

Know Your Rights Manual for the Transgender Community: Housing Law

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INTRODUCTION

This information was compiled by law student volunteers of the National Lawyers Guild, Minnesota, using statutory law, case law, and the work of numerous legal and non-legal organizations across the country, notably, the National Lawyers Guild, Bay Area chapter. While the information here is up to date through April 2010, it is possible that substantive changes have been made to the laws since it was last updated. Please keep this in mind while using this resource. Source and reference information will be provided for most of the content in this manual to help you verify that the information is still good before relying on it.

This manual was created for use by transgender community members and allies, by service providers who work with the transgender community, and by attorneys and legal workers who provide advocacy and legal services to members of the transgender community. For purposes of this manual, the word “transgender” is used as an umbrella term that includes transgender, gender variant, and intersex people who are at any point of self-identification or physical transition. Occasionally, the text will refer to individuals as “he or she” or “his or her.” This reference does not indicate that a statement applies exclusively to persons who identify as male or female, but instead is used for legibility and accessibility. The information in this manual does not constitute legal advice; instead, it is meant to serve as a resource to help understand the landscape of transgender law in a particular area, and to help connect readers with the current information needed to verify law or navigate a particular situation. Although we hope that this manual assists service providers and community members in locating information and resources, it is important to note that only licensed attorneys are authorized to give legal advice. If you have a question of law that is outside of the scope of information provided in this manual, you may wish to consult or refer your client to an attorney or, if you are a client, to contact one of the legal support agencies listed in the resource guide in the back. Many of the organizations listed in the resource guide provide referrals to attorneys who are familiar with transgender law and working with the transgender community.

USING THIS MANUAL

This manual was created to be a first-stop reference for lawyers, service providers, and community members who need legal information about a transgender-specific issue or question of law. For ease of use, the content has been divided by common problems or needs. Case law, statutes, print and web resources, and other service organizations can be found embedded throughout the manual, referenced in the footnotes, and listed in the directory at the back of this manual. This resource was created by and for people in Saint Paul, Minnesota, and therefore much of the information is specific to Minnesota and Twin Cities-specific resources and law. We hope that this manual will be a helpful resource to readers outside of Minnesota because it includes information that is nationally relevant. However, it is important that non-Minnesotan readers pay close attention to what information appears to be specific to Minnesota or the Twin Cities, and not presume that the local information contained in this manual will transfer to other cities and states. Non-Minnesotan readers are encouraged to use the national resources listed in the directory at the back to locate up-to-date information about the laws and precedent in their state or city. Californian readers are encouraged to refer to similar Know Your Rights manuals for the transgender community in CA, which can be found at the National Lawyers Guild, Bay Area website: <http://www.nlgsf.org/resources>

It is important to note that, although the researchers who assembled this information did our best to be accurate on points of both black letter law and how the law tends to play out in the real world, there may be inaccuracies and nothing in this manual should be relied on as legal advice. Legal advice can only come from a lawyer. This manual is, however, a good starting place to understand the law and how it affects transgender people and communities in Minnesota.

FINDING THE LAW FOR FREE

Legal documents, such as cases and statutes, are actually public documents. This means that everyone (members of the public) has the right to research and read these documents. The problem is that sometimes these documents can be hard to find or access. Here are a few tricks to locate these documents. First, by going to <https://www.revisor.mn.gov/statutes/> a person may search through an updated collection of the Minnesota

Statutes. Second, if a case is cited in document and a person desires to find and read the actual case, we can find it by following a series of steps. The first step is to avoid getting flustered by the complicated series of numbers, letters and punctuation that follows the name of the case. The next step is to simply go to <http://scholar.google.com/>, click the “Legal opinions and journals” button and type in the volume number, the journal name, and the page number from the case citation.

For example, to find the case of *State v. Jordan*, 742 N.W.2d 149(Minn. 2007). We would ignore the name of the case (*State v. Jordan*), and copy the volume number (742), then journal name (N.W.2d), followed by the page number (149). Those three things are all that’s needed to find the case on Google scholar. Sometimes the journal name will be different, but as long as the right information is copied into the search bar, Google Scholar should be able to pull it up.

