁴ Regardless of how long they have claimed one or more LGBTQ identities, most have experienced verbal abuse because of their sexual orientation, gender identity, and/or gender expression, and expectations of rejection can influence LGBTQ older adults’ decision to seek support.²³⁵

A survey by the U.S. Administration on Aging found that LGBTQ seniors were only 20 percent as likely as their non-LGBTQ peers to access public services, such as housing assistance, food stamps, or senior centers.²³⁶ Yet higher rates of social isolation and poverty may place LGBTQ older adults in the greatest need for public services such as in-home care, adult protective services, and meal delivery. City and county staff serving LGBTQ older adults should be trained to meet the unique needs of this population.

Elder care providers may not realize that some of the seniors they serve identify as LGBTQ. One residential activities coordinator at a New York City nursing home, for example, did not think that she served any LGBTQ residents, but within two weeks of hanging up her training certificate on the wall, two residents of her nursing home shared with her that they identified as LGBTQ.²³⁷ In fact, one study found that elder care agencies with staff that had undergone LGBTQ cultural competency training were far more likely to receive requests to assist LGBTQ older adults.²³⁸ Elder care agency staff need to receive appropriate training and work to build trust among LGBTQ seniors to counter both perceived and actual bias against this vulnerable community in elder care services. City and county agencies charged with serving seniors can take the lead on providing this LGBTQ cultural competency training in several different ways, as detailed below.

The director of a city office of aging, for instance, can mandate that the staff undergo LGBTQ cultural competency training and incorporate it as part of annual skills training and the onboarding process for new employees. Cities and counties can contract with groups such as SAGE (Advocacy & Services for LGBT Elders) to provide cultural competency trainings for service providers.²³⁹ SAGE trainings cover a variety of topics, from the basics on serving LGBTQ older adults to specific workshops on the needs of transgender elders and LGBTQ elders of color. The local community of LGBTQ elders, LGBTQ-serving organizations, LGBTQ-affirming religious institutions, and local SAGE affiliates can help with the process of identifying training needs.

The Older Americans Act of 1973 established Area Agencies on Aging, or AAAs, to provide elder care services at the local level. Though they were created under federal law and receive federal funding, AAAs often receive additional funding at the local level, or a city or county agency may serve as the AAA, so mayors and county executives can use AAAs to ensure cultural competency in services for LGBTQ older adults. AAAs must first ensure that their own staff is trained; next, they should assess the needs of LGBTQ older adults in their community and commit to meeting those needs through the services and supports they fund.

AAAs can also host trainings at their offices for staff outside of their agencies, or make completion of LGBTQ cultural competency training a condition for receiving agency funds. For example, the AAA in Boulder, Colorado, created its own LGBTQ cultural competency training curriculum and has coordinated numerous LGBTQ cultural competency trainings in the area. (see text box)

Departments of aging can incentivize cultural competency by making funding contingent on cultural competency training, or providing certifications to service providers that complete a particular training module. As part of its licensing process for adult care homes, the division of Aging, Disability, and Veterans Services in Multnomah County, Oregon, offers a designation of “LGBT Welcoming” to adult care home operators. To receive this designation, an adult care home facility must complete three trainings focusing specifically on the needs of LGBTQ seniors, follow inclusivity guidelines, post a code of conduct, and place an LGBTQ welcoming symbol “in a window” nearest the home’s main entrance.²⁴⁰

Expand the collection of data on sexual orientation and gender identity

Policymakers at all levels of government use data about the characteristics and needs of their communities to make determinations about the allocation of resources, develop community-specific programming, and evaluate the implementation, reach, and effectiveness of policies. Unfortunately, data about LGBTQ people are scarce, limiting the ability of both policymakers and advocates to identify and address the needs of LGBTQ people relative to the general population. Expanding the collection of data on sexual orientation and gender identity would ensure that public policy responses to serving LGBTQ communities are evidence-based and appropriately evaluated.

Currently, the federal government collects sexual orientation data in 12 federal surveys and gender identity data in six federal surveys.²⁴¹ There are additional data that have been collected on an ad hoc basis in federal administrative datasets, such as the Family and Medical Leave Survey, and federal statisticians have used novel methods to identify LGBTQ people in existing datasets, including the identification of transgender people in Medicaid claims data.²⁴² Federal surveys administered at the state level also include questions to identify LGBTQ people. For example, an estimated 25 states and territories collect sexual orientation and gender identity data among adults in the Centers for Disease Control and Prevention-funded Behavioral Risk Factor Surveillance System.²⁴³

Individual states also have taken steps to increase the number of state-level surveys and administrative datasets that ask these questions, including through legislative efforts such as AB 959 in California, which expanded data collection in state agencies, and through administrative action, as in the interagency working group established in New York state to implement new data collection protocols across state agencies.²⁴⁴ Fortunately, the science on asking questions about sexual orientation and gender identity continues to grow and best practices exist for asking these questions on population surveys.²⁴⁵

At the local level, data collection to identify the needs of LGBTQ communities can take several forms. Executives may opt to collect sexual orientation and gender identity data from city or county employees, as is done for other demographic data. These data would allow officials to assess the diversity of a city or county's workforce, promote compliance with civil rights law, and evaluate the support and retention of LGBTQ employees. Questions about sexual orientation, gender identity, and household or family structure also can be included in existing employee surveys and agency data collection instruments. For example, since 1998, Hennepin County, Minnesota, has included a question to identify LGBTQ respondents in its Survey of the Health of All the Population and Environment and regularly informs the public about the health and well-being of these residents.²⁴⁶ Where applicable, language on departmental intake forms should be edited to allow LGBTQ people and same-sex couples to identify themselves, such as using the term "partner" in addition to "spouse" and/or "husband/wife," or asking for a person's pronouns. As with other forms of demographic data, considerations about whether and what data should be collected about sexual orientation, gender identity, gender expression and related characteristics as well as how they are collected should be informed by the purpose of asking these questions, such as research or programmatic needs, and the methods by which information will be gathered.

County and municipal executives can ensure that subgroups of the LGBTQ community who might have unique needs, such as LGBTQ youth, are counted in relevant data collection instruments. For example, some cities and counties collect their own data on students, while others may be responsible for administering federal and state surveys, such as the Youth Risk Behavior Survey.²⁴⁷ Local coordinators of this survey at health or education agencies in many communities can choose to add questions about same-sex sexual behavior, sexual identity, and gender expression to their survey to better understand the disparities in outcomes for LGBTQ students.²⁴⁸ Well-designed and well-funded surveys ensure an accurate count of LGBTQ people within a population, as the District of Columbia learned when their Homeless Youth Census found that a much higher proportion of youth experiencing homelessness identify as LGBTQ than previously estimated.²⁴⁹

Data collection can occur across a wide variety of policy and program areas and these may differ by jurisdiction. It is recommended that local governments establish an interagency working group or convene a task force on LGBTQ data collection to conduct an analysis of where sexual orientation and gender identity data are being collected and what steps would be required to expand demographic data collection to include these characteristics. Local executives can then initiate pilot studies or issue guidance on how to appropriately include questions related to sexual orientation and gender identity in existing city or county surveys and administrative datasets. In 2014, the San Francisco Department of Public Health issued a set of guidelines on collecting and reporting sexual orientation data to standardize methods and assist department personnel in collecting this information from people seeking services from the department and department-funded programs.²⁵⁰ These guidelines were later adopted by the San Francisco board of supervisors when advancing the body's LGBTQ data collection ordinance which, when passed, required five city departments and health and social service contractors to collect data on sexual orientation and gender identity.²⁵¹

Community engagement

Because of their proximity, city and county officials often form close relationships with their constituents and have a vested interest in building and maintaining trust between those constituents and the local government. This section recommends actions that elected officials can take along with policies and programs they can enact to increase engagement with LGBTQ members of their community and expand awareness and acceptance by the general public of LGBTQ community members through elevating LGBTQ history and shining a light on equality issues, among other efforts. Proactively seeking out partnerships with local LGBTQ organizations and local experts on LGBTQ issues allows elected officials to identify specific needs of their constituents and work in tandem to develop policy solutions. Enacting more formal structures to promote engagement across administrations helps ensure the sustainability of programs and likely increases their degree of effectiveness in serving LGBTQ residents and their families.

Appoint an LGBTQ liaison in the executive office and in relevant agencies

Research indicates a correlation between LGBTQ people serving in positions of leadership in government and increased equality for LGBTQ residents.²⁵² Establishing an appointed LGBTQ liaison position and making sure that the person who fills that post is a leader within the office of the executive allows input and recommendations from LGBTQ residents to be shared directly with the executive team, which in turn can help create policies that better support LGBTQ people. The executive can also concurrently appoint an LGBTQ liaison in the executive office as well as in other agencies, particularly the police department.

Liaisons in the executive office and in local agencies such as the police force serve as central points of contact for individual residents and community-led organizations to raise concerns and suggest solutions to strengthen services. As described below, LGBTQ liaison positions are often established to help improve

relationships between the government and LGBTQ communities, and these positions can also serve as a point of contact to help revise internal operating practices that are of concern to LGBTQ employees and, as such, relevant to improving workplace environments.

Localities across the country have LGBTQ liaisons to the mayor, including Tampa, Florida; Stamford, Connecticut; St. Petersburg, Florida; and Somerville, Massachusetts.²⁵³ The Office of the LGBTQ Community Liaison in Somerville is housed within the Health and Human Services Department but is the main contact for LGBTQ community members about any issue. The office has developed a list of resources for LGBTQ residents, including a directory of LGBTQ programs and services in the city, and it partners with the Somerville Women's Commission to run a phone drive for The Network/La Red, an advocacy group for survivors of partner abuse in LGBTQ and other marginalized communities.²⁵⁴

Diversity and inclusion in the Hoosier state

On January 15, 2016, Mayor Pete Buttigieg of South Bend, Indiana, issued an executive order establishing a new Diversity and Inclusion Initiative.²⁵⁵ The details of the plan were released in July of that year, authored by the newly appointed diversity and inclusion officer. The initiative calls on the city to promote diversity and acceptance in the workplace, reduce bias in employee recruitment and promotion, and support minority groups in the greater community. It also outlines concrete steps the city can take to achieve these goals, such as hosting diversity workshops for city employees, tracking minority applicants in the city's hiring process, documenting and tracking discrimination complaints by demographic, coordinating citywide diversity dialogues, and supporting minority-owned businesses. The Diversity and Inclusion Initiative specifically recognizes and empowers the LGBTQ community by including definitions of gender and sexuality in the plan, promoting LGBTQ cultural competency, and reaffirming the city's commitment to an LGBTQ-inclusive nondiscrimination policy.

Additionally, several executives or police commissioners have appointed LGBTQ liaisons to their police departments, including in St. Petersburg, Florida; Stamford, Connecticut; Suffolk, Virginia; and Norfolk, Virginia—along with five other police departments in the Hampton Roads, Virginia, metropolitan area and Washington, D.C.²⁵⁶ In addition to serving as a point of contact for residents on criminal justice and quality of life issues and working to strengthen trust and communication between LGBTQ communities and police, some of these police LGBTQ liaisons

have additional functions. The St. Petersburg Police Department's LGBTQ liaison reaches out to victims of hate crimes to help those individuals navigate the criminal justice system.²⁵⁷ Norfolk's LGBTQ liaison has coordinated police force recruitment events at local LGBTQ pride festivals and helps with the local "Youth Out United–Youth Support Group" initiative.²⁵⁸ Washington's police department has five core liaisons and between 1 and 16 LGBTQ liaison affiliates in each police district within the city who serve as points of contact and conduct public education campaigns on anti-LGBTQ hate crimes.²⁵⁹

Establish an LGBTQ commission or advisory board to guide the executive, council members, and other administrative officials

Houston LGBTQ advisory board formed in response to anti-LGBTQ attack

In the wake of the tragic June 2016 mass murder at an Orlando LGBTQ nightclub, Houston Mayor Sylvester Turner created an LGBTQ advisory board comprised of 49 people in honor of the 49 victims of the massacre.²⁶⁰ To ensure that the breadth of Houston's LGBTQ community is represented, the advisory board intentionally includes members who represent a diversity of races, sexual orientations, and gender identities. Because of this goal, the board's composition includes people of multiple different races, ethnicities and sexual orientations, as well as transgender individuals, intersex individuals, and a parent of a transgender child.²⁶¹ The board has a committee structure and serves as a link between the mayor and Houston's LGBTQ community. The board has its own website that offers resources for LGBTQ youth and transgender residents to assist in finding affirming providers. The website also allows community members to sign up for email updates on the board's initiatives and events, including information on how to become involved in various activities and programs.²⁶²

Local executives can issue an executive order establishing advisory boards and commissions that institutionalize resident participation in forums that provide advice to elected and administrative officials. Local LGBTQ commissions and advisory boards operate across the country, with the structure and scope of work of these bodies being diverse and designed to address the needs of local LGBTQ residents. In addition, cities and counties can diversify the membership of other boards such as youth advisory boards, Area Agency on Aging advisory councils,

and citizen oversight boards of police departments by recruiting LGBTQ community members and ensuring that they understand the application process for joining these boards. Commissions can work in partnership with LGBTQ liaisons, offices of equity, and external organizations to conduct outreach, research, share information, and create work plans that reflect community priorities.

