

# LGBT POLICY SPOTLIGHT: NONDISCRIMINATION PROTECTIONS FOR LGBT PEOPLE

Are Lesbian, Gay, Bisexual, and Transgender People In Your State Protected by Nondiscrimination Laws?



## Employment Nondiscrimination



## Housing Nondiscrimination



## Public Accommodations Nondiscrimination



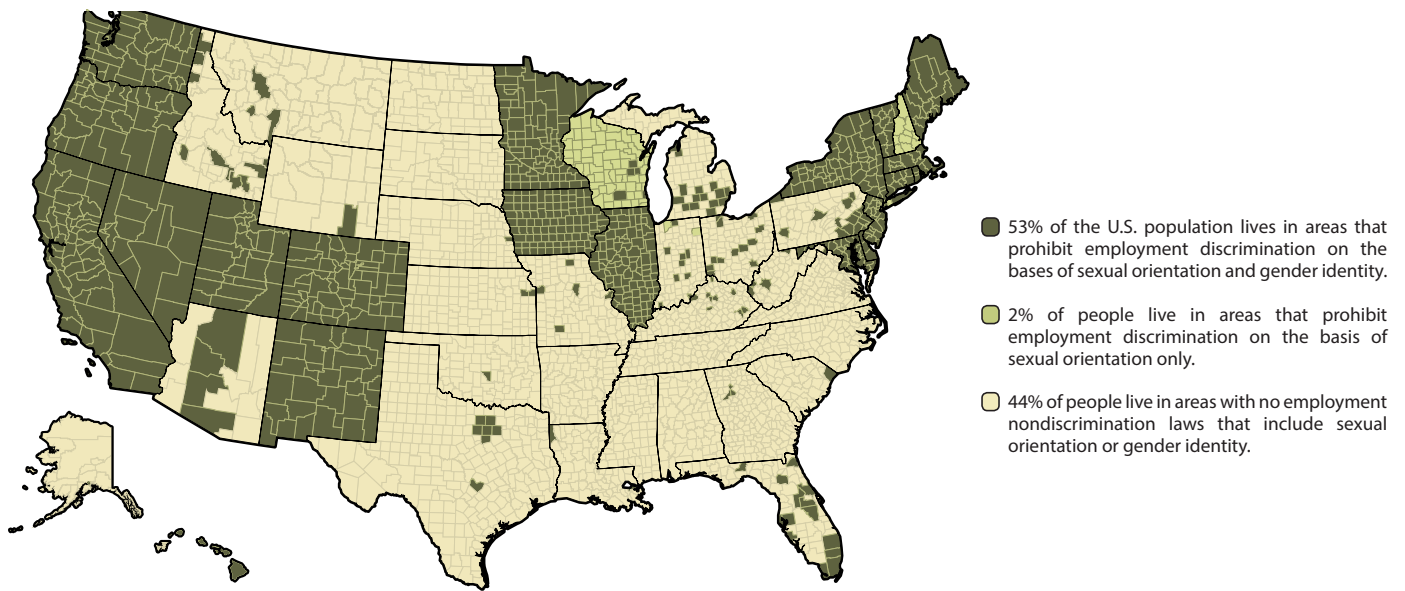
## Credit Nondiscrimination



Sexual Orientation and Gender Identity Sexual Orientation Only State Law Does Not Include LGBT People



Figure 1: Employment Nondiscrimination Laws



Note: percentages may not total 100% due to rounding.



## Understanding Employment Protections

Employment nondiscrimination laws protect lesbian, gay, bisexual, and transgender people from being unfairly fired, not hired, or discriminated against in the workplace by private employers.



**Federal Law.** There is no federal law that explicitly and broadly prohibits employment discrimination on the basis of sexual orientation or gender identity. Title VII is a federal law prohibiting employment discrimination on the basis of sex, and various rulings by the federal Equal Employment Opportunity Commission (EEOC, the federal agency that enforces federal civil rights workplace laws) have interpreted Title VII to also prohibit discrimination on the bases of sexual orientation and gender identity. However, EEOC rulings are not binding on private employers and federal courts may rule differently.

Employment discrimination on the bases of sexual orientation and gender identity is prohibited within the federal government as well as for all federal contractors and subcontractors.



**State Law.** Twenty states and the District of Columbia have laws prohibiting employment discrimination on the bases of sexual orientation and gender identity. These state laws cover 47% of the LGBT population. Two more states have laws prohibiting employment discrimination on the basis of sexual orientation only, covering another 1% of the LGBT population.