ACCESSING LEGAL SERVICES

Many transgender people report barriers to accessing legal services for a number of reasons. The cost of hiring a lawyer is a major issue for many, along with fears that lawyers will not be respectful of trans clients, will not know enough about how laws specifically affect transgender people, or that the court system is prejudiced against transgender people. While all of these fears are justified, attorneys, activists, and advocates across the country are making huge strides in increasing legal services and resources for transgender people. Many states have GLBT bar associations that can be helpful in locating legal information or finding lawyers who are knowledgeable about transgender law and sensitive to the specific concerns of transgender clients. Many of the organizations listed in the resource section at the end of this manual are happy to assist individuals in finding legal services. Although legal services often seem too expensive, there are a lot of organizations and individual attorneys committed to making justice more accessible. You may be eligible for pro bono (free of charge) representation or fee structures that work for you (such as contingency fees, where you only pay if you win your case). Additionally, many attorneys are happy to meet with potential clients for free to assess your case. This can be a good way to learn more about your options and whether it's worth it to you to pursue specific legal actions.

A NOTE TO PROFESSIONALS

This manual was designed to be a resource to clients, but it is our hope that service providers and legal professionals will also find it useful. Attorneys may find this manual to be a helpful starting point for legal research and a useful tool for locating additional resources. All manuals in this series contain footnotes to case law, law review articles, and statutes that we hope will assist you. As with any compilation of research, attorneys are urged to check all cited law before relying on it to make sure there haven't been substantive changes and that it will apply to your client's particular case. Many of the organizations listed in the resource section of this document provide assistance to attorneys representing clients, and can be excellent sources for information and insight. When advocating for transgender clients in Minnesota, attorneys can advocate for the use of appropriate name and pronoun for their client in court and other proceedings. Minnesota Rule of Professional Conduct 8.4(6), which classifies the [harassment of] “a person on the basis of sex. . . sexual orientation, or marital status in connection with a lawyer’s professional activities” as misconduct. This obligation can be used to compel attorneys to refer to your client using the client's preferred name and pronouns. “Sexual orientation” here, as under the Minnesota Human Rights Act includes transgender individuals. Likewise, the Minnesota Code of Judicial Conduct can be used if a judge is refusing to address your client by appropriate name and pronouns.

BASIC RIGHTS

Both citizens and non-citizens alike have rights under the United States Constitution. The Fifth Amendment gives every person the right to remain silent – that is, to not answer questions asked by a police officer or government agent. The Fourth Amendment restricts the government’s power to enter and search a person's home or workplace, although there are many exceptions and new laws have expanded the government’s power to conduct surveillance, as well as the authority for the police to search a person or belongings. The First Amendment protects a person's right to speak freely and to advocate for social change. However, the Department of Homeland Security (DHS) can legally target someone based on political activities if that person is a non-citizen and can be deported. These Constitutional rights are absolute, and cannot be suspended – even during wartime.¹

DISCRIMINATION IN HOUSING

The most common forms of housing discrimination against transgender people occur when they are denied housing, discriminated against in the terms or conditions available to other tenants, or harassed by a landlord or fellow tenant. Often, couples with one or more transgender partner are discriminated against when acting as potential home buyers or renters.

In Minnesota, it is illegal for landlords and owners to refuse to rent or sell based on sexual orientation.² Under the Minnesota Human Rights Act (“MHRA”), housing is a protected area, and it is illegal to treat you differently in housing because of your: race, color, creed, religion, national origin, sex, marital status, disability, public assistance, sexual orientation, or familial status. Under this act, transgender people are protected within the “sexual orientation” category. For the purposes of the MHRA, “sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.³ Therefore, transgender individuals are included under “sexual orientation” as a protected class under this act, and transgender people can bring a lawsuit against someone for violating the act.⁴

The Minnesota Human Rights Act makes it illegal to refuse to rent, sell, or lease real property (like land, a house, or an apartment) because of sexual orientation.⁵ It is also illegal to discriminate against a person because of their sexual orientation by changing the terms, conditions, or privileges of the lease, sale, or rental of real property.⁶

Both Saint Paul and Minneapolis have city ordinances that use the language of the Minnesota Human Rights Act to specifically prohibit housing discrimination against trans folks.⁷ Minnesota's HRA is one of very human rights acts in the United States that protects transgender people.⁸

1 *Know Your Rights*, (August 2004) New York: National Lawyers Guild; *Know Your Rights*, (2006) Midnight Special Law Collective

2 M.S.A. § 363A.09

3 M.S.A. § 363A.03(44)

4 33 Wm. Mitchell L. Rev. 1059

5 M.S.A. § 363A.09(1). In relevant part, the Minnesota Human Rights Act says: “[i]t is an unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of sexual orientation.”

6 M.S.A. § 363A.09(2). In relevant part, the Minnesota Human Rights Act states that it is illegal for an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these to “discriminate against any person or group of persons because of sexual orientation in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith.”