The Seattle LGBTQ Commission is one of the oldest LGBTQ advisory boards in the United States. Originally established by the mayor as a task force in 1985, it became the Seattle Commission for Lesbians and Gays with 15 volunteer members in 1989 and was later absorbed into the Office for Civil Rights.²⁶³ The LGBTQ Commission's role is to advise the mayor, city council, and city departments on ways to address concerns of the city's LGBTQ residents.²⁶⁴ Commission members organize their work in partnership with staff through a subcommittee structure that includes the following subcommittees: internal affairs, people of color stakeholders, public safety, city planning, neighborhood services, and city resources. In 2010, the commission hosted community forums as part of a comprehensive community needs assessment.²⁶⁵ In 2015, the commission prioritized expanding city-funded data collection efforts to include questions about sexual orientation and gender identity.²⁶⁶ To reach other goals, commission members interfaced with the city planning department to advise on ways to make parks and public spaces inclusive and representative of the city's LGBTQ community.

Several localities across the country have been proactive and established LGBTQ commissions or advisory boards that guide the executive on a variety of LGBTQ issues. In Jersey City, New Jersey, the mayor created the Mayor's Taskforce on Lesbian, Gay, Bisexual, and Transgender Equality and is represented on the task force by the mayor-appointed LGBT Community Liaison.²⁶⁷ In 2010, Joseph N. DiVincenzo Jr., the county executive of Essex County, New Jersey, appointed a 13-member LGBTQ advisory board charged with making sure a key part of the county's population—its LGBTQ residents—was “at the table” and could raise concerns and make recommendations to the executive.²⁶⁸

Meanwhile, some executives, in response to incidents that highlight the urgency of LGBTQ issues, have established boards and commissions. For example, in 2013, Baltimore's police commissioner appointed a special advisory council on LGBTQ community concerns, partly in response to the severe beating of a gay man in East Baltimore. The advisory council, which serves in addition to the police department's LGBTQ liaison, recommends policies and training standards

for the police commissioner to implement.²⁶⁹ In response to the tragic mass murder at an Orlando LGBTQ nightclub in June 2016, Houston Mayor Sylvester Turner created an LGBTQ advisory board comprised of 49 people in honor of the 49 victims of the Orlando massacre. (see text box)

In response to an incident highlighting racism within the LGBTQ community, the Philadelphia mayor's office, Office of Diversity and Inclusion, and Office of LGBT Affairs created a 23-person Mayoral Commission on LGBT Affairs. As was the case in Houston, the city intentionally ensured that the commission represented the diversity of Philadelphia's LGBTQ community—including a diversity of LGBTQ identities, races, religions, jobs, socioeconomic statuses, and ages. One of the commission's first goals was to form a working group on racism in the LGBTQ community.²⁷⁰ In the past, Philadelphia's mayors created LGBTQ advisory boards, but this one was the first commission established by the city's permanent Office of LGBT Affairs.²⁷¹

Issue proclamations and support visible indicators of LGBTQ acceptance and inclusion

Mayors can issue proclamations that recognize LGBTQ communities and commemorate milestones from LGBTQ history. Examples of such actions are proclamations issued to recognize June as LGBTQ pride month—a widespread tradition across the country of recognizing LGBTQ history and celebrating the community's accomplishments—which Saratoga Springs, New York, did for the first time in 2014, and proclamations issued to recognize November 20 as Transgender Day of Remembrance—an annual day to honor the memory of people whose lives were lost to anti-transgender violence—as San Marcos, Texas, did in 2015.²⁷² These days can also be recognized by flying the LGBTQ and transgender pride flags outside of city halls, which is what St. Louis did for Pride Week in 2016.²⁷³

In addition to broad declarations of LGBTQ inclusivity, mayors can designate their cities as welcoming communities for LGBTQ immigrants and refugees, in particular. The number of people globally displaced by war and persecution is at an all-time high, 65.3 million.²⁷⁴ Of these, 1.19 million need resettlement in a safe third country.²⁷⁵ Resettlement is a particularly critical issue for LGBTQ people. With nearly 80 countries worldwide criminalizing same-sex relationships, many individuals are at risk of having to flee their homes because of persecution.²⁷⁶ The United States has long served as a safe shelter for refugees through its resettlement program and courts have established that people persecuted for their sexual orientation or gender identity are protected under the law.²⁷⁷

While the number of refugees admitted to the United States is a decision made by the federal government, cities and counties can make these newcomers welcome in their new homes and facilitate their integration into their communities. More than 50 communities across the country have declared themselves a “Welcoming City,” committing themselves to helping newcomers integrate and helping them thrive in three core areas: civic, economic, and linguistic integration.²⁷⁸ According to the White House’s Task Force on New Americans, welcoming cities can commit to developing policies, programs, and initiatives that build welcoming communities, communicate the value of immigrant integration for all residents, and share information on the progress of these new residents.

There are additional steps that welcoming communities can take beyond these initial steps, such as establishing a multisector collaborative to develop and implement a comprehensive immigrant integration plan that includes LGBTQ community members and LGBTQ community organizations. Welcoming communities can also encourage immigrants and refugees to participate in civic life and promote citizenship, support English language learning, and encourage workplaces to harness the skills and talents of immigrants and refugees.²⁷⁹ Mayors can do their part by establishing offices to coordinate these initiatives and provide oversight and evaluation of outcomes, like Seattle’s Inclusive and Equitable City Cabinet, which includes the police department, Office of Civil Rights—which houses the Seattle LGBTQ Commission—Office of Immigrant and Refugee Affairs, Department of Neighborhoods, Office of Economic Development, Office of Policy and Innovation, the city budget office, Office of Intergovernmental Relations, Department of Education and Early Learning, the human services department, Office of Labor Standards, and the city attorney’s office.²⁸⁰

Intergenerational programming

One way to engage LGBTQ seniors and highlight their life experiences and contributions to society is through intergenerational programming. LGBTQ youth face many similar challenges to LGBTQ older adults—for example, loneliness, marginalization within families of origin, and experiences of discrimination from service providers.²⁸¹ It can be empowering for youth to meet older LGBTQ people who are comfortable in their identity and may serve as role models.²⁸² Working with youth can also help older adults feel a sense of purpose and enhance self-esteem.²⁸³ For example, a black transgender senior who participated in the Intergenerational Storytelling Project in San Francisco found the program valuable, saying: “It was powerful to connect with youth. It helped me to see what I have to offer.”²⁸⁴ Intergenerational programs can follow a variety of models and engage participants in art workshops, cross-generational story sharing, or even in LGBTQ advocacy for their communities.²⁸⁵ One adult care home received a grant from the New York City Department for the Aging for an intergenerational program in which at-risk youth enrich the lives of the residents while acquiring skills for careers in geriatric care.²⁸⁶

As reviewed earlier in this report, LGBTQ seniors have unique needs relative to their non-LGBTQ peers and may not receive adequate services to meet those needs. A study of Massachusetts’s congregate meal programs, which provide hot meals for older adults at community sites such as churches and senior centers, found that lesbian, gay, and bisexual seniors traveled seven times as far as heterosexual seniors to congregate meal sites.²⁸⁷ The need for LGBTQ-specific services for older adults will only grow as a younger generation with higher rates of LGBTQ self-identification ages. The number of lesbian, gay, and bisexual older adults is expected to double from 1.5 million to 3 million by 2030.²⁸⁸ Estimates of transgender people as a proportion of the general population have grown larger with time as well, possibly due to increased acceptance that has allowed more transgender people to publicly disclose their identity—a trend that is expected to continue.²⁸⁹ Local executives can take a proactive approach to include this often overlooked community by offering LGBTQ-specific programming through their offices of aging, adult protective services, and senior centers.

Many senior service programs are operated or funded directly or indirectly by cities and counties. The manager of a county-funded senior center or the coordinator of adult care programs for a city can adopt programs that foster a welcoming environment for LGBTQ seniors. SAGE's National Resource Center on LGBT Aging provides a guide with suggestions for programming and other ways to make agencies more welcoming.²⁹⁰ Having opportunities for social interaction can be particularly valuable for LGBTQ older adults who may feel unwelcome in both mainstream aging programs and in the broader LGBTQ community.²⁹¹ Senior centers may facilitate support groups for LGBTQ older adults facing issues such as coming out later in life and grief and bereavement, or even sponsor discussion groups focused on LGBTQ art and literature. It may be useful to have separate support groups for older lesbians, older gay men, older bisexual people, and older transgender people, depending on the needs of the community. Often, existing programs can be modified to be inclusive of LGBTQ community members. For example, if a senior center offers free tax preparation workshops, the program coordinator can ask the volunteer tax preparers to counsel community members on tax deductions specific to LGBTQ individuals and families, such as the deductibility of transition-related medical care.²⁹²

It is important to recognize the need for targeted outreach, because LGBTQ older adults may have experienced discrimination when accessing elder care services and/or have histories of trauma and discrimination related to their identity.²⁹³ Agency staff can build partnerships with local LGBTQ groups to reach a wider audience. To develop these relationships, the chief of the county's aging services department can volunteer to speak at LGBTQ community events, or the manager of a senior center run by the city can make the center's meeting space available to LGBTQ community groups.²⁹⁴ Because LGBTQ seniors may want to know about culturally competent services available to them, it can be helpful for a local aging services agency to compile a resource directory. For example, the Division of Senior Services at Bergen County, New Jersey, has an "LGBT Resources" section in its Key Services Guide for Older Adults and Caregivers, which includes contact information for social groups, advocacy organizations, and LGBTQ-friendly houses of worship.²⁹⁵

Many older adults have been pioneers in LGBTQ activism, and continue to be advocates for their community. These individuals can be invited to participate in advisory councils set up by the city or county. For example, a case manager at the county division of aging services can help a senior complete an application to serve on a city's aging advisory board or LGBTQ advisory board, or an LGBTQ adult care home can inform residents about opportunities to serve on community

councils. LGBTQ seniors may want to be advocates for LGBTQ services and elder care services, but they may also wish to be consulted on other public services that they access, such as transportation, public libraries, or community gardens. Another way to engage LGBTQ seniors and highlight their life experience and contributions to society is through intergenerational programming. (see text box)

One way to increase the visibility of LGBTQ-inclusive services is to participate in local pride parades or other pride events with staff and clients of the elder care programs funded by the city and county. The New Jewish Home in New York City, for example, sponsored a float in the city's 2016 pride parade.²⁹⁶ Twenty-five staff and five residents marched in the parade, including one senior who had marched in the original pride parade in 1970. Another option is to host pride programming on site. Philadelphia's Southwest Senior Center hosted its own pride event where attendees had the option of wearing T-shirts that said "LGBT Supporter." Local LGBTQ news outlets were invited to cover the event so that their readers would know to expect a welcoming environment at the center. Programming during local pride weeks can increase awareness of identity-affirming services and create a welcoming environment for LGBTQ seniors.

Provide access to culturally competent language services

More than 25 million United States residents, including LGBTQ people, are limited English proficient, and face barriers to accessing services and participating in community engagement initiatives absent adequate translation and interpretation services.²⁹⁷ One key area where language access services are needed is health services, an area in which LGBTQ people face disparities because of discrimination.²⁹⁸ In 2011, a project on translation and interpretation policies and practices from the Migration Policy Institute previewed a number of resources that are available to federal, state, and local officials seeking to increase access for residents with limited English proficiency and has continued to develop resources to enhance efforts across all levels of government.²⁹⁹ These resources include a guide and a checklist that can serve as references for local executives seeking to expand access.³⁰⁰

The number of jurisdictions that expanded access to language access services through adoption and implementation of an executive order has increased over the past decade. In 2010, Isiah Leggett, the executive of Montgomery County, Maryland, signed an executive order that requires all executive branch departments,

offices, and programs that provide direct services to identify a department liaison to coordinate language access efforts, create a language access plan, and update that plan on an annual basis.³⁰¹ In 2012, the executive of Suffolk County, New York, Steve Bellone, signed an order that required language assistance services to be provided to people with limited English proficiency across all county departments and agencies.³⁰² In 2013, former Houston Mayor Annise Parker signed an executive order on language access that included similar provisions.³⁰³

These steps are important to ensure that services are available to all members of the community, including limited English proficient members. In addition, LGBTQ cultural competency training for interpreters should be provided to help address the discrimination LGBTQ people face across different areas of life.

Commemorate LGBTQ history

LGBTQ landmarks

In 2016, the Los Angeles Office of Historic Resources issued a groundbreaking LGBTQ historic context statement that highlights the long history of LGBTQ people, liberation movements, arts, and politics in Los Angeles.³⁰⁴ The statement provides guidance “in identifying and evaluating potential historic resources relating to Los Angeles’ rich LGBT history” for field surveyors under contract with the Los Angeles Department of City Planning, and identifies more than 30 buildings, structures, and districts across the city as potential LGBTQ historic resources.³⁰⁵ These sites, as well as others identified by field surveyors, will be compiled into a searchable online inventory of historic sites that the city is developing in partnership with the Getty Conservation Institute.³⁰⁶

Today, the Stonewall National Monument, which commemorates the site of the 1969 Stonewall riots, is the only U.S. National Monument dedicated primarily to LGBTQ history. The National Park System doesn’t adequately reflect the rich and diverse history of the United States—leaving cities and counties with an opportunity to fill the gap.³⁰⁷

City and county executives can commemorate LGBTQ history by creating landmarks and preserving sites of historical and cultural significance to LGBTQ communities. In many cities, historic and cultural preservation commissions are appointed by city mayors, who can select commissioners charged with recognizing their city's diverse heritage. Several cities have already begun the process of surveying and recognizing LGBTQ history. For example, Los Angeles issued a groundbreaking LGBTQ historic context statement last year and is helping develop an inventory of LGBTQ historic sites. (see text box)

New York City's Landmarks Preservation Commission—a mayoral agency responsible for preserving the city's culturally significant buildings and sites—has designated historic preservation districts in parts of Greenwich Village that were home to iconic moments in LGBTQ history and culture. The city also has created an interactive online map that documents historic sites that played an important role in the lives of LGBTQ New Yorkers, allowing users to explore 150 years of LGBTQ history.³⁰⁸ In 2009, the District of Columbia recognized LGBTQ history when it granted landmark status to the home of Frank Kameny, an LGBTQ rights pioneer who, after he was fired by the federal government for being gay, brought the first known civil rights claim based on sexual orientation to the U.S. Supreme Court.³⁰⁹

Every city and county in America has a dynamic history of LGBTQ struggle, resilience, and culture that deserves to be commemorated. Local executives can easily ensure that their city or county recognizes the immense contributions of LGBTQ communities to American history and life by surveying and commemorating LGBTQ history.

