

NOTES

WHAT'S GOOD FOR THE GAYS IS GOOD FOR THE GANDER: MAKING HOMELESS YOUTH HOUSING SAFER FOR LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH

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Across the United States, lesbian, gay, bisexual, and transgender (LGBT) youth are grossly overrepresented in the homeless youth population. These youth are at an increased risk of being victims of violence in homeless youth housing facilities. This Note examines the causes of the overrepresentation of LGBT youth in the homeless youth population. Additionally, this Note suggests the following changes to the regulation of homeless youth housing programs to make them safer for these youth: (1) placing low maximum limits on the occupancy capacity at which these programs may operate, (2) requiring that all showering facilities provide individual privacy, (3) prohibiting anti-LGBT discrimination in the provision of services, (4) requiring nondiscrimination and sensitivity training, and (5) promoting the creation of LGBT-specific homeless youth housing programs.

Keywords: *homelessness; transgender; lesbian; gay; foster care; youth; discrimination; homeless shelters*

INTRODUCTION

Eighteen-year-old Kelly R.¹ was homeless. At the age of sixteen, her parents kicked her out of her home because she is transgender. Subsequently, she ran away from the group home in which she had been placed by the Administration for Children's Services. When the weather got too cold for her to sleep outside and she could not earn enough money from prostitution to rent a hotel room, she stayed at a large emergency youth housing facility in lower Manhattan. The staff regularly forced her to bathe in an open showering facility with the shelter's male occupants. One day in the shower, a group of these males attacked her. They beat her against the cement floor until her entire body was inflamed with contusions. They did not stop until her jaw was ripped from her face. This all occurred with staff present. This actually happened to a transgender girl in 2002.² Sadly, similar acts of violence against lesbian, gay, bisexual, and transgender (LGBT) youth in emergency and transitional housing programs for homeless youth are very common.³

A large segment of the homeless youth population is composed of LGBT youth.⁴ Those who occupy homeless youth housing facilities are at a great risk of being assaulted and otherwise harassed.⁵ In order to better protect LGBT youth in these housing programs from violence, social service agencies must adopt regulations aimed at curbing all violence in homeless youth housing programs as well as regulations addressing the particular problems faced by LGBT youth. These regulations should require, among other things, that all

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showering facilities in youth housing programs be private;⁶ that housing programs have low occupancy limits;⁷ that housing programs be prohibited from discriminating on the basis of sexual orientation or gender expression in providing any service;⁸ and that these programs provide LGBT nondiscrimination and sensitivity training to all staff.⁹ These training and nondiscrimination requirements should apply to all programs regardless of whether they are operated by religious organizations, which may believe that homosexuality and transgenderism are immoral.¹⁰ These agencies should also promulgate regulations to ensure that there are housing programs created specifically to serve the needs of homeless LGBT youth.¹¹

This Note will discuss these proposed policies and the problems faced by homeless LGBT youth with reference to homeless youth housing programs in New York City, San Francisco, and Houston and the laws governing programs operated in those jurisdictions. This discussion is intended to provide an examination of the interplay among the laws, organization policies, and care of homeless LGBT youth in these jurisdictions, in order to formulate policy solutions to improve the homeless youth systems' responsiveness to LGBT youth nationwide. Thus, this Note advocates that these solutions be adopted in all jurisdictions. As used in this Note, the term "homeless youth housing program" includes the following: shelters housing youth between the ages of sixteen and twenty-one on an emergency basis for short periods of time, transitional living facilities providing housing for youth within the same age range for longer periods of time, and services to help youth transition to independent living.

The first part of this Note presents an overview of the prevalence of LGBT youth in the homeless youth population, examines why they are overrepresented in this population, and describes the violence many of these youth face in homeless youth housing programs. The next part introduces the agencies that are empowered to regulate homeless youth housing programs in New York City, San Francisco, and Houston. The next part proposes regulations to reduce violence against all youth, both LGBT and non-LGBT, in homeless youth housing programs. The final part recommends regulations aimed at reducing violence against LGBT youth specifically and creating LGBT-affirming living environments.

DISTINCTIONS BETWEEN SEXUAL ORIENTATION AND GENDER IDENTITY

As a preliminary matter, it is important to explain the difference between sexual orientation and gender identity. Gender identity describes the gender with which an individual identifies.¹² While most people identify with the gender that corresponds to their birth sex, transgender people, in contrast, identify with the gender that does not correlate with their anatomical birth sex.¹³ This disparity between inward identity and outward appearance often causes distress for transgender people, which they may compensate for by feminizing or masculinizing their outward gender expression.¹⁴ For example, a male-to-female transgender person may dress in women's clothing, wear women's makeup, and undergo gender reassignment therapy.¹⁵ Sexual orientation, which describes the gender or sex to which an individual is attracted in relation to his or her own gender or sex, does not necessarily correspond to that individual's gender identity.¹⁶ For instance, a female-to-male transgender person may be attracted to men, women, or both.¹⁷ Legally, gender identity and sexual orientation are two distinct concepts and it is not uncommon for discrimination on the basis of sexual orientation to be proscribed while discrimination on the basis of gender identity is permitted.¹⁸

THE EXPERIENCES OF HOMELESS LGBT YOUTH: COMMON PATTERNS

LGBT youth make up a disproportionate segment of the homeless youth population in America.¹⁹ Even by the most liberal of estimates, LGBT people make up only ten percent of the general population.²⁰ Yet, according to studies conducted across the United States, their prevalence in the homeless twenty-one-and-under population is several times this percentage.²¹ These estimates range from thirty percent in Houston²² to between forty percent and fifty percent in New York.²³ In San Francisco this proportion is estimated to be thirty-three percent.²⁴

There are a number of paths by which LGBT youth become homeless. For the most part, these youth either run away or are thrown out of their homes. For many of these youth, family problems begin when their sexual orientation is discovered by their families. An estimated one third of LGBT youth are physically abused by a family member after their sexual orientation or gender identity is discovered.²⁵ Approximately twenty-five percent of LGBT youth run away or are thrown out of their homes.²⁶ Approximately forty percent of LGBT youth who leave home do not enter the child welfare system before becoming homeless.²⁷

