CHAPTER 6

A Queer and Intersectional Approach to Fair Housing

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Introduction

The Fair Housing Act of 1968 makes no reference to sexual orientation or gender identity. In 1974, the same year that Congress passed the Equal Credit Opportunity Act and established the Community Development Block Grant program, "sex" was added to the list of protected classes. While not explicitly defined, "sex" was understood to be determined fully by one's body and its capacity for sexual reproduction. The world was thus made of men and women, and women deserved explicit protection against housing discrimination.

The year 1988 brought further changes to the Fair Housing Act and the addition of two protected classes: families with children and persons with physical or mental disabilities. Families were understood to conform to heteronormative standards of mother, father, and children. It was within the debates about who warranted protection under the category of "persons with physical or mental disabilities" that discussion of gender identity was introduced—and with it the first explicit acknowledgment of trans people within fair housing legislation.

As these additions were being debated, Jesse Helms was afraid. A 1986 court opinion had found that trans status represents a handicap and that trans people are protected under antidiscrimination employment law as written (*Blackwell v. United States Department of the Treasury* 1986). Helms—who once said that "nothing positive happened to Sodom and Gomorrah and nothing positive is likely to happen to America if our people succumb to the drumbeats of support for the homosexual lifestyle"—

feared that trans people might sue for protection under the Fair Housing Act and win. He therefore put forward an amendment that made explicit that "individual with handicaps" in no way meant a person who was transgender. "I have no doubt that sometime, somewhere, another Federal court will be asked to revisit that issue—if not under the Rehabilitation Act, perhaps under the Fair Housing Act," explained Helms. "When that happens, it should be clear to the courts that Congress does not intend for transvestites to receive the benefits and protections that is [*sic*] provided for handicapped individuals."[1]

Senator Alan Cranston (D-CA) rose in opposition to Helms's amendment: "As a principal author of section 504 [of the Rehabilitation Act of 1973], I see this amendment as a direct attack on the heart and soul of antidiscrimination laws, which protect individuals against discrimination based on stereotypes," he insisted. "It is an appeal to our worst instincts—saying that we shouldn't have to associate with individuals who are different from ourselves because of the way they dress or their emotional problems," he argued further. "If we were to start excluding one category of individuals from coverage, we would be threatening to undermine the very essence of antidiscrimination laws." The amendment passed the Senate 89–2.

Three decades on from the explicit codification of antitrans discrimination in federal law, treatment of many queer and trans people has improved: health insurers will cover some components of transition, a small number of states have introduced an "X" marker for gender on identification cards, and a gay man runs one of the largest corporations in America. These improvements are unevenly distributed: most queer and trans people are not CEOs, most nonbinary people do not live in states with inclusive policies, and many trans people—particularly trans people of color—are uninsured. In this chapter, we interrogate the social worldview responsible for codifying antitrans legislation into fair housing legislation, focusing on ways that policy and law distinguish those deserving of fair housing from those who are not. In some cases, this distinction rests on singular aspects of identity: trans people are legally unworthy of protection. To that end, we interrogate the dominant framework for understanding fair housing over the past fifty years, a framework that also guides much of urban planning, zoning, and domestic housing policy writ large, more generally. This framework is heteronormative, privileging conceptions of family with two straight parents, and cisnormative, assuming that gender is fixed, falls neatly into a binary, and is consistent with the sex assigned to most babies at birth.

In other cases, the distinction of who deserves protections rests not on singular identities, but on intersections, as legal protections afforded in theory are not uniformly available to doubly (or triply, or . . .) marginalized persons. The dominant framework just described promotes a narrow way of understanding characteristics of individuals such as race, ethnicity, nationality, sex, ability, and religion as separate classes rather than offering an intersectional, holistic view of identity and centering poverty and issues of power. Together, these limitations have the effect of directing attention away from issues of poverty and power that arguably have the most significant impact on well-being and opportunity and of keeping us from focusing on the most marginalized communities.

In this article, we will use queer theory to interrogate existing laws, zoning regulations, and planning and real estate practices to better understand the limits of current understanding of fair housing. We will reconceptualize ideas about identity and "protected classes," adopting an intersectional lens; about "family" and "household," considering nontraditional families and households; and about "housing" as it incorporates neighborhood conditions, not simply shelter, and interactions outside the market. Through this reconceptualization, we will center the experiences of the most marginalized groups. First, however, we offer background on the concepts of "queering" and "intersectionality."

Queering Our Lens

We use the word "queer" throughout this chapter very deliberately, and depending upon the context, "queer" takes on different meanings. At a basic and literal level, this chapter is about people who identify as lesbian, gay, bisexual, pansexual, asexual, transgender, genderqueer, agender, and other gender and sexual identities that fall outside traditional heteronormative and cisnormative conventions. By queering our lens, we put these often marginalized communities into focus, making them visible and centering their varied histories and identities. We use "queer" to denote the collection of nonstraight sexualities, although we acknowledge that many or most people do not identify as queer. Similarly—and controversially—we use "trans" as an umbrella term for noncisgender people. People who identify as nonbinary or genderqueer or gender-fluid or agender may reject this umbrella term. Umbrella terms have a role, and that role is to encompass the constellation of identities while taking care not to center straightness or cisness.[2]

Our choice of "queer" to describe these communities reflects the political nature of the word and its connection to queer theory. Queer theory grew out of queer activism focused around HIV/AIDs and feminist, critical, and women's studies in the 1990s. Queering is the application of queer theory and the process of deconstructing, complicating, interrogating, disturbing, and resisting the gender, sexuality, and family norms and binaries associated with heteronormativity and cisnormativity (Oswald, Blume, and Marks 2005; Motta 2016). In the words of Hugh Lee, Mark Learmonth, and Nancy Harding (2008), queering involves "identification of the norms that govern identity, analysis of what is allowable within those norms, and exploration of what is unspeakable." The dominant regimes depend upon these nonnormative sexual and gender identities in order to "know and sustain themselves," to construct a "privileged 'inside,'" that "could not exist without a demeaned 'outside'" (Lugg and Murphy 2014).

Queering is typically a method for critical analysis and research, but it has been used in the context of public policy, public administration, institutions, and public space (Motta 2016; Lugg and Murphy 2014; Lee, Learmonth, and Harding 2008; Burgess 2005; Shipley 2004). Throughout this chapter, we explore what queering might mean in the context of fair housing.

