



DISCRIMINATION BASED ON SEX AND FAIR HOUSING



SERI

- Local non-profit founded in 1994.
- Working with low-income and minority communities in the Southwest to help protect the environment and improve community health.
- Committed to helping eliminate fair housing biases and prejudices in the community to make our community a place where everyone can live, work, and engage.
- Education and Outreach Initiative Program funded by the U.S. Department of Housing and Urban Development (HUD).



WHAT IS THE FAIR HOUSING ACT?

- In 1968 the Fair Housing Act (FHA) was signed, making it illegal for people to discriminate in any aspect of housing based on an individual's race, color, national origin, religion, sex, familial status, and disability.
- The FHA defines these as their seven federally protected classes.

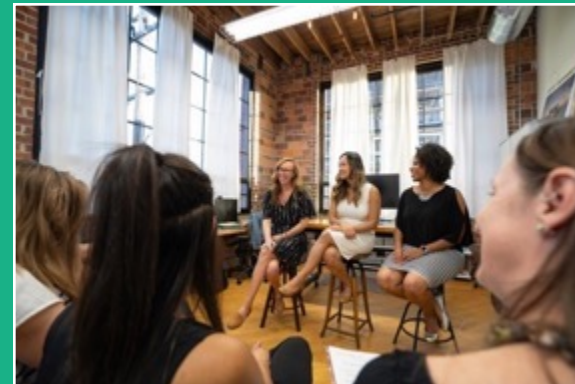


President Lyndon B. Johnson to sign the Fair Housing Act April 11, 1968.
(Photo Credit: *Smithsonian*)



WHY FAIR HOUSING IS IMPORTANT

- Giving everyone access to housing in every neighborhood ensures that everyone has access to the resources they want and affects the rest of our lives!



WHERE THE FAIR HOUSING ACT APPLIES?

The Fair Housing Act applies to when people are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in any other housing-related transactions.



SEX



SEX

- Includes gender (male or female).
- Includes sexual orientation and/or gender identity.
 - A person who identifies as LGBTQ who has experienced discrimination under any of these bases may [file a complaint](#) with HUD. HUD is committed to investigating violations of the Fair Housing Act against all individuals regardless of their sexual orientation or gender identity.



HUD ENFORCES FHA UNDER BIDEN

HUD directive implements the policy set forth in Biden executive order to prevent and combat sexual orientation and gender identity-based discrimination.



HUD.GOV

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FOR RELEASE
Thursday
February 11, 2021

HUD TO ENFORCE FAIR HOUSING ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY
HUD directive begins implementation of the policy set forth in Biden executive order to prevent and combat sexual orientation and gender identity-based discrimination

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) today announced that it will administer and enforce the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity.

HUD's Office of Fair Housing and Equal Opportunity (FHEO) issued a memorandum stating that HUD interprets the Fair Housing Act to bar discrimination on the basis of sexual orientation and gender identity and directing HUD offices and recipients of HUD funds to enforce the Act accordingly. The memorandum begins implementation of the policy set forth in President Biden's Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation (Executive Order), which directed executive branch agencies to examine further steps that could be taken to combat such discrimination.

"Housing discrimination on the basis of sexual orientation and gender identity demands urgent enforcement action," said Acting Assistant Secretary of FHEO, Joanne M. Worden. **"That is why HUD, under the Biden Administration, will fully enforce the Fair Housing Act to prohibit discrimination on the basis of gender identity or sexual orientation. Every person should be able to secure a roof over their head free from discrimination, and the action we are taking today will move us closer to that goal."**

The significance of this action is underscored by a number of housing discrimination studies which indicate that same-sex couples and transgender persons in communities across the country experience demonstrably less favorable treatment than their straight and cisgender counterparts when seeking rental housing. Despite this reality, the Department has been constrained in its efforts to address housing discrimination on the basis of sexual orientation and gender identity by legal uncertainty about whether most such discrimination was within HUD's reach.

The memorandum relies on the Department's legal conclusion that the Fair Housing Act's sex discrimination provisions are comparable in text and purpose to those of Title VII of the Civil Rights Act, which bars sex discrimination in the workplace. In *Bostock v Clayton County*, the Supreme Court held that workplace prohibitions on

Full press release at https://www.hud.gov/press/press_releases_media_advisories/hud_no_21_021



HUD ENFORCES FHA UNDER BIDEN (CONT.)

“That is why HUD, under the Biden Administration, will fully enforce the Fair Housing Act to prohibit discrimination on the basis of gender identity or sexual orientation. Every person should be able to secure a roof over their head free from discrimination, and the action we are taking today will move us closer to that goal.”

- Acting Assistant Secretary of FHEO, Jeanine M. Worden.



HUD'S EQUAL ACCESS RULE



- Requires equal access to HUD programs without regard to a person's actual or perceived sexual orientation, gender identity, or marital status.
- Housing providers that receive HUD funding or have HUD-insured loans are subject to the Rules.



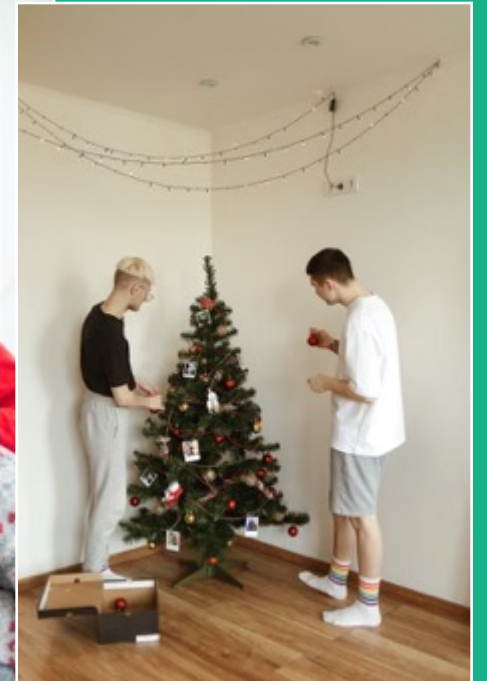
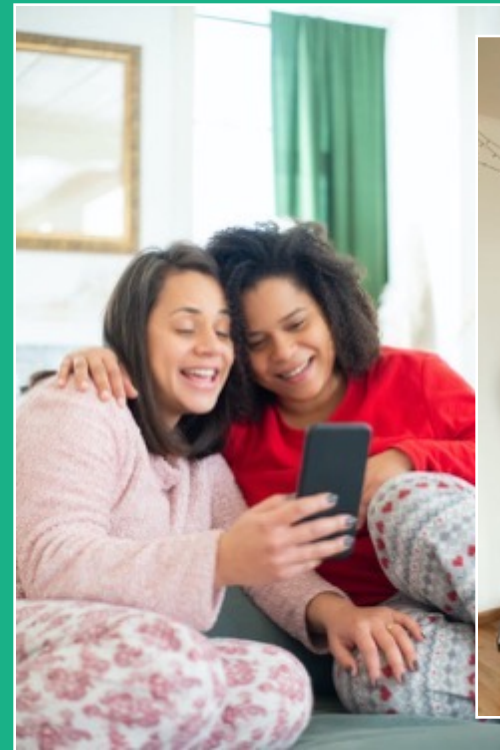
HUD'S EQUAL ACCESS RULE (CONT.)

- A person who identifies as LGBTQ who has experienced (or is about to experience) discrimination by a HUD-funded or FHA-insured housing provider or lender may report it to HUD by either filing a complaint or by contacting a local FHEO office.



WHAT IS PROHIBITED?

- For any landlord or housing provider to discriminate against LGBTQ persons because of their real or perceived gender identity or any other reason that constitutes sex based discrimination.
- For any landlord or housing provider to deny housing because of someone's HIV/AIDS status under the FHA and the Americans with Disabilities Act (ADA).



WHAT IS PROHIBITED? (CONT.)