Issue 100-day challenges to end LGBTQ homelessness

Identifying short-term, manageable goals has been used to make progress in behavioral health for a long time, but recently this practice has shown promise in public policy contexts.³¹⁰ Mayors or county executives can issue a “100-day challenge” to their communities to address discrete, local objectives that meet the goal of ending LGBTQ homelessness. The purpose of the challenge is to empower front-line staff, those that work directly with communities experiencing homelessness, to pursue creative approaches to meeting ambitious short-term goals, such as adding 10 new housing units specifically for LGBTQ youth, or training all intake staff at emergency shelters in transgender cultural competency.

While a homeless services agency or a nonprofit provider might chair the effort, a 100-day challenge is undertaken by a broad coalition of partners, including city and county departments, private funders, shelters, housing providers, LGBTQ centers, advocacy groups, and representatives from the community. The mayor or county executive can partner with other key leaders such as the governor or a local community foundation to issue the challenge, and allocate funding for technical assistance to support a community-driven response. It is important to include the perspectives of the intended beneficiaries of the challenge at every step of designing and implementing the program, as one community did during their 100-day challenge to end youth homelessness by creating a new youth advisory board.³¹¹ 100-day challenges are effective because they use what is termed a “results-first” model that empowers communities to take immediate steps toward ending homelessness for a marginalized population and then build on the initial successes moving forward.

Communities around the United States, for example, have used 100-day challenges to place people in safe and stable housing. Austin, Cleveland, and Los Angeles participated in the inaugural set of 100-day challenges to end youth homelessness coordinated by A Way Home America, a national initiative to end youth homelessness.³¹² Each of the cities chose their own goals—for example, Austin specified that 50 percent of the homeless youth to be housed were to be former foster youth.³¹³ By choosing their own goals communities can focus on specific vulnerable populations, such as LGBTQ youth exiting the foster care system, within the broader goal of ending LGBTQ homelessness. When evaluating outcomes, each of the three communities mentioned above exceeded the goals they initially set, collectively housing 413 young people in the 100-day period.

As of this writing, five additional communities have accepted a 100-day challenge from A Way Home America, including Hennepin County, Minnesota; Louisville, Kentucky; and Palm Beach County, Florida.³¹⁴ Similarly, four communities in Virginia—Roanoke, Richmond, the Virginia Peninsula, and South Hampton Roads—accepted 100-day challenges from their governor as part of a statewide effort to end veteran homelessness. Together, the four communities housed 462 veterans, a significant step in making Virginia the first state to ensure that every veteran had access to housing.³¹⁵ In Philadelphia, a 100-day challenge to end youth homelessness catalyzed the adoption of data-sharing agreements and broke down barriers in communication between and among private and public youth-serving entities.³¹⁶ 100-day challenges empower community stakeholders to question the rules, pursue creative solutions, and allow the work to endure beyond the initial 100 days on an interpersonal, interagency, and systems level.³¹⁷

A key element of the success of 100-day challenges is the support of an experienced coach. In its guidebook on system planning to end youth homelessness, the U.S. Department of Housing and Urban Development advises that the 100-day challenge method requires adequate preparation, “fine-tuned instincts” for navigating sensitive systems, and a skilled facilitator.³¹⁸ Organizations such as the Rapid Results Institute, a consultancy that works with nonprofits and government agencies, have successfully coached communities through this method across a variety of policy domains.³¹⁹ One participant in A Way Home America’s 100-day challenge reported that “coaching helped me shift my thinking far more out-of-the-box, ask the questions that need to be asked, and feel supported throughout the craziness of the process.”³²⁰ With the encouragement of leadership at their organizations, staff reported that they had “permission to do things that they only previously wished they could.”³²¹

A well-facilitated process also fosters relationships between participants, both as representatives of their organizations and as individuals working together toward a common goal.³²² One participant in A Way Home America’s 100-day challenge was surprised by “how quickly my city’s partners became a team” in the 100-day period, and another participant was pleased to discover “people’s willingness to bend their program rules when asked.”³²³ Moreover, a well-facilitated process levels the playing field between participants and helps them assume collective ownership of the problem of housing people, rather than the task being the responsibility of a single agency.³²⁴ Mayors and county executives should allocate or secure funding to ensure effective facilitation of their communities’ 100-day challenges.

National initiatives such as A Way Home America and former first lady Michelle Obama’s Mayors Challenge to End Veteran Homelessness have been important partners in the effort to end homelessness.³²⁵ Technical assistance resources from the U.S. Interagency Council on Homelessness, the Rapid Results Institute, A Way Home America, the True Colors Fund, and the National Association for the Education of Homeless Children and Youth can help communities plan their own 100-day challenge to end LGBTQ homelessness.³²⁶

Given the many barriers to housing for LGBTQ people, this population needs culturally responsive interventions and solutions tailored to their needs.³²⁷ Between 20 percent to 40 percent of youth experiencing homelessness and housing instability identify as LGBTQ compared to just 7 percent to 10 percent of the overall youth population.³²⁸ According to the 2015 U.S. Transgender Survey, 70 percent of transgender adults who stayed in a shelter in the past year reported being mistreated because of being transgender.³²⁹

Because existing systems to prevent and address homelessness do not always meet the needs of marginalized populations, especially unaccompanied LGBTQ youth and young adults, it is essential to have members of these populations represented at meetings so that decisions and recommendations can be informed based on their lived experiences. Communities looking to include the perspectives of LGBTQ people who have experienced homelessness should compensate these individuals for their time by offering stipends or creating paid internships at one of the participating agencies. Communities should also consult guidebooks from the U.S. Department of Housing and Urban Development on convening a youth homelessness task force.³³⁰

While examples of 100-day challenges listed in this section focus on homelessness, mayors and county executives could use this model to address other issues of concern to their communities, particularly their LGBTQ constituents. Issuing a short-term call to action can catalyze communities, and a guided process of coordination between stakeholders can create tangible solutions for LGBTQ people across a variety of policy domains. For example, a mayor could undertake an effort to double the health insurance coverage rate for their LGBTQ residents in a 100-day challenge or a county could challenge their staff to ensure that half of all LGBTQ youth exiting the child welfare system or the juvenile justice system have a job, apprenticeship, or paid internship upon reentry, utilizing the same challenge model.

Equality across policy domains

Research demonstrates that LGBTQ communities are varied in their demographic composition, which means that the legal and social service needs of the LGBTQ population vary based on characteristics such as race and ethnicity, national origin, age, gender, geography, and other factors. These needs also differ across public policy domains, including education, health care, employment, housing, immigration, and criminal justice. Local officials have influence over a host of policy areas that directly affect LGBTQ and non-LGBTQ constituents alike. To help executives better serve LGBTQ people within their jurisdictions, this section reports on key areas where research shows particular disparities for LGBTQ communities and where changes to public policy would positively affect this population.

Education

LGBTQ students face widespread harassment and discrimination in schools. According to the 2015 National School Climate Survey conducted by GLSEN—the leading national advocacy organization for LGBTQ students, founded under the name Gay, Lesbian & Straight Education Network—60 percent of LGBTQ students in grades 6 through 12 reported being sexually harassed in school during the 2014–2015 school year. Others were disciplined by school staff at higher rates than their non-LGBTQ peers, “prohibited from discussing or writing about LGBTQ topics in school assignments,” or “prevented or discouraged from participating in school sports” because of their sexual orientation or gender identity.³³¹ Nearly 60 percent of LGBTQ students feel unsafe in school because of their sexual orientation and 43 percent feel unsafe because of their gender expression.³³²

Harassment and discrimination against LGBTQ students impedes their ability to succeed in school—nearly a third of LGBTQ students report missing at least one day of school in the past month because they felt unsafe, and LGBTQ students are three times as likely as non-LGBTQ students to plan to drop out of high school.³³³ Sixty-five percent of LGBTQ students report avoiding extracurricular activities such

as athletics and school clubs because they feel unsafe or uncomfortable, meaning that LGBTQ youth are denied important opportunities to learn and grow that are available to their heterosexual and cisgender peers.³³⁴ Fortunately, there are concrete actions that school districts can take to support their LGBTQ students and ensure compliance with relevant state and federal laws. Each executive action listed below can be adopted on its own, although city and county executives may choose to adopt a comprehensive set of policies to protect LGBTQ students within their jurisdiction.

Federal protections for LGBTQ students

Because discrimination and harassment undermine a victim's educational opportunity, federal law—most notably, Title IX of the Education Amendments of 1972—prohibits gender-based discrimination and harassment against LGBTQ and gender-nonconforming students.³³⁸ Title IX is a federal civil rights law that bans sex-based discrimination in educational programs.³³⁹ As the U.S. Department of Education has repeatedly made clear, if a school knows or reasonably should know about gender-based harassment that creates a hostile environment for a student, “Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.”³⁴⁰

Many forms of anti-LGBTQ bullying fall under the umbrella of gender-based harassment, which includes “harassment or bullying because a student does not conform to stereotyped notions of masculinity or femininity,” and are therefore covered by Title IX—meaning that if the harassment is serious enough to interfere with a student's access to education, the school is required to address it.³⁴¹ Title IX further prohibits anti-LGBTQ discrimination. As many federal courts have recognized, discrimination on the basis of sexual orientation or gender identity is inherently discrimination on the basis of sex stereotyping and/or gender nonconformity, and is therefore prohibited under federal laws banning sex discrimination, including Title IX.³⁴² In particular, Title IX protects transgender students' right

to be treated equally and in accordance with their gender identity, including the right to be referred to by school employees with their requested pronouns and names and having access to single-sex facilities consistent with their gender identity.³⁴³

Although Title IX requires schools to respond promptly and effectively to gender-based harassment and discrimination, many schools fail to do so. In 2016, at least 97 K-12 school districts were under investigation by the U.S. Department of Education for potential violations of Title IX related to gender-based harassment.³⁴⁴ Local executives, including mayors, school chancellors, and school superintendents, should ensure schools under their jurisdiction comply both with federal law and best practices to ensure that schools are safe, welcoming, and equal learning environments for LGBTQ students.

Local executives, from mayors to school superintendents, can ensure that their schools are in compliance with federal law and best practices by issuing policy guidelines to help schools fight discrimination, harassment, and bullying against LGBTQ students in schools. Mayors should direct an appropriate oversight body, such as a city education department of human rights commission, to provide nondiscrimination guidance, review schools' compliance, and receive complaints about discrimination and harassment in schools.

When working with LGBTQ students, adults should trust that young people are well able to know and understand their own sexual orientation and gender identity. While it is common for parents or guardians to be involved in a child's gender transition at school, even elementary-school-age students can lead the conversation around their own transition.³³⁵ LGBTQ young people should also be included when determining new policies that affect them. School superintendents can reach out to LGBTQ student leaders who may already be working on specific reforms through Gay-Straight Alliances or Genders & Sexualities Alliances, or GSAs, student governments, or other channels. For example, when the Office of Youth Engagement at the District of Columbia Public Schools convened a committee to develop a districtwide plan for LGBTQ-inclusive schools, school officials ensured that students were represented alongside parents, school staff, LGBTQ advocates, and policymakers.³³⁶ The districtwide plan has helped schools create a more welcoming environment for their LGBTQ students and also has empowered students to speak up for themselves—one student was honored by the local newspaper for being an advocate against bullying.³³⁷

Adopt LGBTQ-inclusive nondiscrimination policies in schools and school districts

School superintendents should issue plain language, well-publicized nondiscrimination policies that clearly state that the school does not discriminate on the basis of actual or perceived sex, sexual orientation, gender identity, or gender expression—as well as other key characteristics including race, color, religion, national origin, immigration status, and disability—in its educational programs and activities. Even if existing nondiscrimination policies list “sex” or “gender” as a protected category, they should explicitly prohibit discrimination against LGBTQ students. Research has shown that clear nondiscrimination policies make LGBTQ students feel safer, and students in schools that prohibit anti-LGBTQ discrimination have better educational outcomes.³⁴⁵ Model district policies developed by GLSEN and the National Center for Transgender Equality are helpful reference documents for school districts to consult as they update their existing policies.³⁴⁶

Superintendents can also issue nondiscrimination guidelines for school administrators. For example, the superintendent's office at the Los Angeles Unified School District issued a bulletin to provide “guidance and resources for schools in creating safe and affirming campuses and in addressing sexual orientation and gender identity in instructional and educational activities.”³⁴⁷ Mayors, county executives,

or superintendents can direct other offices in their purview to take related administrative actions, such as existing offices of diversity and inclusion, compliance, equal employment opportunity, and legal counsel. The General Counsel of the Los Angeles Unified School District, for example, issued a bulletin to all district employees outlining their obligations under existing state and federal law, along with guidelines on such issues as dress codes, student safety, and restroom accessibility.³⁴⁸

Issue an anti-harassment and bullying policy protecting LGBTQ students

LGBTQ students face severe and pervasive harassment: In GLSEN'S 2015 National School Climate Survey, 60 percent of LGBTQ students in grades 6–12 reported being sexually harassed in school, nearly one-third reported being physically harassed, and nearly half reported being cyberbullied by peers, in the 2014–2015 school year.³⁴⁹ Harassment holds students back: LGBTQ students who experience high levels of victimization at school have lower grades, lower self-esteem, higher levels of depression, and were twice as likely to report that they did not plan to pursue post-secondary education than peers who experience less harassment.³⁵⁰

To address this problem, local executives should direct schools under their jurisdiction to issue clear anti-harassment policies, require schools to promptly investigate and address reports of harassment, and require that schools provide reasonable accommodations to student victims of harassment to help them continue their education.