Intersectionality

The concept of intersectionality emerged within the field of critical race theory, with the original reference in a 1989 essay by Columbia University scholar Kimberlé Crenshaw. She saw it as a way to recognize the multidimensional nature of Black women's experiences and a response to "single-axis analysis" that contributed to the marginalization of Black women. Crenshaw explained in a 2017 interview: "Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It's not simply that there's a race problem here, a gender problem here, and a class or LBGTQ problem there. Many times that framework erases what happens to people who are subject to all of these things" ("Kimberlé Crenshaw on Intersectionality" 2017). The most common interpretation of intersectionality considers how different identities interact, with an emphasis on cumulative disadvantage and the unique experiences of people with multiple marginalized identities. Valerie Purdie-Vaughns and Richard Eibach (2008) offer an alternative interpretation of intersectionality to what they call the traditional "score-keeping" mentality that focuses on intersectionality as

being additive or interactional. Intersectional invisibility draws on the concepts of androcentrism, privileging men's experiences; ethnocentrism, privileging whiteness as the norm; and heterocentrism, privileging straightness as the normative sexuality. People with nonprototypical identities—women, nonwhite, queer—may experience a type of invisibility that may result in certain advantages and disadvantages relative to people with prototypical identities. Following this logic, the prototypical member of a subordinate ethnic or racial group will be defined as a straight man, the prototypical woman will be defined as straight and white, and the prototypical queer person will be defined as a white man.

Intersectional invisibility within politics means that advocacy groups will find it easier to frame issues around a single subordinate identity—white people as the ones with disabilities, Black men as victims of mass incarceration, white women as the face of women's rights. Legal invisibility means that people with multiply marginalized identities are less likely to be protected or seen as credible within the legal system. Crenshaw pointed to Anita Hill's testimony at the Clarence Thomas hearings as an example of legal invisibility.

America simply stumbled into the place where African American women live, a political vacuum of erasure and contradiction maintained by the almost routine polarization of "Blacks and women" into separate and competing camps. Existing within the overlapping margins of race and gender discourse and in the empty spaces between, it is a location whose very nature resists telling. This location contributes to Black women's ideological disempowerment in a way that tipped the scales against Anita Hill from the start (Crenshaw 1989: 403).

Similar legal logic stymied efforts by Black women to sue General Motors over employment discrimination in 1976. In *DeGraffenreid v. General Motors*, the court ruled that the plaintiffs could not combine their claims of discrimination on the basis of race and sex because this was beyond the scope of Title VII of the Civil Rights Act. Under this logic, the employment of Black men and white women rendered discrimination against Black women legally permissible.

Some of this existing research on queer and trans experiences of housing discrimination considers race or ethnicity and sexual orientation simultaneously. For example, Schwegman (2019) found that coupled nonwhite gay men received fewer responses to e-mail inquiries about apartment rentals than straight white couples. However, little attention has been given to the fact that the distinct classes protected by fair housing laws will always over-

lap in the form of individual identities. By queering our lens on fair housing, we can reconceptualize identity as inherently intersectional and consider who within queer and trans communities is most vulnerable to discrimination. This does not mean establishing a "hierarchy of oppressions" (Lorde 1983) but rather recognizing that aspects of identity interact in meaningful ways that must be acknowledged in order to address all forms of discrimination.

Heteronormativity and Cisnormativity in Urban Policy

Urban planning, the project of organizing our cities, has long privileged those with power. Most notably in the American context, as Steil and Charles describe in Chapter 2 of this book, this has meant that planning is a white supremacist project. Planning has similarly privileged other power structures. Michael Frisch (2002) described urban planning as a "heterosexist project," because planning discourses reinforce assumptions about heterosexuality—that it is necessary for procreation, is based on natural sex differences, and has the potential for pleasure. Heterosexuality is reinforced as the norm while queer and trans people are rendered invisible through violence and the destruction of records of their existence. "Zoning, housing rights, and our sense of the public realm are built around heterosexual constructs of family, work, and community life," he argued. "Planning reproduces structures of heterosexual domination" (256). In a more recent piece, Frisch (2015) explained that gender and sexual orientation have been "problematic" for urban planning because planning and zoning systems and suburban subdivisions that developed alongside one another during the twentieth century reinforced conventional norms around gender and sexuality. "Gender norms, especially in the post–World War II era, connected women to home space and men to the work world" (133–34). Frisch cited Foucault in linking the "categories of pathologies" and the "capitalist production of identities as commodities" (Frisch 2002: 256). In the 2011 volume *Queerying Planning*, Petra Doan asked whether planning practice constrains the evolution of queer communities—or whether they seek to commercialize such spaces to the benefit of large developers and the detriment of marginalized members of the community (Doan 2011). To improve the lives of the most marginalized, the capitalist underpinnings of planning may also need to be considered.

We argue that urban policy, including fair housing policy, is not just antiqueer but antitrans. It is both heteronormative and cisnormative, privileging

notions about gender and sexuality that fail to recognize the distinction between them, variations within them, and their fluid natures. The normative American house is a single-family home, occupied by a straight cis couple who have or will have children. This norm has long been enforced by housing policy at both local and federal levels. In this section, we review this history to contextualize the (mis)treatment of queer and trans people by the Federal Housing Administration (FHA) and the current struggle for queer and trans housing fairness. Much of this history takes the form of protection of the normative American family, with regulations regarding housing structures oriented around the families expected (or regulatorily allowed) to occupy them.

The Edmunds Act of 1882 banned cohabitation by what might today be called polyamorous households, in a move generally read as an attack on the Church of Jesus Christ of Latter-Day Saints and some adherents' practices of patriarchal polygamy (Phipps 2009). Since the early twentieth century, zoning and other local housing policies have enforced and otherwise favored measures to "protect" the single-family nature of neighborhoods (Fischel 2004). Transportation technology changes threatened the ability of (single-family) homeowners and home builders to control the makeup of their neighborhoods. The perceived threats came not just from the commercial sphere and its brickyards and livery stables, but also from apartments. By 1916, Berkeley, California, had gone beyond residential districts to establishing zones solely for the use of single-family houses (Hirt 2014). Today, such districts have proliferated across the United States. Although the Edmunds Act was repealed in 1983, state laws that effectively outlaw polyamorous cohabitation remain on the books of all fifty states today (Brown 2008). Indeed, Michigan and Mississippi have bans on straight cohabitation prior to marriage (Michigan Compiled Laws; *Davis v. Davis* 1996).

