House passes Equality Act in step toward LGBT housing protections

As unbelievable as it may sound in the year 2019, it's not currently illegal under U.S. federal law to deny housing to someone based on their sexual orientation or gender identity. But a new bill, the Equality Act seeks to change that, encoding anti-discrimination measures across industries, and today it passed the U.S. House of Representatives by a wide margin, 236 votes in favor to 173 against.

However, the Equality Act still has a long way to go to become the law of the land: the 100-member U.S. Senate would also need to vote to pass its own version of the bill and President Trump would need to sign it, and neither of those seem likely given that support for the act is mostly partisan: Only eight Republican Congresspersons in the House voted in favor of the Equality Act today, for example. The House is majority Democrat right now, while the Senate is majority Republican and President Trump is a Republican as well.

Nonetheless, supporters and advocates for lesbian, gay, transgender and queer rights (LGBTQ) celebrated today's passage as a win, as previous versions of the bill were introduced in 1974, 2015, and 2017 never made it to a full vote on the House floor at all.

"This is a monumental step for the LGBT community in our continued fight for equality," said Jeff Berger, founder of the professional advocacy group the National Association of Gay and Lesbian Real Estate Professionals, in a statement. "NAGLREP and our Policy Committee worked very closely with Congressman David Cicilline (D-RI), who sponsored the bill, along with the Congressional LGBT Equality Caucus and the Human Rights Campaign (HRC) to generate awareness and support for the bill within the housing industry."

Sexual orientation refers to straight, gay, lesbian or bi-sexual relationships, and gender identity refers people who identify as a woman, man, transgender or non-binary, according to GLAAD.

The Equality Act is an amendment to Civil Rights Act of 1964, which outlawed discrimination on the basis race, color, religion, sex or national origin in employment, public accommodations and education, federal funding, credit, the jury system and housing. The Fair Housing Act also includes protections regarding familial status and disability.

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Currently, 21 states and the District of Columbia offer prohibit discrimination on the basis of sexual orientation and gender identity. Wisconsin only banned discrimination on the basis of sexual orientation, not gender identity.

The lack of federal protections for LGBT people makes it harder to legally fight discrimination, as evidenced by recent cases where lawyers argued for a broader interpretation of the Civil Rights Act of 1964's protections on the basis of 'sex.' This argument worked in a 2017 case when a transgender couple was denied rental housing, and again in a 2018 case where managers and tenants in a senior living center discriminated against a tenant who is a lesbian.

In a phone call with Inman, NAGLREP founder Jeff Berger thanked The National Association of Realtors, Realogy, Zillow, Re/Max, HSF Affiliates, and the more than 700 major business firms and associations that supported the Act either through the Human Rights Campaign's Business Coalition or through individual, public statements.

When looking toward the future, Berger told Inman that NAGLREP's focus will be on getting the Act through the U.S. Senate, which is currently majority Republican.

"We'll continue to raise awareness through the real estate community and the LGBT non-profit world," he said. "One of the ways we're accomplishing that is through our LGBT Housing Summits [with] the Human Rights Campaign in D.C."

"We've also released the 2019 LGBT Real Estate Report that highlights the concerns that we're presently facing in the LGBT in terms of discrimination in housing," he added while citing that the LGBT homeownership rate is 49 percent — 15 percent below the national rate of 65 percent.

Berger says it could take at least three years to pass the Equality Act through the Senate, after which it would go to the President's desk for a final approval. Berger says the 2020 elections will determine the Equality Act's short-term fate.

The continuation of a Trump White House could spell disaster, especially considering the President's comment about the Act being "filled with poison pills that threaten to undermine parental and conscience rights."

"I don't agree with [President Trump's] comment, and I don't believe there should be any religious exemption from offering real estate services to LGBTs," he said. "It doesn't have any merit."

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