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# IN 2019, THE STATE OF EQUALITY IS: OUT OF STEP WITH TEXAS VALUES

As the 2019 Texas Legislature approaches the mid-point, Equality Texas has surveyed the current state of equality and concluded that urgent legislative action is needed. Public support for equality has never been higher. But from kindergarten to the retirement home, LGBTQ people still experience worse outcomes across nearly every metric and, for many, equality remains stubbornly out of reach. The 86th Texas Legislature must act to remove the antiquated legal barriers that put LGBTQ Texans at a marked disadvantage compared to their neighbors.

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## **VISIBILITY & ACCEPTANCE**

According to an [analysis](#) by the Williams Institute at the UCLA School of Law, approximately 930,000 Texans identify as lesbian, gay, bisexual, transgender and/or queer. If LGBTQ Texans were a city unto themselves, they'd be the 5th most

populous municipality in the state, just behind Austin, and significantly larger than El Paso.

LGBTQ people are more visible in their communities than ever before: according to [a 2017 study](#), 70% of Americans report that they have a close friend or family member who is gay or lesbian, while the number of Americans who say they personally know someone who is transgender has nearly doubled, from 11% to 21%.

Public support for equality is also at an all time high in the state. The Public Religion Research Institute recently [analyzed Texans' attitudes](#) and reported that 64% of Texans support non-discrimination laws for LGBTQ people. That strong support is consistent across political party, religious affiliation, demographic group, and region of the state. Similarly, a solid majority of Texans oppose laws that permit religiously motivated discrimination.

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	<b>Population</b>
Houston	2,313,000
San Antonio	1,512,000
Dallas	1,341,000
Austin	950,700
<b>LGBTQ Texans</b>	<b>930,000</b>
El Paso	683,577

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However, as detailed in this report, there is a stark gap between the strong public support for equality in the state and the actual lived reality of many LGBTQ Texans. LGBTQ people experience worse outcomes across almost every metric, often as a direct result the legal barriers to equality that persist in Texas law.

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## **ECONOMIC OPPORTUNITY**

Contrary to popular stereotypes about LGBTQ affluence, by almost any economic measure, LGBTQ Texans on average fair worse than their neighbors. LGBTQ people are more likely to experience food insecurity, poverty, unemployment, and homelessness. Economic disparities are especially pronounced for LGBTQ people of color and transgender people.

In a comprehensive review of the policies that drive economic disparity, the [LGBTQ Poverty Collaborative Project](#) concluded that LGBTQ poverty is a crisis in our country:

- Forty-three percent of LGB adults raising children live in poverty.
- Transgender people are four times as likely to have a household income under \$10,000 and twice as likely to be unemployed as their peers.

- While LGBTQ people tend to have received more education on average than the general population, they make less money than their non-LGBTQ counterparts.

These national trends are replicated in Texas. The Williams Institute [analyzed](#) data from numerous studies and concluded that LGBTQ adults in Texas are more likely than other Texans to report having insufficient resources to buy food or meet their healthcare needs. Approximately 30% percent of LGBTQ adults in Texas report having a household income below \$24,000 annually.

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In Texas, it's still legal  
to fire someone or  
pay a worker less  
just for being LGBTQ.

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For LGBTQ people of color, the [outcomes are even worse](#): “Mirroring broader patterns of poverty in the United States, LGBTQ people of color—particularly transgender and gender nonconforming people of color—experience the highest rates of poverty, discrimination, and violence.” The Williams Institute similarly [concluded](#) that “for many LGBT people who face discrimination along multiple axes of inequality, the resulting impact is greater than the sum of the parts.” For example Black gay men experience a greater wage disparity than is predicted by either their race or their sexual orientation alone. This multiplying effect is most pronounced for the poorest people in the LGBTQ community.

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## CIVIC PARTICIPATION

A record number of openly LGBTQ candidates ran for public office up and down the ticket in the 2018 midterm cycle, competing in more than thirty races and winning thirteen key legislative and judicial races. There are now five openly LGBTQ women in the Texas House, and they have formed the first-ever LGBT Caucus to represent the needs of LGBTQ Texans.

Despite these advances, some LGBTQ Texans still struggle to access the right to vote. Transgender Texans, in particular, face legal and financial obstacles to obtaining updated identification documents required under Texas law to cast a ballot. Texans who can afford to hire a lawyer can typically obtain a court ordered name and gender mark change to update identification documents, but that process is out of reach for many.