The threats these districts protected against were couched in the language of normative family and often focused on children in particular. The early planner Edward Bassett argued that the "chaotic conditions of unzoned cities" were an especial threat to children, who would benefit from the "light and air in greater abundance in suburban districts" (Bassett 1922: 323). As Sonia Hirt argues, the precise mechanisms by which nonnormative housing and commercial uses threatened home life were viewed as nebulous, even by those tasked with justifying the regulations (Hirt 2014). Regardless of the justification, the argument was the same: homes constructed for single occupancy by a family need (and are worthy of) defense,

along all three lines: from nonresidential uses, from multiple-unit uses, and from nonfamily uses.

Industrial uses were long suspect in residential areas, and nuisance case law underwent tremendous innovation through the nineteenth century (Rosen 2003, Pontin 2012). By the twentieth century, commercial uses were suspect, as evidenced by the rise of residential districts. These laws had particular effects on women. White women almost unanimously did not do market work outside the home after marriage—even immigrant women who may have done so in their previous countries (Goldin 2006, Foner 1999). Married women of color worked outside the home at higher rates than did white women, but the norm remained that married women did not undertake wage work. Many did, however, work within the home, by taking in piecework as seamstresses. Among their other ends, prohibitions on commercial enterprise within single-family neighborhoods constrained one route to economic independence (or even contribution) by women, reinforcing patriarchal and heteronormative family structures through housing policy.

Multiple-family occupancy was likewise regarded as a social threat. This threat was often sexual: the residential hotels that proliferated in growing downtown districts like Times Square (in New York) or Tower Town (in Chicago) were often home to roommates of the same gender. The existence of roommate households, combined with the relative anonymity of the large buildings, lent a plausible deniability to cohabitating queer partners that could provide some safety (Groth 1994). At the same time, residential hotels became sites of queer congregation, and the districts that grew around these hotels hosted establishments that catered to—or at least allowed—visibly queer customers (Meyerowitz 1990).

Beyond queer relationships, rooming houses were also home to the revolution in women's sexuality more generally (Meyerowitz 1990). The availability of space by the bed or room brought independent living within reach of unmarried working women. This space also opened up new work opportunities in a sexual economy: prostitution could be conducted indoors in residential hotels. Still more broadly, a rented room and a cafeteria meal alleviated the patriarchal burden of housework for women—or at least, redistributed the burden into the market. Collectively, these "hazards" of rooming houses made them the target of campaigns of eradication (Groth 1994). These campaigns ended in a rout. Boarding was prohibited by zoning or other ordinances in the early 1900s. These prohibitions remain largely in place. Los Angeles, which defines family in a broad fashion as a "single housekeeping

unit," nevertheless prohibits boarding houses toward the dual ends of limiting "transient occupancy" and commercial uses (Los Angeles City Council 2012). Today, proposals for updated versions of these arrangements continue to be viewed with suspicion (Baca 2018).

Nonfamily uses are broader than just taking boarders, and most of them can be outlawed by municipal authorities. In the 1970s, two seminal cases bounded—slightly—municipalities' ability to define *family*. In the 1974 case *Village of Belle Terre v. Boraas*, the Supreme Court found that cities could restrict single-family districts to occupancy by "one or more people related by blood, adoption, or marriage, or not more than two unrelated people, living and cooking together as a single housekeeping unit" (1). The latter distinction makes room for a normative unmarried couple—even a pair of roommates, who cook independently, may not technically qualify. Three years later, in *Moore v. City of East Cleveland*, the Supreme Court placed a small limit on these powers. East Cleveland's ordinance, which restricted even some relationships by birth, was found unconstitutional. Together, these cases found that municipalities could broadly restrict the types of household arrangements permissible within their cities, so long as normative families—defined by birth, marriage, or adoption—were not excluded. This *formalism* in defining families under zoning law stands in contrast to the *functional* turn taken in family law. In a recent article, Kate Redburn argues that family law is concerned chiefly with distributing the "benefits and obligations of long term familial connections," and as such the functional family approach is "normatively desirable" because it encompasses the variety of existing kinship networks and intimate relationships (Redburn 2019: 2422, 2419). Applying this functional family approach to zoning would ensure that communities are able to support the intimate relationships that *are* in the world, rather than those that regulation drafters may wish *were* in the community. Failing to do so ensures that municipalities "inflict material and dignitary harms on functional families" in service of maintaining this normative formal family vision (Redburn 2019: 2467).

Heteronormative and cisnormative policy has also been constructed via omission. The Fair Housing Act is just such a case: in stating the right to nondiscrimination on the grounds of other characteristics, the law failed to protect queer and trans individuals from discrimination. Of course, straight and cis people are likewise not protected on those grounds. But this lack of protection is asymmetrical: those living on top

of a particular power structure are not so likely to feel its weight pressing down upon them.

Existing Legal Protections

Queer and trans communities benefited little from any kind of legal protections until the past twenty years. Not only did legal protections not exist before then; states actively codified restrictions against queer and trans people and certain sexual acts through laws banning loitering, solicitation of sex in public places, "sodomy," and cross-dressing, starting soon after the American Revolution. In 1936, the ACLU unsuccessfully defended the producer of the critically acclaimed Lillian Hellman Broadway play, *The Children's Hour*, after it was banned in Boston because of its "lesbian content." In 1957, the ACLU successfully defended City Lights Books, which had been charged with obscenity under California law for publishing Allen Ginsberg's poem *Howl*, with its references to gay sex. Not until forty years later did the Supreme Court begin systematically striking down state laws prohibiting sexual minorities from protected class status (*Romer v. Evans*, 1996), prosecuting certain sexual acts under sodomy laws (*Lawrence v. Texas*, 2003), and restricting the right to marriage and the right to adoption to straight couples (*Obergefell v. Hodges*, 2015). The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009 made hate crimes based on sexual orientation or gender identity punishable under federal law.

In the absence of a comprehensive federal antidiscrimination law, states are left to decide for themselves about whether and in what domains to offer protections against discrimination on the basis of sexual orientation and gender identity. Only fourteen states offer consistent protections on the basis of sexual orientation and gender identity. Fifteen states have no antidiscrimination laws that extend to queer and trans communities; ten additional states offer protection against discrimination on the basis of sexual orientation, gender identity, or gender expression only to state employees.