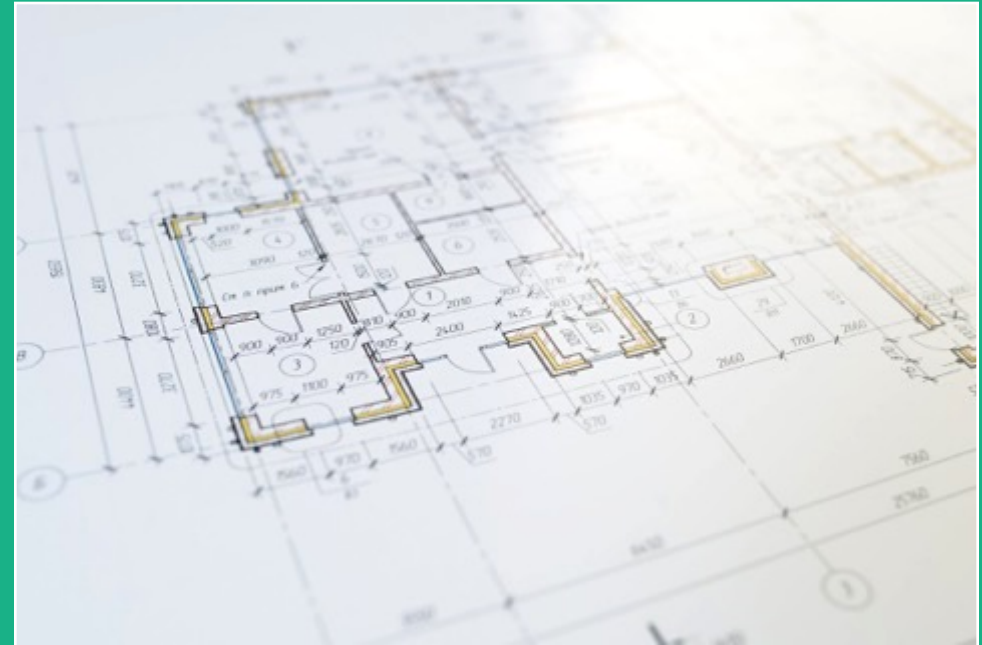


- For a lender to deny an FHA-insured mortgage to any qualified applicant based on their sexual orientation, gender identity, or marital status.
- For any landlord or housing provider who receives HUD or FHA funds to discriminate against a tenant on the basis of real or perceived sexual orientation, gender identity or marital status.



WHAT IS PROHIBITED? (CONT.)

- For all homeless facilities to segregate or isolate transgender individuals solely based on their gender identity.



EXAMPLES OF DISCRIMINATION BASED ON SEX



**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.**



**A GAY MAN IS EVICTED BECAUSE HIS
LANDLORD BELIEVES HE WILL INFECT OTHER
TENANTS WITH HIV/AIDS.**



A TENANT APPLIES FOR AN APARTMENT IN A SECTION 202 BUILDING AND LISTS HIS SAME-SEX PARTNER AS HIS SPOUSE AND CO-TENANT. THE PROVIDER HAS A RELIGIOUS OBJECTION TO HOMOSEXUALITY AND DENIES THE APPLICATION.



A LOAN APPLICANT APPLIES IN PERSON FOR AN FHA-INSURED LOAN WITH A PRIVATE BANK BRINGING ANOTHER WOMAN WITH HER. THE LOAN OFFICER BELIEVES THAT THE WOMEN ARE A LESBIAN COUPLE AND THE LOAN IS DENIED BECAUSE OF THE BANK EMPLOYEE'S PERCEPTION OF THE APPLICANT AS HOMOSEXUAL.



A HOMELESS TRANSGENDER COUPLE CONTACTS A HUD FUNDED EMERGENCY HOUSING HOTLINE TO LOCATE HUD FUNDED HOMELESS SHELTERS WHERE THEY COULD SPEND THE NIGHT. THEY ARE TOLD THAT THERE ARE SEVERAL SHELTERS WITH AVAILABLE BEDS, BUT THAT NO PROGRAM WILL ACCEPT THEM DUE TO THEIR GENDER IDENTITY.



