

NEWSLETTER

ELKHART HUMAN RELATIONS COMMISSION

Housing Discrimination Based on Sexual Orientation or Gender Identity is Illegal

By: Fair Housing Center for Rights and Research -
Cleveland, Ohio
www.thehousingcenter.org



In 2021, sexual orientation and gender identity were officially recognized as forms of sex discrimination under the federal Fair Housing Act. This means that discrimination in housing due to a person's sexual orientation and/or gender identity is illegal across the entire United States.

Examples of Discrimination Based on Sexual Orientation and Gender Identity:

- Threatening a transgender person in transition with eviction if they dress or present in gender-affirming ways.
- Ignoring or failing to stop harassment or intimidation of LGBTQ residents by their neighbors based on their sexual orientation or gender identity.
- Denying housing in a rooming house to a person because they believe they are gay.
- Refusing to rent an apartment to a couple once they learn that they are in a same-sex relationship.
- Telling a resident that they cannot use the locker room corresponding with their gender identity at an apartment complex's fitness center.
- Threatening to evict a male resident for having his male partner stay at his unit overnight several nights a week, while not restricting the overnight guests of heterosexual residents.
- Intentionally outing or misgendering a resident or refusing to honor their chosen name or pronouns.

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Discrimination Prohibited in Housing Receiving Federal Financial Assistance

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In 2010 the U.S. Department of Housing and Urban Development (HUD) offered clarification on its policy to ensure its programs are open to all eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

The regulations require:

- Equal access in housing funded by HUD *and* housing that holds a mortgage insured by the Federal Housing Administration (FHA).

This means that owners and operators of HUD-funded housing or housing insured by FHA* are prohibited from:

- Asking about an applicant's sexual orientation, gender identity, or marital status for the purpose of determining eligibility or otherwise making the housing available.
- Denying an applicant housing based on their actual or perceived sexual orientation, gender identity, or marital status.

**A private housing provider who receives an FHA mortgage loan and who rents the property is prohibited from discriminating or inquiring about a potential renter's sexual orientation or gender identity since the source of funding for these loans is from HUD.*

Examples of Housing that Receives Federal Financial Assistance

If a building or program receives federal financial assistance the housing provider cannot discriminate against individuals based on actual or perceived sexual orientation, gender identity, or marital status.

- Public Housing
- Housing Choice Voucher Program (Section 8)
- Subsidized Housing
- Community Development Block Grant (CDBG) Program
- Housing Opportunities for Persons with AIDS
- Supportive Housing for the Elderly (Section 202 Housing)
- Supportive Housing for Persons with Disabilities (Section 811)
- FHA-Insured Mortgages
- Section 236 Mortgages
- HOME Program