Under Title IX, all schools must publish and distribute a clear, plain-language policy prohibiting gender-based discrimination and harassment against students, explaining the school's resources for and responsibilities to students who experience harassment and the process by which students can file complaints about discrimination and harassment.³⁵¹ City education departments can—in consultation with experts on educational access, students, and parents—develop and issue either model policies for schools to adopt or guidelines to help school districts develop their own policies.

All school anti-harassment policies should clearly state that:

- Schools prohibit harassing behavior, including bullying, cyberbullying, and sexual violence—with plain-language definitions of these prohibited behaviors.³⁵²

- Student victims have a right to report harassing behavior to school officials, to have the complaint investigated and resolved promptly and equitably, and to accommodations necessary to protect them and safeguard their continued access to education.
- If an investigation or other information reveals a hostile school environment, the school must take prompt and effective steps to eliminate the harassment and resulting hostile environment, prevent its recurrence, and—as appropriate—remedy its effects.³⁵³

School policies should include plain-language explanations of prohibited, harassing behavior and the scope of conduct to which the policy applies. GLSEN recommends that schools and school districts define “harassment” as “written, verbal, or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities because the conduct is so severe, persistent, or pervasive.”³⁵⁴ Definitions of harassment should explicitly include conduct based on a student’s actual or perceived sex, sexual orientation, or gender identity or expression, as well as a student’s race, religion, English language proficiency, disability, or other distinguishing characteristics.³⁵⁵ The Philadelphia Public Schools district has adopted a strong definition of harassment that defines harassment to include unwelcome behavior that is sufficiently severe or pervasive that it either affects a student’s educational access, “has the purpose or effect of substantially or unreasonably interfering with a student’s education,” or otherwise affects a student’s learning opportunities or well-being.

GLSEN similarly recommends that schools define “bullying” as “written, verbal, or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities by placing the student (or students) in reasonable fear of physical harm” and “cyberbullying” as the use of communication technology to bully or harass students, “regardless of the location or the type of electronic communication used.”³⁵⁶ Policies should define the scope of the policy to cover conduct that takes place in school or at school-sponsored activities, as well as out-of-school conduct where there is “some nexus between the out-of-school conduct and the school.”³⁵⁷ The policy should explicitly state that peer-to-peer harassment that takes place on school buses or vehicles, at bus stops, at other locations, and via electronic technology or communication can create such a nexus if it creates a hostile educational setting for student victims.

School policies should be widely distributed to both students and parents and guardians, easily available online, and included in student disciplinary policies, codes of conduct, or relevant handbooks. Braille or audio copies of the policy must be made available to visually impaired students.

Ensure that schools promptly and effectively respond to anti-LGBTQ harassment

Mayors and school superintendents should ensure that any school under their jurisdiction has at least one well-trained Equal Opportunity and Title IX Coordinator—a designated, impartial employee responsible for ensuring the school’s compliance with applicable civil rights law, including Title IX—and best practices to ensure the school is a safe and equitable learning environment for all youth.

School anti-harassment policies should clearly state that student victims have a right to report harassing behavior to their school officials and to have the school investigate and resolve the complaint promptly, effectively, and equitably. To that end, anti-harassment policies should also include plain-language information about:

- All available reporting options for student victims that they can pursue simultaneously or separately, at their discretion
- Designated school officials considered responsible employees who are required by school policy or applicable law to report harassment to a Title IX Coordinator or other designated employee, and an explanation of their responsibilities
- Resources and accommodations that a school can provide to protect victims and ensure their continued access to education, and how victims can access these services
- Where students and parents and guardians can find confidential support services, including counseling and victim advocacy

- The school's responsibility to promptly, impartially, and thoroughly investigate complaints of harassment, bullying, and discrimination
- The school's responsibility to eliminate harassment and any resulting hostile school environment, prevent it from recurring, and appropriately remedy its effects
- School procedures for investigating and resolving complaints

The school's Title IX Coordinator—or other designated, trained, and appropriate school employees overseen by the Title IX Coordinator—should be responsible for receiving complaints of harassment, bullying, or discrimination and taking immediate steps to protect complainants and their continued access to education. School policies should clearly explain the roles, responsibilities, and contact information of the Title IX Coordinator and other employees designated to respond to complaints of harassment and bullying.

GLSEN also recommends that schools allow parents or guardians to file complaints of harassment, bullying, or discrimination with designated staff members, and that schools further develop a process to anonymously report harassment.³⁵⁸ Schools should investigate anonymous reports to the extent reasonably possible, but school policy should specify that the school cannot take disciplinary action based on anonymous reports alone.³⁵⁹ Complaints of harassment should be investigated impartially, and complainants and respondents should be afforded equal opportunity to present their case, including an equal opportunity to present evidence.

The school's anti-harassment policy should explicitly state that the school's policies and procedures apply equally to all students. The city department of education should require all schools to respond to all reports of harassment in a uniform manner consistent with the publicly distributed school policy, except for minor adjustments to ensure that the process is age-appropriate for complainants and respondents.

Providing accommodations to students who experience harassment

To address the effects of harassment, schools must provide victims with reasonable accommodations designed to safeguard their continued access to education. Available accommodations should include, but not be limited to: ensuring complainants and respondents do not share the same classes, changing dining and/or transportation arrangements, providing a school escort to the victim,

and providing academic supports such as extra tutoring or arranging for a victim to retake a test they miss due to harassment. Schools should also arrange for student victims to have access to appropriate counseling, mental health, and disability services.

In appropriate circumstances, to eliminate harassment and a hostile environment, schools should provide these accommodations as immediate interim measures before the school completes its investigation. Schools should take reasonable steps to separate a harasser and the harassed student(s), both during and after an investigation. An example of such a step is the issuance of a no-contact order that prohibits a respondent from contacting a complainant, either directly or through third parties such as friends and family members. Guidelines issued by the city education department should state that schools, when taking steps to separate student victims of gender-based harassment and their alleged harassers, should minimize the burden on complainants.³⁶⁰

Preventing retaliation

Guidelines issued by the city education department should prohibit any retaliation or threats of retaliation by school employees and administrators against students who report harassment, bullying, or discrimination. School policies should explicitly note that retaliation or threats of retaliation against student complainants and/or their friends and family members is prohibited, and that the school will take all reasonable steps to prevent such retaliation. School officials should not provide notification to the parents or guardians of involved students if they reasonably believe that doing so could jeopardize the health, safety, or well-being of a student.

Discipline and counseling

Schools should provide a range of potential sanctions that allow administrators to eliminate hostile environments and safeguard a victim's continued access to education. While punitive disciplinary action is sometimes necessary, schools should prioritize disciplinary and counseling options that emphasize education and prevention, where appropriate.³⁶¹

Anti-harassment policies should specify possible disciplinary outcomes for violations of the policy, including but not limited to warnings, counseling, community service, preventative training, removal from school social events or extracurricular activities, class transfers, in-school suspension, short-term suspension, or transfer to another school.³⁶² Sanctions should be reasonable, fair, age-appropriate, and match the severity of the harassment.³⁶³ In appropriate circumstances, schools should provide counseling for student perpetrators of harassment. Both respondents and complainants should be promptly notified of any disciplinary outcomes.³⁶⁴

Schools should not adopt zero-tolerance policies that apply severe, one-size-fits-all sanctions for harassment. Such measures could actually discourage student victims from reporting harassment and seeking help if they believe the perpetrator would face harsh, rigid punishments, including expulsion.³⁶⁵

Ensure that school personnel are trained to address anti-LGBTQ bullying and support LGBTQ students

The 2015 National School Climate Survey found that 58 percent of LGBTQ students did not report incidents of harassment or assault.³⁶⁶ The most common reasons for not reporting were doubts that effective intervention would occur and fears that reporting would only make the situation worse.³⁶⁷ Of those LGBTQ students who did report incidents of victimization to school authorities, less than a third said that school staff effectively addressed the problem, and more than a quarter were told by staff to change their own behavior—for example, being admonished to not act “so gay.”³⁶⁸ In order to create a safe environment for all students, school staff need specific training on LGBTQ inclusion and addressing bias-based harassment.

Training and ongoing professional development can help staff identify and address instances of discrimination and foster a welcoming environment for all students. Specific attention to LGBTQ issues is necessary in any training curriculum on violence and harassment in schools. Research from GLSEN found that educators who received trainings about bullying and harassment without specific LGBTQ content were no more likely to address anti-LGBTQ behaviors than educators who had not received any such training.³⁶⁹

School superintendents can create opportunities to ensure that all district staff receive appropriate training to fulfill their duties to their LGBTQ students. Districts can partner with local LGBTQ organizations to contract training services or receive referrals to established programs. GLSEN has chapters throughout the country and routinely partners with school districts to offer in-person workshops.³⁷⁰ Another model for ensuring cultural competency is through community schools. The community school program in Multnomah County, Oregon, for example, partnered with a local LGBTQ organization to offer anti-bullying training to educators and to coordinate GSAs in schools.³⁷¹

District superintendents can improve campus environments by creating a standard way to visually identify staff who are prepared to support LGBTQ students. One such initiative is OUT for Safe Schools, which seeks to improve the visibility of adult allies in schools by issuing rainbow badges.³⁷² School staff wear these badges to identify themselves as a “mobile, human safe space” for LGBTQ students.³⁷³ Created by the Los Angeles LGBT Center in partnership with the Los Angeles Unified School District, the initiative has now expanded throughout the country via the national GSA Network. Participating districts in eight communities received these badges as part of a larger effort to improve school climates for LGBTQ students that included staff training, supporting GSAs, and engaging families to increase support.³⁷⁴ A student at a school participating in the OUT for Safe Schools program reported that he had felt “repressed” about sharing problems related to LGBTQ identity with teachers, but “now considering that the teachers would identify themselves as an ally, gives me a certain relief.”³⁷⁵

Remove gender-based requirements from dress codes

Fair school dress codes

The Sunnyside Unified School District in Tucson, Arizona, encourages students to “dress for success” and emphasizes “neatness, cleanliness, and appropriateness” in its dress code.³⁷⁶ Alan Storm, a former assistant superintendent for the Tucson district, recounted principals asking if they should suspend boys who came to school in traditionally feminine clothing: “I’d say, ‘Is there a bare midriff?’ ‘No.’ Then it doesn’t violate your dress code. You have no right to make the kid change his clothes. But it’s your absolute policy to keep the kid safe.”³⁷⁷

Gender-based dress codes may be unnecessarily restrictive for many students without having any bearing on educational outcomes. Every year, students are told that they cannot attend school dances in clothing that does not conform to traditional gender norms, or disciplined for dressing in a manner that is allowed for students of a different gender.³⁷⁸ Twenty-eight percent of transgender respondents to the 2015 National School Climate Survey reported being prevented from wearing clothes considered inappropriate based on their legal sex in the 2014–2015 school year.³⁷⁹

Dress codes with gender-based requirements do not just affect LGBTQ students. Girls are often unfairly disciplined for clothes that supposedly “distract” other students, and boys who wear their hair long for religious or cultural reasons can be unduly punished under many dress codes.³⁸⁰ Younger students who dress in a manner that is atypical for their gender may or may not identify as LGBTQ as adults, and research has found that most gender-expansive children do not grow up to be transgender.³⁸¹

School superintendents and their staff can adopt policies that encourage students to dress appropriately for school and ensure fair enforcement of these policies, like the Sunnyside Unified School District in Tucson, Arizona does. (see text box)

Allow equal access for transgender students in gender-segregated facilities

Transgender-inclusive facility policies

The Title IX coordinator of the Matanuska-Susitna Borough School District, Alaska, issued guidelines that transgender students be allowed access to restrooms and locker rooms that are “assigned to the gender which the student consistently asserts at school.”³⁸² Similarly, the office of school performance at the Washoe County School District, Nevada, issued administrative regulations on ensuring access to facilities based on gender identity “as expressed by the student and asserted at school, irrespective of the gender listed on the student’s records.”³⁸³

When schools have gender-specific bathrooms or locker rooms, students should be allowed to access facilities that are consistent with their gender identity. GLSEN’s 2015 National School Climate Survey found that this was not the case—60 percent of transgender students had been required to use a bathroom or locker room based on their legal sex in the previous school year.³⁸⁴ Denying transgender people safe restroom access has been linked to poor health outcomes, such as kidney infections, urinary tract infections, and stress-related conditions.³⁸⁵

District administrators can direct their offices to issue specific guidance around gender-segregated facilities, or to provide resources to help educators and community members understand the needs of transgender students. The Title IX Coordinator of the Matanuska-Susitna Borough School District in Alaska and the office of school performance at Washoe County School District in Nevada both created transgender-inclusive policies for gender-segregated facilities. (see text box)

The chancellor of the District of Columbia Public Schools issued policy guidance through her office of youth engagement, along with a sample school planning guide and template letters for parents and teachers.³⁸⁶

Ensure that LGBTQ families can access early education programs

Early childhood education can change a young person's life. Research shows that children who receive high-quality early education are less likely to drop out of school, far less likely to be arrested for a violent crime, and more likely to go to college.³⁸⁷ But even as cities across the country are investing in early childhood education, LGBTQ students and the children of same-sex couples are at risk of being turned away from these programs—for example, in 2012, a New Mexico preschool turned away a 3-year-old because the child had two fathers.³⁸⁸

Mayors, school superintendents, program administrators, and city departments of education should require early education providers that receive city funds to not discriminate against LGBTQ students or children of same-sex or transgender parents. By making nondiscrimination in admissions and programs a requirement to apply to all providers receiving city funds, cities can ensure that the opportunities provided by early education are offered to all students regardless of their or their parents' sexual orientation or gender identity.

