

HUD Issues New LBGT Fair Housing Rules

The U.S. Department of Housing and Urban Development (HUD) has issued new rules that advance its ongoing efforts to prevent housing discrimination against lesbian, gay, bisexual and transgender (LGBT) individuals and families. The final rules generally track HUD's January 2011 rule proposal, which recited evidence suggesting that LGBT families are being arbitrarily excluded from housing opportunities in the private sector.

According to HUD's announcement, and a blog post authored by Secretary Shaun Donovan, the new rules will open access to housing for LGBT individuals and families in four principal ways. First, the rules contain an equal access provision clarifying that housing financed or insured by HUD [FHA] must be made available without regard to actual or perceived sexual orientation, gender identity or marital status. This aspect of the rules applies whether or not the property is renter- or owner-occupied. Second, the rules prohibit owners and operators of HUD-funded housing, or housing whose financing is insured by HUD, from asking about sexual orientation or gender identity, or denying housing on that basis. Third, the new rules clarify that the term "family" includes LGBT individuals and couples as eligible beneficiaries of HUD's public housing and voucher programs. Thus, otherwise eligible families may not be excluded because one or more members of the family may be an LGBT individual, have an LGBT relationship or be perceived to be such an individual or in such relationship. Finally, according to Secretary Donovan, "The rule makes clear that sexual orientation and gender identity should not and cannot be part of any lending decision when it comes to getting an FHA-insured mortgage. Particularly with the FHA playing an elevated role in the housing market today, this represents a critical step in ensuring that LGBT Americans have fair access to the dream of responsible, sustainable homeownership." The new rules were published in the [U.S. Federal Register](#) on February 3rd and will take effect on March 5, 2012.