



Ensuring LGBT Access to HUD Housing Programs

State of LGBT Housing Discrimination

Strong evidence exists showing LGBT individuals and families do not have equal access to housing and face various barriers when attempting to obtain housing. Although progress has been made with twenty states, the District of Columbia, and over 200 localities enacting laws prohibiting discrimination in housing on the basis of sexual orientation or gender identity¹, the majority of states offer no such protections for LGBT individuals and families. Federal antidiscrimination laws, including those under Title VIII of the Civil Rights Act of 1968², commonly referred to as the Fair Housing Act, do not expressly extend equal opportunity in housing to LGBT individuals.³ This lack of federal protection leaves many LGBT individuals and families open to discrimination from biased landlords and housing organizations.

Without strong federal protections countless otherwise qualified individuals will be wrongly denied housing simply because of their actual or perceived sexual orientation or gender identity.

New HUD Regulations Protect LGBT Individuals and Couples

Recently enacted HUD rules⁴ provide much needed housing protections to LGBT individuals and families. The rule adds additional nondiscrimination requirements to existing HUD programs including:

- An equal access provision making clear that housing that is financed or insured by HUD MUST be made available without regard to actual or perceived sexual orientation, gender identity, or marital status;
- A prohibition on owners and operators of HUD-funded housing or housing whose financing is insured by HUD from inquiring about the sexual orientation or gender identity of an applicant or denying housing on that basis. This includes Federal Housing Administration (FHA) programs such as mortgage insurance programs, community development programs, and public and assisted housing programs;

¹ <http://portal.hud.gov/hudportal/documents/huddoc?id=12lgbtfinalrule.pdf>

² http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8

³ While the Fair Housing Act does not specifically prohibit discrimination on the basis of sexual orientation or gender identity, an LGBT person's experience with sexual orientation or gender identity housing discrimination may still be covered by the Fair Housing Act. If the discrimination is based on non-conformity with gender stereotypes, it may constitute illegal discrimination on the basis of sex under the Fair Housing Act.

⁴ <http://www.gpo.gov/fdsys/pkg/FR-2012-02-03/pdf/2012-2343.pdf>

- Clarifying the definition of eligible “family” to include individuals and couples who are, or are perceived to be, lesbian, gay, bisexual, and transgender. This extends the nondiscrimination provisions against families to include these individuals;
- Adding sexual orientation and gender identity to the list of characteristics that a lender may not take into consideration when determining the adequacy of an individual seeking an FHA-insured mortgage.

These new requirements will ensure that core HUD programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. Importantly, the rule requires *all* organizations that operate HUD-assisted or HUD-insured housing facilities to serve LGBT Americans looking for shelter and housing—including religious organizations.

In enacting these new rules HUD Secretary Shaun Donovan said that, “This is a fundamental issue of fairness. We have a responsibility to make certain that public programs are open to all Americans.”⁵ This now final rule will provide much needed protection to LGBT individuals accessing federal housing programs.

What to do if you suspect housing discrimination is occurring

This new rule is a critical step forward, but as Secretary Donovan has noted, “enacting a rule is not enough.”⁶ LGBT individuals are still at risk for housing discrimination until a federal law is passed to specifically prohibit sexual orientation and gender identity discrimination in housing. If your affiliate is contacted by someone who believes they are the victim of prohibited housing discrimination, they should contact HUD and [file a complaint](#).⁷ In addition, many states and localities have anti-discrimination provisions that include sexual orientation and gender identity. LGBT individuals who are victims of housing discrimination should contact their [state civil or human rights enforcement agencies](#) to file a complaint.

Finally, you can learn more about this new rule and what HUD is doing to eliminate housing discrimination against LGBT individuals and couples, and find contact information for state housing authorities, by visiting www.hud.gov/lgbthousingdiscrimination.

⁵ <http://www.aclu.org/blog/content/new-hud-rule-delivers-lgbt-americans>

⁶ http://portal.hud.gov/hudportal/HUD?src=/press/speeches_remarks_statements/2012/Speech_01282012

⁷ http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination