

# FAIR HOUSING REVIEW LGBTQ+ STATUS

## Fair Housing Act and Pennsylvania Human Relations Act Protections for LGBTQ+ Individuals

Individuals who identify as LGBTQ+ have legal recourse if they experience housing discrimination in any housing transaction or housing-related financial transaction. Under Executive Order 13988, federal protections regarding sex discrimination in housing have been expanded to include sexual orientation and gender identity.

The Fair Housing Act makes it illegal to discriminate against members of protected classes, including LGBTQ+ individuals, in any of the following ways:

- Refuse to rent housing
- Refuse to negotiate for housing
- Make housing unavailable or deny housing is available
- Set different terms, conditions or privileges for the sale or rental of housing
- Advertise in a discriminatory way
- Threaten, coerce, or intimidate anyone exercising their fair housing rights or assisting others in exercising those rights

The Pennsylvania Human Relations Act (PHRA) also includes “sex” as a protected class. The Pennsylvania Human Relations Commission (PHRC) issued guidance in 2018 stating that the term “sex” under the PHRA may refer to sex assigned at birth, sexual orientation, transgender identity, gender transition, gender identity, and/or gender expression depending on the individual facts of a case.

## Local Laws and Ordinances

Many municipalities throughout Pennsylvania have passed anti-discrimination ordinances to include protections for those who identify as LGBTQ+. Check with your city, township, or borough to find out what protections are available in your specific locality.

## Federal Executive Order 13988

*“Every person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love... All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.”*

*Executive Order 13988 directed all federal agencies to extend protections under all existing civil rights statutes that prohibit sex discrimination to include sexual orientation and gender identity.*

*On February 11, 2021, HUD’s Office of Fair Housing and Equal Opportunity stated that they would begin enforcing the Fair Housing Act to prohibit housing discrimination based on sexual orientation and gender identity. Individuals who identify as LGBTQ+ and believe they have been discriminated against in any housing-related transaction can now file a complaint with HUD.*

# National Association of REALTORS®

Article 10 of the National Association of REALTORS® Code of Ethics prohibits Realtors from discriminating based in sexual orientation and gender identity.

## Equal Access and Gender Identity Rules

The U.S. Department of Housing and Urban Development (HUD) issued regulations in 2021 entitled **Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity**.

These regulations mandate that housing providers who receive HUD funding or receive Federal Housing Administration (FHA) insured loans and FHA lenders must ensure equal access without regard to actual or perceived sexual orientation, gender identity, or marital status. The 2012 HUD LGBT Rule applies to all HUD funded programs including Section 8 (housing vouchers), Public Housing, Community Development Block Grants, Housing Opportunities for Persons with AIDS (HOPWA), Supportive Housing for the Elderly and Persons with a Disability and FHA insured loans. The rule does not apply to private housing providers who do not receive HUD funding.

**Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs** was published by HUD in 2016. This rule mandates that equal access is to be provided in all HUD assisted programs. Providers that operate single-sex projects, such as homeless shelter facilities, are required 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. HUD assisted housing programs cannot require individuals to "prove" their gender identity and may not ask invasive questions or request medical verification. Transgender participants may not be segregated or isolated from other participants in shelter facilities. Non-discriminatory steps must be taken to address safety and privacy concerns of transgender participants, however, participants may refuse any offered accommodations that they do not want.

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*The Housing Equality Center is a nonprofit organization leading the effort to eliminate housing discrimination in Pennsylvania through education, advocacy and enforcement of fair housing laws. We provide victims of discrimination with legal help, perform testing to determine the existence of discrimination, educate the public, consult with and train housing providers, and work with housing and related service providers to ensure compliance with anti-discrimination laws. We assist housing discrimination victims and conduct testing investigations in Bucks, Chester, Delaware, Lehigh, Northampton, and Philadelphia Counties.*



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