

April 14, 2021 – 2:00-3:30 PM ET

NATIONAL FAIR HOUSING FORUM

LGBTQ+: Fostering Understanding and Strengthening Fair Housing for All

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Speakers: Melody Taylor, Regional Director, Office of Fair Housing at U.S. Department of Housing and Urban Development; Marcia Fudge, Secretary, U.S. Department of Housing and Urban Development; Jeanine Worden Acting Assistant Secretary, Office of Fair Housing and Equal Opportunity, HUD; Sarah McBride, Senator, District 1, Delaware General Assembly; Lisa Rice, President and CEO, National Fair Housing Alliance; and Michael Allen, Partner, Relman Colfax

MELODY TAYLOR [0:00:11]: Hi, good afternoon, everyone and welcome to the National Fair Housing Training Academy's National Fair Housing Forum entitled "Fostering Understanding and Strengthening Fair Housing for All." I'm Melody Taylor, Regional Director and Senior Adviser to the National Fair Housing Training Academy. Before we get started, I'd like to review a couple of housekeeping notes regarding today's forum. We recommend that you close e-mail and other programs that may affect the streaming of this event. This is a live webinar and it's scheduled for 90 minutes. If you're having technical difficulties with audio or video in this webinar, first refresh your browser, log off, then log in again.

You also received an e-mail reminder this morning. Take a look at the FAQs.

Finally should our network go down into the HUD studio, we don't think that it will, bear with us and stay connected. Our technical team will get -- I'm sorry. In an effort to foster engagement and gain critical feedback from our partners, we will conduct two polls using Mentimeter. You should have received a link for Mentimeter on our phone, tablet, or computer.

Let's start by completing the first poll by going to Mentimeter, you can gain access by going to [www.menti.com](http://www.menti.com). That's [www.menti.com](http://www.menti.com) and enter in code 8861-4706. After you select your response option, make sure you click submit. You will also have the opportunity throughout the webinar to ask questions using Mentimeter. You can enter your questions at any time by selecting the Q&A button on the web page. Please note that due to time constraints, we may not be able to respond to every question today. However, we will collect questions and create a platform for FAQs around the topic.

Lastly, again, this event is being recorded. The recording and transcript will be made available on the NFHTA website which is [HUDexchange.info/NFHTA](http://HUDexchange.info/NFHTA).

Let's jump right in and start with our first poll question. We'll wait just a moment for everyone to get on to menti.com and respond accordingly. For those of you who are just joining us, again, please visit menti.com and enter the code 8861-4706 to participate in our first poll.

So here's the poll question - what are you most interested in learning regarding sexual orientation and gender identity discrimination? The poll question choices include recent legal and regulatory developments, two - building cultural competencies, or three - how to increase inclusivity. Please take a moment to respond to the question on our menti.com site and after you select your response again you'll click the submit button.

And so while we're waiting for your responses, I'd like to take a few minutes to share a few statistics to ground us in today's discussion and talk about the importance of the *Bostock* decision and increasing our cultural competencies to better serve the public. [On our NFHTA website, we've provided a job aid in which we've gleaned from the Human Rights Campaign that provides resources to tools to foster continual growth.](#) One of the Human Rights Campaign's missions is to ensure that every LGBTQ+ person is free to live their life openly, with their equal rights ensured. This mission and their mission lives within the spirit of the Fair Housing Act and the Department's efforts to ensure fair housing for all.

As we are waiting again for the poll results, here are a few maybe known or unknown facts. There are 21 states and the District of Columbia having housing non-discrimination laws that cover sexual orientation and gender identity. I found this very interesting. [A study conducted by Healthline reported that there are 46 terms that describe sexual behavior, orientation, and attraction which, is different from gender identity.](#) There are often times we conflate the two. So we use the acronym LGBT to describe the lesbian, gay, bisexual and transgender community. The first three letters - LGB - refer to sexual orientation. The T actually refers to the issues of gender identity. [Another fact that I found is that the Urban Institute conducted match pair testing and found that housing providers were less likely to make an appointment with gay male couples.](#) They told gay male couples about one fewer available rental units for every 4.2 they mentioned to heterosexual men and quoted higher rents. As you can obviously see, there's more to learn and better work we need to do to ensure quality for all.

Let's get to the results of our poll as we're wrapping up and see what we can glean real time and real results. It's really great to hear directly from our partners who are on the ground working to advance equal access and fair housing. Your feedback helps the department in establishing guidance and enhancing our training efforts. So let me just get to the poll results. What are you most interested in learning regarding sexual orientation and gender identity discrimination? 70% of our participants today, and we have over 700 people on this call, responded by saying recent legal and regulatory developments were of interest. Only 15%, said that they were interested in building cultural competencies, and only 15% said that they were interested in increasing or understanding how to increase

inclusivity. Again, really important for us to hear from our partners on the ground because we want to know exactly what direction we need to go in in terms of building capacity and education as it relates to LGBTQ persons. I have one more poll question before we move to our panel discussion. For those of you who are just joining again, I'm going to repeat this one more time, please go to [www.menti.com](http://www.menti.com) and enter the code 8861-4706 to participate in our second forum poll.

The second question, did your agency, state, or locality provide protections for the LGBTQ+ community prior to HUD's February 11th guidance? So this is pretty easy. Answers include yes or no or I'm not sure. Again, we're trying to glean and leverage responses in information from our partners on the ground, so that we can leverage subject matter experts and just to better understand how we need to direct policy. So while you're responding to the second poll question, I'd like to share the learning objectives for today's forum. Here with me, live in the studio, I have Assistant Secretary Jeanine Worden who will establish the policy framework around the *Bostock* decision, its impact, its importance to the fair housing movement and the department's commitment. We will foster understanding around cultural competencies and awareness as it relates to the LGBTQ+ community and their experiences, and finally we'll embrace the power of partnership and collaboration to prevent and combat discrimination on the basis of sexual orientation and gender identity. Again, we'll wait just another moment for everyone to get on to [menti.com](http://menti.com) and respond to our poll. As we're waiting a few more details about today, the event is 508 compliant and this includes our dedicated team of American Sign Language interpreters who you see in the bottom corner of the screen. It's very important that we assure access in a world of new technologies as it creates a critical opportunity for us to ensure a collective mission.

Okay. I am waiting for the results. And so the question again did your agency, state or locality provide protections for the LGBTQ+ community? And 190 of you said yes, so that means the work is already being done. There were 62 that said no and 56 that said that they weren't sure. Again, we asked this poll question for a few reasons, to gauge awareness, however, also will help the department to leverage subject matter experts that are on the ground and in the community to help us further the cause.