While there has been little research into the experiences of LGBTQ families in early education programs, particularly transgender and gender-nonconforming children, news reports indicate that too many young people face discrimination in these settings. For example, transgender and gender-nonconforming children have been discouraged or even barred by teachers from learning to write their preferred name or dressing in clothing that is not traditionally associated with the sex they were assigned at birth.³⁸⁹ Forcing young children to hide their gender identity or gender-nonconforming traits can be extremely harmful and drive negative health outcomes for youth, including depression, anxiety, and even self-harm.³⁹⁰ Mayors and school chancellors can make early education programs more inclusive by ensuring nondiscrimination policies that apply to city schools are extended to publicly funded early education programs. City agencies also can fund technical assistance and training for teachers, including partnering with state and local LGBTQ rights organizations with expertise in nondiscrimination and educational access.

End zero-tolerance discipline and reduce suspensions and expulsions of LGBTQ students

Every year, more than 3 million students are suspended and more than 100,000 students are expelled because of rigid zero-tolerance policies that impose extreme and disproportionate penalties on students, often disrupting their education over minor infractions.³⁹¹ Despite their widespread use, there is limited evidence that zero-tolerance programs improve school safety or learning environments.³⁹² By contrast, there is ample evidence demonstrating that students who are suspended for even a few days are less likely to graduate and more likely to become involved with the criminal justice system—meaning that harsh, disproportionate punishments in school discipline carry more costs than benefits for both students who lose valuable classroom time and society as a whole.³⁹³

Students of color, disabled students, and LGBTQ students are far more likely than their peers to be suspended or expelled. Racial and disability disparities in student discipline are well documented. For example, black students with disabilities are more than three times more likely than white students without disabilities to be suspended or expelled.³⁹⁴

LGBTQ youth, especially non-heterosexual girls, are more likely to face highly punitive sanctions than their peers; disparities in school discipline do not correlate with, and therefore cannot be explained by, higher rates of misbehaving among LGBTQ young people.³⁹⁵ Instead, discriminatory conduct codes, coupled with selective enforcement of school policy, can push LGBTQ youth out of school for minor offenses such as violating gender-based dress codes, loitering, or texting during class.³⁹⁶ LGBTQ youth may also misbehave in school because of negative outcomes associated with family rejection, homelessness, or harassment and bullying in school. For example, a recent survey conducted by GLSEN found that homeless LGBTQ students are five times more likely to become involved in the juvenile justice system due to school discipline than those living with a parent or guardian.³⁹⁷ Rigid disciplinary policies impede students' access to education, rather than helping them learn and integrate into the classroom.

Zero-tolerance policies are particularly harmful to LGBTQ youth because they fail to consider the context of an alleged violation of a school's code of conduct. For example, such policies do not consider whether students who verbally or physically harm other students did so to defend themselves from harassment or violence. An alarming 27 percent of LGBTQ students report being harassed in

schools because of their sexual orientation, and zero-tolerance programs can push LGBTQ youth out of school simply for defending themselves.³⁹⁸ Rigid discipline policies on paper can also obscure discriminatory enforcement in practice: nearly one in three openly LGBTQ students reports being disciplined for public displays of affection for which non-LGBTQ students were not.³⁹⁹

Mayors, superintendents, and school chancellors can fight discriminatory student discipline practices and support educational access for LGBTQ students, students of color, and disabled students by:

- Eliminating zero-tolerance school discipline policies
- Establishing out-of-school suspension as a last resort punishment reserved for serious infractions only
- Eliminating suspensions and expulsions for young children⁴⁰⁰
- Limiting the role of police—often known as school resources officers—in schools through memoranda of understanding that clearly limit the use of school-based arrests to behavior that poses a serious, ongoing threat to students or staff
- Restricting overly broad, “catch-all” disciplinary categories such as willful defiance, insubordination, or disrespect, which are often abused to impose harsh punishments for normal youth misbehavior and/or selectively enforced against students of color, students with disabilities, and LGBTQ students⁴⁰¹
- Allowing students to appeal findings of responsibility, suspensions, and expulsions where outcomes are unduly punitive, a student’s procedural rights were violated, and in other appropriate circumstances

In recent years the American Psychological Association, civil rights advocates, the American Bar Association, and the U.S. Department of Education have urged schools to rethink harsh student discipline.⁴⁰² As national consensus builds, local leaders across the country have tackled school discipline reform. School districts such as those in Seattle and Los Angeles have dramatically limited suspensions and expulsions, with Los Angeles ending suspensions for “willful defiance” entirely.⁴⁰³ Denver schools ended zero-tolerance discipline in 2008 and in 2013 signed a memorandum of understanding with the Denver Police Department that clarified and limited the role of school resource officers, required them to use deescalation methods rather than resorting to arrest whenever possible, and established due process protections for students; since then, suspensions have fallen dramatically.⁴⁰⁴

In 2016, the Miami-Dade County, Florida, school district announced a plan to eliminate out-of-school suspensions entirely, replacing them with in-school suspensions at what the district dubbed “success centers” where troubled students would continue their classes with extra educational support.⁴⁰⁵

In 2014, the superintendent of Minneapolis Public Schools unilaterally banned suspensions of pre-kindergarten, kindergarten, and first-grade students for non-violent behavior, ending a system in which very young students were suspended for throwing tantrums, acting out, and other normal childhood behavior.⁴⁰⁶ Instead of demonizing normal childhood behavior, the school district encouraged teachers to integrate—rather than push out—disruptive young children.⁴⁰⁷ Under her leadership, the Minneapolis Public Schools district adopted a behavior standards policy which, in lieu of a zero-tolerance policy, provided educators with alternatives to suspension and categorized code-of-conduct violations in a 5-level discipline grid, which limited disciplinary outcomes for low-level offenses.⁴⁰⁸ For example, out-of-school suspensions were not available as punishments for minor infractions such as inappropriate language, cell phone use, or accessing inappropriate online content.⁴⁰⁹ After these policies were implemented in the 2013–2014 school year, suspension rates dropped by 50 percent.⁴¹⁰

Provide LGBTQ-inclusive sexual health education

Hundreds of studies have consistently proven that evidence-informed, medically accurate sexual health education programs for students reduce rates of sexually transmitted infections, promote healthy relationships, and lower teen pregnancy rates.⁴¹¹ However, sex education standards vary widely across the country—and only nine states require that sex education, when provided, be inclusive of LGBTQ youth.⁴¹²

As a result, far too many LGBTQ students are left without the information they need to stay healthy and safe. GLSEN’s 2015 National School Climate Survey found that 5.7 percent of LGBTQ middle- and high-school students surveyed reported that LGBTQ topics were positively addressed in a health class.⁴¹³ Three states—Alabama, South Carolina, and Texas—even require that, when schools provide sex education, the programs must provide negative, stigmatizing, and sometimes untrue information about sexual orientation.⁴¹⁴

Exclusionary sex education programs contribute to high rates of negative sexual health outcomes for LGBTQ youth. Research has found that lesbian, gay, and bisexual youth are less likely than their heterosexual peers to report using condoms or birth control.⁴¹⁵ Compared to heterosexual girls, girls who identify as lesbian, gay, or bisexual are more likely to become pregnant and young men who have sex with men accounted for more than 8 in 10 HIV diagnoses in 2014.⁴¹⁶ LGBTQ youth of color are particularly at risk.⁴¹⁷ Sex education programs that don't include LGBTQ students—or worse, promote harmful stereotypes and stigmas about LGBTQ students—may also foster hostile school environments, contributing to pervasive anti-LGBTQ bullying and harassment. By contrast, one study of HIV education inclusive of lesbian, gay, and bisexual identities found that non-heterosexual students receiving inclusive programming reported fewer negative health outcomes, and another found that California students who received similarly inclusive health classes were less likely to report anti-LGBTQ bullying and more likely to feel safe at school.⁴¹⁸

Mayors, school chancellors, and school superintendents can promote positive sexual health outcomes and welcoming learning environments for LGBTQ youth by directing city schools to provide comprehensive, medically accurate, and LGBTQ-inclusive sex education. If a city does not require comprehensive sex education, the city department of education or a school superintendent can direct schools to ensure that when schools voluntarily provide sex education their programs are LGBTQ-inclusive, or fund technical assistance for health educators within their school districts.

Guidelines developed by health education experts at Advocates for Youth and the Sexuality Information and Education Council of the United States note that effective and inclusive sex education programs should:

- Be age-appropriate, evidence-informed, and medically accurate
- Be designed and implemented with the needs of LGBTQ students in mind
- Provide information about human development, healthy relationships, personal skills related to healthy sexual behavior, sexual health, and culture
- Include respectful information about sexual orientation and gender identity—for example, “people deserve respect regardless of who they are attracted to” and “people do not choose their sexual orientation”

- Provide information about contraception, condoms, and birth control without suggesting that LGBTQ students should not be concerned about sexually transmitted infections or pregnancy prevention
- Avoid assumptions about students' sexual orientation and gender identity and use gender neutral terms such as “partner” whenever possible
- Include sexual orientation and gender identity throughout the program—not as an isolated section⁴¹⁹

To expand access to effective sex education programming, starting in 2009 the U.S. Department of Health and Human Services has conducted an extensive review of available programs, identified dozens that have been proven effective in improving sexual health outcomes, and made information about these programs available online.⁴²⁰

In school districts that provide LGBTQ-inclusive sex education, local executives can further promote the health and safety of LGBTQ youth by directing schools to provide evidence-based, LGBTQ-inclusive education on healthy relationships and consent as part of their sexual health programming. High school students face pervasive sexual and dating violence: One CDC survey found that more than 20 percent of high school girls and 10 percent of high school boys reported being physically or sexually abused by a dating partner over the course of a single year.⁴²¹ LGBTQ students, especially bisexual girls and transgender youth, are particularly at risk—a risk that is exacerbated by consent education programs that ignore LGBTQ youth and/or the unique forms of control and coercion that LGBTQ victims sometimes face.⁴²² For example, LGBTQ-inclusive programs might identify threatening to “out” a victim—publicly disclose a person’s sexual orientation or gender identity without consent—as a form of coercion and relationship abuse.

While LGBTQ-affirming sexual health education is rare, it enjoys strong support from students and parents alike. Polls show that 85 percent of parents support including discussions of sexual orientation in high school sex education programs and 78 percent support the same in middle school programs.⁴²³

Health and health care

The Affordable Care Act undoubtedly improved access to health care for LGBTQ communities, substantially decreasing the uninsured rate and, as clarified recently, providing protections from discrimination.⁴²⁴ This progress, however, only underscores how much LGBTQ-inclusive health care policy was needed and continues to be needed, especially as policymakers continue to debate the future of the law and further reforms.⁴²⁵ Health care settings are an area where local executives can intervene to improve the lives of LGBTQ people.

LGBTQ individuals face significant health disparities compared to their non-LGBTQ counterparts, including higher rates of HIV/AIDS, depression, and an increased risk for some cancers.⁴²⁶ Contributing to this is the discrimination they experience. A 2010 study found that 70 percent of transgender people and more than half of lesbian, gay, and bisexual people reported experiencing discrimination from health care providers.⁴²⁷ That same study found that approximately one-third of low-income transgender and gender-nonconforming people reported being refused necessary medical care because of their gender identity.⁴²⁸ This discrimination can cause LGBTQ people to forego preventative services and thus increase their risk for certain conditions, such as breast cancer screenings for lesbian, bisexual, and queer women, transgender men, and nonbinary people.⁴²⁹ Disparities are also amplified for LGBTQ people of color and immigrants.⁴³⁰ The sparsity of data on LGBTQ people means that the full extent of health disparities and policy solutions to address them are still being uncovered.

Cities and counties can develop community action plans to both research and address the health needs of their local LGBTQ community. This includes addressing the health care needs of LGBTQ immigrants and refugees. Localities can also warn their citizens of the dangerous and fraudulent practice of conversion therapy and have local consumer fraud protection agencies investigate practitioners.

