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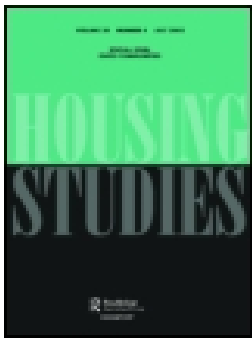
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## Queer utopias of housing and homelessness

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### ABSTRACT

While there is evidence that discrimination against LGBTQ+ people can cause homelessness, or worsen experiences, in this paper we consider law, policy and practice to tackle homelessness among LGBTQ+ people. Contrasting the different legal systems across the UK nations of England, Scotland and Wales, we firstly consider how law, as structured around the norm of the heterosexual nuclear family, can be designed to discriminate against LGBTQ+ people. Turning to practice within organisations tackling homelessness, we then present evidence on how support can be explicitly, or inadvertently, discriminatory while trying to be well-intentioned. Evidence from an organisation that has embedded LGBTQ+ inclusion into its services offers a best practice alternative. We conclude, using utopia as a method, by suggesting that a full respect for LGBTQ+ lives in homelessness law and policy should 'queer' it, making it more inclusive and producing better outcomes for all people experiencing homelessness.

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## Introduction

There has been substantial research and writing highlighting the extent of homelessness among LGBT+ people (see McCarthy and Parr, this issue), but there has been less focus on best practice in supporting LGBT+ people to prevent their homelessness; to support them during a period of homelessness; and to help them get rehoused. We often assume housing services are a universal service, without imagining there could be a 'gay' house, however research has shown that there are indeed differences in the experiences of home and homelessness among LGBTQ+, compared to heterosexual and cisgender people (Ecker, 2016; Ecker *et al.*, 2019; England, 2021; Matthews *et al.*, 2019; Tunåker, 2015). This supports the contention that we need law, policy and practice that includes LGBT+ people, and is sensitive to their specific needs (Browne Gott *et al.*, 2021; Gregory & Matthews, 2022; Matthews & Poyner,

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2020). In this paper we present evidence from the UK, drawn from reviewing our existing research, and from the reflections of frontline practitioners within organisations tackling homelessness, to explore this further.

The UK, since the Housing (Homeless Persons) Act 1977<sup>1</sup>, has been seen to have a world-leading, rights-based approach to homelessness, where if you fit specific categories then a local housing authority (in most cases local government) has a statutory duty to provide housing (Cowan, 2011; Arden *et al.* 2012; Fitzpatrick & Pawson, 2016). This includes people who are victims of domestic abuse (protections extended by the Domestic Abuse Act 2021); people in over-crowded accommodation; and those in inadequate housing. However, this legislative framework is deeply heteronormative, and from its inception it has prioritised the housing needs of families with children. There is evidence, for instance, of the ‘priority need’ formulation in the Act being used to directly discriminate against LGBT+ people experiencing homelessness (Tunåker, 2017).

The once cohesive housing policy framework of the UK has, since devolution of housing policy in 1999, become fragmented. We now have different systems operating in Scotland and Wales, compared to England (McKee *et al.*, 2016). Further, reforms to the ways in which housing relief can be provided by local housing authorities in England and Wales have also altered the way people can access their rights under the original 1977 legislation (MacKie *et al.*, 2017; Cowan, 2019; Bevan, 2022). In this paper we compare these different systems to consider how the design of legal frameworks has removed, or exacerbated, direct and indirect discrimination against LGBT+ people, even if that was not the intention.

It is within the implementation of law and policy that it is actually ‘made’ (Lipsky, 1980). Administrative systems, and frontline workers may explicitly discriminate against LGBT+ people within homelessness services or provide a poor or insensitive service to people requiring support due to lack of knowledge, or prejudice (Flanigan, 2013; Matthews & Poyner, 2020). In the second section of this paper, we present evidence from research and practice into how such discrimination manifests itself, and the impact on LGBT+ people experiencing homelessness. We then present evidence from practice on how specific work to tailor services to include LGBT+ people, including developing bespoke services, and adopting a more radically inclusive agenda within housing services, can improve outcomes for LGBT+ people experiencing homelessness.

We frame our discussion within a utopian methodological approach. Levitas (1990), drawing upon Bloch’s (1986) proposal that the hope inherent in utopia has illuminatory power to scaffold the transformation of the present, argues that exploring social problems in terms both of what they assume about future legitimacy (who will be in the future, and on what terms) and what assumptions this reveals about the present, is critical to developing workable alternatives. She especially suggests that a utopian methodological process avoids simple negation: utopianism charges practitioners to not only identify problems, but provide testable solutions. Utopianism has a distinct history within queer communities as a praxis of survival. In asserting queerness as a legitimate and sustainable alternative to cis-heterosexuality, it refutes the pervasive notion of queerness as temporary (a ‘passing phase’), or as inevitably fatal (Ahmed, 2021; Edelman, 2004; Halberstam, 2005). Munoz’ work is especially

notable for theorising queerness itself as inherently utopian – *the warm illumination of a horizon imbued with potentiality...an ideality that can be distilled from the past and used to imagine a future.* (Muñoz, 2019, p. 1). Such an approach has been deployed to centre queer experience, agency and need within social policy, including homelessness, and to visibilize the resistive and largely overlooked ways in which queer people operate prefiguratively to challenge their abandonment in the *here and now* (England, 2022). This paper extends this scholarship by exploring the operation of homelessness policy, using a comparative ‘archaeological’ approach (Levitas, 1990) to demonstrate that utopianism offers scope for developing local government and third sector led workable, practical, pragmatic community-based solutions to LGBTQ+ homelessness.