Now let's move into the most important part of today's events. It is my pleasure to introduce to you the Acting Assistant Secretary for HUD's Office of Fair Housing and Equal Opportunity - Jeanine Worden. Ms. Worden has devoted her career to fair housing and civil rights. Serving as the General Associate Counsel for Fair Housing and managing the Civil Rights Division of the U.S. Department of Justice. Without further ado, thank you for joining us, Assistant Secretary Worden as you provide welcoming remarks and the introduction of Secretary Fudge.

ACTING ASSISTANT SECRETARY WORDEN [0:10:59]: Thank you, Melody. Welcome, everybody and thank you for joining us. It is now my great honor to introduce Secretary Marcia Fudge, who is the 18th Secretary of the U.S. Department of Housing and Urban

Development, and Secretary Fudge will offer opening remarks for our National Fair Housing Training Academy Forum today. Secretary Fudge has spent her career working on behalf of low economic families, seniors, and diverse communities across the United States. Most recently she served as a United States Representative for the 11th district of Ohio. She served during her time in Congress on several caucuses, congressional caucuses, including serving as the past chair of the Congressional Black Caucus. She has dedicated her career to dealing with issues affecting low-income populations and she has earned a reputation for working with her congressional delegation and working across the aisle and across political ideologies to achieve appropriate solutions for tough issues. In 1999, Secretary Fudge was elected as the first female and the first African American mayor of Warrensville Heights, Ohio. I can tell you truly that Secretary Fudge knows how important fair housing issues are in this nation and we truly are looking forward to her leadership in fair housing at HUD, and we know that she understands the big problems that we have ahead of us to solve and is up to the job. Welcome, Secretary Fudge.

SECRETARY FUDGE [0:13:12]: Thank you, Janine and thank you to the hundreds of federal, state, local and non-profit fair housing and civil rights partners who have joined today's National Fair Housing Training Academy Forum.

Your passion and commitment to the work of ensuring equal access, fair housing, and civil rights across the nation moves us closer to equity for all. This year as we celebrate the 53<sup>rd</sup> anniversary of the Fair Housing Act, the disparities facing communities across the country are in the spotlight as a result of the pandemic. Despite the challenges of the last year, your vital work has continued. You've adapted in ways we could never have managed in order to continue processing and investigating allegations of discrimination, conciliating cases, completing fair housing outreach efforts and enforcing the Fair Housing Act as HUD's partners and you have succeeded in doing this while balancing your own families and our communities. I want you to hear directly from me how much you matter, how much your work matters. President Biden and I are on your side as we take an administration-wide whole of government approach, to ensure futures filled with opportunity for all.

As a nation, we are finally confronting the difficult issues that have persisted for too long and I'm proud to be a part of an administration so deeply committed to promoting equity and vigorously fighting for the rights of underserved communities. On January 20<sup>th</sup>, President Biden issued an Executive Order demonstrating the administration's commitment to working with communities to end housing discrimination, to redress the ongoing effects of racist housing policies, removing barriers to restrict access to housing, and neighborhood choice, and securing equal access to housing opportunity for all.

Further, the president ordered me and the entire department, to determine how to redress the federal government's history of discriminatory housing practices and policies. We will ensure we have the tools we need for full fair housing enforcement. President Biden has directed us to examine the last administration's rules, rules that restricted the reach of the

Fair Housing Act, including its rules on disparate impact and Affirmatively Furthering Fair Housing and we're working to do that right now.

As we move forward HUD's National Fair Housing Training Academy will build your knowledge, skills, and capacity to ensure that states, local governments, and other federally funded entities are educated, inspired, and held accountable to take meaningful action to redress the impact of discriminatory housing practices and policies.

Lastly, the president, on his first day in office, made clear that his administration will prevent and combat discrimination on the basis of gender identity and sexual orientation. I am proud that HUD was the first federal agency to implement the president's executive order on this very issue. Members of the LGBTQ+ community deserve and have too long been denied the protections of the Fair Housing Act. In partnership with you, HUD will ensure that individual's rights are finally protected by investigating complaints of discrimination based on sexual orientation and gender identity, expanding civil rights protections under the Fair Housing Act for LGBTQ+ persons trying to find a place called home. With this administration, you have our full support, indeed a mandate to ensure fair housing is a reality for all. We have much to achieve in the coming months and we cannot do it without you. Again, I thank you for your passion, your work, and your partnership.

MELODY TAYLOR [0:17:14]: Thank you, Secretary Fudge, for your continued commitment to equity and elevating fair housing. At this time, I want to briefly introduce our panel of speakers. Their detailed bios are available on our NFHTA website.

We have joining us today, I take great pride in this, introducing Senator Sarah McBride who represents Delaware's First State Senate District. When Senator McBride was elected in November 2020, she became the first openly transgender state senator in American history. Senator McBride has a passion for community advocacy, which includes a successful effort to pass a landmark non-discrimination law in Delaware in 2013. She worked with state leaders to expand health care covered by Medicaid and championed legislation protecting vulnerable youth from child abuse. Senator McBride, we're honored to have you join us today.

SENATOR MCBRIDE [0:18:18]: Thank you.

MS. TAYLOR [0:18:19]: We also have with us Lisa Rice, who is the President and CEO of the National Fair Housing Alliance, the nation's only national civil rights agency solely dedicated to eliminating all forms of housing discrimination. Ms. Rice has 35 years of experience in fair housing, which includes her leadership in bringing meaningful, precedence setting fair housing cases, which have resulted in the elimination of systemic discriminatory policies and practices in the expansion of fair housing opportunities for millions of people. Thank you for joining us and welcome, Lisa.

MS. RICE [0:19:01]: Thank you so much, Melody.

MS. TAYLOR [0:19:05]: And last but not least, Michael Allen. Mr. Allen is a partner at Relman and Colfax. I'm adding a sentence here. He's a friend of fair housing and has been for a long time. He joined the firm in 2006. His civil rights litigation practice focuses on the Fair Housing Act, the ADA, and related civil rights laws with an emphasis on dismantling barriers to integration on the basis of disability and race. Over the past decade, Mr. Allen has led the firm's disability rights practice as it litigated dozens of housing discrimination cases.

As a reminder you will have the opportunity to submit any burning questions you may have for our panelists of which we will present after we hear from the esteemed panel and welcome, Michael.

MR. ALLEN [0:19:58]: Thank you.

MS. TAYLOR [0:20:20]: Again, the questions can be submitted through Mentimeter, the Mentimeter app at [mentimeter.com](https://www.mentimeter.com) and we will begin with our panel. I'd like to just also introduce again Jeanine Worden, our Assistant Secretary, to provide us with some opening remarks to frame the department's commitment and the importance of fostering and understanding fair housing, as it relates to the LGBTQ community.

