

FAIR HOUSING PROTECTIONS FOR THE LGBT COMMUNITY

Be Aware of Housing Discrimination

The following examples may constitute housing discrimination on various bases, i.e. gender, sexual orientation, disability, harassment:

- A landlord refuses to rent to a gay couple or a transgender individual, or to provide any kind of housing services offered to others.
- A housing provider evicts a tenant after discovering the tenant is gay.
- A gay family is harassed by the housing provider or a neighbor.
- A homeless shelter refuses to permit a transgender woman to sleep in the women's dormitory or shower in the women's bathroom.
- A gay man with HIV who needs an attendant is denied a request to add his attendant to the lease.

Fair Housing Protections

At the State Level

The California Fair Employment and Housing Act prohibits housing discrimination on the basis of sexual orientation, gender identity, and gender expression, as well as age, source of income, and genetic information.

At the Federal Level

The federal Fair Housing Act does not prohibit discrimination in the rental or sale of property based on sexual orientation and gender identity, but recent rules and regulations by the Department of Housing and Urban Development (HUD) offer additional protections for LGBT individuals. In addition, courts and administrative agencies have interpreted sex (which is a protected class under the Fair Housing Act) to prohibit certain forms of discrimination against LGBT people.

The HUD Equal Access Rule

The federal Equal Access Rule, a new regulation issued by HUD in 2012, prohibits discrimination based on actual or perceived sexual orientation, gender identity and marital status in all housing that is financed or insured by HUD. In determining eligibility for HUD housing programs, the rule clarifies that the term "family" includes LGBT individuals, couples, and their families (regardless of biological or legal relationship) and also prohibits inquiries into sexual orientation or gender identity.

HUD Rule for Placement of Transgender persons

In November 2015, HUD released a draft of a new rule regarding the housing of transgender persons in single-sex emergency shelters and other facilities requiring providers to place potential clients according to their gender identity and to ensure the client's safety.

Where to Get Help

Housing discrimination is often subtle. Call Fair Housing of Marin at (415) 457-5025 if you feel you are a victim of discriminatory housing practices.