

Fair Housing Changes Proposed for Sexual Orientation Discrimination

Written by P. Pamela Davies
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Currently, the federal Fair Housing Act and Michigan's Elliott-Larsen Civil Rights Act do not protect individuals from housing discrimination based on sexual orientation, gender identity or expression. The two laws combined, however, protect many classes from discrimination: race, color, sex, age, marital status, familial status, religion, national origin, color, height and weight (michigan.gov). According to Michigan Fair Housing Centers, since federal and state laws fall short from protecting individuals with alternative lifestyles, many Michigan cities have adopted local ordinances: Ann Arbor, Grand Rapids, East Lansing, Lansing, Ypsilanti, Detroit. But the problem with local ordinances is that it lacks "teeth," according to Kristen Cuhran of Fair Housing Center of Southeastern Michigan in a recent interview-especially, when fines for violations can be as low as \$500.

A legislative analysis by the House Fiscal Agency states that passage of House Bill 4192 will amend Michigan's civil rights law; thus, discrimination based on sexual orientation, gender identity or expression will be prohibited. Fourteen states and the District of Columbia already protect its gay, lesbian and bisexual populations against housing discrimination; while, four states also protect transgender individuals, according to the Human Rights Campaign organization (hrc.org). Will Michigan be added to the list? This may depend on its citizens and how actively they express their concerns. As with many policy proposals, Bill 4192 invites resistance- beyond fair housing concerns. Citizens for Traditional Values, for example, are disturbed by the bill's language. Its Executive Director, Amy Hawkins, states in a letter to the Judiciary Committee last August: "...section 302 (a) which refers to the "full and equal enjoyment" of public accommodations...could open the door to situations in public facilities that would prove unsafe for women and children" (ctvmichigan.org). Because the Michigan Legislature defines gender identity or expression as "having or being perceived as having a gender-related self-identity or expression whether or not associated with an individual's assigned sex at birth," there is the potential for male individuals to share public restrooms and changing facilities designated for females.

Conversely, proponents focus concerns on unequal treatment for those with alternative lifestyles, in general. For instance, Adam Knott, the Legislative and Research Director of Michigan Citizen Action, states in his testimony before the Judiciary Committee that personal merit-not lifestyle- should determine employment and its retention; in addition, he states concerns regarding discrimination in housing and limited access to public facilities (michigancitizenaction.org). Knott's disquiet about unfair housing practices is consistent with Michigan's Fair Housing Centers' findings. Their 2007 report reveals that unlike same-sex couples, heterosexual couples receive favorable treatment and housing incentives-while same-sex couples are often denied housing opportunities (fhcmichigan.org).

Since the Fair Housing Act of 1968, there have been many policy efforts to further reduce housing discrimination and increase its law enforcement- for example, in 1988, the Fair Housing Amendments Act extended protection to families with children and individuals with disabilities

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(hud.gov). Yet, discrimination remains prevalent. House Bill 4192 may guarantee civil rights for individuals with alternative lifestyles; but will its passage increase tolerance and equal opportunity for gays, lesbians, bisexuals and transgender individuals? Or will it spark negative feedback from Michiganians? Only time will reveal whether or not policy change, if any, reflected public opinion and state mood.

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