One reason for the disproportionate number of homeless LGBT youth may be the comparatively late time at which LGBT youths' family problems generally begin. If a youth is thrown out of her home or runs away in her late teens, she may not be placed in foster care before aging out²⁸ of the system. Additionally, social service agencies may decline to place older youth with foster families.²⁹ For instance, in New York City, the Administration for Children's Services will not place youth sixteen and older with foster parents.³⁰ In practice, even youth who enter the foster care system before reaching the age of sixteen often are not placed with foster families because of the lengthy placement process.³¹ Many of those LGBT youth who are placed in foster care ultimately run away because of abuse in the foster home, ending up on the streets.³²

Often the emotional and physical abuse that caused an LGBT youth to be thrown out of, to be removed from, or to run away from home, continue in foster care.³³ One study found that, of those LGBT youth placed in group homes, one hundred percent were verbally harassed and seventy percent physically assaulted because of their sexuality or gender expression while living at the group home.³⁴ Consequently, as many as seventy-eight percent of LGBT youth in foster care run away.³⁵ This helps account for the fact that sixty percent of homeless LGBT youth were previously in foster care.³⁶

For the most part, those LGBT youth who end up homeless are left with the choice between sleeping outdoors, exchanging sex for housing, or rooming at homeless youth housing programs. One prominent activist for homeless LGBT youth estimates that fifty percent of LGBT youth in homeless youth emergency housing programs are physically assaulted.³⁷ This abuse is particularly severe at large emergency youth shelters, which may house two hundred or more occupants.³⁸

In addition to creating a risk to physical health and safety, violence against LGBT youth in shelters contributes to their emotional and behavioral problems. LGBT youth who are physically assaulted are more likely to attempt suicide.³⁹ They are more likely than other LGBT youth to abuse drugs and alcohol.⁴⁰ They are also more likely to engage in high-risk sexual activity, increasing the likelihood that they will contract HIV and other health-impairing sexually transmitted infections.⁴¹ They also perform worse in school and are less likely to pursue a college education than LGBT youth who are not assaulted or harassed.⁴²

These conditions decrease the prospects of homeless LGBT youth transitioning into stable living arrangements. Many homeless LGBT youth choose to live on the streets or exchange sex for a place to stay rather than continue to face the pervasive anti-LGBT physical abuse, intimidation, and denigration which they encounter in homeless youth housing programs. This exposes them to the additional dangers of being assaulted on the street, engaging in risky sex-for-money and sex-for-housing exchanges, and all of the inimical effects of low self-esteem and depression including suicide, substance abuse, and stifled motivation.

AGENCIES THAT REGULATE HOMELESS YOUTH HOUSING PROGRAMS IN NEW YORK CITY, HOUSTON, AND SAN FRANCISCO

In New York, the New York State Office of Children and Family Services certifies homeless youth housing programs serving youth aged sixteen through twenty.⁴³ The New York City Department of Youth and Community Development has jurisdiction to allocate funding to and regulate these programs.⁴⁴ The New York City Department of Homeless Services has concurrent jurisdiction to regulate and fund homeless youth housing programs serving youth aged eighteen through twenty and has jurisdiction to regulate and fund homeless youth housing programs serving 21-year-old youth in New York City.⁴⁵

California's Department of Housing and Community Development Programs is empowered to regulate homeless youth housing programs in California by placing conditions on the grant of funding.⁴⁶ Its jurisdiction applies to homeless youth housing programs serving youth aged eighteen through twenty-one and those housing emancipated minor youth.⁴⁷

In Texas, the State's Department of Family and Protective Services has broad authority to regulate homeless youth housing programs. This authority extends only to programs housing youth under the age of eighteen.⁴⁸

POLICIES TO REDUCE VIOLENCE IN HOMELESS YOUTH HOUSING PROGRAMS GENERALLY

Before any of the proposals discussed in this Note can be implemented, regulatory agencies must more robustly regulate homeless youth housing programs, where they are empowered to do so, and state legislatures must extend their powers where they are limited. The following proposals are not specifically tailored to the needs of homeless LGBT youth, but would, nonetheless, help to curb violence against this population, by reducing violence against all youth in homeless youth housing facilities.

Effective regulation of homeless youth housing programs should be accomplished through licensure and monitoring. This Note's proposed policies for reducing violence generally in homeless youth housing programs would require, as a condition of licensure, that all showering facilities provide individual privacy and that low occupancy caps be maintained.

REQUIRING LICENSURE

The first necessary step in regulating homeless youth shelters is to place them within the scope of an agency's regulatory reach. To do this, agencies must require that all shelters

housing persons twenty-one and under be licensed in order to operate. Currently, neither the New York City or State⁴⁹ Administrative Codes nor the California Administrative Code⁵⁰ require that all shelters housing youth twenty-one and under be licensed in order to operate. This has contributed to the decreased accountability of homeless youth housing programs in these jurisdictions.

Illustrating this minimal accountability, in New York City, for instance, the two largest homeless youth shelters serving youth between the ages of eighteen and twenty-one house between one hundred sixty-four and two hundred fifty youth.⁵¹ These facilities also still use group showering facilities.⁵² These are substantial deviations from the standards established under the current regulations of the New York State Office of Children and Family Services,⁵³ which require that homeless youth shelters maintain private showering facilities⁵⁴ and which prohibit the shelters from operating at an occupancy capacity of more than twenty without being granted a variance by the Office.⁵⁵ It is within the Office's delegated power to take a more proactive role in regulating homeless youth housing programs that serve youth aged sixteen to twenty⁵⁶ and it is necessary to better serve those youth who inhabit them, many of whom are LGBT.

Similarly, in California, programs housing emancipated minor youth or youth between the ages of eighteen and twenty-one are only minimally regulated.⁵⁷ The regulation of these programs is achieved primarily by placing conditions on state grants to homeless youth housing programs.⁵⁸ Despite the broad powers the Department of Housing and Community Development Programs has been delegated to condition grant funding in such a way as to "ensure that the program[s] are] administered in an effective and efficient manner," there are few regulations placing conditions on these grants.⁵⁹ Similarly, the Texas Department of Family and Protective Services is empowered to "license, register, and enforce regulations applicable to" housing programs for homeless youth under the age of eighteen.⁶⁰ These agencies must exercise their powers more fully to fulfill their obligations to protect youth in homeless youth housing programs. Further, the Texas legislature should extend broad regulatory power over programs housing homeless youth aged eighteen to twenty-one to the Department of Family and Protective Services. Additionally, other states that have not already done so should require that homeless youth housing facilities be licensed.

