

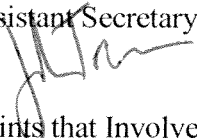


U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

ASSISTANT SECRETARY FOR
FAIR HOUSING AND EQUAL OPPORTUNITY

June 15, 2010

MEMORANDUM FOR: FHEO Regional Directors

FROM: John Trasviña, Assistant Secretary for Fair Housing and Equal Opportunity, E 

SUBJECT: Assessing Complaints that Involve Sexual Orientation, Gender Identity, and Gender Expression

This memorandum summarizes Office of Fair Housing and Equal Opportunity (FHEO) procedures related to the assessment of housing discrimination complaints involving sexual orientation, gender identity, and gender expression. While I recognize that many FHEO regions may already follow the guidance in this memorandum, I am memorializing these procedures to ensure full consideration of all persons' fair housing rights in our administrative process. This memorandum also incorporates suggestions you raised at our recent meeting in Chicago.

Currently, the federal Fair Housing Act (the Act) does not specifically address discrimination on the bases of sexual orientation, gender identity, or gender expression. However, complaints involving sexual orientation, gender identity, or gender expression may raise jurisdictional claims under the Act's current provisions. Upon receipt of an inquiry that involves sexual orientation, gender identity, or gender expression, **FHEO must thoroughly review the allegation to determine if the claims are jurisdictional under the Act's prohibitions on discrimination based on one or more of the protected classes.** For example, if a man alleges that he is being evicted because he is gay and his landlord believes he will infect other tenants with HIV, then the allegation of discrimination may be jurisdictional under the Act based on *disability* because the man is regarded as having a disability, HIV/AIDS. Similarly, if a female prospective tenant is alleging discrimination by a landlord because she wears masculine clothes and engages in other physical expressions that are stereotypically male, then the allegation may be jurisdictional under the Act as discrimination based on *sex*.

Additionally, FHEO will begin to collect data related to sexual orientation and gender identity housing discrimination. If it is determined that FHEO lacks jurisdiction over an inquiry involving sexual orientation, gender identity, or gender expression, FHEO staff should still input the inquiry in TEAPOTS and include a short summary in the allegation section. **Please note that the exact terms "sexual orientation" and/or "gender identity" must be included in the allegation summary.** This will allow us to conduct searches of TEAPOTS on the nature and extent of sexual orientation and gender identity housing discrimination allegations received by HUD.

FHEO staff should also refer inquiries alleging sexual orientation, gender identity, or gender expression discrimination to state and local enforcement agencies so a determination of coverage may be made under state or local law. I have attached a list of states that, as of the date of this memorandum, prohibit housing discrimination based on sexual orientation, gender identity, and/or

gender expression. The list identifies the names and phone numbers of the state government human rights agencies that enforce those laws (some of the agencies participate in the Fair Housing Assistance Program). I have also included a list from the Lambda Legal website (www.lambdalegal.org) of counties, cities, and towns that prohibit housing discrimination based on sexual orientation and gender identity. States and localities are continually amending their laws to include these protections. Therefore, FHEO staff should check state and local government websites to confirm current protected classes.

Please share this memorandum and the attachments with your staff and all Fair Housing Assistance Program agencies in your region. If you have questions, please contact Lynn M. Grosso, Director of FHEO's Office of Enforcement.

Attachments

**States that Prohibit Housing Discrimination
Based on Sexual Orientation, Gender Identity, and/or Gender Expression
May 20, 2010**

State	Prohibits sexual orientation housing discrimination	Prohibits gender identity/ expression housing discrimination	Enforcement Agency
California	X	X	California Department of Fair Employment & Housing – (213) 439-6703
Connecticut	X		Connecticut Commission on Human Rights & Opportunities – (860) 541-3400
Colorado	X	X	Colorado Civil Rights Division (303) 894-2997
Delaware	X		Delaware Division of Human Relations (302)739-2207
District of Columbia	X	X	District of Columbia Office of Human Rights – (202) 727-4559
Hawaii	X	X	Hawaii Civil Rights Commission (808)586-8636
Illinois	X	X	Illinois Department of Human Rights (312) 814-3340
Iowa	X	X	Iowa Civil Rights Commission (512) 281-4121
Maine	X	X	Maine Human Rights Commission (207) 624-6050
Maryland	X		Maryland Commission on Human Relations (410) 767-8563
Massachusetts	X		Massachusetts Commission Against Discrimination – (617) 727-3990
Minnesota	X	X	Minnesota Department of Human Rights (800) 657-3780
New Jersey	X	X	New Jersey Division on Civil Rights (609) 984-3100
New Hampshire	X		New Hampshire Commission for Human Rights – (603) 271-2767
New Mexico	X	X	New Mexico Human Rights Bureau (800) 566-9471
New York	X		New York State Division of Human Rights (718) 741-8440
Oregon	X	X	Oregon Bureau of Labor & Industries (971) 673-0792
Rhode Island	X	X	Rhode Island Commission for Human Rights – (401) 222-2661
Washington	X	X	Washington State Human Rights Commission – (360) 753-6770
Vermont	X	X	Vermont Human Rights Commission (802) 828-2480
Wisconsin	X		Wisconsin Equal Rights Division (608) 266-6860

