

WHAT DO WE ALREADY KNOW ABOUT FAIR HOUSING IN STUDENT HOUSING?

- We cannot discriminate anywhere in America based on protected classes in the Civil Rights Act of 1968, as amended in 1974 and 1988: **Race, Color, Religion, Sex, Handicap, Familial Status, or National Origin.** Additionally, many states, counties, and cities have expanded this list to include additional protected classes.
- We do not ask questions about a prospect or resident's membership in any of the above protected classes - or roommate match or assign apartments based on their membership in these classes - **except for gender if leasing by-the-bed where there will be shared facilities, such as kitchens or bathrooms.** We will not take adverse action if the prospect or resident elects not to disclose information about their gender.
- While gender identity and sexual orientation are not yet federally protected classes, the current administration has directed government agencies to interpret Fair Housing Law in a way that considers them to be protected.

WHAT'S NEW WITH THE LAW?

- There are 22 states (plus D.C.) that already have laws which prohibit sexual orientation and/or gender identity housing discrimination and the **Fair and Equal Housing Act of 2021** proposes that these become official federally protected classes everywhere.

WHAT DOES THIS MEAN FOR ROOMMATE MATCHING IN STUDENT HOUSING?

- Because student housing residents typically share facilities such as kitchens, common areas, or bathrooms, **the new proposed legislation does not impact whether or not you can ask a resident's gender for the purpose of roommate matching.**
- **Can you ask for gender on a roommate matching form or match based on gender?**
Yes, if you rent **by-the-bed and residents share common spaces** like kitchens or bathrooms, asking an applicant or resident's gender remains an option for roommate matching purposes.
- **What related questions should you avoid on roommate matching questionnaires?**
You should **avoid phrasing within additional lifestyle questions that includes heteronormative assumptions**, including using only heteronormative pronouns, and questions using terms that refer to someone's:
 - gender expression (i.e. "masculine", "feminine", etc.),
 - sexual orientation (i.e. "gay", "lesbian", "heterosexual", "bisexual", etc.),
 - relationship status

BEST PRACTICES FOR GENDER IN STUDENT HOUSING ROOMMATE MATCHING:

- 1** Allow residents to self-report their gender with a comprehensive list of choices, including an option to not report a gender.
- 2** Allow residents to self-match with roommates of their choice with no gender restrictions.
- 3** Give residents the option to add personal pronouns to their profiles.
- 4** Optionally, ask for their gender accommodation preference if residents do not self-select a roommate.

Using a third party roommate matching provider can help limit your exposure when creating roommate matching questionnaires and setting options for residents as industry experts will provide guidance during this process.

When allowing residents to self-select roommates, they are able to determine their own comfort level with gender issues.