

Fair Housing Protections for the LGBTQIA+ Community

Fact Sheet #9



Housing discrimination against LGBTQIA+ persons due to their sexual orientation, gender identity, gender expression, or for being transgender is rising across the country, according to recent National Fair Housing Alliance's *Fair Housing Trends* reports. Additionally, hate crimes targeting the LGBTQIA+ community have been on a rise in recent years, according to data from the FBI.

The federal Fair Housing Act doesn't mention sexual orientation or gender identity. Am I still protected?

In the 2020 U.S. Supreme Court *Bostock v. Clayton County* decision, the court held that Title VII of the Civil Rights Act of 1964 prohibits discrimination based on sexual orientation and gender identity, under the sex-based protection. While this ruling was in an employment discrimination case, the legal analysis is likely similar to what would be conducted in a fair housing case. However, this is an area where court rulings are currently limited, and the strength of any protection may vary depending on where you live and your area court rulings.

What could sexual orientation and/or gender identity housing discrimination look like?

It could include:

- **Refusing to rent or sell** a dwelling to a same-sex couple in a retirement community;
- **Falsely denying availability** of an apartment or home after learning a prospective tenant is bisexual;
- Displaying **advertising** that states or implies that transgender persons should not apply;
- Requiring that a lesbian woman comply with **terms and conditions** that are different from those of a heterosexual woman;
- **Harassing, intimidating, or threatening** a same sex couple or to "out" someone to residents in the complex or neighborhood; and
- **Retaliating** against a transgender person for exercising their fair housing rights.

Does Indiana law include protections for sexual orientation and/or gender identity?

Not at this time. Similar to federal laws, Indiana civil rights and fair housing laws do not list sexual orientation or gender identity in their protected classes. This is why any court rulings finding federal coverage are significant. However, some Indiana localities have added protections under a local ordinance. For example, Marion, Monroe, Tippecanoe, and Vanderburgh counties all have local discrimination protections including sexual orientation and gender identity. Lake County protects sexual orientation only.

Does any protection only apply to public housing?

No, if found to be protected, discrimination on the basis of sexual orientation and/or gender identity would be protected in both public *and* private housing.

How many people identify as LGBTQIA+ in the U.S.?

According to a 2025 Gallup poll, approximately 9.3% of U.S. adults identify as something other than heterosexual. This statistic has nearly doubled since 2020 and is nearly triple the 3.5% indicated in 2012. The poll indicated a majority identify as bisexual, followed by gay, lesbian, and transgender.

Definitions

Sexual orientation is defined as a person's emotional, romantic, and physical attractions a person experiences towards others based on their gender. This includes someone's actual or perceived sexual orientation.

Gender identity is an internal, personal sense of how individuals perceive themselves and what they call themselves. This could include male, female, neither, or both.

Gender expression is the external appearance of one's gender identity, expressed through clothing, behavior, characteristics, or voice.

Transgender is an umbrella term for persons whose gender identity, gender expression, or behavior does not conform to that typically associated with the sex to which they were assigned at birth. This includes someone's actual or perceived gender identity.

For more information, check out the FHCCI's Education pages on these topics:

<https://www.fhcci.org/programs/education/sexual-orientation/>

<https://www.fhcci.org/programs/education/gender-identity/>

Or scan the QR codes:





LGBTQIA+ Acronym

The LGBTQIA+ term welcomes a broad range of sexual orientation and gender identities, including:

L: lesbian (woman attracted to woman)

G: gay (man attracted to man)

B: bisexual (attraction towards both men and women)

T: transgender

Q: queer or questioning (sexual orientation or gender identity that does not correspond to established sexuality or gender norms)

I: intersex (natural variation in which person is born with chromosomal sex other than female or male)

A: asexual (experiencing no attractions towards anyone)

+: includes the various types of sexual orientations and gender identities that are not included above

What should I do if I believe I'm a victim of housing discrimination?

Housing discrimination due to a protected class is unlawful, and you have the right to file a complaint. Contact the FHCCI with any questions or to learn of your options under law.

FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

Does this only apply to the rental market?

No, while rental-based housing is the most common housing transaction reported in discrimination complaints, fair housing laws also protect consumers in their other housing transactions, such as insurance, lending, sales, appraisals, zoning, and housing services. According to a 2025 report from the LGBTQ+ Real Estate Alliance, a third of alliance members reported an increase in discrimination against LGBTQ+ homeowners/buyers since 2022. The report indicated the leading source of housing discrimination against LGBTQ+ homeowners/buyers was by real estate professionals, followed by concerns with legal forms not adequately representing life experiences during the real estate transaction process, and then discrimination from sellers or landlords.

Does Indiana have a hate crime law in place?

It is the FHCCI's opinion that Indiana does not have a comprehensive and inclusive hate crime law in place. In the 2019 Indiana General Assembly, SB 12, a bill supported by businesses and advocates, was introduced and heard before the Senate Public Policy Committee. This comprehensive and inclusive bias crimes bill was passed by the Committee in a 9-1 vote with bipartisan support. Unfortunately, SB 12 was amended prior to the Senate's vote, removing key language. When SB 12 moved to the House, its language was amended into SB 198, an unrelated sentencing bill, and then passed by both chambers. However, SB 198 did not include gender, gender identity, age, or ancestry in its list of personal characteristics and included language noting that offenses also included "bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider." This broad language likely makes the passed law unenforceable and, possibly, unconstitutional, due to rulings and actions in other states with similar language.

Tips for housing providers

In order for housing providers to ensure that they are compliant with fair housing laws, the FHCCI suggests the following tips:

- Treat all residents/applicants the same, regardless of their sexual orientation and/or gender identity.
- Do not "out" any applicant/resident by telling others their sexual orientation or gender identity.
- If an applicant/resident provides you with a legal name change, ensure that all staff are aware of the change and treat them the same as any other resident who seeks a name change.
- Promptly address and terminate any harassment by fellow neighbors in your community that are harassing, intimidating, or threatening applicants, guests, or residents because of their sexual orientation and/or gender identity.

Contact us!

If you are experiencing barriers to housing, including discrimination due to sexual orientation or gender identity, reach out to the FHCCI:



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