ACTING ASSISTANT SECRETARY WORDEN [0:20:34]: Thank you, Melody. I can't tell you how pleased and proud I was to be able to sign the memorandum on February 11<sup>th</sup> where we told our FHEO employees and our partners in FHIP and FHAP agencies that we were going to be recognizing sexual orientation and gender identity discrimination under the Fair Housing Act. This is an action that those of us at HUD, who do fair housing work, have been wanting to be able to do for a long period of time and it was really just wonderful to finally have an administration in place that was supportive of this important movement forward in advancing fair housing rights and equity in our country.

I wanted to tell you a little bit about what allowed us to make this important announcement and that's a Supreme Court case that was decided last June, and the name of the case is [\*Bostock v. Clayton County, Georgia\*](#). The case involved three employees who had been discharged because of their sexual orientation or gender identity. In two instances, the employees were discharged after their employer learned that the employees were gay, and in one instance an employee was discharged when the employer learned that the employee was transitioning and transgender.

So the question came before the court under Title VIII of the Civil Rights Act of 1964, which governs employment discrimination, not housing discrimination, but it's a landmark decision and it's a really important decision from the fair housing perspective because what it did was a plain language review of the text of Title VIII of the Civil Rights Act, and made certain determinations that not only suggested that the Fair Housing Act should cover sexual orientation and gender identity, but really made very clear that any statute that has



language comparable to Title VIII that prohibits discrimination because of sex, should really be interpreted to cover discrimination on the basis of sexual orientation and gender identity.

And so the Supreme Court's reasoning was -- it's a pretty long opinion, but the Supreme Court's reasoning was actually very straightforward. What the court determined is that sexual orientation and gender identity have absolutely no place in the context of employment decisions and the reason for that is because you can't discharge someone or you can't take an action against someone because of their sexual orientation or their gender identity without considering sex. The court determined that sex was the but-for cause of termination or an adverse action when an adverse action is made because of sexual orientation or gender identity.

And the court went through every conceivable approach the Defendants in that case had used arguing that no, the drafters of Title VIII never intended this or no, we treat men and women equally, so it's not discrimination. It went through every possible argument that had been put forward by the Defendants' employers in these cases and said no. What you do is you look at the plain language of Title VIII and so because Title VIII prohibits discrimination because of sex, not primarily because of sex, not predominantly because of sex, but simply because of sex, that it must cover discrimination because of sexual orientation and gender identity. So when that decision came out in June, I was very excited. I opened up my statutes. Not really. I actually looked at the statute on the computer, and I saw that the Fair Housing Act has virtually identical language to Title VIII and I thought, this is wonderful, we're going to be able to cover sexual orientation and gender identity discrimination under the Fair Housing Act.

And you know what, when I saw that Executive Order on the first day of the Biden administration, saying that every federal agency should look at the Bostock decision and look at the statutes they administer and recognize discrimination on the basis of sexual orientation and gender identity, if they could do so under the language of their statute, I was ready to talk to our leadership and say here we are, we're ready to go.

I just want you to know this is incredibly important to us at HUD. We're very excited to have our issue expanded in this way so we can help bring equity to the LGBTQ+ community. It's just an important commitment for us. It's also a new area for us, so we're going to go into this area with modesty, understanding that we all have a lot to learn, you know, and we're going to see different kinds of cases than we saw before. We may not understand exactly the type of discrimination that's being alleged so we're going to need to be patient, we're going to need to gain some cultural competency. We're just going to have to work through the processes, come to understand the facts, come to understand the cultural issues, but most importantly, take the actions that are necessary to prohibit discrimination against LGBTQ+ individuals in housing and lending and other types of real estate related transactions that are covered by the Fair Housing Act. So one of the topics that I know that we will be addressing under the Fair Housing Act is harassment, and I just want to make a

note, I know that there is a significant amount of LGBTQ+ harassment in the community, but we need to remember that because we're enforcing the Fair Housing Act, we need to look at harassment through a fair housing lens, so we'll need to make that connection to the housing where the person lives. You know, we also understand that we are going to need to work closely with our partners in FHIP and FHAP agencies. Some when you have been enforcing these requirements much longer than we have in your own state or local laws. We're sure we will learn from your experience. Others of you may not have addressed these issues before or may not have encountered specific issues, and, when that happens, we want you to reach out to HUD field offices and talk to FHEO staff about the issue. We'll work through the issues with you and with counsel and we'll make sure that we get the answer correct. In addition to combating LGBTQ+ discrimination, I know we are also going to have cases where there are combined forms of discrimination where more than one factor comes into play. For example, race and sexual orientation or gender identity, national origin with sexual orientation or gender identity and also disability can sometimes be the issue. We're going to look at each case on its own facts. One thing I have been saying every time I've spoken since assuming the role as Acting Assistant Secretary and public engagements is please understand that FHEO is open for business, we're welcoming complaints on all of the protected class bases and we're especially excited to move into this new area.

During this session, we're going to learn cultural awareness. We're going to learn about terminology, and we're just going to start opening our eyes to issues that we haven't been permitted to deal with before. I hope this is a great learning experience for all of us, because none of us want to get caught flat-footed as we're dealing with our first complaints and investigations in these areas. Thank you.

MS. TAYLOR [0:30:29]: Great. Thank you, Jeanine. You made some very important points. I'm taking notes here. So when we invite you back to the panel to do a Q&A, I'd really like for you to unpackage a bit more the issues of harassment and sexual orientation and gender identity and the overlay of race and how that could impact the work that we do and things that we need to really need pay attention to. I'm going to put a pin in that and come back to you on it when we do the Q&A.

I'd like to invite Senator McBride as our first panelist. Senator McBride, welcome.

SENATOR MCBRIDE [0:31:16]: Thank you so much for having me.

MS. TAYLOR [0:31:19]: So a couple questions I'd like to ask you. Throughout your life, I did some reading about you and did some research and throughout your life you fought for dignity, all your life, as a child for equality and a level playing field. Can you share with the audience a bit about your journey? And also talk about being the first transgender state senator in history and how that experience lent itself to you increasing your colleagues' cultural competencies and building upon your experiences and how they could better understand providing legislation and just working in general with you?



SENATOR MCBRIDE [0:32:01]: Well, first off, thank you so much for having me. It's an honor to be on this panel. Joining you from the home state of our new president, I have the privilege of representing the district that President Biden spent his teenage years in including the community of Claymont. So I'm excited to be on here for this conversation reflecting such incredible progress for the LGBTQ community.

