MEMORANDUM FOR: FHEO Regional Directors

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

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

June 15, 2010

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*

<table>
<thead>
<tr>
<th>State</th>
<th>Prohibits sexual orientation housing discrimination</th>
<th>Prohibits gender identity/expression housing discrimination</th>
<th>Enforcement Agency</th>
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<tbody>
<tr>
<td>California</td>
<td>X</td>
<td>X</td>
<td>California Department of Fair Employment &amp; Housing – (213) 439-6703</td>
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<tr>
<td>Connecticut</td>
<td>X</td>
<td></td>
<td>Connecticut Commission on Human Rights &amp; Opportunities – (860) 541-3400</td>
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<tr>
<td>Colorado</td>
<td>X</td>
<td>X</td>
<td>Colorado Civil Rights Division (303) 894-2997</td>
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<td>Delaware</td>
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<td>Delaware Division of Human Relations (302)739-2207</td>
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<tr>
<td>District of Columbia</td>
<td>X</td>
<td>X</td>
<td>District of Columbia Office of Human Rights – (202) 727-4559</td>
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<tr>
<td>Hawaii</td>
<td>X</td>
<td>X</td>
<td>Hawaii Civil Rights Commission (808)586-8636</td>
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<tr>
<td>Illinois</td>
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<td>Illinois Department of Human Rights (312) 814-3340</td>
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<tr>
<td>Iowa</td>
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<td>Iowa Civil Rights Commission (512) 281-4121</td>
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<td>Maine Human Rights Commission (207) 624-6050</td>
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<td>Maryland Commission on Human Relations (410) 767-8563</td>
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<tr>
<td>Massachusetts</td>
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<td>Massachusetts Commission Against Discrimination – (617) 727-3990</td>
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<td>Minnesota</td>
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<td>Minnesota Department of Human Rights (800) 655-3780</td>
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<td>New Jersey Division on Civil Rights (609) 984-3100</td>
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<td>New Hampshire Commission for Human Rights – (603) 271-2767</td>
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<td>New Mexico Human Rights Bureau (800) 566-9471</td>
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<td>New York</td>
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<td>New York State Division of Human Rights (718) 741-8440</td>
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<tr>
<td>Oregon</td>
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<td>Oregon Bureau of Labor &amp; Industries (971) 673-0792</td>
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<td>Rhode Island</td>
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<td>Rhode Island Commission for Human Rights – (401) 222-2661</td>
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<tr>
<td>Washington</td>
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<td>Washington State Human Rights Commission – (360) 753-6770</td>
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<td>Vermont</td>
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<td>Vermont Human Rights Commission (802) 828-2480</td>
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<tr>
<td>Wisconsin</td>
<td>X</td>
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<td>Wisconsin Equal Rights Division (608) 266-6860</td>
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## Counties and Cities/Towns
**that Prohibit Sexual Orientation and Gender Identity Housing Discrimination**
*(from Lambda Legal)*

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

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