PRIVATE SHOWERS

To better protect youth in homeless youth housing programs from assault, agencies should require that all showering facilities in these programs be private. As is illustrated by the opening narrative, group showering in homeless youth shelters can often precipitate the assault of an LGBT occupant.⁶¹ This is likely due in part to the increased discomfort that homophobic and transphobic individuals may feel when their nudity is exposed to the view of LGBT people. As the National Gay and Lesbian Task Force notes, group showers can be particularly dangerous for transgender individuals, who are vulnerable to attack by those who react in disgust when they observe that a transgendered individual's sex is not the same as the gender to which he or she conforms.⁶² The danger of violence in the shower is heightened by the facts that people's entire bodies are exposed to assault when naked⁶³ and showering facilities are less likely to be monitored by staff than other areas of a housing facility. This increases the danger to non-LGBT people in open showering facilities as well. In fact, even non-LGBT youth are subject to attack on a homophobic premise in open showering facilities.⁶⁴

Requiring that all showers provide occupants individual privacy is a simple step that could reduce some of the violence against both LGBT and non-LGBT youth in homeless youth housing facilities.⁶⁵ This would entail only a modest change in the regulating agency's facility requirements. California already requires that showers in foster care group homes be private.⁶⁶ The regulations of the New York State Office of Children and Family Services require that all showering facilities in homeless youth housing facilities be private.⁶⁷ However, this requirement is not consistently enforced.⁶⁸ The Texas Department of Family and Protective Services does not require that bathing facilities at emergency shelters be private.⁶⁹ Adding this requirement to the Texas regulations of homeless youth shelters, extending this requirement for foster care group homes to homeless youth housing programs in California, and enforcing it in New York would make an important difference in the safety of homeless LGBT and non-LGBT youth. Private showering facilities should be required in homeless youth housing facilities nationwide.

OCCUPANCY CAP

Placing low caps on the number of occupants homeless youth housing programs can house will reduce overall levels of violence.⁷⁰ The homeless youth housing programs that responded in a recent survey of programs housing no more than ten occupants stated that there had been approximately one violent incident for every fifty occupants per year (two percent attacked per year) at their facilities and that none required medical attention.⁷¹ Compare this with the above-cited study indicating that at least seventy percent of LGBT youth in New York City group homes have been physically assaulted while in their group homes.⁷² There are two explanations for these divergent results. First, much of this difference is attributable to the fact that the low-occupancy-capacity housing programs cited serve LGBT youth exclusively.⁷³ Clearly, if seventy percent of LGBT youth are assaulted in their group homes because of their sexuality or gender expression,⁷⁴ this problem would be removed by housing LGBT youth separately from non-LGBT youth.⁷⁵ Second, as is discussed below, it is likely that housing programs with higher occupancy rates have a greater incidence of violence.⁷⁶

There is a large body of social psychology research on "bystander effect," which suggests that the lower incidence of violence in the cited programs is at least partly attributable to an increased propensity for violent acts against both LGBT and non-LGBT youth in housing programs with higher occupancy rates.⁷⁷ "Bystander effect" holds that there is a reduced likelihood in larger groups that someone will intervene to defend another who is being attacked.⁷⁸ This theory suggests that not only is each witnessing individual's own likelihood of intervening reduced, but that there is a decreased likelihood of any intervention at all.⁷⁹ This results in a reduction in deterrence against violence, a logical corollary of which is increased violence. Furthermore, as illustrated by the opening narrative, it is probable that there will be more *severe* violence in housing programs with higher occupancy rates, if only because there will be more occupants to "gang up" on an individual.⁸⁰

Currently, the administrative codes of California and Texas do not place strict upper limits on the number of youth a homeless youth shelter can house.⁸¹ The only shelter currently providing housing for homeless youth between the ages of eighteen and twenty-four in San Francisco has the capacity to house forty youth.⁸² The New York Office of Children and Family Services has placed a 20-person occupancy limit on homeless youth housing facilities.⁸³ However, a shelter may apply for a variance to increase this limit.⁸⁴ The result

of this is that some youth shelters housing youth between the ages of eighteen and twenty-one in New York City have been permitted to operate with approximately ten times the occupancy limit regularly required under these regulations.⁸⁵

Placing a limit of ten occupants on homeless youth shelters would reduce violence against LGBT youth in these shelters by reducing violence generally. A capacity limit of ten occupants would be an appropriate limit because 10 to 1 seems to be the generally agreed upon occupant-to-staff ratio in youth housing programs.⁸⁶ However, this limit should not be imposed on community care facilities for the elderly, hotels, dormitories, facilities housing occupants who share particular medical or psychiatric needs, or other facilities with greater staffing needs or a minimal incidence of violence.⁸⁷

LGBT-SPECIFIC PROPOSALS

Because so many LGBT youth in congregate care facilities are targeted for violence specifically because of their sexuality or gender expression,⁸⁸ and because LGBT youth are so grossly overrepresented in the homeless youth population,⁸⁹ administrative agencies should regulate homeless youth housing programs, specifically taking into account the particular problems faced by LGBT youth. Regulations enacted in furtherance of this end should prohibit homeless youth shelters from discriminating on the basis of sexual orientation or gender identity.⁹⁰ They should also mandate that all staff at these programs be trained on how to promote a more welcoming environment for LGBT youth and on how to intervene in anti-LGBT harassment before it becomes violent.⁹¹ Further, these regulations should promote the creation of housing programs operated to serve the unique needs of homeless LGBT youth.⁹² This can be accomplished by designating a portion of the government funding for homeless youth housing to programs specifically targeted at LGBT youth or by mandating that organizations operating homeless youth housing programs operate separate facilities for LGBT youth.

PROHIBITING DISCRIMINATION IN THE PROVISION OF SERVICES

One necessary LGBT-specific policy change is the addition of gender expression and sexual orientation to the list of categories upon which youth shelters may not discriminate in the provision of services.⁹³ The New York State Office of Children and Family Services has promulgated no such regulation applying to shelters housing homeless youth aged sixteen to twenty.⁹⁴ The New York City Human Rights Law does prohibit discrimination in public accommodations on the basis of sexual orientation⁹⁵ and gender expression.⁹⁶ However, it exempts religious charities from this requirement.⁹⁷ Because Manhattan's largest homeless youth housing programs are run by a Catholic charity,⁹⁸ which may claim that opting out of this policy is necessary to promote Catholic principles; this exception leaves a potentially damaging deficiency in the protections provided to LGBT youth.