**Local Law.** Hundreds of counties and cities have passed employment protections for LGBT people. Including local laws, 53% of the U.S. population lives in areas that prohibit employment discrimination on the bases of sexual orientation and gender identity (see *Figure 1*).<sup>1</sup> Another 2% of people live in areas that prohibit discrimination on the basis of sexual orientation only. These local laws are not evenly distributed across the country, as the map above illustrates. In fact, employment protections are concentrated in just 30% of the country geographically. Read the Movement Advancement Project's report on [local nondiscrimination laws](#) to find out more.

Arkansas and Tennessee have passed state laws that may prohibit the passage or enforcement of local nondiscrimination protections.

<sup>1</sup> In this paragraph and in Figure 1, we refer to the percent of the U.S. population living in areas protected by nondiscrimination laws. In the remainder of the report, we refer to the percent of the LGBT population living in states with nondiscrimination laws. This difference is due to the lack of local-level population data on the LGBT community.



## Understanding Housing Protections

Housing nondiscrimination laws protect LGBT people from being unfairly evicted, denied housing, or refused the ability to rent or buy housing.



**Federal Law.** There is no federal law that explicitly and broadly prohibits housing discrimination on the basis of sexual orientation or gender identity. The federal Department of Housing and Urban Development (HUD) prohibits discrimination on the bases of sexual orientation and gender identity in HUD-funding housing programs. This includes programs such as Section 8 housing and HUD-funded homeless and domestic violence shelters. It does not include general private sector housing.

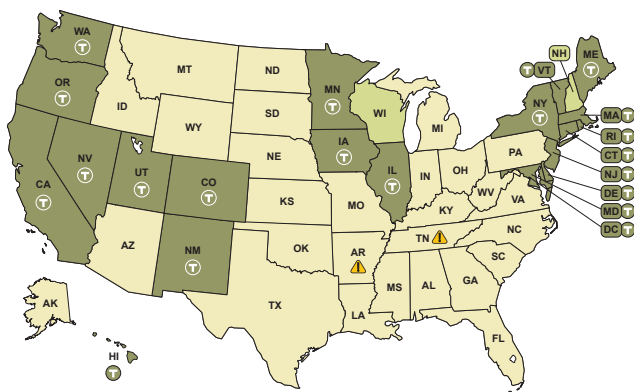


**State Law.** Twenty states and the District of Columbia have laws prohibiting housing discrimination on the bases of sexual orientation and gender identity (see *Figure 2*). These state laws cover 47% of the LGBT population. Two more states prohibit housing discrimination on the basis of sexual orientation only, covering another 1% of the LGBT population.



**Local Law.** Even though the Movement Advancement Project does not collect data on local housing protections across the country, hundreds of cities and counties prohibit housing discrimination on the bases of sexual orientation and gender identity.

Figure 2: Housing Nondiscrimination Laws



Percent of LGBT population protected from housing discrimination:

- 47% of LGBT people live in states that prohibit housing discrimination on the bases of sexual orientation and gender identity.
- 1% of LGBT people live in states that prohibit housing discrimination on the basis of sexual orientation only.
- 52% of LGBT people live in states that have no housing nondiscrimination law covering sexual orientation or gender identity.
- ▲ State has law preventing passage or enforcement of local nondiscrimination laws.

Source: Movement Advancement Project, Equality Maps, current as of January 12, 2016. For updates see [http://lgbtmap.org/equality-maps/non\\_discrimination\\_laws](http://lgbtmap.org/equality-maps/non_discrimination_laws).



## Understanding Public Accommodations Protections

Public accommodations nondiscrimination laws protect LGBT people from facing discrimination in or being unfairly refused service or entry to places accessible to the public. Public accommodations laws generally cover anywhere someone is when they are not at home, work, or school, including retail stores, restaurants, parks, hotels, doctors' offices, and banks.