Community action plan on LGBTQ health

In 2012, Chicago's Department of Public Health released an LGBT Community Action Plan.⁴³¹ The department focused its recommendations on public health infrastructure, access to care, and specific health disparities. Specifically, the plan:

- Advocated for more and better data on LGBT health in order to create a better understanding of the state of health in the LGBT community
- Called for the establishment of a research team dedicated to LGBT health to analyze those data and guide future efforts
- Encouraged the city to adopt policies that reduce barriers to accessing health care, such as cultural competency training
- Created LGBT-focused programs to address specific health problems such as smoking and cancer
- Recognized that these recommendations can overlap other policy areas, such as education, and outlined plans to conduct training to focus on bullying of LGBT students, reducing violence against LGBT people, and improving the educational experience of LGBT students

LGBTQ individuals experience significant health disparities relative to their non-LGBTQ peers, and local governments can take action to reduce these disparities. A community action plan can be used to establish a course of action to address gaps in care for a particular demographic. For the most effective plans, the appropriate agency should conduct a comprehensive review of the health of the community in question. A community action plan can contain a catalogue of barriers to resources, the goals of the plan, and what policies or actions will achieve those goals. With a clear course of action, an agency can more effectively identify what actions are necessary in order to work toward comprehensive programming for LGBTQ people. Health departments can organize the shortcomings to care and potential policy changes into a single document rather than piecemeal efforts. Chicago's LGBT Community Action Plan provides a good example of what this can look like. (see text box)

Forming a plan of action gives a municipality the chance to study and identify the needs of its local LGBTQ community. When implemented, such a plan can reduce health disparities and make health care more accessible for LGBTQ community members by creating services specifically designed to meet their needs. As appropriate, departments of health or public health can utilize these plans to determine how to most effectively direct resources and tailor policies to meet the needs of LGBTQ residents.

Direct consumer fraud protection agencies to distribute information about the discredited practices known as conversion therapy, including harms to consumers

So-called “conversion therapy” is scientifically discredited by every mainstream medical and mental health organization.⁴³² Both the American Psychological Association and the American Psychiatric Association found no reliable scientific evidence of these practices’ alleged ability to change sexual orientation or gender identity.⁴³³ And, as one judge has noted, “the overwhelming weight of scientific authority concludes that homosexuality is not a disorder or abnormal.”⁴³⁴ LGBTQ people are more likely to have poor mental health than their non-LGBTQ counterparts, and LGBTQ youth in particular “report elevated rates of emotional distress, symptoms related to mood and anxiety disorders, self-harm, suicidal ideation, and suicidal behavior.”⁴³⁵ Conversion therapy is a harmful practice and children are particularly vulnerable to its dangers. Lesbian, gay, and bisexual children who experience a rejection of their identities from their families are almost six times more likely to experience high levels of depression and more than eight times more likely to have attempted suicide than lesbian, gay, and bisexual peers who encountered familial acceptance.⁴³⁶

Local executives can further protect citizens from this practice by directing existing consumer health and fraud protection agencies to distribute information about the harms caused by conversion therapy and its fraudulent nature. While several municipalities have banned conversion therapy through legislation, local and state consumer fraud laws can provide additional protections.

In 2015 a New Jersey court ruled in *Ferguson v. JONAH* that a conversion therapy provider “committed consumer fraud and unconscionable business practices by promising to change the sexuality of several Orthodox Jewish men.”⁴³⁷ Speaking of the case, one of the plaintiffs said, “Now the world knows about their destructive,

refuted practices.” As David Dinielli of the Southern Poverty Law Center pointed out, the court’s ruling that it “is fraudulent as a matter of law for conversion therapists to tell clients that they have a mental disorder that can be cured” is applicable to the “principle lie” at the heart of all conversion therapy practices.⁴³⁸ LGBTQ people are neither “sick” nor “broken,” and “conversion therapy, however packaged, is fraudulent.”⁴³⁹ Recognizing this, the Human Rights Campaign, the Southern Poverty Law Center, and the National Center for Lesbian Rights filed a federal consumer fraud complaint with the U.S. Federal Trade Commission in 2016 against another conversion therapy practitioner.⁴⁴⁰

Mayors can amplify this message through consumer health and fraud protection agencies. If a consumer fraud protection agency does not exist in a locality, one can be created. For example, the Office of the Attorney General for the District of Columbia maintains a division created to prevent ‘deceptive and unconscionable business practices and to obtain compensation for consumers,’ and in Chicago, the Department of Business Affairs and Consumer Protection handles such issues.⁴⁴¹ A unilateral conversion therapy ban is beyond the power of a local executive alone, but highlighting the fraudulent nature of this practice can alert local residents to this alternative means of protection, while also educating the public about its dangers and inefficacy. The U.S. Food and Drug Administration, for example, has several webpages and online products to educate the public about health fraud, including how to recognize and avoid it and why it is harmful.⁴⁴² The U.S. Federal Trade Commission has similar information, including a webpage on cancer treatment scams.⁴⁴³ The Office of the Attorney General for the District of Columbia puts out a booklet available in print and online that details common types of fraud and how to avoid them, which could easily include a section on conversion therapy.⁴⁴⁴

Make health care plans accessible to undocumented LGBTQ immigrants

Research shows that both LGBTQ people and immigrants face numerous barriers to accessing quality health insurance coverage and care. Compared to their peers, LGBTQ people are more likely to lack health insurance and face refusals of care or substandard care due to stigma and discrimination. A recent survey found that one in five low- and middle-income LGBTQ respondents lack insurance coverage.⁴⁴⁵ While the Affordable Care Act has greatly expanded access to health care for LGBTQ people, the need for insurance coverage remains great. Nearly half of non-citizen residents of the United States lack insurance coverage and one-quarter of Americans who remain uninsured under the Affordable Care Act are undocumented immigrants.⁴⁴⁶

A report by the Institute of Medicine noted that the intersection of race and sexual orientation can have an effect on health outcomes⁴⁴⁷ And research from the Center for American Progress shows that racial and ethnic minorities who are lesbian, gay, or bisexual face significant health care challenges.⁴⁴⁸ In addition, the health disparities faced by LGBTQ people can be compounded by their immigration status. The stigma and discrimination faced by immigrants—much like that experienced by LGBTQ individuals—negatively affects an individual’s health and is a barrier to accessing health care.

Although federal law prohibits unauthorized immigrants from accessing federal benefits such as Medicaid or buying health insurance from state exchanges, cities and states can offer their own health plans to residents, allowing everyone access to health care. In 2001, then-Washington, D.C., Mayor Tony Williams established the DC Healthcare Alliance, making health insurance available to any resident of the district regardless of immigration status.⁴⁴⁹ Today some 15,000 residents are enrolled and the District of Columbia has allocated \$58 million to fund the program in fiscal year 2017.⁴⁵⁰ Mayors can establish similar locally funded health insurance programs to ensure no resident is excluded from the opportunity to purchase health insurance due to being ineligible, unable to afford to purchase insurance through the retail market, and/or not covered through an employer or Medicaid.

Employment and housing

In most of the country, state law does not explicitly protect LGBTQ people from being fired from a job or refused housing because of their sexual orientation or gender identity. Access to employment and shelter are basic necessities that many LGBTQ people have been deprived. The frequency and impact of employment discrimination on LGBTQ people is described further in the “Governance” section of this report.

Many LGBTQ people face housing insecurity because of outright discrimination and vulnerability to poverty, which often puts safe and secure housing out of reach. Housing discrimination takes many forms, from landlords and real estate agents refusing to rent or sell to LGBTQ people or landlords harassing tenants because of their sexual orientation or gender identity to agents refusing to issue a home loan because of the applicant’s sexual orientation or gender identity. A 2012 study on discrimination in rental housing by the U.S. Department of Housing and Urban Development found that different-sex couples were favored over same-sex couples in almost 16 percent of tests.⁴⁵¹ According to the 2015 U.S. Transgender Survey,

nearly one-quarter of respondents had experienced housing discrimination in the past year and nearly one-third had experienced homelessness at some point in their lives.⁴⁵² Although the need for shelter is high for transgender people, a study by the Center for American Progress and the Equal Rights Center found that only 30 percent of shelters tested were willing to appropriately shelter transgender women.⁴⁵³

While national LGBTQ-inclusive nondiscrimination protections are critical, there are many measures that can be taken at the local level to prevent LGBTQ people from falling into poverty and experiencing housing insecurity. These actions include, among others, supporting a living wage, expanding access to ID cards, establishing LGBTQ-inclusive economic empowerment programs, and implementing fair chance hiring practices.

Support a living wage

Initiatives to implement a living wage are spreading across the country. These measures are particularly important for LGBTQ people. Even when they are able to secure a job, LGBTQ individuals still face a “wage penalty” relative to similarly situated non-LGBTQ white male colleagues. For example, gay and bisexual men make 10 percent to 32 percent less than their straight counterparts.⁴⁵⁴ A study also found that transgender women faced significant pay decreases after transitioning.⁴⁵⁵ These disparities are even more pronounced for LGBTQ people of color. Annually, the average Latina same-sex couple earns approximately \$3,000 less than different-sex Latinx couples and the average black lesbian couple makes \$10,000 less than black different-sex couples.⁴⁵⁶

By enacting a city- or countywide living wage, cities can eliminate some wage discrimination faced by LGBTQ people. A living wage is the minimum hourly wage needed to cover basic family expenses, whereas a minimum wage is the lowest wage permitted by law. The federal minimum wage is \$7.25 per hour and has not been raised since 2009.⁴⁵⁷ It would need to be increased to \$8.34 per hour just to keep pace with the inflation that has occurred in the years since.⁴⁵⁸ As low as the federal minimum wage is, 2.6 million workers were paid at or below the federal minimum wage in 2015.⁴⁵⁹ Before 2012, only five cities and counties had minimum wage laws above the federal minimum wage. This has skyrocketed to 39 counties and cities today.⁴⁶⁰ Moreover, studies indicate that raising the minimum wage does not hurt jobs.⁴⁶¹ A study on the impact of raising the minimum wage in Seattle to \$15 per hour found “little or no evidence” of price increases in goods and services in Seattle relative to other areas.⁴⁶²

Mayors and county executives can prioritize city- and countywide living wages by explicitly supporting and calling for a commitment to a living wage. The mayor of Washington, D.C. did just that in her 2016 State of the District address, and is working with city councils and counties to enact these policies.⁴⁶³

Expand ID card access for LGBTQ people

ID card policies for LGBTQ youth experiencing homelessness

New York City's municipal ID application process allows applicants to submit alternate forms of proof of identity, such as official school transcripts, which makes it more accessible for LGBTQ youth experiencing homelessness. In addition, the city also makes it easier for transgender people to obtain gender-affirming IDs: it allows applicants to list their desired gender marker through self-attestation, rather than the burdensome requirements of legal, medical, or other proofs of gender transition, and it provides the option of leaving the gender marker on IDs blank.⁴⁶⁴

State-issued identification cards are essential for accessing many basic needs such as food, housing, and employment. A valid ID can be required to submit job and rental applications, to open a bank account, or to obtain public benefits. However, obtaining an ID can be challenging for many LGBTQ people, particularly LGBTQ youth, low-income LGBTQ people, LGBTQ people experiencing homelessness, transgender people, and LGBTQ immigrants and refugees. For example, LGBTQ young people who are pushed out of their homes may leave their birth certificates or school IDs behind, or they may not be able to obtain the necessary parental consent if they are no longer in contact with their family of origin. Directors of city and county agencies can take steps to make IDs more accessible and empower LGBTQ people to take control of their own lives.

The fees for obtaining vital records can be prohibitive for many low-income LGBTQ people.⁴⁶⁵ To ease the burden, city and county clerks can digitize vital records and share them with other offices. This reduces the cost on applicants to obtain and pay for original copies of documents prior to receiving services.⁴⁶⁶ For example, an applicant may request that a county clerk's office send an electronic copy of their birth certificate to the state department of motor vehicles, or DMV.

Federal and state laws may already mandate access to identification documents for LGBTQ youth exiting the child welfare and juvenile justice systems, but many LGBTQ young people fall through the cracks. The implementation of such laws might not reach all young people, including those who run away from a foster placement before they age out of care.⁴⁶⁷ Heads of child welfare agencies can prioritize ID access by updating transition planning guides to ensure that youth in their care have IDs after spending a specified amount of time in the system, regardless of their age. Sheriffs and police chiefs can designate specific staff members at juvenile justice and adult confinement facilities to help people apply for ID cards. Los Angeles County has previously explored the feasibility of partnering with the state to station DMV workers at county jails and probation facilities so that they can help people obtain IDs as part of their community reentry process.⁴⁶⁸

Some state ID agencies may have limited hours or be difficult to access via public transportation. It might also be intimidating for LGBTQ people to enter these spaces if they previously have had negative experiences with public welfare agencies. Bringing services to locations that are accessible and where LGBTQ people feel comfortable can help ensure that they can obtain IDs and other needed documents. Directors of child welfare departments or homeless services offices can invite staff from the state DMV and the federal Social Security office to locations specific to the local LGBTQ community, such as local LGBTQ centers or LGBTQ health clinics, or general community meeting places that are convenient for LGBTQ people, such as a neighborhood library or a school. DMV and Social Security staff can help LGBTQ applicants accurately complete forms at these community outreach events. For example, in 2004, the Mayor of San Francisco teamed up with the city's Department of Public Health to create Project Homeless Connect—a daylong fair for homeless individuals to obtain services from many different public agencies and nonprofit partners at one location.⁴⁶⁹ The project now has events for specific populations and the model has since been replicated in other communities.⁴⁷⁰ ID agencies can also offer services through mobile offices, such as the Florida Licensing on Wheels program that allows people to get IDs, take written driver's exams, and receive copies of their driving record out of a travelling bus.⁴⁷¹

To further expand the ability of LGBTQ people to obtain IDs, mayors and county executives can convene an exploratory committee to consider launching their own ID program. As with any plan to offer services to marginalized populations, it is essential to have LGBTQ people represented on the committee, particularly unaccompanied homeless youth and transition-aged young adults.

