

115TH CONGRESS  
1ST SESSION

# S. 1328

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.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 8, 2017

Mr. KAINE (for himself, Mr. VAN HOLLEN, Ms. BALDWIN, Ms. WARREN, Ms. HASSAN, Mr. LEAHY, Mrs. GILLIBRAND, Mr. WYDEN, Mr. MARKEY, Mr. FRANKEN, Mr. MERKLEY, Mr. BOOKER, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## 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 2017”.

6 **SEC. 2. HOUSING.**

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

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

3           “(p) ‘Race’, ‘color’, ‘religion’, ‘sex’, ‘sexual orienta-  
4           tion’, ‘gender identity’, ‘handicap’, ‘familial status’, or ‘na-  
5           tional origin’, used with respect to an individual, in-  
6           cludes—

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

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

16          “(q) ‘Gender identity’ means the gender-related iden-  
17          tity, appearance, or mannerisms or other gender-related  
18          characteristics of an individual, without regard to the indi-  
19          vidual’s designated sex at birth.

20          “(r) ‘Sexual orientation’ means homosexuality, het-  
21          erosexuality, or bisexuality.”;

22                 (2) in section 804 (42 U.S.C. 3604), by insert-  
23                 ing “sexual orientation, gender identity,” after  
24                 “sex,” each place that term appears;

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

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

7           (5) in section 808(e)(6) (42 U.S.C. 3608(e)(6)),  
8           by inserting “sexual orientation, gender identity,”  
9           after “sex,”.

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

○