

LGBTQ+ Protections Checklist

Protect your people (and your company!) from Fair Housing lawsuits.



The Fair Housing Act (FHA) prohibits discrimination in housing based on certain protected characteristics, and there have been significant developments in recent years that have expanded FHA protections for LGBTQ+ individuals.

PROTECTIONS CHECKLIST

When it comes to LGBTQ+ protections, it is crucial for your team to understand the key elements. While the protections can vary based on specific circumstances and legal interpretations, this checklist offers important LGBTQ+ considerations that can help protect your company and your community.

✓ Understand Discrimination Criteria

The FHA prohibits housing discrimination based on race, color, national origin, religion, sex, familial status, and disability. Although sexual orientation and gender identity are not explicitly mentioned, courts and federal agencies have interpreted the FHA's sex discrimination provisions to include protection for LGBTQ+ individuals.

✓ Recognize the Department of Housing and Urban Development (HUD) Interpretation

HUD has issued guidance stating that discrimination based on sexual orientation and gender identity is prohibited under the FHA's sex discrimination provisions.

✓ Teach the Equal Access Rule

The Equal Access Rule, introduced by HUD, explicitly prohibits discrimination based on sexual orientation and gender identity in programs and activities that receive federal financial assistance through HUD.

✓ Audit All Advertisements and Statements

It is important to ensure that any advertisements, statements, or communications related to housing do not discriminate against LGBTQ+ individuals. This includes avoiding any discriminatory language or preferences related to sexual orientation or gender identity.

✓ Remember Gender Identity Protections

Housing providers should not discriminate against individuals based on gender identity. This includes recognizing and respecting an individual's gender identity when it comes to housing applications, access to facilities, and other housing-related matters.

✓ Consider Special Requests

The FHA requires housing providers to make reasonable accommodations for individuals with disabilities. In a similar way, LGBTQ+ individuals may request adjustments to facilities or rules that allow them the same use and enjoyment as all other residents.

✓ Establish a Complaint Process

If individuals believe they have experienced housing discrimination based on their sexual orientation or gender identity, they have the right to file a complaint with the appropriate agency. This could be HUD, a state or local Fair Housing agency, or a designated organization responsible for handling Fair Housing complaints.

✓ Follow State and Local Laws

It's important to be aware of any additional LGBTQ+ protections provided by state or local laws. These laws may offer broader protections or additional remedies beyond what is explicitly covered under federal law.

✓ Stay Informed

Laws and interpretations can evolve over time. It is crucial to stay updated on the latest developments, court rulings, and regulatory changes related to LGBTQ+ protections under the FHA.



Want to mitigate risk in your organization?

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*This checklist is intended as a general guide and not exhaustive. Significant protections exist for LGBTQ+ individuals under the FHA; enforcement and interpretation can vary. Consult legal professionals for the most accurate and up-to-date information on LGBTQ+ protections under the FHA.