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HUD No. 12-014
Charmion Kinder
(202) 708-0980

FOR RELEASE
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**HUD SECRETARY DONOVAN ANNOUNCES NEW
REGULATIONS TO ENSURE EQUAL ACCESS
TO HOUSING FOR ALL AMERICANS REGARDLESS OF
SEXUAL ORIENTATION OR GENDER IDENTITY**

*New regulations, published as final in the Federal Register
next week, will go into effect in 30 days*

WASHINGTON – U.S. Housing and Urban Development (HUD) Secretary Shaun Donovan announced today new regulations intended to ensure that HUD's core housing programs are open to all eligible persons, regardless of sexual orientation or gender identity. Donovan previewed the announcement at the 24th National Conference on Lesbian, Gay, Bisexual and Transgender (LGBT) Equality – Creating Change. [View the final rule here.](#)

“The Obama Administration has viewed the fight for equality on behalf of the LGBT community as a priority and I’m proud that HUD has been a leader in that fight,” said Secretary Shaun Donovan. “With this historic rule, the Administration is saying you cannot use taxpayer dollars to prevent Americans from choosing where they want live on the basis sexual orientation or gender identity – ensuring that HUD’s housing programs are open, not to some, not to most, but to all.”

The new regulations, published as final in the Federal Register next week, will go into effect 30 days after the rule is published.

U.S. Congressman Barney Frank (D-Mass.) also expressed support for the publishing of final LGBT housing guidelines, “I am grateful to the Obama administration for instituting this important policy.”

[The final rule](#), published as *Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity*, makes the following provisions:

- Requires owners and operators of HUD-assisted

housing, or housing whose financing is insured by HUD, to make housing available without regard to the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling, whether renter- or owner-occupied. HUD will institute this policy in its rental assistance and homeownership programs, which include the Federal Housing Administration (FHA) mortgage insurance programs, community development programs, and public and assisted housing programs.

- Prohibits lenders from using sexual orientation or gender identity as a basis to determine a borrower's eligibility for FHA-insured mortgage financing. FHA's current regulations provide that a mortgage lender's determination of the adequacy of a borrower's income "shall be made in a uniform manner without regard to" specified prohibited grounds. The rule will add actual or perceived sexual orientation and gender identity to the prohibited grounds to ensure FHA-approved lenders do not deny or otherwise alter the terms of mortgages on the basis of irrelevant criteria.
- Clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or gender identity, will have the opportunity to participate in HUD programs. In the majority of HUD's rental and homeownership programs the term "family" already has a broad scope, and includes a single person and families with or without children. HUD's rule clarifies that 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.
- Prohibits owners and operators of HUD-assisted housing or housing insured by HUD from asking about an applicant or occupant's sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available. In response to comments on the proposed rule, HUD has clarified this final rule to state that this provision does

not prohibit voluntary and anonymous reporting of sexual orientation or gender identity pursuant to state, local, or federal data collection requirements.

Other actions HUD has taken for LGBT Americans include:

- HUD conducted the first-ever national study of discrimination against members of the LGBT community in the rental and sale of housing. Every ten years, HUD does a study of the impact of housing discrimination on the basis of race and color. HUD undertook this important research in 1977, 1989 and 2000 and is currently undertaking this study again. It is believed that LGBT individuals and families may remain silent because in many local jurisdictions, they may have little or no legal recourse. While there are no national assessments of LGBT housing discrimination, there are state and local studies that have shown evidence of this sort of bias. For example, [a 2007 report by Michigan's Fair Housing Centers](#) found that nearly 30 percent of same-sex couples were treated differently when attempting to buy or rent a home.
- HUD currently requires its recipients of discretionary funds to comply with local and state non-discrimination laws that cover sexual orientation or gender identity.
- In 2011 HUD issued new guidance that treats discrimination based on gender nonconformity or sex stereotyping as sex discrimination under the Fair Housing Act, and instructs HUD staff to inform individuals filing complaints about state and local agencies that have LGBT-inclusive nondiscrimination laws.
- The Fair Housing Act prohibits discrimination in rental, sales and lending on the basis of race, color, national origin, religion, sex, disability and familial status. Approximately 20 states, and the District of Columbia, and more than 150 cities, towns and counties across the nation have additional protections that specifically prohibit such discrimination against LGBT individuals. Under the guidance issued in June

2010, HUD will, as appropriate, retain its jurisdiction over complaints filed by LGBT individuals or families but also jointly investigate or refer matters to those state, district and local governments with other legal protections.

- HUD, HHS and the National Center for Lesbian Rights (NCLR) hosted the first ever federal government summit addressing issues for LGBT seniors in December 2011.

[View the final rule here.](#)

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HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business. More information about HUD and its programs is available on the Internet at www.hud.gov and <http://espanol.hud.gov>. You can also follow HUD on twitter @HUDnews, on facebook at www.facebook.com/HUD, or sign up for news alerts on [HUD's News Listserv](#).