7 See St. Paul, Minn., Legis. Code, § 183.02(26) and Minneapolis, Minn., Code, § 139.20.

8 33 Wm. Mitchell L. Rev. 1059a

Under the Minnesota Human Rights Act, relief is available to those who can successfully make a claim for discrimination based on their sexual orientation. Landlords often evict or refuse to rent to transgender people by citing a legally valid reason or no reason at all, rather than explicitly breaking the law. Because landlords often discriminate against transgender tenants and then claim that the actions were for legally acceptable reasons, it can be very difficult to win a discrimination claim against a landlord. Therefore, collecting and documenting evidence that the discrimination was transgender-related is very important. Whenever possible, ask for things in writing, especially if a landlord explicitly tells you that something is transgender-related.

It is important to note that state law outlined above covers not only standard landlord-tenant interaction, but also issues in public housing, with Section 8 vouchers, at homeless shelters, and in single room occupancy residences (SROs).

Currently, Minnesota law offers more protection from housing discrimination to transgender people than Federal law. Title VIII of the Civil Rights Act of 1964 makes it unlawful “to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap...”⁹ “Handicap” is defined as “a physical or mental impairment which substantially limits one or more of such person’s major life activities.”¹⁰ Some courts have interpreted people diagnosed with Gender Identity Disorder qualify as handicapped or disabled, ruling that transgender people therefore qualify for protection under this law. Title VIII explicitly excludes transvestites from this protection. It could be argued that a transgender person is not a transvestite and, therefore, is protected, but it is unclear how a court would rule on this issue, because “transvestite” is not clearly defined, so it is difficult to tell who among the transgender community a court would rule to exclude from protection.

DISCRIMINATION WHEN RENTING

Refusing to rent property based on an applicant’s sexual orientation, including transgender status, is not the only type of discrimination that is actionable under Minnesota law. A landlord might alter the terms of the lease so as to charge a transgender tenant a higher rent or provide terms that are less favorable than for other tenants.

A landlord might also try to charge a higher fee for rental application. The fee itself is used to cover costs related to reference checking. A landlord is not able to take an application fee if he or she knows there are no rental units available or none available within a reasonable time.¹¹ Any amount that is not used to perform those checks must be returned to the applicant. The landlord must disclose before the fee is taken, the name, address and phone number of the tenant screening service, if asked. The City of Saint Paul regulates rental application fees.¹² Relief for an overcharge on the application fee can be directed to the Saint Paul public information and complaint office. Minneapolis does not regulate rental application fees.

Additionally, a landlord may only enter rented premises with a “reasonable business purpose” and must make a good faith effort to give notice to the tenant of the reasons to enter.¹³ A tenant cannot waive this right to notice and a landlord cannot require a tenant to do so.¹⁴ Examples of “reasonable business purposes” include: showing the unit to prospective tenants before the lease terminates or after the current tenant has given notice to move, performing maintenance work, inspections by state, county, or city officials, the residential tenant is causing a disturbance within the unit; the landlord has a reasonable belief that the residential tenant is violating the lease; prearranged housekeeping work in senior housing; the landlord has a reasonable belief that the unit is being occupied by an individual without a legal right to occupy it; or the residential tenant has vacated the unit.

9 42 U.S.C.A. § 3604

10 42 U.S.C.A. § 3602

11 Minn. Stat. Ann. § 504B.173

12 Saint Paul Legislative Code § 54.01

13 Minn. Stat. Ann. § 504B.211 subd.2

14 Minn. Stat. Ann. § 504B.211 subd.2

However, the landlord may enter the unit without giving prior notice when immediate entry is necessary to prevent injury to property or people or to determine tenant's safety or to comply with state law or local ordinance. The landlord must leave written notice if he enters without giving notice and the tenant is not present. The tenant may recover in court up to \$100 per violation of this.

Background and Credit Checks

In Minnesota, background checks run by prospective landlords to learn more about prospective tenants are called "tenant reports". A tenant report is a written or oral report by a tenant screening service regarding a prospective tenant's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or lifestyle.¹⁵

A landlord is legally allowed to request a tenant report about an applicant, but is not allowed to run such checks only on certain groups of people. It can be very difficult to prove whether a landlord is running checks only on specific groups of people, so be sure to document any evidence or indications of this practice.