**Counties and Cities/Towns
that Prohibit Sexual Orientation and Gender Identity
Housing Discrimination
(from Lambda Legal)**

COUNTIES

Los Angeles County, CA	Wakulla County, FL++	Nassau County, NY
San Mateo County, CA	Cook County, IL*	Tompkins County, NY
Santa Cruz County, CA*	Fayette County, KY*	Westchester County, NY
Leon County, FL	Jefferson County, KY	Benton County, OR*
Miami-Dade County, FL	Howard County, MD	Erie County, PA
Monroe County, FL	Montgomery County, MD	Arlington County, VA
Okaloosa, County, FL+	Prince George's County, MD	King County, WA
Palm Beach County, FL	Albany County, NY	Thurston County, WA
Santa Rosa County, FL+		

CITIES/TOWNS

Tucson, AZ*	Springfield, IL*	Columbia, MO
Alameda, CA	Urbana, IL	Kansas City, MO
Berkeley, CA	Vernon Hills, IL++++	St. Louis, MO
Cathedral City, CA	Bloomington, IN	Albany, NY
Davis, CA	Lafayette, IN	Ithaca, NY
Laguna Beach, CA	West Lafayette, IN	New York, NY*
Long Beach, CA	Ames, IA	Peekskill, NY
Los Angeles, CA	Cedar Rapids, IA	Syracuse, NY
Mountain View, CA	Davenport, IA	Athens, OH
Oakland, CA	Des Moines, IA	Cleveland, OH
Sacramento, CA	IA City, IA*	Cleveland Heights, OH
San Diego, CA*	Lawrence, KS	Columbus, OH
San Francisco, CA*	Covington, KY*	Lakewood, OH
Santa Cruz, CA	Lexington, KY*	North Olmsted, OH
Santa Monica, CA	Gretna, LA	Oberlin, OH
West Hollywood, CA*	New Orleans, LA*	Toledo, OH*
Aspen, CO	Bangor, ME	Yellow Springs, OH
Boulder, CO*	Bar Harbor, ME	Youngstown, OH
Crested Butte, CO	Falmouth, ME	Ashland, OR
Denver, CO*	Long Island, ME	Corvallis, OR
Fort Collins, CO	Orono, ME	Eugene, OR
Telluride, CO	Portland, ME	Lake Oswego, OR*
Hartford, CT+++	Sorrento, ME	Portland, OR*
New Haven, CT	South Portland, ME	Salem, OR*
Wilmington, DE	Westbrook, ME	Allentown, PA*

Washington, DC*	Baltimore, MD*	Harrisburg, PA*
Gainesville, FL	Rockville, MD	Lancaster, PA
Key West, FL*	Amherst, MA	New Hope, PA*
Miami Beach, FL	Brookline, MA	Philadelphia, PA*
Orlando, FL	Cambridge, MA*	Pittsburgh, PA*
Sarasota, FL	Malden, MA	York, PA*
St. Petersburg, FL	Somerville, MA	Providence, RI
Tampa, FL	Worcester, MA	Austin, TX
West Palm Beach, FL	Ann Arbor, MI*	Dallas, TX*
Atlanta, GA*	Birmingham, MI	Fort Worth, TX
Bloomington, IL	Detroit, MI	Alexandria, VA
Champaign, IL*	East Lansing, MI	Lacey, WA
Chicago, IL*	Flint, MI	Olympia, WA*
Decatur, IL	Grand Rapids, MI*	Pullman, WA
DeKalb, IL*	Saginaw, MI	Seattle, WA*
Evanston, IL*	Ypsilanti, MI*	Spokane, WA
Normal, IL	Marshall, MN	Tacoma, WA*
Oak Park, IL	Minneapolis, MN*	Madison, WI*
Peoria, IL	St. Paul, MN*	Milwaukee, WI

* Indicates inclusion of gender identity

+ Applies to loan application for low-income housing only

++ Applies to the operation of the "Local Housing Partnership" program

+++ Applies to local government contracts only

++++Applies to leasing or buying condominiums only