By launching their own ID program, communities can design an application for their residents free of restrictive state and federal rules. For example, a county or city ID might allow applicants to submit alternate forms of proof of identity, which would make it accessible for LGBTQ youth experiencing homelessness and might make it easier for transgender people to obtain gender-affirming IDs, like New York City has done. (see text box)

County and municipal IDs can also improve the safety and economic security of unauthorized LGBTQ immigrants. Without a government issued ID, unauthorized immigrants can be forced to carry large amounts of cash and be targeted for robbery. The Elm City Resident Card in New Haven, Connecticut, allows residents to open bank accounts with their municipal IDs.⁴⁷² Local IDs can have other functions as well, such as the Oakland City ID that has prepaid debit card features and can be used for discounts at private retailers and public museums.⁴⁷³ These additional functions provide an incentive for all members of the community to obtain IDs, which prevents stigma against those who carry county and municipal IDs.

Create economic empowerment programs for LGBTQ people and expand access to apprenticeships

LGBTQ people are at increased risk of poverty related to discrimination. Same-sex couples, for example, have higher unemployment rates than married different-sex couples.⁴⁷⁴ The community's poverty risk can be combatted through innovative practices. One way to improve earning potential is through training and education.⁴⁷⁵ Credentials such as those that can be awarded through an apprenticeship are a low- to no-cost option to improve wages by making individuals qualified for better paying jobs. Apprenticeships can improve access to quality employment, something that is important for groups underrepresented in the labor force, including LGBTQ people.

The U.S. Department of Labor provides financial assistance for job training and placement services through the Workforce Innovation and Opportunity Act. Regulations implementing the act prohibit discrimination based on sex stereotyping, transgender status, or gender identity in the provision of any aid, benefit, service, or training through programs and activities funded under the act.⁴⁷⁶ Beyond the federal government's prohibition of discrimination against LGBTQ people in job training and placement services, cities can affirmatively improve access to these programs for LGBTQ people.

One way to do this is by brokering relationships between organizations serving LGBTQ people, particularly LGBTQ youth, and the local workforce development system to expand access to apprenticeships for this population. Under the Workforce Innovation and Opportunity Act, 20 percent of funds should be used on “work experiences” for youth. This can include pre-apprenticeship programs. Pre-apprenticeship programs focus on building basic skills and act as a pipeline for underrepresented communities, such as LGBTQ people, into apprenticeships. Cities should use these funds to create pre-apprenticeship programs that are inclusive of LGBTQ youth, particularly those who are experiencing homelessness and who may lack financial supports from their families of origin. City and county agencies also can create apprenticeships in their own offices. Some nonprofit providers already employ LGBTQ youth to provide peer-to-peer education and street outreach services, and agencies can replicate this model to have constituents with lived experience work on their programs and develop skills as service navigators, community health workers, or peer counselors.⁴⁷⁷

Job training programs are not the only way that cities and counties can improve the economic status of their LGBTQ constituents. The City of San Francisco has piloted innovative initiatives to address economic empowerment for LGBTQ people. In 2013, the city’s human rights commission established the LGBTQ Economic Empowerment Group, creating LGBTQ-focused credit unions, credit cards, and financial planning workshops.⁴⁷⁸ Since 2006, the San Francisco Board of Supervisors has funded the Transgender Economic Empowerment Initiative, a program to connect transgender people with job opportunities and job training programs.⁴⁷⁹ In 2010, in recognition of the initiative’s importance for San Francisco’s transgender residents, the mayor restored funding to the program after it was slated to be cut by San Francisco city officials.⁴⁸⁰

Fair chance hiring in government employment

In 2011, the city of Durham, North Carolina, implemented fair chance hiring, or “ban the box” reforms, through administrative action. The city removed questions about criminal history from employment applications and delayed the process of a background check until after a conditional offer of employment has been made. The success advocates had in encouraging the administration to make this change underscored the importance of including the perspectives of individuals with criminal records in the process.⁴⁸¹ The reforms were proven to be effective in removing barriers to employment for people with criminal histories: The city saw its percentage of new hires with criminal records increase nearly seven-fold, from less than 2.5 percent in 2011 to 15.5 percent in 2014.⁴⁸² Durham is one of more than 50 counties and cities in 23 states around the country that have implemented fair chance hiring reforms on the executive level.⁴⁸³

Local executives should implement fair chance hiring, commonly known as “ban the box” measures, into their county or city government’s hiring process to ensure that candidates with a criminal record are not unfairly disadvantaged. These measures delay the process of conducting a background check so that a government entity can consider the qualifications of a candidate first, without the stigma of that candidate’s criminal history weighing them down. This is particularly important for LGBTQ people, because any discrimination they face for having a criminal record compounds the employment discrimination they already face for being LGBTQ.⁴⁸⁴

Discrimination based on a criminal record also likely disproportionately affects LGBTQ people who currently and historically have experienced criminalization of gender nonconformity and same-sex sexual behaviors and relationships and stigma related to HIV. Research shows that LGBTQ people are incarcerated at higher rates relative to their peers and targeted throughout the criminal justice system.⁴⁸⁵ This is due in part to histories of discrimination, profiling by law enforcement, and to disparities such as higher rates of poverty and homelessness, which make LGBTQ people particularly vulnerable to laws that effectively criminalize homelessness, such as bans on begging or loitering.⁴⁸⁶ Unfortunately, involvement in the criminal justice system often negatively impacts people for the rest of their lives, and these collateral consequences can be significant. For example,

having a conviction record reduces the likelihood of an applicant receiving an interview callback or a job offer by nearly 50 percent.⁴⁸⁷ Even misdemeanors or arrests without conviction can present a huge barrier to employment.⁴⁸⁸ A study by the National Institute of Justice found that “having any arrest during one’s life decreases employment opportunities more than any other employment-related stigma, such as long-term unemployment, receipt of public assistance, or having a GED instead of a high school diploma.”⁴⁸⁹ This is both unfair to people who have been incarcerated—as they have already served their time—and counter-productive, because evidence suggests they are less likely to reoffend if they have a job.⁴⁹⁰ In addition, once someone with a prior nonviolent conviction has stayed crime free for three to four years, they are no more likely to be arrested than the general population.⁴⁹¹

Dismissing employees for having a criminal record regardless of merit also reduces an employer’s ability to find the best candidate, because a large pool of potentially qualified candidates is effectively ignored. Nearly one-third of American adults have a prior arrest or conviction record, so employers who disregard anyone who checks a box on their application indicating that they have been arrested or convicted may ultimately overlook numerous qualified candidates.⁴⁹² Unfortunately, because having even minor convictions can reduce employment opportunities for individuals, employers can even overlook qualified candidates with a minor conviction.⁴⁹³ They may even disregard people who have committed offenses such as nonviolent low-level drug crimes. In 2016, 93 percent of people incarcerated in federal prisons and 47 percent of those incarcerated in state prisons were nonviolent offenders.⁴⁹⁴

In addition to consequences at the individual level, the barriers to employment for former prisoners and individuals with felony convictions also have a negative impact on the economy, due to the loss of millions of people from the workforce. One study estimated that it costs the United States about \$78 billion to \$87 billion in lost GDP annually.⁴⁹⁵ Conversely, removing employment barriers related to criminal history have been shown to have a positive economic impact locally: A 2011 study in Philadelphia showed that employing 100 formerly incarcerated people would create an additional \$1.9 million in wage tax and \$800,000 in sales tax over those individuals’ lifetimes, and also would save criminal justice agencies such as police and courts more than \$2 million annually.⁴⁹⁶

Fair chance hiring policies have been proven to be effective in reducing barriers to employment.⁴⁹⁷ For example, Minneapolis passed a fair chance hiring resolution and found that more than half of applicants with a criminal record were hired by the city.⁴⁹⁸ In Atlanta, a fair chance hiring policy enacted with mayoral support led to people with an arrest or conviction history comprising 10 percent of the city's hires between March 2013 and October 2013—and this was before the policy was codified into an ordinance in 2014.⁴⁹⁹ Durham, North Carolina, also saw great results when it implemented such reforms through administrative action. (see text box)

Because local executives have control over their own workforce, they can implement fair chance hiring measures for city or county government employment. Executives can implement such reforms through executive orders, or they can direct their human resources departments to implement a policy for fair chance hiring. In some cases executives have taken such measures after other reforms have been enacted legislatively, while in other cases city or county legislation follows executive action, underscoring the important role a local executive can play in promoting fair chance hiring. For example, in 2006, the mayor of St. Paul, Minnesota, directed the city's human resources department to remove questions about criminal history from job applications. The day after he notified city council of the change, the council approved a resolution directing the human resources department to implement additional fair chance hiring measures.⁵⁰⁰ In 2013 Atlanta removed questions about criminal history from its job applications with the mayor's support, and in 2014 the city council passed an ordinance to codify that policy into law and to implement further fair chance hiring measures.⁵⁰¹

The type of fair chance hiring measures executives have taken varies by locality, but author analyses show that about 40 percent of the localities that have implemented reform through executive or administrative action incorporated aspects of the federal Equal Employment Opportunity Commission criteria in their policies.⁵⁰² In 2012 the EEOC issued guidance establishing best practices for employers considering criminal history in their hiring process: Employers generally cannot consider arrests that did not lead to convictions or make any criminal record an automatic disqualification for the job; employers must consider important factors such as the seriousness of the crime, the time elapsed since the offense, and the nature of the job; and employers are encouraged to conduct individualized assessments that consider the age the applicant was at the time of the offense and any rehabilitation since, as well as the applicant's employment history.⁵⁰³

Some localities also have established different criteria for jobs that have security screening requirements, such as in police and fire departments. Overall, there are a handful of common measures that many executives have implemented in their communities, and many local executives who have implemented fair chance hiring measures have implemented a combination of such reforms. Typical reforms include:

- Delaying a background check until a later point in the hiring process—a best practice is waiting until a conditional offer of employment is made
- Prohibiting the government from considering arrests that did not lead to convictions
- Requiring that the results of a background check are reported to the candidate and that the candidate is given the chance to contest or respond to the results
- Establishing criteria employers must consider when taking the results of the background check into consideration for the hiring decision, such as the nature of the offense, the time elapsed since the offense, and the relevancy of the offense to the job

For example, in 2012 the executive of Summit County, Ohio, authorized the human resources department to remove questions of criminal history from county government job applications, and now background checks are only required for certain sensitive positions and do not happen until after an interview. Additionally, Summit County incorporated EEOC criteria by conducting an individualized assessment of candidates if they are found to have a conviction history, including considering the age and nature of offense and whether it is relevant to the duties of the job. In 2016 the mayor of Birmingham, Alabama, issued an executive order directing the city's human resources department to implement new hiring policies and included the goal of removing questions of criminal history from initial applications. In addition, the order prohibited the use of criminal history as an automatic bar to employment and ensured that candidates are afforded the opportunity to contest the content of their background check and to demonstrate their rehabilitation.

In total, more than 50 counties and cities in 23 states around the country have implemented fair chance hiring reforms on the executive level.⁵⁰⁴ These reforms span the nation, including: Atlanta; Birmingham, Alabama; Dane County, Wisconsin; Durham, North Carolina; Glendale, Arizona; Oakland, California; Bethlehem, Pennsylvania; Roanoke, Virginia; Spring Lake, North Carolina; New York City; St. Louis; St. Paul, Minnesota; Summit County, Ohio; and Yonkers,

New York. The diversity of geographic location, political ideology, and metropolitan status exhibited in the localities that have implemented such reforms on the executive level speaks to the growing consensus on this issue and the importance of all localities providing everyone in their community with fair job opportunities.

Immigration and criminal justice

There are nearly 1 million adult immigrants to the United States who self-identify as LGBTQ.⁵⁰⁵ Of these, at least 267,000 are undocumented individuals. Ten percent of surveyed recipients of Deferred Action for Childhood Arrivals, or DACA, identify as LGBTQ.⁵⁰⁶ LGBTQ people are unsafe in many countries around the world, making deportation of LGBTQ immigrants incredibly dangerous for them.⁵⁰⁷

Currently, as discussed previously, LGBTQ people are overrepresented in the criminal justice system as a result of a number of factors, including discrimination and stigma, discriminatory enforcement of laws that target LGBTQ people, and policing tactics that target LGBTQ people.⁵⁰⁸ A report by Lambda Legal found that 73 percent of LGBTQ people surveyed had had contact with police in the past five years.⁵⁰⁹ This population is also at increased risk of abuse in prisons, jails, and immigration detention facilities.⁵¹⁰ Measures to divert LGBTQ people from the criminal justice system and from deportation are critical to protecting this population from violence and abuse. Cities and counties can take steps to protect their LGBTQ community members from criminalization and deportation, including issuing LGBTQ-inclusive anti-profiling guidance, not renting jail space to the Department of Homeland Security, and declaring their cities sanctuary cities.