A tenant screening service must provide without charge any information that has been used within the past 30 days to deny the rental or increase the security deposit or rent of a residential housing unit to the individual, but you must make this request within 60 days. A tenant must be allowed to explain any eviction report or any disputed item not resolved by reinvestigation and it will be included in the tenant report, but a screening service may limit it to 100 words.¹⁶ A prospective tenant who has been involved in a previous eviction proceeding may apply to the court to have their name expunged from the record.¹⁷

Many landlords run credit checks and will not rent to applicants with credit issues. In Minnesota, refusing to rent to a person based on bad credit is legal. The best way for a tenant to prepare is to obtain a credit report and make sure to be aware of any credit issues. Some landlords will accept a tenant with poor credit history who also has a secure job and good references. **Consumer Credit Counseling Services** (www.cccs.org) can provide a copy of a credit report for a prospective tenant, explain it, and provide advice on how to remedy any bad credit issues. If income allows, another solution may be to offer to pay a higher deposit or provide a co-signer in lieu of a positive credit report.

Landlords might also look at criminal records before deciding to rent to an individual. Like poor credit records, criminal records are likely to have a detrimental affect on a person's attempt to secure housing, and there is no law prohibiting landlords from refusing to rent to individuals based on these factors.

Rent Control

Minnesota does not have rent control laws in any area. However, voters can adopt local rent control ordinances (or charter changes). Also, cities can contract with property owners to control rent, and local agencies can control rent in housing they operate. In any event, a tenant in Minnesota would need to live in public housing or be eligible for Section 8 or Section 42 housing for there to be any regulation of rent or rent increases.¹⁸

Some rent control laws limit the rent a landlord can charge a new tenant. However, most rent control laws only limit the amount of rent increases for current tenants and don't limit the amount a new tenant can be charged. Where this type of rent control law exists, rents for new tenants might be very high. Also these areas tend to have additional laws to prevent landlords from evicting existing tenants to charge newer tenants higher rents.

15 Minn. Stat. § 504B.235, subd.3

16 Minn. Stat. § 13C.01, subd. 1(a) (2008); 15 U. S. C. § 1681j (2004)

17 Minn. Stat. § 484.014 (2008)

18 Minn. Stat. § 471.9996 (2009).

Rent control laws often allow landlords only to evict tenants for very good reasons (like nonpayment, breaking the lease agreement, or illegal activity). These places also usually have rent control agencies that help resolve disputes informally without having to go to court. Because rent controlled areas usually limit reasons allow for eviction and because they usually also have rent control agencies that help resolve disputes, some transgender tenants may prefer to rent homes in areas with rent control. Landlord discrimination against transgender tenants should be more difficult in these areas since discriminatory evictions are more difficult where reasons permitted for eviction are strictly limited. Further, landlord discrimination in service or repairs for transgender persons should also be more difficult there because transgender tenants can get help from rent control agencies.

Eviction

In Minnesota, a landlord can evict a tenant for: nonpayment of rent, staying longer than agreed, engaging in prostitution, possessing illegal drugs, guns, etc. “Other crimes” might violate some leases that have a “no unlawful activities clause.” A landlord can also evict a tenant for “material” violations of the lease or “other crimes” as long as the lease says the landlord can evict for these reasons. Renters could be evicted for crime even without a conviction if it is more likely than not that a renter has committed a crime.¹⁹ Usually, tenants are also responsible for the actions of their guests.

A proper legal process is required to evict a renter. First, a landlord must give a renter with seven days written notice of an eviction court date. Seven days notice in Minnesota means, for example, that written notice for a court date next Thursday morning could be given as late as 11:59 P.M. this Thursday. A renter can be receive valid written notice from anyone other than the landlord personally delivering the written notice to a household member. Another way a renter can be get written notice is if the landlord sticks a paper notice on the home and sends a paper notice to the renter by regular first-class mail.²⁰ Even if all this happens, the notice won't be valid unless the landlord has previously disclosed her or his name and street address (not just a P.O. Box) to the tenant thirty days before giving a written notice.²¹ If the notice from a landlord does not meet all these requirements, then the tenant can argue bad notice as a defense against eviction.

At an eviction hearing, the court can only look at whether the tenant is entitled to live in the unit according to the lease agreement.²² If a tenant gets an eviction notice, the tenant needs to show up for court at the date, time, and place listed in the notice, or else the court will only hear the landlord's side of the case, and the tenant will basically lose for not showing up. If the court decides at the eviction hearing to actually evict the tenant, then the tenant may have as little as 24 hours to clear out. The court will sometimes delay this by “staying the writ.” This usually happens only if the renter has children under 18 living in the home. In this case, the court will usually allow an extra seven days to leave.