State and Federal Fair Housing Laws

Similarly, federal statutes do not explicitly protect against housing discrimination on the basis of sexual orientation and gender identity, leaving

individual courts and states to decide what is and is not allowable under current law. With the 1974 amendments, the Fair Housing Act prohibits discrimination on the basis of sex, but it does not explicitly reference sexual orientation or gender identity and expression. Individual courts and states interpret "sex" differently, with some considering the protections to cover sexual orientation and gender identity, as well. In August 2018, the U.S. Court of Appeals for the Seventh Circuit reversed a lower court decision and ruled that a senior living community in Chicago could be held liable under the Fair Housing Act for failing to protect a resident from harassment and physical abuse on the basis of her sexual orientation. This ongoing legal debate mimics that involving the rights of transgender students under federal Title IX, which, like the Fair Housing Act, prohibits discrimination on the basis of sex but is silent on the issue of sexual orientation and gender identity. In May 2019, the Supreme Court agreed to hear two cases, *Altitude Express v. Zarda*, from New York, and *Bostock v. Clayton County, Georgia*, involving the application of civil rights law prohibiting discrimination on the basis of sex to alleged employment discrimination against two gay men.

In the absence of clear federal protections, some states offer protection against housing discrimination on the basis of sexual orientation, gender identity, or both. At present, twenty-one states and the District of Columbia explicitly prohibit housing discrimination on the basis of sexual orientation and gender identity. Two additional states interpret current state laws against sex discrimination as prohibiting discrimination based on sexual orientation and gender identity, and one state prohibits housing discrimination on the basis of sexual orientation only. Twenty-six states offer no state-level protections for queer and trans communities against housing discrimination.

In the ensuing sections of this chapter, we broaden our scope beyond the traditional focal point of fair housing: the private housing market. In doing so, we aim to queer fair housing by bringing into consideration any manner of policy or action whose execution entails unequal outcomes for queer and trans people with regard to shelter.

HUD's Equal Access Rule

Unlike the Fair Housing Act, HUD's 2012 Equal Access Rule explicitly prohibits discrimination on the basis of gender identity and sexual orientation in the process of securing HUD-financed or insured housing as well as within

HUD-supported housing and Community Planning and Development (CPD) programs. In addition to those seeking loans insured by the Federal Housing Administration (FHA), this rule offers protection to the nearly seven million people living in public and subsidized housing as well as those participating in programs funded through Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME), Continuum of Care (CoC), Emergency Solutions Grants (ESG), Housing Opportunities for People with AIDS (HOPWA), Housing Trust Fund, and Rural Housing.

These legal protections on the basis of gender identity, in particular, inform a wide range of local practices at shelters, including intake forms, sleeping arrangements, restroom use, agency policies, and staff training. In particular, the Equal Access Rule addresses how and where to place transgender individuals within gender-segregated emergency shelters and other facilities. HUD has offered multiple updates since establishing the rule in order to provide guidance consistent with best practices and other federal guidelines. Largely in response to a report that documented widespread refusal to place transgender clients (Center for American Progress and Movement Advancement Project 2016), HUD offered revisions in 2016 making explicit that placement in single-sex facilities should be done based on a client's gender identity unless they request otherwise for their own safety. Providers are permitted to offer access to single-occupancy bathrooms and other accommodations when any client, including but not limited to transgender clients, request additional privacy. The nondiscrimination statements in the Violence Against Women Act (VAWA) and Family Violence Prevention and Services Act (FVPSA) further reinforce protections on the basis of gender identity within shelters.

Prison Rape Elimination Act

The U.S. Justice Department issued rules in 2012 that extended protections in the Prison Rape Elimination Act of 2003 (PREA) to transgender individuals confined to adult prisons and jails, community correctional facilities, and juvenile facilities. Specifically, PREA states inmates cannot automatically be housed on the basis of their sex assigned at birth alone and that placement decisions should be individualized. Like HUD, the Bureau of Prisons (BOP) provides additional details that translate these rules into practice, specifically through the "Transgender Offender Manual." In 2018, the BOP updated the

manual to reflect concerns within the Trump administration on "maintaining security and good order." With these updates, BOP deleted a sentence to "recommend housing by gender identity when appropriate" and called for initial decisions about the assignment to single-sex correctional facilities to be made based on so-called "biological sex" rather than gender identity. Contrary to the Trump administration guidance on these issues, courts across the county have ruled that transgender inmates have the right to be placed in "sex-segregated" facilities based on their gender identity.

Evidence of Housing Discrimination within Queer and Trans Communities

Evidence of housing discrimination against queer and trans individuals and households comes from formal complaints, surveys, paired-tester audits, statistical analysis of Home Mortgage Discrimination Act (HMDA) data, and qualitative studies. The National Fair Housing Alliance (NFHA) collects data about complaints filed with public agencies and private nonprofit fair housing organizations across the country to produce an annual report. In 2017, NFHA documented a total of 28,843 complaints of housing discrimination. Disability (57 percent) and race (19 percent) accounted for the largest proportion of complaints. A relatively tiny number related to queer and trans communities—153 complaints on the basis of sexual orientation and 50 on the basis of gender identity or expression. Underreporting of housing discrimination based on sexual orientation and gender identity is probably particularly pervasive because of the lack of systematic legal protections; queer and trans people facing housing discrimination may expect little or no recourse. The Williams Institute analyzed complaint data filed with state enforcement agencies and concluded that, when the size of the queer and trans population is taken into consideration, fair housing complaints about discrimination on the basis of sexual orientation and gender identity happen at similar rates to complaints based on sex and race.

The 2015 U.S. Transgender Survey documented far higher rates of housing discrimination against transgender adults than NFHA analysis of formal complaints. Almost one-quarter of the 27,715 survey participants reported experiencing some form of housing discrimination in the previous year. In an internet survey with a national probability sample of 662, adults who identified as lesbian, gay, or bisexual about antigay violence and related experi-

ences, more than one in ten respondents (11.2 percent) reported having experienced housing or employment discrimination because of their sexual orientation. Employment and housing discrimination were significantly more likely among gay men and lesbians (17.7 percent and 16.3 percent, respectively) than among bisexual men and women (3.7 percent and 6.8 percent, respectively) (Herek 2009).

Discrimination in housing within queer and trans households occurs at many different points of homeseeking within the private housing market, as it does with straight and cisgender households. Several paired-tester audits—both in person and based on e-mail correspondence—have revealed patterns of discrimination on the basis of sexual orientation during initial inquiries into rental housing. In 2017, the Urban Institute conducted 2,009 matched-pair tests involving in-person and remote tests in three major metropolitan areas to assess discrimination among gay and lesbian couples and transgender individuals. Lesbian testers received comparable treatment to women in straight couples, while gay men testers were told about fewer rental units than straight men and transgender testers were told about fewer rental units than cisgender testers.