Indeed we haven't been in desperate need of good news as an LGBTQ community over the last several years and including actually over the last few months as we've seen legislation at the state level targeting especially trans youth for discrimination and so the positive news coming from this administration and in particular the positive news coming from HUD I think has allowed our community to breathe a sigh of relief knowing that we have a federal government and we've got community, state, and local partners that are on this call who have our backs as a community, who see us, who love us and who are fighting every single day to make sure that LGBTQ+ Americans are treated with dignity and respect throughout daily life.

The change that we're talking about today, the progress that HUD has helped initiate at the federal level is change that for me growing up seemed so impossible that it was almost incomprehensible. Because from a young age, I knew who I was. I knew that I was transgender. When I found out that there were other people like me, I breathed a deep sigh of relief. I found hope. But from that early age of knowing who I am, I looked around the world, I looked around this country and I looked around my community and I feared that the heart of that community, that the heart of this country was not big enough to love someone like me. I kept my gender identity buried deep inside for the first 21 years of my life, and as a young person you mentioned that I got involved in advocacy and government and pushing for equal rights for the LGBTQ community. I was still deeply in the closet at that point, and I got involved because I saw that politics, government, and the law were a place where you could make the most amount of change for the most number of people in the most number of ways possible. And as I discovered history books in my parents, in my dad's office, as I feared that the heart of this country wasn't big enough to love someone like me, I found so much hope in those history books. Because I saw that every single chapter was, at the end of the day, the story of advocates, activists, elected officials, government officials, working together to expand our understanding of We the People, to include more and more people in our understanding of humanity and to protect the rights and dignity of people who too long were cast into the shadows and the margins. I got involved at an early age. I told myself that if I could make a difference in my community, if I could help advance LGBTQ equality, and equality at large, that perhaps it would compensate for staying in the closet. I think one of the challenges we have in conversations around gender identity that differ from conversations around sexual orientation, and I think you all have outlined so clearly the clear distinction between the two concepts is most people when we're talking about sexual orientation can know what it feels like to love and to lust. So enter into a conversation around gay rights with an analogous experience that

allows them to build empathy and compassion. The challenge for non-transgender people - the term is cisgender for non-transgender people. For cisgender people, there's not analogous experience that differs from your sex assigned at birth and the closest thing that I could compare that experience and feeling to growing up was a constant feeling of home sickness, an unwavering ache in the pit of my stomach that would only go away when I could be seen and affirmed as myself.

As I grew up, as I entered college, I had the chance to work on a lot of issues that I cared about, making a difference in my community, that home sickness didn't dissipate. That pain did not disappear. It only grew with time and distance, and so I came out to my family and friends and campus community and community back here in Delaware during my junior year of college while I was serving as student body president in college. And the response was so incredibly positive. Everything I had feared did not come true, but I also looked around and saw how unique that experience was, that far too many LGBTQ+ people lose their family when they come out. Far too many lose their job. Far too many lose their housing. And at the end of the day it shouldn't be a privilege to be able to keep your home or be able to keep your family or your job after you come out. It certainly shouldn't be a privilege to be safe from violence.

I got involved here in Delaware to pass that non-discrimination law, which included housing protections for the trans community. And eventually went to work for the Human Rights Campaign to ensure the experiences I have are no longer a privilege for the few. But the final thing I'll say to answer the second part of your question is that I've seen over last ten years and one of the reasons why I ran for office is I've seen both our individual and collective capacity to bring about change to open hearts and change minds to improve our laws, to better reflect our values, and as now a state senator working in a legislative body where some of the members don't support LGBTQ rights, some of the members don't even accept the validity and reality of my identity. I have learned that if I demonstrate a little bit of grace, most people will demonstrate growth. And while there are definitely disagreements that I have with my colleagues and while some of my colleagues have disagreements that I believe to be fundamentally unacceptable with regard to my identity, most of my colleagues have gone on a journey with me. Long before I was elected, I essentially camped out at Legislative Hall in Dover, Delaware to pass that gender identity because at the end of the day, it's difficult to hate someone whose story you know. And when we ground these conversations in our experiences in real people, when we center the voices of LGBTQ+ people, the abstractions, the misconceptions, the fears, they dissipate and this no longer is a political issue, but rather an issue of basic human dignity and that's what I've seen in my interactions with colleagues of all different backgrounds, of all different identities and yes, colleagues of different ideologies.

MS. TAYLOR [0:39:09] Great. Thank you, Senator McBride. Just another question and I invite the other panelists to join in. What are some small steps we might take as allies to

ensure that more individuals are inspired to better understand, to increase their awareness, to increase sensitivities?

As I listen to you tell your story, at this moment my sensitivities were risen so I'm just wondering, what are some of the things that you could suggest or any of the panelists suggest that might increase our allies to take greater steps to build cultural competencies.

SENATOR MCBRIDE [0:39:53]: So I think there are a couple components of being a strong ally and I start my answer by making clear that allyship isn't declared. It's bestowed. It's earned. Allyship can't be a declaration of good intentions that shield us from constructive feedback. Because at the end of the day allies will make mistakes and as an ally, a good ally has a willingness to listen and actually operationalize the feedback they get, not get defensive, not hide behind their desire to be an ally as sort of a "get out of jail free card" for any kind of mistake or harm. Good allies listen and they grow. Like I said, if you demonstrate growth, I'll demonstrate grace, and so good allies listen. Another important thing that I think allies do is allies that are strong allies put something on the line. A lot of times we think I'm an ally if I refrain from bad actions, if I profess my support, but really allyship has to require those who are allies putting something on the line. Sometimes that's financial, sometimes that's an opportunity - but most frequently it's just your comfort because a lot of times being a good ally means making a situation a little bit uncomfortable by saying that joke, well, not ill-intended was harmful or hurtful, saying that comment was not right even if it wasn't intended in bad faith. It's about bringing up an issue when no one else will so we need allies to put something on the line and sometimes that means making situations a little bit uncomfortable.

MS. TAYLOR [0:41:43]: Thank you. I really can appreciate - I'm taking notes here - when you talk about demonstrating grace and demonstrating growth and allyship is not declared, it's bestowed. Those are powerful statements. I look at them as call to action as well. So it goes beyond just as fair housing practitioners, this being a conversation, but how do we make a movement out of this moment, so that we continue to do the good work and continue to support the LGBTQ community.

I invite Michael or Lisa if you guys want to add any comment or thoughts about this part of the segment or discussion. Otherwise, I'm going to move on into Michael's panel.