Such an approach helps us to interrogate in greater depth the heteronormative basis of the UK’s housing law, asking the question: what would progressive homelessness legislation look like if it were not heteronormative? Although a utopian approach may suggest we aspire to imagined futures, acknowledging debates within LGBT+ activism between integrationists and liberationists, in a pragmatic turn, we use queer as a verb to interrogate what a utopia of inclusion may look like for LGBT+ people within the existing statutory homeless systems. Rejecting a strong liberation argument, we argue that a queered homelessness legal and policy system, no longer centred on the perceived needs of the heterosexual nuclear family, offers a progressive way to improve support for all people experiencing homelessness. Such changes to practice can thus help erode the ‘cishet-izenship’ assumed within our welfare states (Gregory & Matthews, 2022, p. 601).

### **Discrimination by design in UK homelessness law**

As mentioned above, the legal system supporting homeless people in England, Wales and Scotland rests on the Housing (Homeless Persons) Act 1977. However, even in the shared myth of the eventual creation of this legislation, the plight of the heterosexual family is uppermost - in this narrative Ken Loach’s 1966 television drama *Cathy Come Home* highlighted the inadequacy of housing support to a shocked nation, as a mother had her children removed by Social Services as she experienced homelessness (Fitzpatrick & Pawson, 2016). Radical legal reform throughout the 1970s then followed culminating in the 1977 Act. Focusing on this implicit heteronormativity, there are two interlinked starting points for our analysis of homelessness law. The first is Drakopoulou’s concern that ‘law reform projects are overwhelmingly oriented to the normative, an orientation which not only serves to valorise law’s normative aspects, but also defines the means of the project’s ethical and political legitimacy’ (Drakopoulou, 2000, p. 209). The second is Stychin’s understanding of law as operating, ‘not only in repressive (or, indeed, progressive) ways, but also as a means to regulate and manage individual behaviours (and identities), particularly by encouraging us to manage ourselves, and to live our lives in particular ways’ (Stychin, 1995, p. 3).

Claims that the Housing (Homeless Persons) Act 1977 which provides the basis of the current legislative framework is progressive are well rehearsed. Advocates say it was a major step forward in welfare rights, recognising for the first time that the

state had duties towards homeless people, and providing a floor of housing rights which has been sustained and extended for nearly fifty years. Subsequent Acts and amendments across jurisdictions have maintained the tone that favour ‘deserving’ over ‘undeserving’ members of society, despite widening of priority need and vulnerability categories (Johnsen *et al.* 2021; Meers, 2015). However, its normative nature and its method of social regulation of the 1977 Act has been less widely acknowledged other than by critical legal scholars (See: Cowan, 2019; Carr & Hunter, 2008). Inevitably the categories of applicants who were given priority access to state housing resources, predominantly families with children, the elderly and those defined as vulnerable, reflected the values inherent in the times (Collier & Sheldon, 2008). Those times can be crudely characterised as the height of a postwar welfare consensus marked by heteronormativity, and an understanding that social citizenship offered was conditional upon conformity with the desirable norm of a two-parent families comprising male breadwinners and female carers (Lewis, 1994; Powell, 2021). As Stychin notes, it was taken for granted that, ‘the common good is located in the heteronormative private sphere of the nuclear family ...The family... is a realm of self-discipline and selflessness opposed to the hyper-individualism characteristic of late modern societies’ (Stychin, 2008, p. 3). The legal subject within the Act was the male pronoun, such that priority need for accommodation was afforded to an applicant when ‘he has dependent children.’ Single people were seen as less deserving of state support because they could and should provide for themselves. As Crowson (2013) points out, from this perspective, homelessness amongst single people was easily dismissed as the consequence of individual deviancy.

The result was legislation that focused on providing support for those experiencing homelessness, or at risk becoming homeless who had ‘priority’ needs, and as noted one of these was people with dependent children. Both social and legal discrimination and barriers prevented LGBT+ people from forming households with dependent children, effectively institutionally discriminating by design against LGBT+ people experiencing homelessness. The circumstances of the legislation also contributed to its limitations. There was an unstable minority Labour government and the political consensus around welfare was on the verge of unravelling. The Parliamentary debates provided clear evidence of the (re-) emergence of a more punitive approach to welfare rights (Crowson, 2013). Pressure groups had been trying to achieve legal change for more than a decade and were prepared to compromise on their demands and work together with civil servants whose aims were different; they wanted a national and uniform bureaucratic statutory solution to the problem of allocating scarce housing resources. The final shape of the legislation was recognised by campaigners to be inadequate and hopes that statutory guidance would be liberal were not fulfilled. The consequences for those included in the statutory scheme have been problematic. As Binger and Carr point out, ‘perhaps because of the way [the Act] perpetuated notions of women as dependent and victimized it has not protected women from the privatization and precarisation of housing which began with the election of Thatcher in 1979’ (Binger & Carr, 2019, p. 338). Those excluded have faced greater difficulties, which have intensified as social housing has become scarce and private housing increasingly expensive. Groups representing the excluded such as the Albert Kennedy Trust have had to seek

imaginative ways to rethink the obligations between the community and the homeless (Carr & Hunter, 2012)

