

116TH CONGRESS  
1ST SESSION

# S. 1246

To extend the protections of the Fair Housing Act to persons suffering discrimination on the basis of sexual orientation or gender identity, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 30, 2019

Mr. KAINE (for himself, Ms. COLLINS, Mr. KING, Ms. HASSAN, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. BALDWIN, Mrs. SHAHEEN, Mr. MENENDEZ, Ms. KLOBUCHAR, Ms. CORTEZ MASTO, Mr. WYDEN, Ms. SMITH, Mrs. FEINSTEIN, Mr. BOOKER, Mr. MERKLEY, Ms. HARRIS, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To extend the protections of the Fair Housing Act to persons suffering discrimination on the basis of sexual orientation or gender identity, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fair and Equal Hous-  
5       ing Act of 2019”.

1 **SEC. 2. HOUSING.**

2 (a) FAIR HOUSING ACT.—The Fair Housing Act (42  
3 U.S.C. 3601 et seq.) is amended—

4 (1) in section 802 (42 U.S.C. 3602), by adding  
5 at the end the following:

6 “(p) ‘Race’, ‘color’, ‘religion’, ‘sex’, ‘sexual orienta-  
7 tion’, ‘gender identity’, ‘handicap’, ‘familial status’, or ‘na-  
8 tional origin’, used with respect to a person, includes—

9 “(1) the race, color, religion, sex, sexual ori-  
10 entation, gender identity, handicap, familial status,  
11 or national origin of another person with whom the  
12 person is, or has been, associated; and

13 “(2) a perception or belief, even if inaccurate,  
14 concerning the race, color, religion, sex, sexual ori-  
15 entation, gender identity, handicap, familial status,  
16 or national origin of the person.

17 “(q) ‘Sexual orientation’ means homosexuality, het-  
18 erosexuality, or bisexuality.

19 “(r) ‘Gender identity’ means the gender-related iden-  
20 tity, appearance, mannerisms, or other gender-related  
21 characteristics of an individual, regardless of the individ-  
22 ual’s designated sex at birth.”;

23 (2) in section 804 (42 U.S.C. 3604)—

24 (A) by inserting “sexual orientation, gen-  
25 der identity,” after “sex,” each place that term  
26 appears; and

1 (B) in subsection (f)(3)(A), by striking the  
2 period at the end and inserting a semicolon;

3 (3) in section 805 (42 U.S.C. 3605), by insert-  
4 ing “sexual orientation, gender identity,” after  
5 “sex,” each place that term appears;

6 (4) in section 806 (42 U.S.C. 3606), by insert-  
7 ing “sexual orientation, gender identity,” after  
8 “sex,”;

9 (5) in section 808(e) (42 U.S.C. 3608(e))—

10 (A) in paragraph (4), by inserting a semi-  
11 colon at the end; and

12 (B) in paragraph (6), by inserting “sexual  
13 orientation, gender identity,” after “sex,”; and

14 (6) in section 810(f) (42 U.S.C. 3610(f)), by  
15 striking paragraph (4) and inserting the following:

16 “(4) CERTIFICATION.—

17 “(A) IN GENERAL.—Except as provided in sub-  
18 paragraph (B), during the period beginning on the  
19 date of enactment of the Fair and Equal Housing  
20 Act of 2019 and ending on the date that is 40  
21 months after the date of enactment of that Act, each  
22 agency certified for the purposes of this title on the  
23 day before the date of enactment of the Fair and  
24 Equal Housing Act of 2019 shall, for the purposes  
25 of this subsection, be considered certified under this

1 subsection with respect to those matters for which  
2 the agency was certified on that date.

3 “(B) EXCEPTIONAL CIRCUMSTANCES.—If the  
4 Secretary determines in an individual case that an  
5 agency has not been able to meet the certification  
6 requirements under this subsection within the 40-  
7 month period described in subparagraph (A) due to  
8 exceptional circumstances, such as the infrequency  
9 of legislative sessions in the jurisdiction of the agen-  
10 cy, the Secretary may extend the period by not more  
11 than 180 days.”.

12 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-  
13 ING CASES.—Section 901 of the Civil Rights Act of 1968  
14 (42 U.S.C. 3631) is amended by inserting “sexual orienta-  
15 tion (as such term is defined in section 802 of this Act),  
16 gender identity (as such term is defined in section 802  
17 of this Act),” after “sex,” each place that term appears.

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