Schwegman (2019) conducted a randomized matched-pair test involving e-mail correspondence with 6,490 rental property owners in ninety-four cities. A subset of the fictional couples seeking apartments were assigned stereotypical Black or Hispanic names, and all of the fictional apartment seekers were assigned strongly gendered names, allowing for assessment of discrimination based on perceived queer or racial minority status. Both gay men and straight nonwhite couples were less likely to receive a response to e-mails inquiring about rental properties. Schwegman also detected more subtle forms of discrimination against gay men, namely more negative language used in the e-mail responses. Similarly, Friedman et al. (2013) found that queer couples received fewer responses to their e-mail inquiries as part of a large-scale, matched-pair test involving e-mail correspondence with 6,833 property owners in fifty metropolitan markets.

In a smaller study of thirty-three sets of paired-tester audits in the Boston metropolitan area, Langowski et al. (2018) documented widespread discrimination against transgender renters. They found that transgender and gender-nonconforming people received differential and discriminatory treatment in 61 percent of inquiries—not being shown additional areas within the apartment complex (27 percent), not being offered a financial incentive to rent (21 percent), being told negative things about the apartment building

and neighborhood (12 percent), and being quoted a higher rental price than cisgender individuals (9 percent).

Researchers have also documented discrimination in the mortgage lending process. Sun and Gao modeled their 2019 study of discrimination in mortgage approvals in part after the Boston Fed Study. Their analysis of HMDA data from 1990 to 2015 showed that gay and lesbian couples were 73 percent more likely to be denied a mortgage than straight couples with the same creditworthiness and were charged higher interest rates—0.2 percent on average (Sun and Gao 2019). Furthermore, Sun and Gao documented a spillover effect; as the gay and lesbian population in an area increased, so did mortgage rejection rates and fees.

Discrimination at other points of the process of securing housing through the private market has not received as much attention from fair housing researchers. Results of the 2015 U.S. Transgender Survey indicate that discrimination takes the form of being denied an apartment or home or being evicted because they were found to be transgender. Those survey results also point to employment discrimination on the basis of gender identity, including losing a job, as a factor in housing instability and eviction. Verbal and physical abuse by neighbors, such as that experienced by Marsha Wetzel, a lesbian living in an assisted living facility in Illinois, as well as harassment by police—particularly of transgender people—should also be thought of as forms of housing discrimination against queer and trans communities. More than half (58 percent) of transgender people who interacted with police who knew they were transgender reported experiencing some form of harassment, abuse, or mistreatment by police (Herman et al. 2016).

Clearly, queer and trans people face various forms of housing discrimination outside the private housing market and residential neighborhoods, as well. Gender identities and sexual orientations come bundled with social power structures within families. This places queer and trans children at risk of homelessness, as children are normatively provided housing out of familial obligation rather than market compensation or government intervention. Accordingly, the Federal Housing Administration has no provisions for protecting children when the discrimination is coming from inside the house. This shortcoming leaves queer youth unprotected. Queer and trans youth represent approximately 7 percent of the total youth population but an estimated 40 percent of the homeless youth population (Choi et al. 2015). In a 2012 report, service providers who work with queer and trans homeless youth indicated that nearly seven in ten of their clients had experienced family re-

jection based on their sexual orientation or gender identity, and more than five in ten had experienced abuse in their family (Durso and Gates 2012). According to the 2015 U.S. Transgender Survey, more than half of trans adults have experienced some form of interpersonal violence (IPV), including physical abuse and coercive control (Herman et al. 2016).

Downstream, these same people face elevated risk for housing discrimination in homeless and domestic violence shelters. A 2016 study by the Center for American Progress involving calls to one hundred shelters across four states (Rooney, Durso, and Gruberg 2016) documented discrimination against transgender women who were trying to access housing through a shelter. Specifically, tester callers who were transgender received less positive information, were told they would be isolated from other women in the shelter or placed in a men's facility, were misgendered, were told that housing assignments were based on genitalia or surgery requirements, or were told that they would make other residents unsafe or uncomfortable. Only a minority of facilities expressed a willingness to house the transgender tester.

Just as family rejection and interpersonal violence are associated with elevated risk for homelessness among youth and adult queer and trans individuals, they are also associated with high rates of incarceration. For example, the 2010 U.S. Transgender Survey found that almost a third (29 percent) of those who experienced domestic violence relating to family rejection reported having been incarcerated, compared with only 11 percent of those whose families were accepting (Grant et al. 2011). As with homeless shelter placements, decisions by staff around where to house transgender individuals within sex-segregated detention facilities has implications for these individuals' safety and well-being. Queer and trans-identified immigrants detained in Immigration and Customs Enforcement (ICE) facilities are often housed based on their sex assigned at birth rather than their gender despite PREA laws. Not being able to live and dress according to one's gender can also have implications for convincing judges of the need for asylum based on gender identity (Center for American Progress and Movement Advancement Project 2016).

Trans communities, in particular, face elevated risks of harassment and physical and sexual abuse in prison, something that high-profile trans women including Chelsea Manning, Janet Mock, and CeCe McDonald have helped to spotlight. The 2015 U.S. Transgender Survey documented that trans people are ten times more likely to be sexually assaulted by fellow inmates and five times more likely to be sexually assaulted by staff. Imprisoned trans people also faced medical care denials and long stays in solitary confinement that

they perceived to be based on their gender identity. Queer and trans individuals also face barriers related to sexual orientation and gender identity during reentry after incarceration. Specifically, the lack of support from family and protection from discrimination, strict probation and parole, and difficulty obtaining identity documents that reflect one's gender identity can all influence the likelihood of recidivism (Center for American Progress and Movement Advancement Project 2016).

To summarize, queer and trans communities are vulnerable to housing discrimination at some of the same points in the homeseeking process as straight and cisgender peers—during initial inquiry, in regard to what they are told is available and how much it will cost, and in securing financing. Special vulnerabilities within the private housing market involve likelihood of harassment and discrimination by neighbors and police based on sexual orientation and gender identity. Queer and trans communities are more likely to be housed in shelters and prisons, in part because of family rejection and IPV related to sexual orientation and gender identity. Once in these facilities, they face barriers to placement in accordance with their gender identity and have elevated risk of harassment and discrimination.