Since devolution after 1999, the housing and homelessness systems across the UK have diverged considerably, in law, policy and implementation of UK-wide policy (such as the rent reductions offered by Housing Benefit). As McKee et.al. (2017) argue, this makes comparison between the nations and regions of the UK important, but as we demonstrate here, useful in terms of comparative policy analysis. In the case of homelessness duties, this divergence highlights how the 1977 UK Act was discriminatory by design.

A significant sub-national change to homelessness legislation was the Homelessness etc. (Scotland) Act (2003). This abolished the ‘priority need’ categories of the 1977 Act, extending the right to housing to all people experiencing homelessness (Watts, 2014). The Act set a timetable for priority need to be eradicated by 2010, which was met, and now single people who are unintentionally homeless are entitled to be housed by their local housing authority. The Act was not specifically designed to help LGBT+ people – in fact, it was designed to help young, heterosexual, single men presenting as homeless – but as LGBT+ people are more likely to be single, and less likely to have children than their heterosexual counterparts, it has been unintentionally beneficial for them (Matthews *et al.*, 2019). This extension of the right to housing has been recognised by researchers, activists, and importantly single people experiencing homelessness themselves, as progressive (Watts, 2014).

The last five years have seen a further resurgence in homelessness policy in Scotland due to the rise in rough sleeping, particularly in the largest city, Glasgow. This has been supported by ‘policy entrepreneurs’, particularly the high-profile head of the social enterprise that supports rough sleepers with multiple and complex needs, Social Bite. In 2016 the Scottish Government convened the Homelessness and Rough Sleeping Action Group (HARSAG). This recommended further changes to the legislative framework in Scotland, bringing in a duty to prevent homelessness (reflecting changes led by Welsh Government and implemented in law in England in Homelessness Reduction Act 2017 discussed below). The group also recommended removing further categories that prevent people accessing their rights under homelessness legislation. One of these is the intentionality barrier – this is controversial, as landlords (many of whom are the local councils that also process homelessness applications) are wary of providing a moral hazard by housing people who have not paid their rent or been evicted for committing anti-social behaviour (HARSAG, 2018). However, as with the abolition of priority need in 2010, one proposed change may unintentionally help LGBT+ people, namely the removal of the local residency test. Currently, to be due a right to be housed by your local housing authority, applicants must demonstrate they have lived in the area for six months in the last 12 month period. If an applicant does not meet the ‘local connection’ test then they are advised to apply for housing in the local authority they lived in. We know that LGBT+ people are much more likely to move to large cities to access LGBT+ specific services and communities (Ghaziani, 2014), so this local connection test may discriminate against LGBT+ people, and its removal will benefit people moving far away from their familial home.

The 2014 Housing (Wales) Act introduced two key changes to homelessness law in Wales. First, the right to assistance with preventing and resolving homelessness was substantially developed and extended to almost all households either experiencing homelessness (relief – Stage 73) or threatened with homelessness within the next 56 days (prevention – Stage 66) (MacKie *et al.*, 2017). The exception to this is households without recourse to public funds i.e. in-migrants without citizenship or settled status. As Beider & Netto (2012) observe, this approach is likely to especially affect households including minority ethnic applicants. Both prevention and relief operated primarily through offering advice, support and some financial help. As in England, this law enabled local housing authorities to offer housing in the private-rented sector to those especially at risk of becoming homeless. In the first full year of the Act's operation, nearly ten thousand households were offered assistance to prevent homelessness and just over ten thousand to resolve their homelessness. Due to limitations in administrative data, we cannot say how many people moved from the prevention stage to being offered relief in terms of accommodation within the new Welsh system. Another important aspect of the Welsh Act is that it introduces behavioral conditionality for *all* applicants, with access to assistance becoming dependent upon satisfactory ongoing engagement with the system. Similar provisions to shift to a prevention approach were implemented in England through the Homelessness Reduction Act (2017), however here we focus on the Welsh experience as this has been implemented for a longer period of time so we can better understand its impacts.