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## FAMILY STABILITY

There are more than [46,000 same-sex couples](#) in Texas, and [about a third of LGBTQ Texans are raising children](#). The *Windsor* and *Obergefell* decisions from the U.S. Supreme Court recognized that marriage is a fundamental right, bringing immeasurable benefits to LGB-headed families. Marriage equality has made it easier for couples in Texas to access health insurance for family members, buy property, manage taxes, provide for their children, and plan for old age.

But Texas law retains its unconstitutional ban on same-sex marriage and the Texas Family Code fails to address LGBTQ families at all. As a result, family courts struggle to apply laws regarding marriage, parenting, adoption, and divorce to LGBTQ Texans in the same manner as for other families. LGBTQ adults cannot count on the stability that comes from having the law uniformly and predictably applied. And the children of LGBTQ parents aren't assured of the legal right to the continued love and support of both parents in the event of divorce.

The fact that the marriage ban remains on the books creates uncertainty for LGBTQ-headed families. For example, a small group of anti-equality activists have sued to prevent the City of Houston from providing health insurance and other employee benefits to the families of LGB employees on the same basis as all other municipal employees. The Texas Supreme Court has [held](#) that it's an open question whether *Obergefell* precludes this kind of unequal treatment of same sex marriages.

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According to [research](#) by the Williams Institute, LGBTQ-headed families are key to providing homes to children who need them: "[S]ame-sex couples are significantly more likely than different-sex couples to be raising adopted or foster children. One in five same-sex couples (21.4%) are raising adopted children compared to just 3% of different-sex couples, and 2.9% of same-sex couples have foster children compared to 0.4% of different-sex couples." And yet, Texas permits state-funded foster care and adoption agencies to turn away qualified LGBTQ adults as prospective parents simply because of who they are.

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## BIAS-MOTIVATED VIOLENCE

A [meta-analysis](#) of research over the last twenty years by RTI International concluded that, despite the perception of increasing acceptance of LGBTQ people, bias-motivated violence is not only pervasive, but is actually on the rise:

“Numerous studies suggest that LGBTQ+ persons are more likely to be victims of various forms of violence and victimization, including physical and sexual assault, harassment, bullying, and hate crimes. LGBTQ+ persons experience violence and victimization in disproportionate numbers throughout childhood, adolescence, and adulthood. . . . Some forms of victimization, particularly those affecting youth, appear to be worsening. This has serious, lifelong impacts on the physical and behavioral health of LGBTQ+ youth and adults.”

People of color in the LGBTQ community are especially vulnerable. According to the most recent [report](#) by the National Coalition of Anti-Violence Programs (NCAVP), of the total number of hate-related homicides in 2017, 71% were of people of color. NCAVP also documented over the last five years “a consistent and steadily rising number of reports of homicides of transgender women of color, which continued into 2017.”

According to FBI hate crime statistics there were [more than 1100 crimes](#) motivated by anti-LGBTQ bias in Texas in 2017. In that same year, [NCAVP](#) noted that, as the nation experienced a dramatic spike in anti-LGBTQ homicides, Texas had more deaths than 48 other states.

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Texas hate crimes law does not cover transgender Texans, and so-called “gay panic” and “trans panic” are still viable defenses to homicide and assault.

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These sobering data, coupled with high profile incidents like the [recent attack on a gay couple](#) in downtown Austin, keep LGBTQ Texans on edge and constantly uncertain about their physical safety in public spaces.

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## HEALTH OUTCOMES

Studies show that stigma and discrimination lead to worse health outcomes for LGBTQ people. A [study](#) published in *Social Science and Medicine* linked living in a

high-prejudice community to higher mortality rates for LGBTQ people, translating into a life expectancy about twelve years shorter on average. The U.S. Government’s Office of Disease Prevention and Health Promotion [notes](#) that the stress of stigma and discrimination are also “associated with high[er] rates of psychiatric disorders, substance abuse, and suicide.”