Queering Fair Housing Policy, Practice, and Research

In this final section, we describe what queering fair housing must involve in order to address the widespread housing discrimination that exists in all these different aspects of public and private housing. We describe changes needed in federal antidiscrimination policy and data collection practices, the need for enforcement and training around existing policies, and the development of subsidized housing to address the unique challenges of queer and trans youth and older adults. Before addressing these specific recommendations, we take a closer look at what adopting an intersectional approach would mean in the context of queering the Fair Housing Act, specifically, and fair housing, more generally.

Adopting an Intersectional Approach

While national-level protections against housing discrimination for queer and trans communities are essential, neither a new federal law nor a Supreme Court decision can eradicate heteronormative, cisnormative, and binaristic

practices embedded in housing policies, programs, and institutions. Adopting a queer and intersectional approach to fair housing research, policy, and advocacy holds the promise of uprooting oppressive housing practices.

At its most simple, an intersectional approach calls on us to recognize the multiple and intersecting identities that people who face housing discrimination hold. Traditionally, fair housing research and advocacy has focused on a single protected class as the basis for discrimination, and aggregate data on complaints of housing discrimination are organized in separate categories based on race, color, national origin, religion, familial status, sex, and handicap. The form HUD makes available for complaints of housing discrimination does not preclude more than one protected class from being listed as the basis of discrimination, allowing individuals to "list the factor(s) why someone feels they have been discriminated against." In bringing civil charges against property owners and managers, the U.S. Justice Department will cite more than one basis of discrimination. For example, in *United States v. Loki Properties* (2011, D. Minn.), involving an African American man as the complainant, sex and race are both cited.

But an intersectional lens requires more than allowing individuals to "select all that apply." It requires a reconceptualization that sees an African American man as having a unique experience, not separate experiences as African American and as a man. Even though the courts have acknowledged compound discrimination claims, typical legal processes still "flatten" intersectional identities and fail to make clear how to prove and remedy claims of discrimination (Remedios et al. 2016; Abrokwa 2018). By not making clear the standards for successful intersectional claims, the legal system "erases an important perspective on the complex nature of discrimination and threatens to lead to shallow or misinformed legal remedies" in the words of disability rights attorney Alice Abrokwa (Abrokwa 2018: 73).

Beyond the courts, we need fair housing researchers, advocates, and government officials to see people in all their identities—a challenge given our propensity for seeing policy issues and individuals through a single lens (Corus et al. 2016). A *Reveal* article published in 2018 based on research conducted by the Center for Investigative Reporting in 2018 profiled a college-educated Black woman from Philadelphia who, despite having a job and savings, was denied a mortgage. She literally became the face of contemporary mortgage discrimination, with her photo dramatically superimposed on a 1937 Home Owners Redlining Corporation residential security map with a bold title, "KEPT OUT." The story goes on to explain that the woman's biracial

(white and Japanese) partner, also a woman, was approved for a mortgage, so the article focuses on race as the basis of their experience of mortgage discrimination. Seen through an intersectional lens, the experience of discrimination might be understood as relating to the couple's marginalized status as queer women of color, a combination of identities that would make them particularly vulnerable in the housing and financial marketplace.

An intersectional approach allows us to see layers and levels of marginalization and vulnerability and makes visible those who hold multiply marginalized identities. When we look beyond the queer "prototype" (Purdie-Vaughns and Eibach 2008)—young, gay, cisgender, white, man—we can see a host of communities who are vulnerable to housing discrimination. Queer couples with children, for example, make up a significant and growing population. Of the approximately 700,000 cohabitating queer couples in the United States, about 114,000 are raising children, and three-quarters of these couples are women (Goldberg and Conron 2018). Do these families face discrimination from realtors, rental agents, mortgage brokers, or neighbors? How would our legal system treat a housing discrimination complaint from queer Black women raising children? Fair housing research needs to consider such groups.

Older adults within the queer and trans communities are also at risk of being overlooked. "Aging with Pride," a longitudinal study funded by the National Institutes of Health, tracked 2,400 LGBTQ-identified adults and identified multiple points of vulnerability. These included applying to live in retirement communities or long-term care facilities where they feared, and sometimes experienced, bias and bullying. One gay man in his seventies described the questions he was asked when visiting retirement communities: Had he ever been married? Why not? Did he have grandchildren? Would he be inviting "guests" to visit? (Wax-Thibodeaux 2014). Housing services for older adults do not necessarily anticipate queer and trans people, while services for queer and trans people do not always anticipate older adults.

Failing to recognize the diversity of identities and experiences within those we categorize together—people who are incarcerated, people who are homeless, renters, homeowners, domestic violence survivors—risks ignoring their humanity and the unique pathways to their marginalization. A 2015 report from the Homeless Rights Advocacy Project at the University of Seattle Law School describes this risk: "Homogenizing the people who are

homeless facilitates their dehumanization, erasing not only their diverse identities, but also obscuring the diverse causes of their homelessness" (Lurie, Schuster, and Rankin 2015: iv).

In addition to rendering visible the people within queer and trans communities who hold multiple marginalized identities, intersectionality focuses attention on the institutional and structural levels of power that create and reinforce inequality within and beyond housing (López and Gadsden 2017). Corus et al. (2016) offer a framework for analyzing policy through an intersectional lens "to conceptually 'envision' and 'identify' novel and previously veiled aspects of consumption in poverty" (MacInnis 2011: 138; Corus et al. 2016: 215). This framework focuses on overlapping categories (understanding how members of the same group have different experiences), structural forces (understanding the relationship across processes of inequality), and the role of power (how control over decision-making and resources is held by dominant social groups). In Table 6.1, we reconsider two examples through the Corus et al. (2016) framework.

An intersectional approach also calls for critical self-reflection among fair housing researchers and practitioners and for them to "continually and closely examine their own race, gender, class, sexual orientation, disability, language, nativity/citizenship and social position, and their relationship to systems of inequality as part of intersecting systems of oppression and privilege" (López and Gadsden 2017: 15). Recognizing one's own positionality is an essential part of the process of recognizing intersectionality and identifying power structures.