MR. ALLEN [0:42:39]: I'm happy to jump in just for a second and say that as a 62-year-old cisgender man who uses he/him pronouns that we've strayed to engage and we've tried at our firm to expand kind of our skin in the game over the last several years. We certainly talk about the *Walsh* case in just a few moments. We've tried to use the theories that ended up deciding *Bostock* under the way it was under Title IX to protect transgender students to be able to use bathrooms that are consistent with their gender identities. We've challenged Medicaid rule that will not pay for gender confirming surgery for transgender people. We've tried in every way we can to expand the meaning of sex discrimination under the Fair Housing Act to cover all LGBTQ people, but I want to say for me it's been a journey of

these last say dozen years or so that while I certainly had gay and lesbian friends and roommates in college and afterwards, but the first transgender person close in my life was my next door neighbor, who I knew practically since birth. And at age 24, he transitioned. It was in December of 2008, and this was at a time now seeming like the dark ages when he actually had to sue in New York State, in order to get his name changed on his driver's license and other ID forms.

But we are moving I think rapidly out of the dark ages now, and I agree that we now have some tools not available to us before and some enlightenment on the enforcement side that really allow us to build on this moment.

MS. TAYLOR [0:44:33]: Thank you, Michael. Lisa, would you like to add any thoughts?

MS. RICE [0:44:38]: I co-sign everything my colleagues have said.

MS. TAYLOR [0:44:43]: Awesome. I think we in our anecdotal accounts, the stories, the voices, will give rise to again a movement behind this moment and look forward to continuing to work with you, Senator McBride. I'm going to go into the second part of our panel discussion. I will just again reminder you that my PSA is to enter your questions into Mentimeter. Don't forget to hit the submit button. We may not get to all your questions today. We're going to try to tally up all your questions and create an FAQ, because this is a great opportunity for learning here. We will not neglect to respond to your questions.

Mr. Allen, Acting Assistant Secretary Worden thoroughly framed the importance of the *Bostock* decision and after mapping out the timeline, I realized last night Senator McBride's election / win and the *Walsh v. Friendship Village* litigation and then the *Bostock* decision, it almost seemed serendipitous, like we couldn't have planned this better.

If you could walk us through the fact pattern of the case, the intersections with *Bostock*. There were times in this case where the parties had to appeal and at that time that we were appealing, the *Bostock* decision had not been decided, and so if you could talk about that and the importance of having an enforcement strategy when determining the best form to litigate a case such as this and others that you might have seen, so I'll stop talking.

MR. ALLEN [0:46:30]: Sure. I'm going to roll back in time just a little bit, if I could, to say I referenced over the last 12 years or decade or so, but you know at the beginning of the last decade, we only had a handful of states and the District of Columbia that provided any protection against discrimination explicitly on the basis of sexual orientation and gender identity. We had surveys showing us that LGBTQ people were subjected to all forms of housing discrimination, they are raped much more significant than people outside of that community. The number of trans and gay people who were turned away from housing, that were evicted, that were segregated in shelter facilities according to their gender assigned at birth as opposed to their gender identity, the hostility that lay behind that.

The tools that we had were a handful of state laws. We had the 2012 HUD Equal Access Rule, fortified in 2016 by the second step there, but the courts had very little at the federal level to use in order to enforce the prohibition on sex discrimination to benefit LGBTQ people. My firm had to do a case in California about ten years ago exclusively under state law in order to stop anti-gay discrimination there.

A few years ago in Colorado, there was a piece of federal litigation, [Smith v. Avanti](#), where the tentative court took the step of recognizing the vitality and robustness of the sex discrimination prohibition to protect a LGBTQ couple, but did so in the context of it being an unopposed motion for summary judgment, so it was not a lot of deep analysis and there was not a firm foundation on which other cases could be built.

I will say I want to add one thing to the serendipity and I don't know if it's serendipity or just hard work, in addition to the list Melody put out there, elections have consequences and let's be clear the Executive Order on January 20<sup>th</sup> and what I'm going to call the Worden memo on February 11<sup>th</sup> have created a whole new atmosphere in which we can have conversations going forward about the robustness and the enforcement that we'll do.

Let me tell you about *Walsh* because this is an important case. Mary Walsh and Bev Nance, a lesbian couple living in St. Louis, Missouri, had been together since 1978. They were married in 2009 and continued to live together in a single-family home, but as they approached retirement, they thought we might want to think about a senior community where we can get the kind of social, recreational support we might need, the companionship, the ability to have good meals, etc. So as we were approaching retirement, they did a survey of virtually all of the retirement communities in St. Louis and they landed on Friendship Village, because they had friends there, because it was close to where they lived. It was a neighborhood what they knew and because of very advantageous life care program. This was a continuing care retirement community so as residents moved through independent living, maybe they need a little more help with assisted living, and eventually even skilled nursing care, this would be a lifetime community, a place that they could buy into and remain in one place for the rest of their lives if they chose.

So they got on the waiting list and this was a very popular place after many many months. And after what I would describe as a real courtship by Friendship Village, they were notified in July of 2016 that a unit was available and they could come in and sign in sort of a wait list agreement and pay their deposit and they even got to the point of picking out the paint colors and the carpet that they wanted in their unit and just before they were supposed to sign the residency agreement - literally a day or two before, they got a phone call and the phone call was along the lines of tell us what is the nature of your relationship?

When Mary and Bev answered honestly, that we were a lesbian couple who had been married at that point for seven years, the answer was we'll get back to you. Two days later, a letter appears in their mail basically from management saying we have a cohabitation

policy and that policy says you can live together only if married and only if your marriage consists of one man and one woman, as marriage is understood in the Bible.

This is not a religious entity. Many of the Friendship Village board members advertise their church affiliations on the Friendship Village website, but it was not an entity that in any way was exercising or had the ability to exercise under the Fair Housing Act some discrimination based on the religion or to favor co-religionists. It was simply not that kind of entity at all. Mary and Bev, before we met them, and this is the case we did with a number of co-counsel, with the National Center for Lesbian Rights, with the ACLU of Missouri, and with Arlene Zarembka, Mary and Bev's lawyer for a number of matters at the local level, but Mary and Bev filed a complaint with HUD and said surely this must be a form of sex discrimination. There was a referral originally to the FHAP. FHAP bounced it back to HUD.

I want to say two things here. HUD field staff did a fabulous investigation. They got on the record precisely what happened. When asked for formal position statement, Friendship Village submitted to HUD a response that said basically we stick by our written policy which is the only reason that Mary and Bev were turned away. But, as I've said, that complaint was filed in 2016. HUD held on to it, investigated it, and let me just say candidly the field staff and career staff at HUD were not permitted to seek the full remedies that would have been available under the Fair Housing Act and under a broad reading of sex discrimination eventually endorsed by a very conservative Supreme Court Justice, Neil Gorsuch.