The California Administrative Code currently prohibits discrimination in all state-supported programs on the basis of sexual orientation.⁹⁹ This policy should be expanded to prohibit discrimination on the basis of gender expression also. Discrimination in the provision of services on the basis of gender expression is already prohibited in foster care in California.¹⁰⁰ Discrimination on the basis of sexual orientation in the provision of *any* public service is also prohibited in California.¹⁰¹

The Texas Department of Family and Protective Services regulations currently prohibit discrimination against persons under eighteen years old in social service housing programs on the basis of race with respect to admissions to a program.¹⁰² The Department has no similar policy for sexual orientation or gender expression.¹⁰³ The Department's authority should be expanded to cover programs housing homeless youth twenty-one years old and under. Additionally, its regulations should be expanded to include discrimination based on sexual orientation or gender expression and to include discrimination in the provision of any service.

Although a survey of those other states that have not yet adopted such anti-discrimination laws is beyond the scope of this Note, laws prohibiting discrimination in the provision of homeless youth housing services on the bases of sexual orientation and gender identity need to be adopted nationally in order to adequately protect these youth.

NONDISCRIMINATION AND SENSITIVITY TRAINING

Education on LGBT non-discrimination policies and sensitivity to LGBT youth should be a mandatory part of training for all staff at homeless youth shelters.¹⁰⁴ Training youth shelter staff on their obligation to provide protection and other services on a non-discriminatory basis will do more to reduce violence against LGBT youth if accompanied by sensitivity training. Sensitivity training will decrease violence against LGBT youth in two ways: first, by making it easier for staff to identify and intervene in anti-LGBT harassment before it becomes violent; and second, by creating an environment in which LGBT youth feel that they are respected by the staff, making it more likely that they will report violence against themselves.

Studies document that LGBT people are less likely than others to report violence against themselves.¹⁰⁵ In a recent study, for instance, sixty-seven percent of LGBT students who were harassed at school never reported this harassment, compared to fifty-seven percent of all students harassed at school who did not report the harassment.¹⁰⁶ A reason commonly cited by individuals for not reporting harassment is distrust of the organizations responsible for their protection.¹⁰⁷ This lack of trust is likely exacerbated for LGBT youth who were rejected by their families because of their sexual orientation or gender expression.¹⁰⁸ Training shelter staff on how to act respectfully towards LGBT youth clients and gain their trust will make shelters safer for these clients.¹⁰⁹

A central part of attaining LGBT youths' trust is being mindful of the effect of one's choice of words on these youth.¹¹⁰ For instance, staff should refer to transgender youth by the gender pronoun corresponding to the gender with which they identify.¹¹¹ Accordingly, the staff should refer to male-to-female clients as "she" and female-to-male clients as "he."¹¹² Another example of how staff can earn the trust of LGBT youth through respect is by not assuming anyone's sexuality.¹¹³ Other ways that shelters can be made more sensitive to LGBT youth include providing information on LGBT sexual practices in discussions on safer sex,¹¹⁴ and displaying the shelter's non-discrimination policy prominently.¹¹⁵ In addition to making these programs safer for LGBT youth, sensitivity training will promote an environment more conducive to their healthy emotional growth, making it more likely that they will grow into stable, independent adults.

The Administration for Children's Services in New York City has a policy requiring that staff be trained on LGBT youth issues.¹¹⁶ However, this policy only applies to foster care group homes and covers only sexual orientation, not gender expression.¹¹⁷ Recently, New York City's Department of Homeless Services adopted a policy requiring that homeless

housing staff be given transgender sensitivity training.¹¹⁸ However, because neither the New York State Office of Children and Family Services nor the New York City Department of Youth and Community Development have adopted such a policy, sensitivity training is currently only mandated in those homeless youth housing programs that house youth who are eighteen and older.¹¹⁹ Further, this policy does not mandate sensitivity training on sexual orientation. Texas has no similar policy in place.¹²⁰ The California Department of Social Services currently does not require that foster care staff receive non-discrimination or sensitivity training.¹²¹ No such requirement exists in the California Administrative Code's regulations on personnel requirements for community care facilities either.¹²² The regulations of these jurisdictions should be altered to mandate LGBT sensitivity and non-discrimination training in homeless youth housing programs in addition to foster care group homes. Such a requirement will promote the safety and well-being of LGBT youth in these programs. These policies should also be adopted nationwide in all jurisdictions in which they have not already been adopted.

SEPARATE LGBT FACILITIES

One of the most effective ways administrative agencies can increase the safety of LGBT youth in homeless youth housing programs is by promoting the creation of programs specifically for LGBT youth.¹²³ LGBT youth are markedly less likely to be assaulted in facilities specifically reserved for them than they are in facilities where they are housed with non-LGBT youth.¹²⁴ In a recent survey of LGBT-specific housing programs, only two percent of occupants were assaulted on their premises per year.¹²⁵ This is a striking contrast to the estimated seventy percent of LGBT youth assaulted because of their sexuality or gender expression in group homes housing LGBT and non-LGBT youth.¹²⁶ Since this figure does not include assaults perpetrated for other reasons, it is likely that even more than seventy percent of LGBT youth living in group homes are assaulted in their group homes.¹²⁷

These data indicate that perhaps the most effective way to curb violence against homeless LGBT youth is to provide them with separate housing facilities so that they are not targeted for violence because of their sexual orientation or gender expression.¹²⁸ Although when couched in terms of "segregation" placing LGBT youth in separate facilities may seem controversial, this approach to creating welcoming living arrangements for homeless LGBT youth is already being used effectively by multiple housing programs. Examples include the Larkin Street Youth Project in San Francisco,¹²⁹ which operates emergency and transitional housing programs for LGBT youth, and Sylvia's Place,¹³⁰ the Ali Forney Center,¹³¹ and Green Chimneys,¹³² which operate such programs in Manhattan.¹³³

Any concern about the importance of integrating LGBT youth with the larger youth population is outweighed by the great risk of serious physical injury which LGBT youth face in homeless youth housing programs. Measures to increase the accountability of housing staff for the violent actions of youth in their care will only curb violence in these programs to the extent that violent youth themselves are deterred by the consequences imposed on them. Creating homeless youth housing programs specifically for LGBT youth will do much to ensure that LGBT youth have safe housing.