[Lack of access](#) to health insurance and culturally competent care and the rise of religious exemptions for health professionals only exacerbate the disparities. The [long history of anti-LGBTQ bias](#) in medicine—from pathologizing sexual orientation and gender identity to disfiguring and traumatizing “reparative therapies”—make many LGBTQ individuals less likely to seek care, even if they could afford to do so. Others are deterred by experiences of discrimination when they have sought care. According to a [national survey of transgender adults](#), nearly a quarter of respondents reported that they had not sought medical care they needed in the prior year due to fear of discrimination. A Harvard [study](#) found the number was roughly one in six (18%) for all LGBTQ adults.

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Texas filed a federal lawsuit asserting the right of healthcare providers to discriminate against LGBTQ patients because of the provider’s personal religious beliefs.

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## YOUTH AT RISK

The Williams Institute [estimates](#) that there are approximately 159,000 youth in Texas who identify as lesbian, gay, bisexual, transgender, or queer. The majority of these LGBTQ youth are happy and well adjusted, [especially](#) if they are able to be open about their identity at school. And [according to experts](#), the evidence is that children are coming out at younger and younger ages.

But LGBTQ kids face barriers that affect their well being and achievement for the rest of their lives. A [review](#) of twenty years of data concluded not only that LGBTQ youth “are more likely than heterosexual youth to be victims of bullying and bias-related victimization, based on strong and consistent evidence across many large studies,” but also that bullying and violence at school is on the rise. The Centers for Disease Control [link](#) this increased incidence of school violence to higher rates of absenteeism, drop out, depression, and suicidality for LGBTQ kids.

A supportive school environment is essential to student achievement. Yet, according to GLSEN's 2017 [snapshot](#) of school climate in Texas, a large number of Texas students who identify as LGBTQ had witnessed a teacher or administrator making homophobic (27%) or transphobic (45%) remarks. Even more alarming, most LGBTQ kids in Texas had experienced verbal or physical harassment or assault at school. Fewer than 40% of Texas students reported having access to a GSA or other club to promote a safer and more inclusive school climate.

For some LGBTQ youth, home provides no sanctuary from the abuse they suffer at school. One study found that a third of LGBTQ kids experience family rejection, putting them at greater risk of [homelessness and incarceration](#). A [survey](#) of service providers reported that nearly 70% of LGBTQ homeless youth had experienced family rejection and more than half had experienced abuse in their family. It is estimated that approximately 40% of homeless youth identify as LGBTQ. University of Texas researchers found that LGBTQ youth are similarly over-represented in the [foster care](#) system and tend to fair worse than their similarly situated peers.

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Although the sodomy law was struck down by the Supreme Court, Texas law still requires health educators to teach that "homosexual conduct is not an acceptable lifestyle and is a criminal offense under Section 21.06, Penal Code."

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## AGING

LGBTQ seniors have less access to the supports and resources that are necessary for quality of life in old age. According to an [extensive survey](#), LGBTQ elders are less likely than other seniors to have family networks to rely on as they age and are more likely to live alone. Given the earnings disparities LGBTQ workers face throughout their lives, "LGBT older adults as a group are [poorer and less financially secure](#) than American elders as a whole." Many face [housing discrimination](#): "LGBT elders may be denied housing, including residency in mainstream retirement communities, based on their sexual

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Texas law does not protect LGBTQ elders from discrimination in access to housing.



orientation and gender identity and expression. This discrimination may separate LGBT elders from loved friends or partners, or push them into homelessness. LGBT elders may also feel the need to re-enter or stay in the closet in order to obtain or maintain housing.” As Baby Boomers age, the problems facing LGBTQ elders are likely to become even more acute.

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## **TIME FOR ACTION**

For thirty years, Equality Texas has been fighting for full legal and lived equality for all LGBTQ Texans. We know first-hand that LGBTQ Texans comprise a resilient and thriving community, working hard, paying taxes, raising families, and contributing to the state’s culture and economy.

But the evidence is clear that public policies in Texas—from the absence of protections that other Texans take for granted to laws that expressly authorize disparate treatment—create barriers for LGBTQ Texans that adversely affect them throughout their lives. The disparities documented in this report are completely at odds with the values of the majority of Texans, who recognize that equal treatment under the law should never depend on who you are or whom you love.

In our thirtieth year, Equality Texas is redoubling our commitment to finally updating Texas law and closing the opportunity gap between LGBTQ Texans and their neighbors. Chief among our priorities is enacting statewide comprehensive non-discrimination protections in employment, housing, and public accommodations. The need is urgent, and the response from the state’s leaders must be as well. The time for action is now.