When the matter appeared to be stalled at HUD, Mary and Bev consulted with us and we recommended the filing of a complaint in federal court. Because of the venue we had to be in the Eastern District of Missouri, a fairly conservative place in the fairly conservative Eighth Circuit, but we asserted that Mary and Bev were victims of sex discrimination and specifically that if either Mary or Bev had been married to a man, there would be no question that they would be living at Friendship Village.

We also alleged that because they didn't conform to traditional sex stereotypes, that is believing that women should marry men, they were denied a housing opportunity. We had a pretty rough patch. We were assigned to a conservative judge who felt under an 1984 Eighth Circuit Court decision - I can't tell you how long ago that was, language in that decision spoke about transsexuals, that the Eighth Circuit forbade this kind of claim and we suffered a loss at the motion to dismiss stage.

We appealed timely to the Eighth Circuit. By the time our case got to the Eighth Circuit, we had prevailed in the [\*Whitaker v. Kenosha Unified School District\*](#) case. This is a Seventh Circuit case saying the Title IX's prohibition on sex discrimination covered transgender youth in the school setting and we thought that we had a fair argument that the trend of courts was in the correct direction.



The Eighth Circuit then learned that *Bostock* had been accepted by the Supreme Court and the parties and the court together agreed to stay our appeal in the Eighth Circuit until the resolution of *Bostock*.

Now our claims were under 42 U.S. Code § 3604 (a), that is discrimination on the basis of sex and also 42 U.S. Code § 3604 (c), discriminatory statements, and the statement obviously was policy itself and the writing indicating the enforcement of that policy.

When *Bostock* came down, I could count it in days and not in weeks, we got a call from defense counsel, who had vigorously defended the case at the trial stage, but immediately understood the implications of *Bostock*, asked us whether or not we would be able to sit down and talk about a voluntary resolution of the case, rather than continued litigation in the district court.

Now the term of Mary and Bev's settlement with Friendship Village are confidential, so there's not much more I can tell you about it. I will say they are very pleased. I will say that the thing they are most pleased about is the Friendship Village resident handbook now publishes, on a regular basis its non-discrimination policy, that makes clear that discrimination on the basis of sexual orientation and gender identity are forbidden going forward at Friendship Village.

Let me say one other thing. I mentioned the HUD development of the record of this case, and I will say that they were able to get as far as we were with our theories in this case in part because of that very good work. As it turns out, the management company for Friendship Village had been telling the board for a number of years that its policy was discriminatory, that the policy that forbade a married lesbian couple to living together violated the Fair Housing Act. The fact that HUD documented that, got on record not only the fact that Friendship Village embraced the policy, but noticed that it had been warned. I think in a long way it went to us to be able to establish what would have been clear liability of the Fair Housing Act after *Bostock* came down and certainly put us in a better position vis-à-vis the settlement we eventually achieved.

Again, for Mary and Bev's perspective, the most important relief in this case was this isn't going to happen to other people. From the perspective of my firm and co-counsel in the case, I would echo the same thing which is to say every time we can fight one of these battles and we can achieve a victory, both for the individual Plaintiffs involved, but with underlying policy change we are chipping away at decades of bigotry and discrimination. Please to be partnered with the co-counsel that will we worked with and I think we look forward to partnering with HUD going forward. I'm delighted that there's going to be a path to an administrative complaint at HUD which will be fully investigated, that can secure justice for people. I'm glad that our firm is available to litigate at a time when that remedy was not available through the administrative process, but let me say going forward, most people who suffer discrimination like this deserve a fast resolution of the kind that the administrative process can provide to them. And I'm so encouraged by the Worden memo

which makes clear this is not only going to be happening at HUD, but FHAP and FHIP partners will be fully empowered and quite frankly expected to do the same at the state and local level. So I will stop there. Thank you for your time.

MS. TAYLOR [0:59:28]: Thank you, Michael. You made several really important key points. I'd first like to just say it feels like a very new day at HUD, for HUD employees quite frankly. The Executive Order and the Worden memo has given us great opportunity to do more meaningful and deep work in the area of the LGBTQ+ community and so we're excited about that.

Other thoughts that I had, as I listened to you and as I read the case as well, the visit in this case were young, at 68 and 72. However, when I think about this case and the fact that they had the grit to wait to push it forward, there are so many who don't have that, who don't have access to information, the opportunity to counsel. Can you talk about ways in which we can expand our efforts? Ideas that came to mind are getting some public service announcements out to AARP to work with that community of people who we know are in need of elderly housing and many who are in low-income situations but are there other areas in terms of enforcement that you could direct advise, provide some comment on that we should take some necessary steps to do more work.

MR. ALLEN [1:01:05]: I would say quickly I think the sort of public education and increasing awareness that you can do something about discrimination is important throughout a person's life cycle or at every age I should say. I think about LGBT youth, who may be rejected by their families and they are at a much greater risk of homelessness when we're talking about transitional housing, shelters, opportunities for people who have been cast aside. I think it's important to reach folks at that age. Letting them know that something can be done. There's certainly LGBTQ service organizations around the country, think about SMYAL and its affiliates in places around the country that it's an important vehicle for getting this information out. Literally through the life cycle, at every age, including AARP is a great idea, Melody. I guess I'd also say I think that there's just something in the area and the water, where people have come together that if you're discriminated against, there is not a remedy and the more that HUD can do to actually show the robust and quick processing of complaints and resolutions, the more people will begin to trust that system and begin to feel like there's something they can do to combat this, rather than just sitting back and taking it. That's true across protected classes under the Fair Housing Act, but I think particularly true in the LGBTQ space.

MS. TAYLOR [1:02:41]: Great, thank you. We are unpacking quite a bit of information. I just want to say just as a follow-up to that, we are absolutely leveraging this National Fair Housing Training Academy collaborations and partnerships to educate HUD staff and to educate our FHIPs and FHAPs to do better work, to have greater education, knowledge awareness, to make sure what you high highlighted that HUD field staff documenting the

record and to make sure there's good processes in place to ensure our partner agencies to that. So we're leveraging this academy to do just exactly you said.

I'm going to go into the third part of our panel discussion. This is on collaborations, and partnerships. I'd like for Lisa, if she could, to join the panel and talk to us about those collaborations, partnerships, how we can create greater alignment amongst our partners.