An important reform in the Welsh system relevant to our analysis, is the integration of equalities law into homelessness policy. This extended the general requirement conferred by the UK-wide Equality Act 2010 to ensure that direct and indirect discrimination against those with 'protected characteristics' is avoided, to task housing authorities to actively consider the advancement of equality in their policies. Further, the Guidance to the Act specifically encourages local authorities to consider the needs of LGBTQ+ people in a number of areas, including general homelessness provision and domestic abuse services, and to be aware of heightened risk of homelessness due to stigma, hate crime and assault. The Welsh system is anchored conceptually in a 'progressive universalism' (Drakeford, 2012) and a consequent assumption that people will have shared needs and interests. It is notable that until very recently Wales lacked any dedicated services for LGBTQ+ homeless people at all, despite: a commitment to eradicating homelessness; the availability of ring-fenced funding for preventing and relieving homelessness, including among marginalised groups; and the awareness of the importance of recognising the specific marginalisations faced by LGBTQ+ people (Guidance to Housing (Wales) Act 2014).

Recent legislative changes in England with the Homelessness Reduction Act 2017, have paralleled changes in Wales. Local authorities now have a similar prevention duty to stop homelessness occurring. Support for homeless people can also be delivered through 'relief', as in Wales, with people supported into housing in the private rented sector. However, this has key drawbacks compared to being housed in social housing. The private rented sector is often financially inaccessible for many people experiencing homelessness. The welfare benefit to support people



in paying their rent – Local Housing Allowance – is calculated at two-thirds of local market rates. The UK Government Department for Work and Pensions have not revalued the benefit as local rents have increased, with estimates that it is now at less than half most local market rent levels (Crisis, 2019). Further, welfare reforms after 2018 also restricted LHA for single people under-35, offering them a rate that would just pay for a room in a shared house. This has led to issues for LGBT+ people with ‘stranger shares’ (England, 2022). Finally, there is no functional protection against discrimination in the private rented sector compared to the social housing sector.

In summary then, across England, Scotland and Wales we now have three divergent legal systems to tackle homelessness with key features that may have an impact on LGBT+ people: the continuation of ‘priority need’ categories in England and Wales, that favour the greatest support to households with children; the ending of such categories in Scotland; and an embedded prevention duty in Wales and England. Comparing Scotland and England we can begin to unpick how removing ‘priority need’ in Scotland was a radically inclusive act. Within Matthews’s research in Scotland, the removal of priority need meant that single LGBT+ people were being assessed as homeless and provided with settled accommodation by their local authority. Despite this, one participant in the research did suggest there were gendered inequalities in how the duty to provide housing was discharged:

I have spoken to a few women who have been in a homeless situation and every time they have been offered a homeless flat in an area. I can understand why if they have had domestic abuse or whatever, but men seem to get put into a hostel and I think that is pretty unfair, to be honest

(Thomas, gay man, 37)

Comparing homelessness statistics between Scotland and England, prior to the introduction of the relief duty in England, shows that after the end of ‘priority need’ in Scotland in 2010 over 40% of homelessness acceptances were single men and women whereas in England the proportion was negligible. Without specific statistics on LGBT+ homelessness we cannot say that the legal situation in Scotland is better than that in England and Wales, but since a greater proportion of LGBT+ people are single (Government Equalities Office, 2018), it is very likely to be the case.

Comparing the legal situation across the three jurisdictions in Great Britain, while the introduction of the relief duty in England and Wales may have mitigated some of the worst impacts of ‘priority need’, that this remains means that homelessness legislation continues to indirectly discriminate against LGBT+ people. By prioritising the full homelessness duty to households with dependent children over single households, ‘priority need’ places administrative barriers and hurdles in the way of LGBT+ people accessing good quality housing to relieve their homelessness: they are either not priority need, or have to prove to a housing officer that they meet one of the other criteria, such as being at risk of domestic abuse. Thus, the law embodies heteronormative priorities – that the key role of a household and the house they live in, is to raise children – rather than being radically inclusive of all individuals who require shelter.

## Discrimination by implementation

The effects of directly, or indirectly, discriminatory law and policy may, be tempered or exacerbated by implementation. A pertinent historic example for LGBT+ people in the UK is legislation criminalising sex between two men. The crime of ‘gross indecency’ was used to imprison men who had sex with men in England and Wales until 1967, when the Sexual Offences Act decriminalised sex, in private, between two men aged over 21. However, prosecutions of gay men increased after 1967 as they were charged with ‘importuning for immoral purposes’ at raids of bars and cafes by the police. While the law may have become more progressive, the implementation of the law by the police became more oppressive (Tatchell, 2017; Weeks & Porter, 1998). In this section we present examples from our existing research where despite legal protections, direct and/or indirect discrimination, or poor practice occurs. This could be experienced as the bureaucracy that fails to be tailored to individual experiences and becomes the ‘faceless tyrant’ (England et.al., 2021); or the administrative burdens (Herd & Moynihan, 2018) that homeless people had to endure to access the support and help they needed; or well-meaning practices that LGBT+ services users were not invited to be themselves.

One of the simplest ways in which LGBT+homelessness people were poorly treated in homelessness systems was through being made invisible by mainstream services who did not wish to know the sexual or gender identity of their clients, or who felt it was irrelevant. Both Tunåker and Matthews experienced workers at supported accommodation proudly describing how clients they had worked with for many years came out to them by inviting them to civil partnership ceremonies (this was prior to equal access to marriage) after they had left the service in question. In both these cases, there was a lack of reflection as to whether the service could have been more inclusive and invited people to disclose such information earlier-on, and thus offer better tailored support.