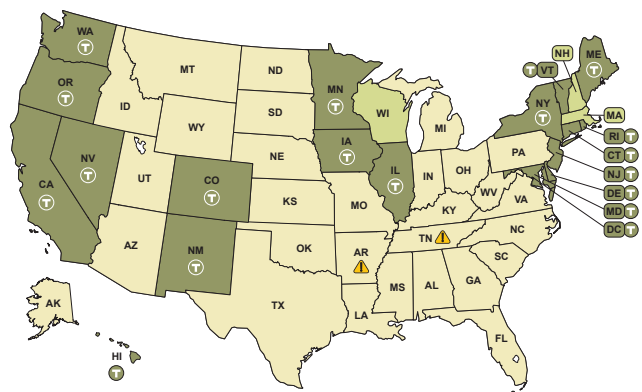


**Federal Law.** There is no federal law that explicitly and broadly prohibits public accommodations discrimination on the basis of sexual orientation or gender identity. The Civil Rights Act of 1964 prohibits discrimination in places of public accommodation on the bases of race, color, religion, and national origin but does not prohibit discrimination on the basis of sex, sexual orientation, or gender identity.



**State Law.** Eighteen states and the District of Columbia have laws prohibiting discrimination on the bases of sexual orientation and gender identity in places of public accommodation (see *Figure 3*). These state laws cover 43% of the LGBT population. Three more states prohibit public accommodations discrimination on the basis of sexual orientation only, covering another 5% of the LGBT population.

Figure 3: Public Accommodation Nondiscrimination Laws



Percent of LGBT population protected from public accommodation discrimination:

- 43% of LGBT people live in states that prohibit public accommodations discrimination on the bases of sexual orientation and gender identity.
- 5% of LGBT people live in states that prohibit public accommodations discrimination on the basis of sexual orientation only.
- 52% of LGBT people live in states that have no public accommodations nondiscrimination law covering sexual orientation or gender identity.
- ▲ State has law preventing passage or enforcement of local nondiscrimination laws.

Source: Movement Advancement Project, Equality Maps, current as of January 12, 2016. For updates see [http://lgbtmap.org/equality-maps/non\\_discrimination\\_laws](http://lgbtmap.org/equality-maps/non_discrimination_laws).



**Local Law.** Even though the Movement Advancement Project does not collect data on local public accommodations protections across the country, hundreds of cities and counties prohibit public accommodations discrimination on the bases of sexual orientation and gender identity.



## Understanding Credit Protections

Credit and lending nondiscrimination laws protect LGBT people from being unfairly denied credit and lending services.



**Federal Law.** There is no federal law that explicitly and broadly prohibits credit discrimination on the basis of sexual orientation or gender identity. The Equal Credit Opportunity Act prohibits credit discrimination on the bases of race, color, national origin, sex, marital status, religion, age, and public assistance status. The Fair Housing Act provides similar protections in real estate contexts.

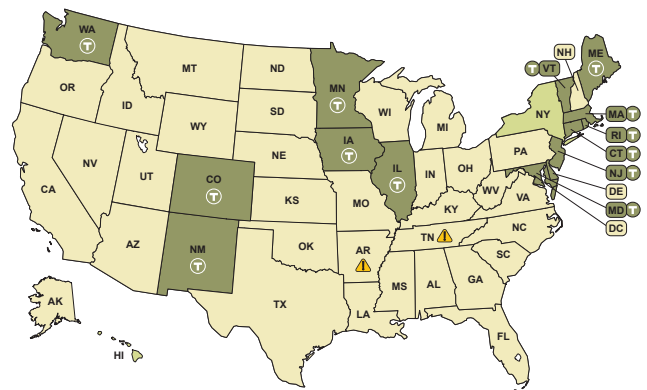


**State Law.** Thirteen states have laws prohibiting credit discrimination on the bases of sexual orientation and gender identity (see *Figure 4*). These state laws cover 21% of the LGBT population. One more state prohibits credit discrimination on the basis of sexual orientation only, covering another 7% of the LGBT population.



**Local Law.** Even though the Movement Advancement Project does not collect data on local credit protections across the country, few cities and counties prohibit credit discrimination on the bases of sexual orientation and gender identity.

**Figure 4: Credit Nondiscrimination Laws**



Percent of LGBT population protected from credit discrimination:

- 21% of LGBT people live in states that prohibit credit discrimination on the bases of sexual orientation and gender identity.
- 7% of LGBT people live in states that prohibit credit discrimination on the basis of sexual orientation only.
- 72% of LGBT people live in states that have no credit nondiscrimination law covering sexual orientation or gender identity.
- ▲ State has law preventing passage or enforcement of local nondiscrimination laws.

Source: Movement Advancement Project, Equality Maps, current as of January 12, 2016. For updates see [http://lgbtmap.org/equality-maps/non\\_discrimination\\_laws](http://lgbtmap.org/equality-maps/non_discrimination_laws).



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2215 Market St. • Denver, CO 80205  
www.lgbtmap.org