Issue LGBTQ-inclusive guidance on profiling

Law enforcement practices that rely on evaluating individuals' characteristics to ascertain their participation in criminal activity, rather than their behavior—referred to as profiling—can undermine community perceptions of police legitimacy.⁵¹¹ For example, black and Latinx people report lower levels of confidence in local law enforcement as compared with whites, which is correlated with higher rates of traffic stops for black and Latinx motorists compared to white motorists.⁵¹² Profiling based on race is widely viewed as problematic and must be addressed, but reforms must also address profiling based on sexual orientation, gender identity, and gender expression.⁵¹³

LGBTQ people, particularly LGBTQ people of color, transgender people, and youth, are frequently targeted by law enforcement unnecessarily.⁵¹⁴ For example, youth congregated near an LGBTQ center might be targeted through curfew enforcement campaigns or anti-loitering efforts even though they are not violating any ordinances.⁵¹⁵ In one study of LGBTQ youth engaged in survival sex work, 15 percent of respondents reported that police used possession of condoms to justify lengthy questioning or prostitution-related offences.⁵¹⁶ Transgender women are often criminalized on the so-called charge of “walking while trans”—the assumption that transgender women, particularly transgender women of color, are sex workers based on their perceived transgender status, their race, their possession of condoms, or their presence in certain parts of a city.⁵¹⁷ According to the 2015 U.S. Transgender Survey, about 1 in 10 transgender women respondents who had interacted with police officers in the past year were assumed to be sex workers based on their gender identity.⁵¹⁸ The rates were much higher for transgender women of color—33 percent of black women reported such profiling compared to 11 percent of white women.⁵¹⁹ Research also shows that lesbian, gay, and bisexual people, particularly people of color, may be targeted for being perceived as “disorderly”—an Amnesty International report found that Latina lesbians were profiled as gang members based on their gender variant presentation, such as wearing baggy pants.⁵²⁰

Bias-based profiling also prevents officers from serving LGBTQ people who are survivors of violence. As discussed previously, same-sex couples are 10 times more likely to have both the survivor and the abusive partner arrested during domestic violence calls than different-sex couples.⁵²¹ When law enforcement officers make assumptions about the criminal behavior of LGBTQ people based solely on their race, sexual orientation, or gender identity or expression, they fail to ensure safety in their communities.

To address this significant problem, sheriffs, police chiefs, and other law enforcement executives can issue guidance to discourage the ineffective and inefficient use of profiling. In 2005, the director of the police department in Lambertville, New Jersey, issued a policy prohibiting discriminatory profiling, including profiling based on “gender, sexual orientation, or physical appearance.”⁵²² Similarly, the policy issued in 2014 by the Sheriff of Jasper County, Texas, states that bias-based profiling includes “detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, gender, sexual orientation, culture, religious affiliation, or national origin is unlikely to own or possesses that specific make or model of vehicle.”⁵²³ In addition, police chiefs and sheriffs can release guidelines to help officers implement anti-profiling policies. In 2012 the Los Angeles chief

of police issued a notice to all personnel on appropriate and respectful behavior in interactions with transgender individuals, developed in partnership with the local transgender community.⁵²⁴ The notice includes specific recommendations, such as asking transgender individuals for their preferred name and pronouns.⁵²⁵ Similar guidelines on respectful interactions with transgender individuals have been issued by the Captain of the Milwaukee Police Department, the Boston Police Commissioner, and the New York City Police Commissioner.⁵²⁶

As recommended by the President's Advisory Council on HIV/AIDS, local law enforcement agencies should also use their administrative authority to "cease using the possession of condoms as the sole evidence of vice."⁵²⁷ In 2013, San Francisco District Attorney George Gascón announced that his office would stop using condoms as evidence for misdemeanor prostitution cases, making it the first city in the country to do so.⁵²⁸ "After six months of evaluating the arrests made by the [police department] and the outcome of the cases we charged, I feel confident that the public safety concerns can be addressed without endangering the health of sex workers," noted Gascón, referencing the high risk of sexually transmitted infections for sex workers who are discouraged from carrying condoms.⁵²⁹ In 2014 the New York City police commissioner announced that NYPD officers would no longer seize condoms as evidence for certain prostitution charges, although the narrow policy may still discourage condom use among those most vulnerable to health risks.⁵³⁰ LGBTQ people should not be criminalized simply for carrying condoms, and sheriffs, police commissioners, and attorneys general can take steps to end this form of profiling.

Implement alternatives to fines and fees

Many cities and states are funding law enforcement and court costs by levying fines and fees on individuals who are involved in the criminal justice system at every step of the process, from court to incarceration to post-release. In at least 41 states, inmates can be charged room and board for serving time in jail or prison, and in at least 44 states inmates can be billed for their own probation and parole costs.⁵³¹ There are even fees associated with some alternatives to paying fees, like a \$5 per day charge in the state of Washington to do community service to pay off fines.⁵³² While these fees are small sums of money in isolation, they can add up to hundreds or even thousands of dollars in total for an individual. In addition to the underlying fee, individuals can also be charged interest, late fees, payment plan fees, and collection fees.⁵³³ Not keeping up with payments can be a violation of probation, which leads to more fees and penalties. These debts can prevent individuals from cleaning their criminal records and can be barriers to receiving public assistance, housing, employment, and access to credit.

Cities and counties should establish committees to assess measures that they can take to ensure that criminal justice debt policies don't present insurmountable barriers to re-entry for people who have been arrested, incarcerated, or detained, including LGBTQ people. These measures may include studying the impact of proposed and existing fines and fees on revenue generation as well as on inmates; considering an individual's ability to pay a fee when it is levied or when beginning payments, which 50 cities in Alabama have done around bail; implementing a statute of limitation on collecting criminal justice debts and writing off debts that are old and uncollectible, like Philadelphia has done; and permitting the waiver of fees upon successful completion of re-entry programs, as was done in Suffolk County, Massachusetts.⁵³⁴

Cease renting jail beds to the Department of Homeland Security

The largest detention and supervised release program in the country is run by the Department of Homeland Security. The number of immigrants detained each year has skyrocketed from 7,500 beds in 1995 to more than 40,000 beds today.⁵³⁵ One driver of this growth is the expanded use of private prisons and jails. More than half of these beds are in facilities owned by state and local governments.⁵³⁶ A result of the increase in immigration detention beds, as well as a congressional requirement that the Department of Homeland Security maintain 34,000 detention beds per day, is that people who otherwise should be released from detention are instead detained. A study by the Center for American Progress found that Immigration and Customs Enforcement officers, or ICE, elected to detain LGBTQ immigrants whom they had the option to release 88 percent of the time.⁵³⁷ Immigration detention facilities are extremely dangerous for LGBTQ people who face high risk of sexual abuse, harassment, violence, and inadequate medical care.⁵³⁸ Furthermore, immigrants in detention are less likely to win asylum than those not detained. Even when represented by counsel, LGBTQ immigrants in detention are 11.5 percent less likely to win asylum than those not detained.⁵³⁹

Mayors can take actions to combat the expansion of immigration detention by discouraging jails from renting beds to ICE, working with city councils to not approve contracts with ICE, and seeking other forms of revenue to support the city. In counties where the sheriff has sole authority over the use of jail beds, the sheriff can unilaterally decide not to contract with ICE. In cases where there is already a rental contract, cities and counties can choose not to renew a contract once it expires,

as the city of Santa Ana, California, recently did.⁵⁴⁰ If a city or county enters into a contract to rent beds to ICE, it should ensure that the facility complies with the strongest detention standards to prevent abuse and ensure that detainees' rights are respected.⁵⁴¹

Designate your city a "sanctuary city"

The term "sanctuary city" has come under fire lately, mostly due to a misunderstanding of the phrase. Rather than the lawlessness that has been ascribed to it, in reality being a sanctuary city signals a commitment to preserve the independence of local law enforcement from federal immigration enforcement.⁵⁴² Cities and counties across the country are implementing policies to end their entanglement with federal immigration enforcement. At least 69 counties currently decline to hold arrestees in jail to be picked up by Immigration and Customs Enforcement, the agency that apprehends, detains, and departs immigrants.⁵⁴³

In addition, San Francisco; New York City; Washington, D.C.; Los Angeles; Las Vegas; Miami; Chicago; Seattle; Portland, Oregon; Phoenix; Philadelphia; Baltimore; Denver; Santa Fe, New Mexico; Salt Lake City; Houston; and Dallas have policies in place that prevent law enforcement from asking residents for their immigration status; however, a new Texas law prevents sanctuary cities in the state.⁵⁴⁴ ICE does not have this type of data and these types of policies ensure that local law enforcement will not be forced to share immigration information with the agency. This practice is also found in the consent decree between the New Orleans Police Department and the U.S. Department of Justice.⁵⁴⁵ Despite President Trump's threats to make sanctuary cities ineligible for federal resources, the reality is that the federal government cannot compel state and local jurisdictions to proactively engage in immigration enforcement actions.⁵⁴⁶

The need to separate local law enforcement from immigration enforcement is illustrated by the fact that after years of immigration enforcement overdrive, local governments saw a decrease in trust between local law enforcement and immigrant communities, making it difficult for police departments to secure public safety.⁵⁴⁷ Even the Homeland Security Advisory Council reported that policies promoting cooperation between local law enforcement and immigration officers can create confusion and hinder community policing efforts, "thereby negatively impacting public safety and possibly national security."⁵⁴⁸ Trust in local law enforcement is particularly important for LGBTQ immigrant and refugee communities, who face high risks of hate violence.⁵⁴⁹ Reported incidents of hate violence against LGBTQ

people where the victim was undocumented more than doubled between 2013 and 2015—from 8 percent to 17 percent.⁵⁵⁰ In fact, a recent Center for American Progress study found that counties with sanctuary policies have, on average, 35.5 fewer crimes committed per 10,000 people.⁵⁵¹ In addition to building trust in the community, other reasons for separating local and federal law enforcement are cost and concerns over illegal seizures in violation of the Fourth Amendment.

The case of Irvin Gonzalez highlights the urgency for city and county governments to create effective sanctuary policies. Two weeks after President Trump signed executive orders expanding deportation resources, Gonzalez, a transgender woman, was arrested by Border Enforcement Security Task Force agents at the El Paso County Courthouse.⁵⁵² Gonzalez was at the courthouse to receive a domestic violence protective order when agents in plainclothes apprehended her, likely acting on a tip from her abuser, whom they had in custody.⁵⁵³ County officials expressed concern that Gonzalez’s arrest would prevent undocumented victims of intimate partner violence from coming forward for fear of being deported and separated from their children or other family members.⁵⁵⁴ LGBTQ unauthorized immigrant survivors of hate violence are four times more likely to have experienced physical violence than other LGBTQ survivors.⁵⁵⁵

The expansion of deportation enforcement creates fear of reporting intimate partner and hate violence among LGBTQ immigrants. Separating law enforcement from immigration enforcement and ensuring that immigration enforcement is not permitted at sensitive locations, such as courthouses, is critical for protecting LGBTQ immigrant survivors of violence. Mayors and county executives can demand that ICE not conduct enforcement actions in sensitive locations. The mayor of Denver, along with the school superintendent and local criminal justice leaders, recently sent a letter to ICE officials urging them not to conduct enforcement actions in sensitive locations like courts and schools.⁵⁵⁶ Multnomah County, Oregon, commissioners and criminal justice leaders also contacted court officials and issued a statement in response to reports of ICE activity at county courthouses, reiterating the county’s sanctuary policies and decrying the threat that immigration enforcement activities in courthouses pose to residents’ access to justice.⁵⁵⁷

President Trump’s executive orders on immigration not only call for the deportation of all unauthorized immigrants, they also place authorized immigrants who have criminal convictions, no matter how old those convictions, at heightened risk of deportation.⁵⁵⁸ In response, there is a growing trend of cities expanding the definition of a sanctuary city, going beyond limiting cooperation with federal immigration

enforcement and taking proactive measures to protect their residents from deportation. District attorneys can protect immigrants from deportation over petty crimes, as Brooklyn, New York, did by requiring prosecutors to notify defense lawyers about the potential immigration consequences of their clients' cases in order to prevent plea bargains that could result in pleading to a deportable offense.⁵⁵⁹ Mayors can advocate for ending the practice of arresting people for petty crimes, such as the decriminalization of street vending in Los Angeles.⁵⁶⁰ Removing criminal charges for low-level offenses ensures that cities and counties are truly sanctuaries for immigrants, including LGBTQ immigrants.

Cities and counties also can stop the pipeline of immigrants in federal deportation proceedings after being arrested for low-level offenses by ending so-called “broken windows” policing, a model of policing that criminalizes minor offenses such as littering or riding a bicycle on the sidewalk.⁵⁶¹ Not only does broken windows policing place LGBTQ immigrants at heightened risk for deportation, it also criminalizes homelessness—which is disproportionately experienced by LGBTQ people—by arresting people for sitting or lying down in public when they have nowhere else to go.⁵⁶²

Decriminalizing minor offenses is key, but more must be done to stop deportation, which can mean a death sentence for LGBTQ immigrants. One of the biggest factors affecting an LGBTQ immigrant's grant of asylum and freedom from deportation is whether asylum seekers are represented by counsel. Research shows that asylum seekers represented by counsel are nearly twice as likely to be granted asylum.⁵⁶³ To help protect LGBTQ immigrants from deportation to countries where their lives are at risk, county and city executives can establish legal funds for deportation defense for indigent immigrants like New York, Chicago, Los Angeles, and Washington, D.C., have done.⁵⁶⁴

Conclusion

From protecting and supporting LGBTQ public employees to addressing the varied needs of LGBTQ community members and their families, city and county officials play a powerful role in advancing inclusive reforms and setting a model for other jurisdictions to follow in service of equality and civil rights. As detailed in this report, executives can shape the lives and livelihoods of their LGBTQ constituents across a broad range of policy areas and have the opportunity to create lasting partnerships with local service organizations, providers, and community leaders. Coupled with legislative action or as stand-alone reforms, administrative policymaking at the local level is a crucial tool in the fight for full equality for LGBTQ people and can spur positive change at the state and federal level that can lead to the implementation of these vital and long-overdue policies nationwide.

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