The justifications for not engaging clients in a discussion about sexual or gender identity could be well-meaning, as explained by one homelessness worker in Scotland:

It is not a question we would ask. We have your normal documentation that asks for your name, date of birth and sexuality, but, again, some of the documents produced will show you that and others we do not ask anything. Sometimes all we need is somebody’s name and date of birth to access our service. Otherwise, you are building up a meaningful relationship so you need to be really cautious, in particular, working with youth homelessness people who have been assessed to death, quite frankly. They have been assessed if are a looked after young person they have probably been assessed from a very young age.

In this case, the risk that people accessing homelessness services may be overwhelmed, or withdraw from a service, if they were asked to complete equalities monitoring information was used as a justification for not completing equalities monitoring that included this data. However, this was an assumed risk by this worker; the service did not know what the reaction of clients may be as they had never routinely asked clients to disclose this information (Matthews & Poyner, 2020). While there is evidence that the administrative burdens of the reformed homelessness system in Wales, and particularly the extent of paperwork required to assess

prevention and relief of homelessness was a barrier to accessing services (England, 2021), this does not preclude the sensitive exploration of issues in developing Personal Housing Plans. Further, as advocates of the collection of sexual and gender identity data argue, as a bureaucratic process the routine collection of data on sexual and gender identity, in appropriate ways, can be a good signal to service-users that a service is inclusive (Guyan, 2022).

One area where evidence of the bureaucratic tyrant was found was in the application of priority need categories. Tunâker spoke with a young man in England called Tom, who told her that he became homeless as a direct result of coming out to his dad. Tom was 16 years old when he came out to his father and after arguing with him for a few days, his father disowned him. This led to a period where he felt confused and began to experience housing impermanence:

The first night after I left my dad's I was sleeping on the streets (for one night), and then social services picked me up and put me in foster care for about one week. Then they put me in a motel where I was for about 4-5 months. Then I went to the council and basically they said like 'we want nothing to do with you'. The council considered me intentionally homeless because I'd had arguments with my dad after coming out. So, they recommended that I shouldn't have come out to my dad, because it was this that caused the arguments, which essentially made me homeless.

In this case, the local council were also gatekeeping their services by using the 'intentionality' clause in order to withhold housing services from Tom. While we have already highlighted the indirect discrimination of priority need categories, this shows how discrimination in implementation can further compound this producing poor outcomes for LGBT+ people experiencing homelessness.

Across our research, the most widespread discrimination in implementation was against trans and non-cisgender people. Homelessness services are traditionally designed based on the traditional gender binary; trans people are commonly either explicitly or implicitly excluded altogether. Services often fail to be safe, or meet the specific needs of trans people. For homelessness prevention and alleviation to work, an individual must be engaged with services. For trans people, this requires that their *identity* is welcomed. It is not enough simply not to exclude, particularly if inclusion requires people to identity-manage and functionally conceal their identity within a service setting (Doan, 2010).

In Wales, a specific issue arose with the prevention of homelessness, in that it led to a failure to recognise (and intervene in) actual homelessness. Homelessness among trans people was frequently 'illegible' to local authorities. Domestic violence was minimised, especially where a failure to properly acknowledge an applicant's gender meant that workers saw violence as occurring between two people (wrongly) believed to be the same gender (England, 2021; Seelman, 2015). Neighbourhood hate crime which made an individual functionally homeless was not always recognised as such, especially where the applicant had not gone to the police. Young people whose home environment was intolerable due to parental refusal to acknowledge their gender were then often required to engage with their parents in mediation sessions in which their gender identity became a source of discussion, despite considerable evidence that young people who are misgendered are at elevated risk

of suicidality and complex mental ill-health (Kapusta, 2016). For trans people, therefore, there was some evidence that prevention, combined with a poor understanding of their specific needs, compounded their difficulties by keeping them in abusive, dangerous situations.

## Creating an inclusive bureaucracy

While our previous research did identify ways in which bureaucracy and the implementation (or non-implementation) of law was discriminatory, in this section we want to begin our utopian analysis by presenting evidence on how local housing authorities, and their frontline housing officers, can adopt gender and sexuality informed practice. Specifically, we provide evidence of how radical inclusion was built into frontline homelessness responses; commissioning practices; and housing developments.

To explore this in-depth, we present a case study of a local authority in London that implemented systemic change to make homelessness services more inclusive after 2017, supported with examples of best practice from our other research. In the London local authority, a review of supported housing published in 2017, identified significant gaps in the data about LGBTQ+ people in supported housing services and only one LGBTQ+ service which was for young people. None of the adult homelessness services was providing any specialist support for LGBTQ+ service users. At the time, there were no gender-specific supported housing services in the borough either. While there may be challenges of service sustainability for LGBTQ+ specific provision, across our research there was evidence for the deep inclusion that would be provided by such services. The importance of this lies in providing a space of safety, which supports LGBTQ+ identities not only at points of visible celebration but through ordinary daily activities, reinforcing for young LGBTQ+ people the sustainability of their existence. As one young trans person in Wales described:

Just to have, like a house, like a hostel, just for trans people, that would be lush, oh wow yeah, lush. ...you'd know you were safe, not just safe, you know you'd be there because you were wanted, and just living your life in the same way maybe, maybe we might go to Pride you know but then 365 366 days of the year, just knowing you didn't have to pretend.

