



What is Housing Discrimination Based on Sexual Orientation and/or Gender Identity?

Sexual orientation and gender identity are protected characteristics under federal, state, and local fair housing laws. You are protected from discrimination in all aspects of housing, including when renting, buying, or selling a home, or while residing in your home. That means that you cannot be treated differently by landlords, sellers, agents, banks, management companies, operators of facilities, co-op boards, or other housing providers because you identify as a member of the LGBTQ+ community. This includes your actual or perceived sexual orientation and/or gender identity or expression, even when it is not stated or obvious.

What are some examples of sexual orientation and/or gender identity based housing discrimination?

- Denying housing to a queer couple because of their sexual orientation
- Not renting to a transgender tenant because the landlord says it would violate their religious beliefs
- Only showing an LGBTQ+ family rental units in a neighborhood known for having many LGBTQ+ residents even though the family asked to see units throughout the city
- Refusing to show homes to a potential buyer because the buyer identifies as nonbinary
- Harassing a tenant due to their actual or perceived sexual orientation

Are these protections the same under federal, state, and local law?

Yes. In 2021, after a Supreme Court ruling, the federal government made clear that discrimination based on actual or perceived sexual orientation and/or gender identity is a form of sex discrimination. This means it is illegal under the Fair Housing Act. New York State, New York City, and other local laws also explicitly protect against housing discrimination based on sexual orientation and/or gender identity. For more information on sex discrimination, see our fact sheet *What is Housing Discrimination Based on Sex?*

Terminology

Definitions of sexual orientation and gender identity and expression vary slightly under different laws, but in general:

- **Sexual Orientation** refers to a person's physical, romantic, and/or emotional attraction to people of the same and/or different gender.
- **Gender Identity** refers to a person's own internal perception and experience of gender, which may or may not be the same as the sex they were assigned at birth.
- **Gender Expression** is the way a person expresses or presents their gender through their name, pronouns, clothing, hairstyle, behavior, voice, or similar characteristics. It may or may not conform with stereotypes and cultural expectations.

Where can I learn more?

If you think you are experiencing any form of housing discrimination, contact the FHJC. We will help sort out the facts and provide you with information about your rights and options under fair housing laws. You can also contact us – anonymously if you prefer – if you know about housing discrimination that is happening to others. Our counseling and investigative services are provided for free, regardless of income.