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:

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:

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

FAIR HOUSING FOR ALL GENDERS

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English—7/2022

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.

I-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:

"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: