

FOREWORD

Through the landmark case of *Bostock v. Clayton County*, the U.S. Supreme Court determined that discrimination against sexual orientation and gender identity is a form of sex discrimination that is protected under Title VII of the Civil Rights Act of 1964. Since the ruling, organizations such as the American Civil Liberties Union have argued that this landmark Court decision should extend to other laws that provide protections against sex discrimination, such as the Fair Housing Act of 1968.

The current body of research demonstrates an extensive prevalence of self-reported discrimination in the housing market based on sexual orientation and gender identity. However, only a few studies have tried to systematically measure the prevalence of this discrimination through paired testing methodologies—the traditional way in which HUD has measured housing discrimination since the 1970s.

HUD has been a pioneer in filling this research gap by completing the first-ever large-scale study of housing discrimination against same-sex couples in 2013. In this study, testing occurred in 50 metropolitan areas and was based on responses to e-mail inquiries that paired same-sex and heterosexual homeseekers. The study found moderate, and statistically significant, discrimination against gay couples at the initial stage of the rental transaction and less evidence of discrimination against lesbian couples. Although results varied across metropolitan areas, there was no simple relationship between metropolitan size and measured discrimination.

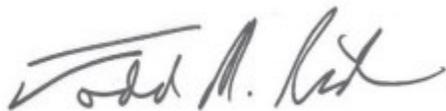
The current study extends this research in three important ways. First, it pilots in-person testing protocols and provides estimates of discrimination against same-sex couples in two metropolitan areas based on in-person testing. Second, it compares the efficacy of in-person testing versus remote (e-mail or telephone) testing for same-sex couples. Third, it is the first study of in-person testing for discrimination against transgender persons.

The study has created new protocols for testing for discrimination against these classes. It is an important step forward in testing for discrimination in the rest of the country.

The lesbian/gay study was conducted only in Dallas and Los Angeles, both of which have ordinances prohibiting housing discrimination based on sexual orientation. At the time of this study, persons with same-sex orientation were not recognized as a federally protected class under the Fair Housing Act, so Dallas and Los Angeles may not be representative of experiences in most parts of the country. The 2013 e-mail testing study, however, did not show lower levels of lesbian/gay discrimination in those cities relative to the rest of the United States. Extrapolation to other cities may be unwarranted, but, on the basis of the e-mail study and this study, housing discrimination against lesbian couples in the early stages of the rental market process seems to be rare; discrimination against gay couples, although modest, is statistically significant.

The transgender component of this study is the first of its kind, and it demonstrates troubling levels of discrimination that warrant further investigation and policy considerations.

As with all paired testing of these types, which focus on the early stages of housing search and consider well-qualified applicants, the type of discrimination the study captures is limited and may not capture the full extent of discrimination that the LGBTQ community faces. That said, this study provides valuable new protocols for assessing discrimination based on sexuality and gender identity.



Todd M. Richardson
General Deputy Assistant Secretary for Policy Development and Research
U.S. Department of Housing and Urban Development

February 10, 2021