Establishing Explicit and Consistent Federal Antidiscrimination Policy

Local, state, and federal laws have reinforced heteronormativity and cisnormativity for more than a century, so in this section we turn to recommendations regarding legal solutions to the problem of housing discrimination against queer and trans communities. In the absence of federal policy, states are left to decide for themselves—an untenable arrangement in regard to a fundamental civil rights issue like access to housing. The proposed National Equality Act would provide protection against discrimination nationally on the basis of sexual orientation or gender identity in the areas of employment,

Table 6.1. Reimagining Fair Housing Policies and Programs Through an Intersectional Lens

Housing issues	*Overlapping categories*	*Structural forces*	*Role of power*
Youth homelessness	*How do queer and trans identities interact with race, class, education, ability, history of behavioral health and substance abuse, and experiences of verbal, physical, and sexual abuse?*	*How do family structures keep parents from supporting their queer and trans children? What funding mechanisms (local, state, federal) make it difficult for programs to serve youth with these multiple identities?*	*What agency do youth, particularly those under 18, have in regard to their housing? How do neighborhoods use political and economic privilege to prevent homeless shelters in their homes (NIMBYism)? What role do elected officials and bureaucrats play in redesigning and enforcing rules around equity and inclusion?*
Incarceration and reentry for trans individuals	*How does trans or nonbinary status impact placement in gender-segregated facilities and experiences of verbal, physical, and sexual abuse? How do race/ethnicity and age affect access to support services upon reentry?*	*How do prison policies, practices, and physical structures embody and reinforce transphobia, misogyny, and racism? What role does state-sanctioned employment discrimination against trans individuals play in their elevated risk for imprisonment? How do family structures, lack of family support, and experiences of interpersonal violence impact risk for incarceration and challenges upon reentry?*	*How are prison staff held accountable for their role in abuse and harassment of trans people who are incarcerated? What role do private prisons and their profit motive play in perpetuating mass incarceration? How does white supremacy and settler colonialism reinforce mass incarceration as a form of social control?*

credit, education, public spaces and services, federally funded programs, jury service, and housing. The Trump administration has stated that, while it "absolutely opposes discrimination of any kind and supports the equal treatment of all," the bill as written is "filled with poison pills." Conservatives have objected to the inclusion of gender identity and the expansion of the definition of public accommodations to include retail stores, banks, transportation services, and health care services. Furthermore, the Equality Act would prevent the 1994 Religious Freedom Restoration Act from allowing discrimination on the basis of sexual orientation and gender identity as an exercise of religious freedom. The measure has broad political, public, and corporate support but is unlikely to pass in a Republican-controlled U.S. Senate.

The proposed Fair and Equal Housing Act would amend the Fair Housing Act to add sexual orientation and gender identity as protected classes but would not address areas other than housing. In the absence of new legislation, the Supreme Court could rule that legal protections against discrimination on the basis sex extend to sexual orientation and gender identity, with the understanding that stereotypes about people based on their sex assigned at birth are at the root of such discrimination. The legal debate is likely to hinge on whether language in laws—in this case the word "sex"—can reasonably be reinterpreted as circumstances and societal issues change—in this case, the emergence of gender identity as a civil rights issue. Justice Ruth Bader Ginsburg, for one, has stated clearly that "Congress may design legislation to govern changing times and circumstances" (Ginsburg 2019). The Supreme Court ruled in *West v. Gibson* (1999) that legislation does not freeze the scope of language: "Words in statutes can enlarge or contract their scope as other changes, in law or in the world, require their application to new instances or make old applications anachronistic" (5).

National policies and programs also need to use consistent and accurate language that clearly distinguishes sexual orientation and gender identity. Such language must plan ahead for the evolution of language by being both specific and flexible. For example, gender identity is an internal belief about oneself and can be distinguished from gender roles, which are social norms about how people of different genders ought to behave, and gender expression, which is the outward style and behavior a person enacts in relation to gender. A person's gender identity may vary from the person's expression, and both may vary from societal gender roles. National policy should protect

individuals on all of these bases: internal feeling, outward expression, social expectation, and any alignments among these.

Promoting Implementation, Enforcement, and Training

While they are essential, clear and consistent federal policies are not enough by themselves. The high levels of documented housing discrimination since passage of the 1968 Fair Housing Act underscore that compliance with such policies require the additional steps of training and enforcement. Implementation requires very deliberate efforts to translate policy for the myriad of gatekeepers—from leasing agents, realtors, and loan officers within the private housing market to administrative staff, case managers, and security officers within subsidized and institutional settings—who control access to housing.

Efforts within HUD to ensure full compliance with the 2012 Equal Access Rule provide one example of concerted effort to translate policy to everyday practice. The 2012 Rule explicitly prohibited those operating federally funded or federally insured housing from discriminating on the basis of sexual orientation and gender identity, but it did not translate those rules into everyday practices in emergency shelters and other congregate housing facilities. Working closely with service providers and advocates across the country, HUD staff compiled a series of resources to help emergency shelters and other housing providers comply with the 2012 Equal Access Rule with particular attention to the safety of transgender people. Prior to publication of the 2016 Final Equal Access Rule, HUD also made publicly available through HUD Exchange: (1) a twenty-four-page guide to providing trans-inclusive language, which addresses facilities and confidentiality, with a glossary of terms and sample antidiscrimination policies for individual facilities including standards for staff and residents; (2) a self-assessment for individual facilities to identify priorities and next steps for full compliance; (3) a decision tree outlining practices to encourage and discourage relating to outreach and engagement, assessment, referral, enrollment, and unit and bed assignment; and (4) training scenarios for frontline staff and management formatted as role-plays with discussion questions relating to common situations. HUD staff promoted these materials through in-person trainings and developed a notice explaining the Equal Access Rule.

Nominally, HUD's Equal Access Rule protects some of the most vulnerable groups, including queer and trans homeless youth and transgender adults

who have experienced domestic abuse. In practice, implementation and enforcement have been limited, in part because explicit protections on the basis of sexual orientation and gender identity are more recent and require agency staff to rethink long-standing practices. Furthermore, while the Trump administration has not repealed these legal protections, HUD has taken guidance and training materials off its website and has not moved forward with requiring HUD-funded shelters to post a notice about residents' rights. Advocacy organizations still make the materials available online, but the implementation process no longer has the weight of the federal government behind it.

Similarly, implementation of PREA—mandating that prison staff understand what "transgender" and "gender-nonconforming" mean and that trans people are provided with appropriate housing and are kept safe, among other things—has been very uneven. A study by Malkin and DeJong (2018) found that only ten states were in full compliance with all thirteen of the PREA regulations regarding transgender people, and 40 percent of states continued to have at least one policy in direct conflict with PREA protections for transgender individuals. In the absence of clear state policy, including a mandate around training, it is unlikely that prison staff will fully understand the concepts and legal protections in PREA or change their day-to-day practices. The changes Trump administration officials made to the "Transgender Offenders Manual" in May 2018 further jeopardize implementation of PREA regulations.

