

**What areas would be covered?**

This legislation would prohibit discrimination in the areas of employment, housing, credit and public accommodations.

**What areas would not be covered?**

Employers with less than 15 employees, employers that are religious institutions, schools and associations, the Boy and Girl Scouts and rooms in an owner-occupied dwelling or an apartment in a dwelling with less than 5 units are exempt from the coverage of this legislation.

Anti-discrimination protections exist only as defined in the law -- in employment, housing, and public accommodations. Disrespectful behavior is not discriminatory under the ordinance, unless that behavior is directly associated with a covered area. For example, a store clerk who refuses to serve or otherwise harasses someone he or she perceives to be transgender during a business transaction, is breaking the law. A fellow shopper who stares or makes unpleasant comments is just exercising poor manners.

**What other jurisdictions have these protections in the law?**

In December 2002, following its unanimous passage, Mayor Martin O'Malley signed into law Council Bill 02-0857, which prohibits discrimination based on gender identity in the areas of employment, education, health and welfare agencies, housing, and public accommodations.

In November 2007, the Montgomery County Council voted 8-0 to pass County Bill 23-07. This bill amends the county anti-discrimination laws to include gender identity and expression.

Thirteen states and 93 cities and counties have laws that protect transgender individuals, including: California, Colorado, Hawaii, Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington, as well as the District of Columbia. Based on data from the 2000 Census, the total number of people now living in a jurisdiction with a transgender-inclusive anti-discrimination law in the United States is more than 105 million.

153 Fortune 500 companies include protections for transgender employees in their non-discrimination policies. Maryland companies that have a non-discrimination policy that covers gender identity include Goucher College, John Hopkins University, Sodexo Inc. and the University of Baltimore.

**How broad is public support?**

Similar bills in other states have been non-controversial. The New Jersey bill adding protections for transgender individuals was signed into law in December 2006, passed by a margin of 33-3 in the Senate and 69-5 in the Assembly. According to a Gonzales poll taken in August 2006, more than half of Maryland voters favor making it illegal in Maryland to discriminate against transgender people.

**SUPPORT FAIRNESS FOR ALL MARYLANDERS!**

January 2008

MARYLAND'S LESBIAN, GAY, BISEXUAL AND TRANSGENDER CIVIL RIGHTS ORGANIZATION



## **SUPPORT EXPANDING ANTI-DISCRIMINATION PROTECTIONS IN MARYLAND TO INCLUDE TRANSGENDER INDIVIDUALS<sup>1</sup>**

### **Why is it crucial to protect transgender individuals?**

Every person in our state deserves an equal opportunity to make a life for him or herself free from discrimination and violence regardless of the chromosomes with which they were born, the hormones to which they were exposed in the womb, or the medical procedures they've undergone since.

In Maryland, transgender people are not included in state laws prohibiting discrimination. Only Baltimore City and Montgomery County have a civil rights ordinance covering gender identity and expression. When unchecked, discrimination can lead to chronic unemployment and homelessness, and in turn can render its victims more vulnerable to violence. When discrimination prevents or hinders a person from gaining or keeping employment, many other problems develop. Rent doesn't get paid, which leads to eviction. Transgender individuals may be denied access to social services like shelters or rape crisis centers; refused treatment, ridiculed, or denied recognition of their gender identity by health care professionals; or refused service at restaurants or stores.

### **How big is this problem?**

The Washington Transgender Needs Assessment survey estimates that 42% of transgender people in the DC Metro Area are unemployed; 31% have incomes of less than \$10,000/year; and 19% do not have their own living space. The most common barriers cited by those who lack housing are their economic situation (38%), housing staff insensitivity or hostility to transgender people (29%), estrangement from birth family (27%) and lack of employment (23%).<sup>2</sup>

### **Who would be covered under this law?**

Any person who has or is perceived by others to have a gender identity or expression that might be considered different or inconsistent with the person's assigned sex at birth, whether or not that person self-identifies as transgender. For example, a woman who presents with "masculine" characteristics would be protected from discrimination under this legislation, even if she did not consider herself transgender, as would a man presenting with "feminine" characteristics.

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<sup>1</sup> We use the term *transgender* to mean a broad range of people who experience and/or express their gender differently from what most people expect — either in terms of expressing a gender that does not match the sex listed on their original birth certificate, or physically changing their sex. It is an umbrella term that includes people who are transsexual, cross-dressers or otherwise gender non-conforming.

<sup>2</sup> Xavier, J.M. (2000). *Final report of the Washington Transgender Needs Assessment Survey*, Washington, DC: Administration for HIV and AIDS, District of Columbia Department of Health