SEXUAL HARASSMENT



WHAT IS SEXUAL HARASSMENT?

A form of sex discrimination prohibited by the FHA.

There are two main types of sexual harassment:

1. Quid pro quo sexual harassment.
2. Hostile environment sexual harassment.



QUID PRO QUO

When a housing provider requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining or maintaining housing or housing-related services.

- E.g. A landlord tells an applicant he won't rent her an apartment unless she has sex with him.
- E.g. A property manager evicts a tenant after she refuses to perform sexual acts.
- E.g. A maintenance man refuses to make repairs unless a tenant gives him nude photos of herself.



(Photo Credit: National Fair Housing Alliance)



HOSTILE ENVIRONMENT

When a housing provider subjects a person to severe or pervasive unwelcome sexual conduct that interferes with the sale, rental, availability, or terms, conditions, or privileges of housing or housing-related services, including financing.

- E.g. A landlord subjects a tenant to severe or pervasive unwelcome touching, kissing, or groping.
- E.g. A property manager makes severe or pervasive unwelcome, lewd comments about a tenant's body.
- E.g. A maintenance man sends a tenant severe or pervasive unwelcome, sexually suggestive texts and enters her apartment without invitation or permission.



YOUR LEASE DOES NOT REQUIRE YOU TO PROVIDE SEXUAL FAVORS.

Sexual harassment violates the Fair Housing Act.
Sexual harassment by a landlord, maintenance worker or anyone associated with your rental property is against the law. The Fair Housing Act protects you from harassment, including someone repeatedly entering your apartment without permission, making unwelcome sexual advances or refusing to make repairs because you deny sexual favors. If this happens to you, file a housing discrimination complaint.

Go to [hud.gov/fairhousing/sexualharassment](https://www.hud.gov/fairhousing/sexualharassment) or call **1-800-669-9777**
Federal Relay Service **1-800-877-8339**

If you fear for your safety, call 911.

FAIR HOUSING: THE LAW IS ON YOUR SIDE.
A public service message from the U.S. Department of Housing and Urban Development in cooperation with the National Fair Housing Alliance. The Federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, familial status or disability.

NFHA
National Fair Housing Alliance

(Photo Credit: National Fair Housing Alliance)



**If you are being discriminated against
due to sex it is important to speak up!**

**When you speak up you help stop housing
discrimination and sexual harassment from
continuing in your community.**



SERI CAN HELP YOU FILE A COMPLAINT

- If you think you have experienced unlawful discrimination due to sex you can file a complaint with us.
- We are a certified AZRS “Relay Friendly” Partner for those with hearing loss or speech disability.
- We review each complaint, respond within 1 business day, and collect any other necessary intake information from you.
- Then we will refer your complaint to the proper agency who will assist you in a resolution of unfair housing problems due to their enforcement authority.



SERI COMPLAINT HOTLINE



ONLINE

seriaz.org/fair-housing



E-MAIL

hotline@seriaz.org



PHONE

520-306-0938



DIRECT MAIL

SERI
P. O. Box 65782
Tucson, AZ 85728



We will respond within 1 business day and refer your complaint to the proper agency. SERI is a AZ Relay Friendly Business.



SOUTHWEST FAIR HOUSING COUNCIL



RESOURCES

- Housing Equality Center of Pennsylvania - <https://www.equalhousing.org/fair-housing-topics/lgbt-discrimination-and-hud-equal-access-rule/>
- SERI Fair Housing Program - <http://www.seriaz.org/projects/fair-housing>
- Southwest Fair Housing Council - <http://swfhc.com/>
- US Department of Housing and Urban Development
 - <https://archives.hud.gov/news/2015/pr15-023.cfm>
 - https://www.hud.gov/program_offices/fair_housing_equal_opp/housing_discrimination_and_persons_identifying_lgbtq
 - https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_rights_and_obligations
 - <https://www.hud.gov/sites/documents/12LGBTFINALRULE.PDF>
 - https://www.hud.gov/program_offices/fair_housing_equal_opp/sexual_harassment



THANK YOU

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