While local authorities may not have specialist support for LGBTQ+ people experiencing homelessness in-house, commissioning external services can provide such support. In the case of the London borough, there was only one commissioned LGBTQ+ specific supported housing service in London, and one dedicated night shelter founded by a grassroots community organisation. Within the borough,. As a result, the authority's housing-related support commissioning team looked to develop gender and sexuality informed services as part of scheduled recommissioning activity. A women's service was identified as in demand, and one large voluntary sector organisation was commissioned to provide this. The local authority's stated commitment to trans-inclusivity was a key factor in this decision. The authority then proceeded to commission the first LGBTQ+ specific short term supported

housing scheme (eight beds) in the borough, as part of recommissioning all hostel and supported housing services.

In Wales, despite an overt commitment to LGBTQ+ inclusion in the guidance, until recently there has been no LGBTQ+ specific provision. In 2019 a small, specialist hostel, Ty Pride was opened in Denbighshire, North Wales, offering intensive support to homeless LGBTQ+ youth both resident in the hostel and in the wider community. Ty Pride accepted referrals from across Wales, however, despite a policy-level commitment to inclusive practice, this is the only specialist service across the whole of Wales. In particular, Cardiff, which has a higher concentration of both homelessness and LGBTQ+ people, had no specialist services. This contrast with the situation in London, highlights the extent to which LGBTQ+ dedicated provision arises from evidenced commissioning decisions identifying gaps in services, rather than being led by existing identified need. Returning to the discussion of equalities data-gathering in the previous section, if services are commissioned on the basis of identified need, but data about the need from a specific population (in this case LGBTQ+ people) is not routinely collected, then inclusive services will not be commissioned or designed.

While LGBTQ+ specific services may offer the best opportunity for inclusion, we must also address the practicalities of this. Around five per-cent of the population identify as LGBTQ+, as a result in rural areas, or small local authorities, there may not be sufficient need for such services, as they could remain unused for considerable periods. In this scenario, it is important that mainstream services are inclusive. In Scotland, there was evidence of best practice in such inclusive mainstream provision, supporting LGBTQ+ young people to access supported housing in smaller units, with self-contained bedsit-style flats. The caring support from workers in these environments, and welcoming environment, meant young people felt able to share and explore their sexual and gender identity in an empowering way, including forming 'families of choice' among fellow residents (Matthews *et al.*, 2019). In terms of pathways out of homelessness, and protecting vulnerable tenants when they transitioned to permanent housing, a housing association in Glasgow also ensured that LGBTQ+ tenants (or those who share other protected characteristics) were not housed in the same block as people who had a record of carrying out harassment. However, such services were not improved or developed through specific commissioning by local authorities, but rather through the individual initiative of organisations. As discussed previously, there was also poor practice identified among some of these services, therefore it was down to luck whether an LGBT+ person experiencing homelessness would find themselves at one of these services, rather than having the confidence to use a service that was LGBTQ+ specific, or to know they would feel safe and included at all services.

Evidence from the London borough showed that organisation-level changes, and importantly, effective staff training, could make services more inclusive. Returning to the 'invisibility' of LGBTQ+ homeless people through the lack of data collection mentioned above, the review of services in the council recognised that a key factor in the significant gaps in data collection lay in the way that gender and sexuality questions were asked (or not) by frontline staff. Staff reported being unsure how to ask questions sensitively, and others reported feeling it was not relevant and

service users reported feeling awkward, invisible or afraid to disclose when asked. Even when a person disclosed that they were LGBTQ+, staff did not do anything differently in response and this information did not inform their service offer. As a response to identifying this skills gap, the voluntary secretary organisation Stonewall Housing were commissioned to provide specialist training for frontline staff in both the Housing Needs team and externally commissioned Supported Housing provider services. This included raising awareness about use of language, responses to disclosure and consideration of how gender and sexuality informed the person's narrative and experiences of homelessness.

Stonewall Housing were then commissioned to redesign initial assessment forms for supported housing to more fully capture the range of genders and sexualities as well as reasons for homelessness and related health and social strengths and needs. This aimed to improve the experience of assessment for the person facing homelessness and to inform staff decisions in providing a more person-centred response. This work helped front line practitioners to explore the impact of first meetings and disclosures on building meaningful relationships with people and the training was now repeated annually. This contrasts with the example from Scotland, presented in the previous section, where *not* sensitively discussing issues of sexual and/or gender identity was perceived to be the way to protect vulnerable service users. This work in London, suggests such changes with bureaucracy, to improve street-level action, can make services more radically inclusive.