Collecting Housing Data on Queer and Trans People and Their Experiences

The recent increase in research focused on housing discrimination that queer and trans communities face has provided crucial evidence of the need for explicit protections within the private housing market as well as subsidized facilities. A logical next step is to further integrate questions about sexual orientation and gender identity (SOGI) into national surveys to allow more extensive monitoring of the health and well-being of queer and trans communities. Consistent data collection is an essential step toward ending the invisibility of queer and trans communities.

The LGBTQ Data Inclusion Act, introduced in the U.S. Congress in 2017, would mandate inclusion of SOGI questions in federal population studies and establish data standards and routine assessments of changes needed in

survey methods to obtain such data. Having SOGI information in the American Community Survey and American Housing Survey, in particular, would greatly expand our understanding of the housing and economic conditions in which queer and trans communities live. As with the materials developed to help shelters implement the Equal Access Rule, SOGI questions have been removed from federal surveys under the Trump administration.

Creating Housing That Addresses the Unique Challenges of Queer and Trans Youth and Older Adults

In addition to working toward full understanding and compliance with antidiscrimination laws, affirmatively furthering fair housing for queer and trans communities also means developing new affordable housing options for some of the most vulnerable queer and trans populations, including older adults and homeless youth. Several queer and trans elder-living communities have been developed over the past decade, including Triangle Square in West Hollywood, John C. Anderson Apartments in Philadelphia, and Ingersoll Senior Residences in Brooklyn, all of which used federal tax credits in conjunction with other state and local financing mechanisms. Similarly, housing advocates and developers are building new facilities like Philadelphia's Gloria Casarez Residence aimed at queer and trans young adults who are or have been homeless. As with the developments focusing on older adults, the Gloria Casarez Residence markets itself as "LGBTQ-friendly" rather than "exclusive" in order to comply with the same federal fair housing laws that do not explicitly protect queer and trans communities. The demand for these types of facilities—demonstrated by long wait lists—reflects the need for subsidized housing that specifically serves these two vulnerable age groups.

In the meantime, marginalized queer communities are taking action: the Crystal House Project in East New York provides "transitional low-cost living space dedicated to supporting the growth and leadership of Black and Brown poor, working, and queer individuals." The Audre Lorde Project engages in a variety of organizing initiatives centered on building queer spaces for people and communities of color in New York City. Their Brick by Brick campaign aims to secure safe, long-term housing; their Safe Outside the System campaign "[challenges] hate and police violence by using community based strategies." Specifically, canvassers for the project focus on gathering

stories about efforts to secure housing and educating neighbors about the housing needs of trans people (Joseph 2019).

Queering the Fair Housing Act's Interpretation of Family

The Fair Housing Act protects people from discrimination on the basis of *family status*. Interpreted broadly, this basis could cover most households, including the *chosen families* of many queer and trans individuals, who experience familial rejection at high rates (Pew Research Center 2013). In practice, the Fair Housing Act's family status provision protects only those potential renters or purchasers who have children (with legal custody), who are pregnant, or who pursuing legal custody. Indeed, most household structures are legally susceptible to discrimination—in particular, many queer households. The legality of private discrimination against most household structures mirrors the skepticism of nonnormative housing long espoused by public policy.

In place of this limited family status protection, we should work to establish an affirmative right of co-residence. While adopting a functional family approach within the Federal Housing Administration would improve the lives of many people, queering the notion of family in 2019 entails going beyond the most immediately family-like living arrangements. Indeed, Rigel C. Oliveri (2016) argues that any regulation of the "intimate association" of co-residence is "wholly incompatible" with modern views on privacy as interpreted by the Supreme Court. Instead, Oliveri argues that a right to privacy in intimate associations implies a right of co-residence that trumps a municipality's ability to precisely prescribe the allowable composition of its constituent households.

Queer individuals and households may be disproportionately helped by a right of co-residence. In cooperative housing, (typically) nonrelated individuals seek community and kinship in a single large residential home. Queer collective living was an important avenue for the development of alternative ways of living in the 1970s and explicitly turned away from childbearing straight household arrangements to a more communal lifestyle (Vider 2015).

Conclusion

The fight for fair housing continues. The power to decide who deserves protection follows similar lines as it did when the Fair Housing Act was written

in 1968, amended in 1974 to include women and families with children, and amended again to include those with a handicap but to exclude trans people in 1988. Jesse Helms and Alan Cranston are long since deceased, replaced by a new generation of political actors promulgating the same ideologies. The questions they debated—Should the law protect transgender individuals?—and those they did not—Should the law protect queer people against housing and other forms of discrimination?—remain contested. Jesse Helms easily won the day in 1988, excluding trans people from protection under the Fair Housing Act's provisions for people with a handicap. Are we now ready to protect queer and trans people? Are we ready to adopt an intersectional lens that renders visible those marginalized by their racial, sexual, and gender identities? Are the gatekeepers to housing—realtors, mortgage brokers, rental agents, neighbors, parents, intake workers and case managers at shelters, and prison staff—ready to embrace the full humanity of people across sexual orientation and gender identity? We shall see.

Notes

1. Both Helms and the eventual legislation used the word "transvestite." The word is pathologizing and problematic, reflecting a history of language being used against trans people "by political, religious, legal, and medical cultural institutions for the purpose of normalizing their marginalization and discrimination against them" (Bouman et al. 2017). The context of the lawsuit and discussion in the congressional record suggests the amendment intends to apply to individuals with a gender identity and presentation that does not match the sex assigned to them at birth—a trans person.

2. In the interests of precision and harm reduction, we have made several other stylistic choices that we encourage others to adopt. We avoid words like "male" and "female," which reflect the binary roles in sexual reproduction. As such, the words are incomplete descriptors for the wide variety of biological sex differences observed in the world, leaving no room for intersex people. Further, these sex differences are merely one aspect of the social control and oppression felt by queer and trans people. We therefore use words like "man," "woman," and "nonbinary," which are specific to a person's gender and not to their body. Similarly, we avoid words like "same-sex" and "opposite-sex." Given the root word, as well as the clinical history of the word "homosexual," we avoid it—and "heterosexual," which implies the former. In their places, we use clear and straightforward words like "gay," "lesbian," and "straight." A person's gender is the relevant attribute in these contexts, not their body. Finally, when relevant for the discussion, we use the phrase "sex assigned at birth" to discuss sex. We aim to be inclusive of not just trans people but also intersex people whose bodies and experiences reflect an assignment by physicians or caregivers.

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