Ms. Rice, through NFHA and her voice in the advocacy community is strong and necessary and purposed. I often times will pop on my phone and see a Facebook posting and I see Lisa daily. She is purposed in making sure that education and outreach is out there. So Lisa, if you could talk a little bit about the agency or NFHA's agreement that you embarked upon with the real estate alliance, whose mission ask to advocate, elevate, and celebrate home ownership in the LGBTQ community. And so I'm packing this up a bit here, and can you also share your call to action regarding this initiative. How can other FHIP and FHAPs actually replicate NFHA's effort to further this movement or to partner with NFHA in doing so.

MS. RICE [1:04:57]: Thanks, Melody, for the question. Are you hearing an echo? So the partnership that you mentioned is with the LGBTQ+ Real Estate Alliance which is a professional non-profit member organization dedicated to empowering the LGBTQ+ community on their path towards the enjoyment of home ownership. The organization works on both improving the professional lives of its members and providing consumers the necessary resources that they need regarding all facets of the home ownership experience. The LGBTQ real estate alliance is also a leading advocate for the LGBTQ+ community in real estate and housing policy. The National Fair Housing Alliance is collaborating with the LGBTQ Real Estate Alliance on a range of policy issues.

Our work includes ensuring that HUD's Equal Access Rule works to expand equal and fair housing opportunities for the LGBT community and that includes making sure that entities cannot hide behind the cloak of religion to discriminate against people.

It also includes ensuring that the *Bostock* decision is applied very broadly in the housing space and in particular in the real estate sales space. Our partnership also includes promoting and enforcing President Biden's executive order on preventing and combating discrimination on the basis of gender identity or sexual orientation. We are also partnering with the alliance on race equity issues.

[There was just a very powerful research released about the intersectionality of LGBTQ issues and race that was funded by Freddie Mac and got some incredible research and data in it that we've been helping to promote.](#) But it also includes addressing hate and violence against the LGBTQ community and other marginalized communities quite frankly, Melody. I do want to pause a moment to call out our efforts to combat harassment, hate, and violence in the housing sector. I don't know if the program participants are aware but about 30% - roughly a third of all hate incidents of hate crimes that occur each year happen

at a person's place of residence and that invokes the Fair Housing Act, and so I encourage people to visit our website.

[If you just go on our website and type the words report hate in the search bar, you'll see a page populate there where you can learn more information about how to tackle hate, harassment and violence against representatives of the LGBTQ+ community.](#)

So to your second question, Melody, we really need all of the help that we can get to support these efforts. In some communities, you know, we have more acceptance and more embracing of expanding housing opportunities for LGBTQ, for the LGBTQ community, but it quite frankly in some municipalities and some jurisdictions we do not have, we do not have acceptance and it's sort of like pushing a huge rock, a huge boulder up a hill when it comes to helping people to exercise what are their constitutional rights. And so we encourage people to support our mutual efforts by joining both of our organizations so individuals and organizations can join the [National Fair Housing Alliance](#). If you just visit our website and click join in the search bar, you can see information about how to join NFHA and I also encourage people to visit the [LGBT Real Estate Alliance's](#) website and to join that organization as well.

And finally the last thing that I'll say, Melody, that people can support our work by taking part in advocacy initiatives. NFHA often sponsors advocacy campaigns. We have them going on all of the time and so if you follow us on our social media sites or visit our websites, you'll be able to see those advocacy campaigns, and all have you to do is click on them. You can sign on to join comment letters. You can sign on to individual comment letters and you can also submit notes or comments in order to advocate for a particular position with respect to expanding equal and fair housing opportunities.

MS. TAYLOR [1:10:42]: Great, thank you, Lisa. I just had a couple of things I'd like to unpack as it relates to NFHA's advocacy and some of the comments that you made about hate. It seems to me that this is a grass roots effort that as we're moving forward that we have to be on the ground a bit to get people educated, make individuals who are experiencing discrimination and hate crimes to better be able to access the process for filing an administrative complaint.

Just based on your experiences and the data that you talked about, are you seeing an increase in the types of - these types of complaints being filed and then if you could give any thought to the work that we need to do to make ourselves more available to being able to assist, when I think about your comments, I think about individuals who are in marginalized low income communities that often times don't have access to this information and they are not aware of their rights and what could we do better and how could we be better in making sure that we're reaching out to those communities. Big part of again the executive orders for us to look to those communities and so any thoughts you have there?

MS. RICE [1:12:21]: Melody, we are actually in the throes of compiling our annual data for the annual fair housing trends report, so I apologize, I don't have an answer for you on whether or not we are seeing an increase, an uptick, in complaints lobbied by LGBTQ individuals, but hopefully we'll have that answer for you next month.

But I can speak to you, the other question that you raised about what we can do to really advocate and beat the drum and make sure that people are aware of their rights under the Fair Housing Act and also to ensure housing providers are aware of their obligations and responsibilities under the law. I agree with you absolutely that we've got to focus our education and enforcement efforts among community-based organizations that are serving the most vulnerable among us. So if you think about transition housing facilities, homeless shelters, domestic violence shelters, public housing facilities, public housing authorities, universities, organizations that we would think of as constituency groups like the local YWCA and other organizations that focus on servicing the LGBTQ community. Those are the kinds of organizations that we really need to be touching and reaching so that we can provide information about the *Bostock* decision, its application to the fair housing sector and to alert all of these stakeholders about the protections that the Fair Housing Act provides for lesbian, gay, bisexual, transgender, and queer identifying people. We've got to get out there and beat the drum, right, in order to let people, know that these protections exist.

And I also want to lift up one other area that I think we really need to increase our engagement in and that is focusing attention on law enforcement. And this is where our FHAP partners I think can really help. It's one thing, Melody, for a private, fair housing group to reach out to the local police department or the sheriff's office or the local FBI chapter to say that we want to partner on training and education, private fair housing organizations are not always received but it's a completely separate thing to have a peer government agency reach out to law enforcement groups to for the purposes of providing training, and I think this is an area where private fair housing groups, FHAP organizations and even HUD, if HUD has the capacity, should be could jointly training law enforcement agencies at the local level on these critical issues because too often Melody, when you think about shelters, when you think about university boarding houses, when you think about transitional housing facilities, you know, too often the police are called, law enforcement is called in order to protect some perceived right by the housing provider and in those situations, law enforcement, they often times don't recognize that it's actually the consumer that has protections that need to be paid attention too and we see too often instances where law enforcement actually engaged, they actually participate in violence against the LGBTQ community so we really need to step up our education and our outreach to make sure that everybody is on board with protecting the community.

MS. TAYLOR [1:16:46]: Great. Thank you, Lisa. Again, this has been quite educational for me. As each one of you are talking, I'm taking notes and I hope our 700 plus participants are doing in kind. I'm being told I have to move on with our discussion to make sure we

build in time for our Q&A. So I just want to thank each one of our panelists for this deep and meaningful discussion and dialogue that we've all learned from.