As well as changes to bureaucratic processes, our research examples also demonstrated the importance of services publicly showing their inclusivity through acts that can seem tokenistic. For example, one housing association in Glasgow encouraged staff who had been suitably trained to wear rainbow lanyards as a public display of their inclusivity. They also organised an event for LGBTQ+ history month to celebrate local LGBTQ+ history. They were honest that no LGBTQ+ identifying people, to their knowledge, had attended, but they were proud the event had gone ahead as a public commitment to their inclusivity.

Such an approach was taken by the London borough to improve the experiences of older LGBTQ+ people. The review of services had identified anecdotal evidence from older people going 'back into the closet' when moving into sheltered housing due to perceived and actual stigma and social isolation. People reported not feeling safe disclosing their sexuality or feeling 'seen' in this context, meaning their social, health and housing needs were not being met. The council commissioned Opening Doors London, an organisation providing support to LGBTQ+ people aged 50+, to conduct a more in-depth analysis of what was needed to provide gender and sexuality informed services and support to older people. At this time, the council restated a commitment to making the borough an LGBT+ friendly place. Following this, local LGBT+ arts organisations were commissioned to increase the visibility and celebration of LGBT+ lives in sheltered housing services. These arts organisations provided shows, weekly support groups and befriending activities, which were very popular with all residents. These activities enabled conversations to take place about gender and sexuality and helped prevent homelessness through addressing the social isolation of LGBT+ people and assist people to maintain their tenancies.

Finally, in 2019, the London borough opened a dedicated resource centre for single people facing homelessness. This was an open access service offering a broad range of housing and homelessness related support, co-produced with people with lived experience of homelessness with the explicit aim of being accessible, visible and welcoming. LGBT+ staff and services were highly visible, with posters addressing homo- and transphobic hate crime in key places, and celebrations such as Trans Day of Remembrance were publicly marked. As a result of the positive visibility of queerness at the centre, there was an increase in people disclosing they were LGBT+ to staff. Further, as people felt safer to discuss and disclose their identities, it was apparent they were being placed in services that were not suitable or were not being connected with the right services around their health, social networks and experiences of abuse.

It is important to note the broader context in which the changes at the London borough were occurring. Since 2010 there has been a constant process of ‘downloaded austerity’ (Hastings *et al.*, 2017) onto local authorities across England, with substantial cuts to all services leaving many local councils at a tipping point and wide variations in local homelessness support (Fitzpatrick *et al.*, 2020). This case study shows that it is possible to develop and provide services for LGBTQ+ people experiencing homelessness which offers a radical inclusion of non-heterosexual and non-cisgender identities within such a context, through commissioning, staff training, and service redesign. However, this requires ingenuity when faced with pressured budgets, a commitment to continuous improvement and crucially to co-produce developments with people with lived experience of homelessness. This was supported by a local-authority commitment to LGBTQ+ inclusion through supportive senior management and political leadership in the local authority; an inclusive staffing profile including LGBTQ+ staff; and a stated and explicit commitment to tackling injustice and inequality within homelessness services.

## **Conclusion - queery-ing homelessness law and practice**

Through this paper we have, firstly detailed the different ways in which the law on homelessness across the jurisdictions of Great Britain, although globally recognised to be progressive and rights-based, is inadvertently discriminatory, or unsupportive, of LGBTQ+ people in their experience of homelessness and housing. This was highlighted through the contrast between the Scottish system, and those of England and Wales. We then presented evidence from our previous research, and a case study of a London borough that made changes to make its homelessness service radically inclusive, on how, despite legal shortcomings, street-level bureaucracy is a key location for LGBTQ+ inclusive work to prevent and ameliorate homelessness. We conclude by applying Levitas’ (1990) utopian ontological mode of operation, reframing who is the normative, anticipated and provided-for person, and reimagining human need to include validation and provision for queer modes of being and belonging in an inclusive framework of homelessness legislation and practice (Muñoz, 2019; England, 2022). This offers both pragmatic changes that can occur within existing legal and social contexts, and opportunities for more radical imaginings of queer futures.

In terms of the law, there are adjustments that can be made to existing homelessness law, particularly relating to intentionality and vulnerability. Across the UK the requirement that someone's homelessness is unintentional should be abandoned. This will prevent normative judgements impacting upon the welfare protections offered to the LGBTQ+ community - that they have 'chosen' to be homeless to escape familial abuse - as well as diverting resources which are currently used to interrogate homelessness intentionality to more productive service provision. This would reframe the 'intentionally' homeless as not being people who could not manage their finances to pay their rent, or who could not maintain household relationships. Rather, these people become vulnerable individuals in-need of person-centred supported. In England and Wales priority need categories should be revisited, to avoid the limits of their current heteronormativity. In particular, there should be a very careful consideration of the relationship between vulnerability and homelessness and an acceptance that everyone who is homeless is *per se* vulnerable. Vulnerability requires that the homes and services provided for the homeless should be secure and stable and attuned to developing the individual resilience and agency that is inevitably depleted by experiences of homelessness. We should recognise that existing poor quality temporary accommodation in hostels and bed and breakfasts can operate to intensify the social isolation and passivity of homelessness (Tunåker, 2022).

