

THE HUD LGBT RULE FACT SHEET

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Fact sheet adapted from the Greater New Orleans Fair Housing Action Center



BACKGROUND

“Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity”, referred to as the “LGBT Rule”, came into effect on March 5, 2012. Its purpose is to protect lesbian, gay, bisexual and transgender individuals and families from discrimination in Dept. of Housing and Urban Development (HUD) programs, and to set an example to the private market.

Note: The LGBT rule is not a law, or an amendment to the federal Fair Housing Act, which protects against discrimination in housing based on race, color, national origin, religion, sex, disability, or familial status (whether or not you have kids). It is simply a new regulation applied to HUD-funded housing, housing providers, and housing programs.



DEFINITIONS

Sexual orientation refers to whether a person identifies as homosexual, heterosexual, or bisexual.

Gender identity refers to an individual’s actual or perceived gender-related characteristics. This includes types of gender expression not stereotypically associated with the sex a person was assigned at birth.

THE RULE:



EQUAL ACCESS PROVISION

The rule establishes a new Equal Access Provision

- Housing that is financed, insured, or assisted by HUD must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- Types of HUD funding the rule covers: Section 8 (housing vouchers), Community Development Block grants, Public Housing, Housing Opportunities for Persons with Aids (HOPWA), Supportive Housing for the Elderly and Persons with a disability, Federal Housing Administration (FHA) insured loans, and any other HUD-assisted program. Private housing providers with no FHA loan are not subject.



FEDERAL HOUSING ADMINISTRATION LOANS

The rule adds sexual orientation and gender identity to the existing FHA equal access provision

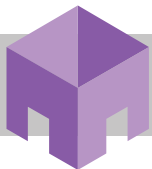
- Prohibits lenders from determining eligibility for FHA-insured loans on actual or perceived sexual orientation and gender identity.



DEFINITION OF FAMILY

The rule clarifies the definition of “family” and “household” to include LGBT inclusive language

- “Family” now includes persons regardless of actual or perceived sexual orientation, gender identity, or marital status.
- This is crucial because the definition of family determines who is eligible to participate in a HUD program.
- Applies to certain programs only: Section 8, Public Housing, FHA, Community Development Block Grants, Housing Opportunities for Persons with AIDS (HOPWA), 202/811 (elderly and disabled assisted housing).



PROHIBITION OF INQUIRIES

The rule prohibits inquiries about sexual orientation and gender identity

- Prohibits owners and operators of HUD-funded housing, or HUD insured housing (FHA loans), from inquiring about an applicant or occupant’s sexual orientation or gender identity, or denying an applicant housing on that basis.
- Any mortgage lender that provides FHA loans must follow this provision, even if an individual is seeking a non-FHA loan.