So I want to invite our Assistant Secretary Jeanine Worden back to the conversation so she can close the loop on some of the department's vision as well as the policy things that may be born out of today's discussion and future iterations of the work that we're doing.

ACTING ASSISTANT SECRETARY WORDEN [1:17:35]: Thank you, Melody. So, you know, I think this discussion has been incredibly helpful and it has certainly given me some good ideas for some of the types of education and outreach materials that FHEO needs to work with our partners to prepare.

We obviously have a lot of work ahead of us to make sure that housing providers and lenders and Realtors and others involved in real estate related transactions understand that they can't engage in this type of discrimination and that there will be consequences if they do.

Obviously, we're going to be doing more training for our FHEO staff and our counsel and OGC as well to provide more insights on these issues and get everyone up to cultural competency levels.

I also, I wanted to thank this panel, this group of distinguished panelists and really the sharing of personal experiences and the championship of justice and the outreach, call to action, I don't know about everyone whose listening, but I sure hope you're as inspired by this panel as I have been.

You know, we have taken some actions at the beginning of this administration and made some progress, but what we really need to understand at this point is there is still a long way to go and a lot of work to do to ensure equity for LGBTQ+ Americans in the housing space and in the other context that the Fair Housing Act is able to reach, so I also want to thank everyone who worked with us to pull together the NFHTA forum today. I just think it's been a great experience for all of us to learn in this really important area where, again, I'm going to tell you FHEO is open to business and open for business and we want to see complaints and investigations and if there are need for policy documents, please bring those to our attention. Thank you.

MS. TAYLOR [1:20:06]: Great. We're going to take a couple of questions from the audience. We're running behind a little on time and I just want to remind you that all the questions that you may have put into the system, we're going to collect those and make sure that we build out an FAQ and make it as a job aid on our NFHTA website.

So I'm going to look to the panelists now and ask a couple questions. One of the questions and I think this is directed towards Senator McBride - has the senator been in a position to advocate for transgender for LGBTQIA+ individuals and, if so, how is that process?



SENATOR MCBRIDE [1:20:45]: Sure. Well, before I was elected to the Delaware State Senate I served as a board member of equality Delaware to add gender identity to a state's nondiscrimination and hate crimes laws.

After that I went and worked at the Center for American Progress and then eventually as the National Press Secretary of the Human Rights Campaign, the nation's largest LGBTQ equal rights organization. In that space, my primary focus was on nondiscrimination laws.

In fact, one my primary efforts at the Center for American Progress was on the effort to craft and introduce the Equality Act, which would essentially codify the *Bostock* decision explicitly under laws adding gender identity explicitly to our federal civil rights laws, including the Fair Housing Act and also adding sex where it's currently absent to the areas where it remains absent which include federal funding writ large and Title II of the Civil Rights Act.

And so I've had a real pleasure and privilege working in this space. Now as a legislator, I am a co-share of the new LGBTQ caucus in the Delaware State Senate and I am going to be introducing legislation in the weeks ahead to further codify protections, to provide protections for LGBTQ students in Delaware, to add the LGBTQ community to our state's equal rights amendment explicitly. So, I'm excited about that.

Really the experiences that I've had as an advocate in those roles where Equality Delaware and the Human Rights Campaign and the center for human progress resulted in me running for office because I saw that politics and government at its best is not just the art of the possible but the art of transforming and possibility into possibility into reality and that's really I think what the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968 and Title IX really encompassed more than any other legislative advancements in our history. Those laws demonstrate politics into the art of transforming what once seemed impossible into possibility and eventually reality.

MS. TAYLOR [1:23:13]: Awesome. Thank you for that response to the comment. It looks like I have maybe two to three more minutes to ask one or two questions and I'm going to go to the question regarding religion. The question reads can you give examples of how housing providers try to use religion as a defense to defend discriminatory practices? This they trying to use religious exemption? So Michael and Janine, I'm going to give that question to either one of you.

ACTING ASSISTANT SECRETARY WORDEN [1:23:47]: I'll let Michael take it. Go ahead.

MR. ALLEN [1:23:52] I think there are two variations on the theme. First of all, I'm a lifelong Plaintiff's lawyer so I've encountered the other side of cases, all sorts of defense tactics and I think the answer is that you try to throw anything up against the wall that you can to see what will stick.

So much there's certainly a times at misunderstanding that the so-called religious exemption and the Fair Housing Act can permit various forms of discrimination.

In fact, that's not true. Very very limited exception there has to do with the ability to favor what is known as co-religionists and it's a very limited circumstance. It cannot be in a commercial setting. Again, it's very limited. People misunderstand it and throw it around all the time. The more dangerous over the last eight or ten years and continuing to be dangerous, is the idea that somehow the First Amendment right to religious freedom allows people to adopt and enforce rules that have the effect of discrimination and then the potential Defendant hold up a shield and says "I'm just exercising my rights under the First Amendment." The courts haven't fully grappled with that yet. [A few years ago the Masterpiece Cakeshop case came up to the Supreme Court](#). The Supreme Court dodged and sent it back down. But I do think in the age ahead with more robust LGBTQ protections in all civil rights fields that we will increasingly see this second kind of claim and rise as a potential shield and I have to say that in a Supreme Court which seems to think that there's a kind of supremacy of the First Amendment, I worry about bad facts making bad law in that context.

MS. TAYLOR [1:25:43]: Thank you. Sounds like we need to create an opportunity to do some additional training and better understand the analogy used as it looks to religion in the First Amendment.

So it looks like we are out of time and again we will try to take all the questions that we received today and package them so that we provide some level of response. We appreciate everyone's time, attention. We really appreciate the panel. It's been quite a pleasure for me, a learning opportunity. It's been great to the have this discussion and dialogue.

We look forward to your participation in our upcoming forums through the National Fair Housing Training Academy and hope that you will continue to check out our NHFTA website. It's filled with great resources and tools and information for you to share with your partner agencies and others in the community.

I want to also thank our HUD Broadcast team. This is a new venture for us. They've been strong partners in this and we want to thank them, thank our ASL interpreter as well. Everyone's done an outstanding job.

And finally, you're going to see a short e-mail that you'll receive after this presentation with a link to complete a survey of today's event. As I mentioned at the top of the show, your feedback is critically important to us improving these forums and getting out good information and being able to stand up new forums so we're meeting the needs of our community. It shouldn't take you to long to fill out the anonymous survey. We highly value your input. Thank you again and we look forward to seeing you at the next NFHTA event. Have a great day.