

# LGBTQ FAIR HOUSING RIGHTS

## WHAT YOU NEED TO KNOW



### INTRODUCTION

The Fair Housing Act protects people from discrimination in housing and housing-related activities based on their race, color, sex, religion, national origin, disability, or familial status. Most forms of housing are covered under the Act, with additional protections for people living in federally-assisted housing. This guide by the Metropolitan St. Louis Equal Housing and Opportunity Council (EHOC) provides an introduction to how the Fair Housing Act and other laws can help LGBTQ individuals access their right to live free from illegal housing discrimination.

### WHICH LAWS PROTECT MY RIGHTS?

#### FAIR HOUSING ACT

Although the Fair Housing Act does not specifically include sexual orientation and gender identity as protected classes, discrimination against LGBTQ individuals may be covered under its sex discrimination protections if it is based on non-conformity with gender stereotypes. (Ex: A landlord will only rent to a transgender woman if she agrees to not dress in women's clothes in the common areas.)

- Illinois, the City of St. Louis, and various municipalities in St. Louis County have sexual orientation and gender identity as protected classes within their own state and local fair housing laws.
- Discrimination against people who have or are perceived to have HIV/AIDS is illegal under the Fair Housing Act's protections for people with disabilities.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) EQUAL ACCESS RULE & GUIDANCE

In 2012, HUD published a rule that requires equal access to all HUD programs for any qualified individual or family. It explicitly prohibits discrimination based on someone's actual or perceived sexual orientation, gender identity, or marital status.

- Programs covered: All public and assisted housing and rental assistance programs (ex: Section 8) that receive HUD funds (including homeless shelters and other temporary housing), federally-insured home mortgages, Community Development Block Grant (CDBG) programs, and HOME funds.

### EXAMPLES OF PROHIBITED DISCRIMINATION

- Refusing to rent or sell housing
- Refusing to admit you to a homeless shelter because of your gender identity, gender expression, or sexual orientation
- Saying housing is unavailable when it is available
- Setting unequal terms or conditions in the sale or rental of a home
- Providing different housing services or facilities because of your gender identity, gender expression, or sexual orientation
- Denying a mortgage loan or homeowners insurance, or imposing unequal conditions
- Harassment in your home because of your gender identity, gender expression, or sexual orientation
- Harassing, intimidating, or interfering with you exercising your fair housing rights

### WHAT TO DO IF YOU ARE A VICTIM OF HOUSING DISCRIMINATION



**Call EHOC:** Our discrimination hotline can guide you through your options and potentially provide legal support if you believe you have been a victim of housing discrimination. Call us at 314-534-5800.



**File a Complaint:** You have one year from an incident to file a fair housing complaint with HUD. In Illinois you also have 180 days from an incident to file a complaint with the Illinois Department of Human Rights (IDHR). For more information on the complaint process and what to expect, follow the links below.

- HUD: [bit.ly/HUDFairHousingComplaint](https://bit.ly/HUDFairHousingComplaint)
- IDHR: [bit.ly/IDHRFairHousingComplaint](https://bit.ly/IDHRFairHousingComplaint)