There are two ways by which I suggest that LGBT-specific homeless youth housing programs be created. First, states can require as a condition of licensure that organizations operating homeless youth housing programs maintain separate facilities for LGBT youth and that at least twenty percent of the aggregate occupancy capacity of shelters operated

by each such organization be represented by LGBT-specific facilities. Thus, if an organization operates facilities with a gross occupancy maximum of one hundred, it would be required to operate LGBT-specific facilities with a total occupancy capacity of at least twenty. The second method would require that a minimum of thirty percent of funds designated by regulating agencies to homeless youth shelters be designated to shelters housing only LGBT youth. New York City's Ali Forney Center for homeless LGBT youth, for instance, receives approximately one third of its funding from the City.¹³⁴

In addition to greatly reducing violence against LGBT youth, creating homeless youth housing programs specifically for LGBT youth would not entail the same increase in program costs that may arise out of mandating shelters with lower occupancy rates. Additionally, any potential increase in immediate costs resulting from the implementation of such homeless youth housing programs is likely to be at least partially offset by decreased future government expenditures, because in the long-term such programs will greatly decrease the criminality and social service needs of youth who participate in them.

The success of LGBT-supportive housing programs in reducing violence against LGBT youth has been demonstrably accompanied by all the incidents of living in a household conducive to emotional growth. For instance, one hundred percent of youth between eighteen and twenty-four who completed the transitional housing program last year at Larkin Street Youth's Avenues to Independence based in San Francisco were able to move into stable, independent living arrangements.¹³⁵

CONCLUSION

Nationwide state and municipal agencies are doing far too little to protect homeless LGBT youth in transitional and emergency housing programs and to provide them with social services conducive to their emotional growth, to assist them in transitioning to stable, independent adult lives. This inaction is particularly egregious given the large percentage of homeless youth who are LGBT. For the most part, these government agencies have deferred excessively to private organizations in the operation of homeless youth housing programs, particularly those only housing youth who are eighteen or older. Perhaps this acquiescence is due to a belief that these older youth, being still homeless, have failed the system, and that their evidently entrenched behavioral and emotional deficiencies will forever hinder their prospects.

However, for homeless LGBT youth at least, it is the system that has failed. In the foster care and homeless youth systems, LGBT youth almost universally face the same violence, homophobia, and transphobia which often caused them to leave home in the first instance. Too often these youth descend into dangerous patterns of substance abuse, prostitution, and suicidality.

In order to address these problems, government agencies must more fully exert their powers to regulate homeless youth housing programs. To diminish violence against all occupants, regulations should require that all bathing facilities provide individual privacy and should impose low maximum limits on the occupancy capacity at which these programs can operate.

Additionally, because LGBT youth are particularly vulnerable to abuse in homeless youth housing facilities and they constitute such a large percentage of the youth that agencies regulating these facilities are charged with protecting, these agencies must enact regulations specifically addressing the problems faced by homeless LGBT youth. These

regulations should include non-discrimination policies, mandated LGBT sensitivity training, and policies promoting the formation of homeless youth housing programs specifically for LGBT youth. Such regulations are an important step toward remedying the widely unaddressed problems faced by homeless LGBT youth.

NOTES

1. Interview with Bill Torres, Dir. of Community Resources, Ali Forney Ctr., in N.Y., N.Y. (Aug. 29, 2006) (on file with the author) [hereinafter *Interview with Bill Torres*]. (For privacy, this name is used in place of the actual name of the victim in this incident. All other facts presented in this narrative are substantially accurate.)

2. *Id.*

3. ROB WORONOFF ET AL., CHILD WELFARE LEAGUE OF AM. & LAMBDA LEGAL DEFENSE AND EDUCATION FUND, *OUT OF THE MARGINS: A REPORT ON REGIONAL LISTENING FORUMS HIGHLIGHTING THE EXPERIENCES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUESTIONING YOUTH IN CARE* 37 (2006).

4. Youth OUTreach, <http://www.qrd.org/qrd/www/orgs/avproject/youth.htm> (last visited Mar. 11, 2008) (citing a study estimating that 40% of homeless youth are lesbian or gay).

5. WORONOFF ET AL., *supra* note 3.

6. ACCORD LISA MOTTET & JOHN M. OHLE, NAT'L GAY & LESBIAN TASK FORCE POL'Y INST. & NAT'L COALITION FOR THE HOMELESS, *TRANSITIONING OUR SHELTERS: A GUIDE TO MAKING HOMELESS SHELTERS SAFE FOR TRANSGENDER PEOPLE* 30 (2003), available at <http://www.thetaskforce.org/downloads/reports/reports/TransitioningOurShelters.pdf>.

7. *Accord* Interview with Michelle Maraziti, Dir. of Assessment Ctr., Ali Forney Ctr., in N.Y., N.Y. (Oct. 24, 2006) (on file with the author) [hereinafter *Interview with Michelle Maraziti*].

8. *Accord* WORONOFF ET AL., *supra* note 3, at 40.

9. *Accord Id.*

10. *Accord Id.* at 112–119.

11. *Accord Id.* at 40.

12. Arnold H. Grossman & Anthony R. D'Augelli, *Transgender Youth: Invisible and Vulnerable*, 51(1) J. HOMOSEXUALITY 111, 112–113 (2006).

13. *Id.*

14. *Id.* at 114–115.

15. *Id.*; Gender reassignment therapy consists of the physical alteration of one's biological sex. For example, it may include hormone replacement therapy, electrolysis (for those transitioning from male to female), and sex reassignment surgery. See PREMERA BLUE CROSS, *CORPORATE MEDICAL POLICY ON GENDER REASSIGNMENT SERVICES* 1 (2007), available at https://www.premera.com/stellent/groups/public/documents/medicalpolicy/dynwat%3B6016_596280265_3684.pdf.

16. Grossman & D'Augelli, *supra* note 12.

17. AM. BAR ASS'N, *REPORT TO THE HOUSE OF DELEGATES ON RESPONSIVENESS OF THE HOMELESS YOUTH AND FOSTER CARE SYSTEMS TO LGBTQ* 6 (Aug. 2007) (on file with the author).

18. See *Transgender People in the Workplace*, <http://www.lambdalegal.org/our-work/publications/facts-backgrounds/page.jsp?itemID=31986950> (last visited Mar. 11, 2008).

19. See, e.g., Sarah Viren, *Gay Families Sought/Counseling Center Hopes to Keep Gay Teens from Street Life*, HOUSTON CHRON., Aug. 14, 2006, at B1, available at http://www.chron.com/CDA/archives/archive.mpl?id=2006_4170406.

20. *Interview with Bill Torres*, *supra* note 1.

21. See, e.g., David Pumo, Director, Lesbian & Gay Youth Project, *Alternative Advocacy Models for Working with At-Risk LGBT Youth: Bringing Legal Services Directly to Youth Clients*, in Symposium, *Client-Centered Advocacy on Behalf of At-Risk LGBT Youth*, 26 N.Y.U. REV. L. & SOC. CHANGE 221, 231 (2000–2001).

22. Viren, *supra* note 19.

23. Pumo, *supra* note 21.

24. E-mail from Eliza Gibson, Chief of Programs, Larkin Street Youth Services, to the Author (Oct. 24, 2006, 14:29 EST) (on file with the Author) [hereinafter *E-mail from Eliza Gibson*].

25. Joseph J. Wardenski, Comment, *A Minor Exception?: The Impact of Lawrence v. Texas on LGBT Youth*, 95 J. CRIM. L. & CRIMINOLOGY 1363, 1378 (2005).

26. Pumo, *supra* note 21, at 232.

27. *Id.* (stating that six out of ten homeless LGBT youth have been in foster care).
28. “Aging out” occurs when a youth is no longer eligible to remain in the foster care system because of his or her age. See AM. BAR ASS’N, RECOMMENDATIONS FROM THE ABA YOUTH AT RISK INITIATIVE PLANNING CONFERENCE 2 (2006).
29. Interview with Bill Torres, *supra* note 1.
30. New York City Admin. Code § 21-104 (2007).
31. Interview with Michelle Maraziti, *supra* note 7.
32. NAT’L CTR. FOR LESBIAN RIGHTS, LGBTQ YOUTH IN THE FOSTER CARE SYSTEM 1 (2006) [hereinafter *LGBTQ Youth in the Foster Care System*].
33. Mimi Laver & Andrea Khoury, *Improving the Legal System’s Approach to LGBTQ Youth in Foster Care*, Powerpoint Presentation (LGBT youth from Jacksonville formerly in foster care stating: “I was in a religious foster home where it was not okay for me to be gay. I had my own lunchbox with my stuff in it. They broke into [it] one day when I was in school. When I got home they had me all packed up: because I was gay. I left town.”) (LGBT youth from Denver formerly in foster care stating: “Because of my status as being gay, I was often in homes for only one day. I have been in 36 different placements. One family I was with spoke predominantly Spanish, and the father would use the feminine form when addressing me.”) (on file with the author).
34. *LGBTQ Youth in the Foster Care System*, *supra* note 32, at 2.
35. *Id.*
36. Pumo, *supra* note 21, at 232.
37. NICHOLAS RAY, NAT’L GAY & LESBIAN TASK FORCE, AN EPIDEMIC OF HOMELESSNESS 87 (2006), available at <http://thetaskforce.org/downloads/reports/reports/HomelessYouth.pdf>.
38. Interview with Bill Torres, *supra* note 1.
39. Tracie L. Hammelman, *Gay and Lesbian Youth: Contributing Factors to Serious Attempts or Considerations of Suicide*, J. GAY & LESBIAN PSYCHOTHERAPY, Vol. 2(1) 1993, at 77, 79.
40. Brief for PFLAG as Amici Curiae supporting Respondent at 9, *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).
41. See Darline Hunter, *Under Attack: Emotional Abuse and Violence Against GLBT Youth in America’s Homes and Public Schools*, VISTA ONLINE, 2006, <http://counselingoutfitters.com/Hunter2.htm> (last visited Mar. 11, 2008) (discussing the correlation between harassment and alienation of LGBT youth and high-risk sexual behaviors).
42. GLSEN’s 2005 National School Climate Survey Sheds New Light on Experiences of Lesbian, Gay, Bisexual, and Transgender (LGBT) Students, <http://www.glsen.org/cgi-bin/iowa/all/library/record/1927.html> (last visited Mar. 11, 2008) [hereinafter *GLSEN’s 2005 National School Climate Survey*].
43. Runaway and Homeless Youth Act of Nineteen Hundred Seventy-Eight, N.Y. CODE ANN. ch. 18, § 532-a (McKinney 2005) (“For the purposes of this article the term: 1. ‘Runaway youth’ shall mean a person under the age of eighteen years who is absent from his legal residence without the consent of his parent, legal guardian or custodian. 2. ‘Homeless youth’ shall mean a person under the age of twenty-one who is in need of services and is without a place of shelter where supervision and care are available.”); N.Y. CODE ANN. ch. 8 § 532-e (McKinney 2002) (“The office of children and family services shall: (a) visit, inspect and make periodic reports on the operation and adequacy of approved runaway programs and transitional independent living support programs; (b) certify residential facilities providing care to runaway and/or homeless youth . . .”).
44. 9 N.Y. Admin. Code § 182-1.2 (h) (2006); New York City, N.Y., Charter § 733 (2005) (“a. The department shall have all the powers and duties of a youth bureau as prescribed in article nineteen-a of the executive law and the regulations promulgated thereunder, and shall in addition have the following powers and duties: . . . 9. to disburse available city, state and federal funds to programs throughout the city and, when practical, coordinate such funds with available funding from the private sector; . . . 11. to promulgate rules for the operation of facilities, services and programs under the department’s jurisdiction”).
45. New York City, N.Y., Charter § 612 (a) (8) (2007).
46. CAL. HEALTH & SAFETY CODE ANN. ch. 11.5, § 50801.5 (West 2006).
47. CAL. CODE ANN. tit. 2, § 11139.3 (West 2007) (“(2) ‘Homeless youth’ means either of the following: (A) A person who is at least 18 years of age, but not older than 24 years of age, and meets one of the following conditions: (i) Is homeless or at risk of becoming homeless. (ii) Is no longer eligible for foster care on the basis of age. (iii) Has run away from home. (B) A person who is less than 18 years of age who is emancipated pursuant to Part 6 (commencing with Section 7000) of Division 1 of the Family Code and who is homeless or at risk of becoming homeless. (3) ‘Housing for homeless youth’ means emergency, transitional, or permanent housing tied to supportive services that assist homeless youth in stabilizing their lives and developing the skills and resources they need to make a successful transition to independent, self-sufficient adulthood.”).
48. TEX. CODE ANN. tit. 2 § 40.002 (Vernon 2006).

49. *Interview with Michelle Maraziti, supra* note 7; Telephone Interview with Kevin Stark, Covenant House, in N.Y., N.Y. (Oct. 23, 2006) (on file with the author) [hereinafter *Interview with Kevin Stark*].

50. 22 Cal. Admin. Code § 80007(a)(7) (exempting from licensure “[a]ny house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision”).

51. *Interview with Kevin Stark, supra* note 49.

52. *Interview with Bill Torres, supra* note 1.

53. New York State Office of Children and Family Services Home Page, http://www.ocfs.state.ny.us/main/news/agency_overview.asp (last visited Mar. 11, 2008) (stating that, “[t]he Office of Children and Family Services (OCFS) was officially created on January 8, 1998, by merging the programs of the former state Division for Youth, the developmental and preventive children and family programs administered by the former state Department of Social Services, and the Commission for the Blind and Visually Handicapped.”).

54. 9 N.Y. Admin. Code § 182-1.10 (d) (3) (2006) (“All toilets and showers shall be enclosed to provide privacy.”).

55. 9 N.Y. Admin. Code § 182-1.2 (t) (2006) (“*Runaway and homeless youth shelter* shall mean a residential facility operated for a maximum of 20 youth, all of whom are either under the age of 18 years or between the ages of 16 and 21 years.”); 9 N.Y. Admin. Code § 182-1.4 (d) (2006) (“An applicant seeking to operate a runaway and homeless youth shelter may request in its application that the maximum capacity limit, as defined in this Subpart, be increased. The county submitting such application to the division for approval shall demonstrate that the request for an increase of the maximum capacity limit is warranted in order to serve the needs of the runaway and homeless youth population in the county.”).

56. Runaway and Homeless Youth Act of Nineteen Hundred Seventy-Eight, N.Y. CODE ANN. ch. 18, § 532-a; N.Y. CODE ANN. ch. 8, § 532-e.

57. CAL. CODE ANN. tit. 2, § 11139.3.

58. *See* 25 Cal. Admin. Code § 7950; 25 Cal. Admin. Code § 7959.

59. CAL. HEALTH & SAFETY CODE ANN. ch. 11.5, § 50801.5.

60. TEX. CODE ANN. tit. 2, § 40.002.

61. *Interview with Bill Torres, supra* note 1.

62. MOTTET & OHLE, *supra* note 6, at 30–31.

63. *Id.*

64. Studies have shown that even youth who do not identify as LGBT are subject to harassment because of their perceived sexuality or gender non-conformity. *See GLSEN’s 2005 National School Climate Survey, supra* note 42 (noting that “[o]ver a third (37.8%) of [all] students experienced physical harassment at school on the basis of sexual orientation and more than a quarter (26.1%) on the basis of their gender expression”).

65. MOTTET & OHLE, *supra* note 6, at 30–31.

66. 22 Cal. Admin. Code § 84088 (b) (4) (“Individual privacy shall be provided in all toilet, bath, and shower areas.”)

67. 9 N.Y. Admin. Code § 182-1.10 (d) (3) (“All toilets and showers shall be enclosed to provide privacy.”).

68. *Interview with Bill Torres, supra* note 1.

69. 40 Tex. Admin. Code § 720.921.

70. *Accord interview with Bill Torres, supra* note 1.

71. *Interview with Michelle Maraziti, supra* note 7; *E-mail from Eliza Gibson, supra* note 24.

72. *LGBTQ Youth in the Foster Care System, supra* note 32, at 2.

73. *Interview with Michelle Maraziti, supra* note 7; *E-mail from Eliza Gibson, supra* note 24.

74. *LGBTQ Youth in the Foster Care System, supra* note 32, at 2.

75. *Accord* WORONOFF ET AL., *supra* note 3, at 40.

76. *Interview with Bill Torres, supra* note 1 (asserting that larger youth housing programs are more violent); *Interview with Michelle Maraziti, supra* note 7 (agreeing with Bill).

77. *See e.g.,* Peggy Chekroun & Markus Brauer, *The Bystander Effect and Social Control Behavior: The Effect of the Presence of Others on People’s Reactions to Norm Violations*, 32 EUR. J. SOC. PSYCHOL. 853 (2002).

78. *Id.*

79. *Id.*

80. *Interview with Bill Torres, supra* note 1.

81. 22 Cal. Admin. Code § 80028 (a) (“A license shall issue for a specific capacity.”); 40 Texas Admin. Code § 720.912 (4) (“An emergency shelter must not accept more children than the maximum number specified on the license or children whose age and gender violate the conditions of the license.”)

82. Lark-Inn for Youth Program Page, <http://www.larkinstreetyouth.org/programs/larkinn.php> (last visited Mar. 11, 2008).

83. 9 N.Y. Admin. Code § 182-1.2.

84. *Id.*

85. *Interview with Kevin Stark, supra* note 49.

86. 22 Cal. Admin. Code § 84065.5 (a) (“From 7 a.m. to 10 p.m., there shall be one on-duty child care staff person to each ten children, or fraction thereof, present.”); 40 Tex. Admin. Code § 720.541 (a) (“During waking hours, at least one child care staff for every 10 children must be on duty.”).

87. The California Administrative Code provides a good model for defining these categories of excluded community care facilities. *See* 22 Cal. Admin. Code § 80007.

88. *LGBTQ Youth in the Foster Care System, supra* note 32, at 2.

89. *See e.g., Viren, supra* note 19 (citing an estimate that 30 percent of Houston’s homeless youth are LGBT); Pumo, *supra* note 21 (stating that between 40 and 50 percent of New York City’s homeless youth are LGBT); *E-mail from Eliza Gibson, supra* note 24 (stating that approximately 33 percent of San Francisco’s homeless youth are LGBT).