Focusing on the administration of homelessness law, and broader social welfare support, allows us to understand how and why LGBTQ+ people have poor experiences of homelessness. As our example from the London borough above demonstrates, positive changes in practice and interpretation of current frameworks can make positive changes and challenge longstanding attitudes. Such changes have to recognise the structurally different experiences of LGBTQ+ people in housing systems, and also incorporate broader welfare provision. Evidence in the UK highlights key differences in the housing experiences of LGBTQ+ people: they are much more likely to rent in the private rented sector than heterosexuals; they are less likely to own their home with a mortgage (with lesbians and gay men subject to exclusion from mortgage markets for centuries and decades respectively); they are more likely to live alone; they are more likely to live in the pressured housing markets of London and the south-east; in Scotland they are more likely to live in the most deprived neighbourhoods (Matthews & Besemer, 2015). Well-meaning policy, such as the rationing of socially rented homes to homeless households with children, further entrenches these inequalities. The private-rented sector across the UK is noted for its high rents, low security for tenants, and poor maintenance, creating financial stress and poor wellbeing for those LGBTQ+ tenants and welfare reform since 2013 has likely compounded this.

As Levitas (1990) observes, the law itself operates to structure and bound utopian opportunities. It can engender possibility, yet also defines the limits of state responsibilities: who is protected, and who is rendered abjectified, excluded other (Puar, 2018). As we have previously noted, law, in the disciplinary and normalising mode which characterises social welfare law, may not provide the best way to shape the sort of inclusive social provision for LGBTQ+ people. Extending categories of inclusion can serve to exacerbate the exclusion of those who continue to be excluded,



and however broadly defined categories of inclusion are, they can still require welfare recipients to conform to social norms. Those operating the current system at local authority level, however well intentioned, are almost inevitably overcome by their need to gatekeep scarce resources and police individual behaviour. Could we then imagine a law that facilitates and universalises the creative practices which have evolved in response to current exclusions and fosters the emotional and social resilience needed to survive homelessness? Such a law could also recognise that homeless individuals may be engaged in complex and contradictory practices of home-making, unmaking and remaking which may not be comprehensible to a straight, paternalistic or patriarchal forms of service provision (Browne Gott *et al.*, 2021; Matthews *et al.*, 2019; McCarthy, 2018; McNaughton Nicholls, 2009). The underpinnings of this transformative law requires a clear understanding of the complexities that lead to contemporary homelessness (Bramley & Fitzpatrick, 2018; Somerville, 2013).

Muñoz (2019) proposes that queering itself is an inherently resistive, utopian act, which, in asserting queerness as sustainable and valid, invokes both a disruption of the present and hope for the future. We suggest that returning to *queer* as a verb provides hints at the direction of a utopian future for homelessness law and support for all. Wider research on housing, home and LGBTQ+ lives highlights the complex relationships LGBTQ+ people have with home, commonly marred by exclusion from a heterosexual familial home, with a preference for a 'chosen family', or to use Armistead Maupin's terms to describe fictional Barbary Row, 'a logical family' (Maupin, 2017). Queer experiences offer us alternatives to the heteronormative family home to describe the opposite of homelessness – the houses of the ballroom scene in North American drag; the cheap inner-city houses bought with cash by LGBTQ+ people excluded from mortgage finance; the suburban queer households of Australia described by Gorman-Murray as offering safe spaces for young LGBTQ+ people; that lodging house in Barbary Lane (Doan & Higgins, 2011; Gorman-Murray, 2006; Maupin, 1978). Such examples have particular themes we have also seen in the good practice examples detailed in this paper. Firstly, they are empowering and give people the choice to live in a housing situation that is supportive for them at that particular time. Secondly, they provide tailored support to these people that recognises who they are, often when they are coming to terms with this themselves. Lastly, they respect people in their dependence - they recognise people's specific needs and offered unconditional and conditional support to people who might not realise that they need it. Such a queering challenges some of the emerging status quo around homelessness interventions. For example, Housing First interventions are predicated on the assumption that providing a house is the most important thing. Experiences of queer housing widen our scope of what that house may be, focusing our attention on the home-like qualities. It should also cause us to challenge the focus on the *household* in housing and welfare provision. If we focus, rather, on the individual and their needs, they can be provided for without forcing people back into heteronormative households and families.

Certain groups are at greater risk of homelessness than others (Watts *et al.* 2015; Dobson, 2022), and people with protected characteristics and in particular intersecting combinations of both. Structural exclusions from housing are based

on existing societal inequalities, as Carr *et al.* argue ‘homelessness increases because of increasing socio-economic inequalities, and homeless populations are increasingly disciplined and excluded’ (Carr *et al.* 2020, p. 102). Neoliberal forces promote a move away from public spaces and out of sight, both in mind and subsequently in policy and interventions. What we need are societal, legal and policy advances that do not discipline or normalise people to fit in to unrealistic patriarchal cis-hetero-normative trajectories for housing and welfare (Gregory & Matthews, 2022).

## Note

1. The Act initially applied to England, Wales and Scotland and was extended to Northern Ireland in 1988.

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