



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

SB 761 – Correctional Facilities – Transgender, Nonbinary, and Intersex Inmates
(Transgender Respect, Agency, and Dignity Act)

Judicial Proceedings Committee – March 15, 2023

Position: SUPPORT

Homeless Persons Representation Project (HPRP) is a non-profit civil legal aid organization that provides free legal representation, primarily in Baltimore City, Montgomery County, and Prince George’s County, to people who are homeless or at risk of homelessness on legal issues that can lead to an end to homelessness. HPRP urges you to issue a favorable report on the Transgender Respect, Agency, and Dignity Act (TRAD Act), which would correct current Department of Public Safety and Correctional Services (DPSCS) policies regarding the housing and treatment of transgender, nonbinary, and intersex inmates, and ensure that they live in safer, gender-affirming environments. The TRAD Act is necessary to protect HPRP’s clients who are criminalized both based on their gender identity and because they are unhoused.

LGBTQIA people, and in particular transgender and nonbinary people, experience extreme rates of housing instability and homelessness. One in five transgender people in the United States has been discriminated against when seeking a home, and more than one in ten have been evicted from their homes because of their gender identity.¹ It follows that homelessness is also a critical issue for transgender people. One in five transgender individuals have experienced homelessness at some point in their lives, and family rejection, discrimination, and violence contribute to a large number of transgender and other LGBTQ-identified youth who are homeless in the United States – and estimated 20-40% of unhoused youth.² Transgender and nonbinary youth and adults, who are already disproportionately affected by homelessness, are most likely to be further marginalized by criminalization, leading to high rates of incarceration.

Transgender, nonbinary, and intersex inmates face a staggering amount of discrimination and violence while incarcerated, both from other inmates and DPSCS staff. The TRAD Act addresses this urgent issue by including a nondiscrimination policy in any correctional programs, services, or activities based on an inmate’s gender identity or sexual orientation; creating a safer and more inclusive intake and classification process for transgender inmates; and ensuring a safer, gender-affirming environment by mandating DPSCS consider inmates’ safety concerns regarding the gender of their housing placement and placing them the appropriate facility.

HPRP urges the Judicial Proceedings Committee to issue a FAVORABLE REPORT on SB 761.

At a time when transgender people are under attack across the country, we must come together to ensure Maryland is a place where everyone can live safe, affirming, and prosperous lives.

Please contact Ingrid Lofgren at ilofgren@hprplaw.org or (410)656-9975 with questions.

¹ Nat’l Center for Transgender Equality, “Issues: Housing & Homelessness,” *available at* <https://transequality.org/issues/housing-homelessness>.

² *Id.*