90. *Accord* WORONOFF ET AL., *supra* note 3, at 40.

91. *Id.*

92. Included among these needs are the particular health and mental health needs of transgender youth; family conciliation services focusing on the rejection of LGBT youth by their families; and LGBT-inclusive sex education; *Id.*

93. *Id.*

94. *See* 9 N.Y. Admin. Code §§ 182-182-2.17.

95. NEW YORK CITY, N.Y., CODE tit. 8, § 8-107 (“4. Public accommodations. a. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation, because of the actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, or, directly or indirectly, to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place or provider shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status or that the patronage or custom of any person belonging to, purporting to be, or perceived to be, of any particular race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status is unwelcome, objectionable or not acceptable, desired or solicited.”)

96. NEW YORK CITY, N.Y., Code tit. 8, § 8-102 (“When used in this chapter: . . . 23. The term ‘gender’ shall include actual or perceived sex and shall also include a person’s gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.”)

97. NEW YORK CITY, N.Y., Code tit. 8, § 8-107 (“12. Religious principles. Nothing contained in this section shall be construed to bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or sales or rentals of housing accommodations or admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.”).

98. Mark Stricherz, *The Success of Covenant House*, CRISIS MAGAZINE, Sept. 2, 2002, available at <http://www.crisismagazine.com/september2002/feature1.htm>.

99. 22 Cal. Admin. Code § 98101; CAL. CODE ANN. tit. 2 art. 9.5 (West 2006).

100. WORONOFF ET AL., *supra* note 3, at 2.

101. COLLEEN SULLIVAN ET AL., LAMBDA LEGAL DEFENSE AND EDUCATION FUND, *YOUTH IN THE MARGINS: A REPORT ON THE UNMET NEEDS OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER ADOLESCENTS IN FOSTER CARE INCLUDING A SURVEY OF FOURTEEN STATES AND PROPOSALS FOR REFORM 42* (2001).

102. 40 Tex. Admin. Code § 720.416 (c) (“Admission must not be denied to any child on the basis of race.”)

103. SULLIVAN ET AL., *supra* note 101, at 158.

104. This recommendation was partly fashioned after Lambda Legal Defense and Education Fund’s recommendations for foster group homes *in* SULLIVAN ET AL., *supra* note 101, at 129–130.

105. *See* BILL RYAN & MICHAEL CHERVIN, *GAY & LESBIAN HEALTH SERVICES OF SASKATOON, FRAMING GAY MEN’S HEALTH IN A POPULATION HEALTH DISCOURSE 50* (2000), available at doc.ilga.org/content/download/4320/26458/version/5/file/www.glhs.ca

106. Gay, Lesbian, and Straight Education Network, Summary of *From Teasing to Torment: School Climate in America—A National Report on School Bullying* (Oct. 11, 2005), <http://www.glsen.org/cgi-bin/iowa/all/library/record/1859.html> (last visited Mar. 11, 2008).

107. Patricia Marrone Bennett, *The Co-Occurrence of Youth Violence and Family Violence in Geographically Specific Neighborhoods* at 102 (2004) (Ph.D. dissertation, Fielding Graduate Institute), available at www.resourcedevelopment.net/projects/files/PBennettDissertation.pdf.

108. See WORONOFF ET AL., *supra* note 3, at 39.

109. See MOTTET & OHLE, *supra* note 6, at 11.

110. *Id.* at 14.

111. *Id.*

112. *Id.*

113. WORONOFF ET AL., *supra* note 3, at 8 (“By not considering the possibility that the girl may have not a boyfriend but a girlfriend, he has sent a message, however unwittingly, that he is comfortable discussing the child’s personal relationships only if those relationships are heterosexual.”).

114. See SULLIVAN ET AL., *supra* note 101, at 15–16.

115. *Id.* at 30

116. *Id.* at 129–130.

117. *Id.*

118. New York City Department of Homeless Services Procedure for Transgender and Intersex Clients, available at http://srp.org/documents/DHS_trans_policy.pdf.

119. The policies of New York City’s Department of Homeless Services only apply to programs housing those who are 18 and older.

120. SULLIVAN ET AL., *supra* note 101, at 161 (discussing foster care group homes).

121. *Id.* at 45–46.

122. 22 Cal. Admin. Code § 80065.

123. Accord WORONOFF ET AL., *supra* note 3, at 40.

124. Interview with Michelle Maraziti, *supra* note 7; E-mail from Eliza Gibson, *supra* note 24; *LGBTQ Youth in the Foster Care System*, *supra* note 32, at 2.

125. Interview with Michelle Maraziti, *supra* note 7; E-mail from Eliza Gibson, *supra* note 24.

126. *LGBTQ Youth in the Foster Care System*, *supra* note 32, at 2.

127. *Id.*

128. Accord WORONOFF ET AL., *supra* note 3, at 40.

129. See Larkin Street Youth Homepage, <http://www.larkinstreetyouth.org/> (last visited Mar. 11, 2008).

130. See Sylvia’s Place Homepage, <http://www.sylviasplace.org/> (last visited Mar. 11, 2008).

131. See Ali Forney Center Homepage, <http://www.aliforneycenter.org/> (last visited Mar. 11, 2008).

132. See Green Chimneys LGBTQ Programs Homepage, http://www.greenchimneys.org/our_programs/nycp.html (last visited Mar. 11, 2008).

133. Additionally, it is worth noting that until recently the New York City Department of Correction operated a separate dormitory for gay and transgender prisoner, in order to preserve their safety. See Associated Press, *NYC Closing Jail Dorm for Gays*, Dec. 29, 2005, available at <http://www.cbsnews.com/stories/2005/12/29/national/main1172229.shtml>.

134. Paul Schindler, *Building a Humane Model: Ali Forney Center Attacks Queer Homelessness with Tools Aimed at Leveraging Strengths*, Volume 5, No. 39 GAY CITY NEWS (Sept. 28–Oct. 4, 2006), available at http://www.urbanjustice.org/pdf/press/gay_city_news_28sep06.pdf.

135. Avenues to Independence Page, <http://www.larkinstreetyouth.org/programs/avenues.php> (last visited Mar. 11, 2008).

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