

EXAMPLES:

A transgender woman is asked by the owner of her apartment building not to dress in women's clothing in the common areas of the property. This is a violation of the Fair Housing Act (FHA) prohibition of sex discrimination.

A property manager refuses to rent a unit to a prospective tenant who is transgender. If the housing denial is because of the prospective tenant's non-conformity with gender stereotypes, it constitutes illegal discrimination on the basis of sex under the FHA.

A landlord refuses to rent to a female applicant because she wears masculine clothes and engages in other physical expressions that are stereotypically male. This violates the FHA's prohibition of discrimination based on sex.

An underwriter for an FHA-insured lender reviews a joint loan application from two males. The underwriter assumes the applicants are a gay couple, and as a result, denies the application even though the applicants met all requirements for the loan. This violates HUD's Equal Access Rule, which prohibits FHA-insured lenders from taking actual or perceived sexual orientation into consideration in determining adequacy of an applicant's income.

A married lesbian couple with children are denied tenancy because of their "unusual family and relationship." This violates the Fair Housing Act.

HUD Resources:

https://portal.hud.gov/hudportal/HUD?src=/LGBT_resources

If your housing rights have been violated because of race, color, national origin, religion, **SEX**, disability, familial status, marital status, **sexual orientation, gender identity**, veteran/military status, creed, or immigration or citizenship status, contact:



NORTHWEST FAIR
HOUSING ALLIANCE

"Working to Ensure Equal Housing Opportunity for All"

35 West Main Avenue, Suite 250
Spokane, WA 99201
Ph 509-325-2665
1-800-200-FAIR (3247)
Fax 1-866-376-6308
www.nwfairhouse.org



Sex Discrimination
In Housing

www.sexdiscriminationinhousing.org



The work that provided the basis for this publication was supported in part by funding under a grant with the U.S. Department of Housing and Urban Development, HUD. NWFHA is solely responsible for the accuracy of the statements and interpretations contained in this publication.
English— 7/2022

FAIR HOUSING FOR ALL GENDERS



IF YOU'RE
DENIED HOUSING BECAUSE
YOU'RE TRANSGENDER,
IT'S NOT ALWAYS THIS OBVIOUS.

CONTACT YOUR LOCAL FAIR HOUSING AGENCY
TO HELP YOU READ BETWEEN THE LINES.



NORTHWEST FAIR
HOUSING ALLIANCE

"Working to Ensure Equal Housing Opportunity for All"

1-800-200-FAIR (3247)
www.sexdiscriminationinhousing.org

The FAIR HOUSING ACT

Protections Against Sex Discrimination

The Fair Housing Act (FHA) was enacted in 1968 to protect people from housing discrimination based on race, color, national origin, and religion. In 1974 congress added protections on the basis of “sex,” and in 1988, disability and familial status (minors in the household) were added.

Over time, the law has been interpreted by Courts and HUD to recognize that discrimination “on the basis of sex” takes many forms, including **sexual harassment** and **gender stereotyping**, and provides **protection for domestic violence survivors**, and people who are **gender non-conforming**, or **transgender**. In 2012 and 2016 HUD issued Rules protecting gender identity and sexual orientation in HUD programs. In 2021, HUD announced it would accept **sexual orientation** and **gender identity** complaints under the Fair Housing Act protections for “sex.”

Know your Rights

It is prohibited for housing providers to:

- discriminate against **LGBTQIA+** persons because of real or perceived gender identity or any other reason that constitutes sex based discrimination
- deny housing because of someone's **HIV/AIDS status**

It is prohibited for all **homeless facilities to segregate** people who are **transgender** solely based on their gender identity.

It is prohibited for housing providers who receive HUD funds to discriminate against a tenant because of real or perceived sexual orientation, gender identity, or marital status.

It is prohibited for a lender to deny an FHA-insured mortgage to a qualified applicant based on their **sexual orientation, gender identity, or marital status**.



HUD Rules & Guidance

“Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity” - 2012

“Housing providers that receive HUD funding or have loans insured by the Federal Housing Administration (FHA), as well as lenders insured by FHA, are subject to HUD’s Equal Access Rule, which requires equal access to HUD programs without regard to a person’s actual or perceived sexual orientation, gender identity, or marital status.”

Equal Access Rule:

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

“Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs Rule” - 2016

“The **Gender Identity Rule** ensures that all individuals have equal access to many of the Department’s core **shelter programs** in accordance with their gender identity. ...providers that operate single-sex projects using funds awarded through the Office of Community Planning and Development (CPD) **are required by the rule to provide** all individuals, including **transgender individuals** and other individuals who do not identify with the sex they were assigned at birth, **with access to programs, benefits, services, and accommodations** in accordance with their gender identity without being subjected to intrusive questioning or being asked to provide documentation.”

Gender Identity Rule:

<https://www.federalregister.gov/documents/2016/09/21/2016-22589/equal-access-in-accordance-with-an-individuals-gender-identity-in-community-planning-and-development>