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Introduction

Sexual orientation and gender identity are protected characteristics under federal, state, and local fair housing laws. 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.
KEY TERMS
Various human rights laws and anti-discrimination protections define sexual orientation and gender identity/expression slightly differently, but in general:
Refers to someone’s physical, romantic, and/or emotional attraction to people of the same and/or different gender. NYS law specifically mentions heterosexuality, homosexuality, bisexuality, or asexuality. **It’s about who you’re into.**
Gender Identity

Refers to someone’s own internal perception and experience of gender, which may or may not be the same as the sex they were assigned at birth. NYS law mentions many different gender terms and categories including androgynous, butch, female, femme, gender diverse, gender fluid, gender queer, and male, among others.

It’s about your sense of yourself.
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.

It’s about how you show up.
HOW DID WE GET HERE?
What’s *sort of new* is protection at the federal level. The 2020 Supreme Court *Bostock* decision stated that employment discrimination protection based on “sex” included protections for sexual orientation and gender expression/identity. A 2021 HUD memo clarified that this same distinction applies to housing discrimination.
In our area the protections are more straightforward, and have been in place for considerably longer. In New York, Gender Identity/Expression has been protected statewide since 2019, Sexual Orientation since 2003. NYC protected Gender Identity/Expression in 2002, and Sexual Orientation back in 1986.

The bottom line is you cannot be discriminated against by a housing provider because of your sexual orientation or gender identity or expression. Equal opportunities in housing are not reserved only for straight, cisgender people.
ACTUAL VS. PERCEIVED CHARACTERISTICS
Housing providers who discriminate based on LGBTQ+ status are ALWAYS breaking the law, EVEN if they’re wrong about someone being queer. Discrimination based on PERCEIVED characteristics is also illegal.
ANONYMOUS REPORTING
Reporting LGBTQ+ housing discrimination doesn’t have to mean outing yourself if you’re not ready for that. Complaints are handled in the strictest confidence, and can be made anonymously.
INTERSECTIONAL DISCRIMINATION
LGBTQ+ individuals often face multiple types of discrimination, such as sexual orientation and disability status, or gender identity and familial status. The FHJC or other fair housing group can help determine the best approach for making an intersectional discrimination complaint.
THANK YOU!