



## **A Message from Mercedes Márquez, Assistant Secretary for Community Planning and Development**

I am pleased to inform you that we have reached an important milestone in HUD efforts to ensure equal access of all persons to its assisted and insured programs. On February 3, 2012, HUD published a final rule in the Federal Register entitled [\*Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity\*](#). This rule will ensure that HUD programs, including programs administered by the Office of Community Planning and Development (e.g., CDBG, HOME, NSP, HOPWA) are open to all eligible individuals regardless of sexual orientation or gender identity.

This rule became effective March 5, 2012. I encourage all CPD grantees to promptly review their policies to ensure consistency with the new rule. The rule includes the following central provisions:

- HUD-assisted and HUD-insured housing, including housing acquired, rented, or rehabilitated with CPD funds, must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- The definition of “family” is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.
- Owners and administrators of HUD-assisted housing and HUD-insured housing are prohibited from inquiring into an applicant or occupant’s sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available.<sup>1</sup>
- Sexual orientation and gender identity may not be taken into consideration by an FHA lender in determining the adequacy of a mortgagor’s income.

As a new program regulation, failure to comply with the requirements of this rule will be considered a violation of program requirements and will subject the non-compliant grantee to all sanctions and penalties available for program requirement violations. HUD and its fair housing partners are preparing additional guidance and plan to conduct trainings to assist HUD grantees in understanding the new rule. As these resources become available, you will be able to access them at [www.hud.gov/lgbthousingdiscrimination](http://www.hud.gov/lgbthousingdiscrimination).

Please direct any questions regarding this rule and any requests for technical assistance to your local CPD representative.

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<sup>1</sup> Please note: This prohibition on inquiries does not prohibit lawful inquiries of an applicant or occupant’s sex where the housing provided or to be provided to the individual is temporary, emergency shelter that involves the sharing of sleeping areas or bathrooms, or inquiries made for the purpose of determining the number of bedrooms to which a household may be entitled. This provision is intended to ensure privacy, safety, and modesty in temporary, emergency shelters. Please also note: This provision does not prohibit voluntary or anonymous reporting of sexual orientation or gender identity pursuant to local, state, or federal data collection requirements.