If the landlord tries to evict the tenant for nonpayment, the tenant can defend against the landlord's allegations in many ways. Good receipts and documents will be needed to help prove the tenant's side at the eviction hearing. Rent should be paid by check because cash and money order payments are very difficult to prove. To defend against eviction for nonpayment, the tenant can prove that the rent was paid, prove he or she is caught up on rent (except for part of the current month's rent), or prove she/he didn't owe the rent in the first place.²³ If the tenant is caught up on rent except for disputed late fees, the tenant can try to show that the late fees are unreasonable. If the tenant is refusing to pay rent due to a lack of repair, the tenant can use this as a defense against eviction for nonpayment, as long as the tenant deposits all rent owed into the court on the hearing date.²⁴ Not all kinds of repair justify withholding rent. If you plan to withhold rent, consult a housing hotline or other legal service to find out if you can legally withhold rent, and how to do it. Even without one of these other defenses against

19 Minn. Stat. § 504B.365 & § 504B.171 (2009).

20 Minn. Stat. § 504B.331 (2009).

21 Minn. Stat. § 504B.181 (2009).

22 Minn. Stat. § 504B.365 (2009).

23 Minn. Stat. § 504B.291 Subd. 1(c) (2009).

24 Fritz v. Warthen, 213 N.W.2d 339 (Minn. 1973).

eviction for nonpayment, in Minnesota, the tenant still gets the last chance to resolve the matter by paying the rent plus court costs.²⁵

An important note on partial rent payments: A tenant is less than one full month behind on rent cannot be evicted. This means if a tenant is only be behind for the current month and gets the landlord to accept a partial payment, then the landlord cannot evict until another next payment is missed or the tenant falls behind by a whole month.²⁶

If a tenant goes to an eviction hearing where the landlord is trying to evict for breaches of the lease or for drug violations, the tenant can defend against this landlord's allegations in many ways. The tenant can deny that the breach or violation occurred. The tenant could also defend against eviction for breach/violation by showing there was no clause in the lease allowing eviction for breach/violation of the lease, by showing that the lease doesn't prohibit the alleged breach/violation, or by showing the violation is not "material." One more way to defend against this type of eviction is to show the tenant has fixed the breach and then the landlord has continued accepting rent payments afterwards.²⁷

If a tenant goes to an eviction hearing where the landlord is trying to evict him/her for staying longer than agreed, the tenant can defend against this landlord's allegations in many ways. The tenant can argue that the landlord's notice to vacate was not proper, that the notice was shorter than the lease allows for, that it was less than a month and a day, or that it was not written.²⁸ The tenant can also argue that the notice to vacate was the result of illegal discrimination or illegal retaliation. For 90 days after a tenant makes a repair request, contacts an inspector, or asserts legal tenant rights (including calling the police/911 for emergency assistance), the court will decide that an eviction (or a rent increase, notice to vacate, or a reduction in services) is illegal retaliation unless the landlord proves to the court that she/he had an legitimate business reason for it.²⁹

Illegal discrimination is a valid defense to an eviction for staying longer than agreed if the real reason is based on transgender identity. In Minnesota, a landlord cannot evict a tenant, threaten to evict a tenant, or give a tenant notice to vacate solely because a tenant is transgender. Under the Minnesota Human Rights Act ("MHRA"), housing discrimination against transgender persons is prohibited. (Minnesota law "sexual orientation" is a protected class, but in Minnesota practice this law also protects transgender persons from discrimination.)³⁰

The Minnesota Human Rights Act, however, does not protect a transgender person from being evicted for a valid reason, even if the landlord is also discriminating illegally. While it may be possible to file a discrimination complaint against a landlord discriminating against a tenant based on transgender identity, this does nothing to prevent a tenant from facing evictions for other legally valid reasons.

It is currently unclear whether discrimination against transgender persons based on transgender identity is currently prohibited under federal laws against sex discrimination in housing. A transgender tenant living somewhere where state laws don't close these landlord loopholes may deliberately choose to live in a building with more than four units or rent a single-family home from a landlord who owns at least four of single-family homes to be entitled to federal protections against sex discrimination to have a better chance of federal protection against discrimination based on transgender identity.

Lock-outs and utility shut-offs

A landlord cannot unlawfully and intentionally remove or exclude a tenant from the rental unit nor can a landlord

25 Minn. Stat. § 504B.291. Subd. 1(a) (2009).

26 Minn. Stat. § 504B.291 Subd. 1(c) (2009).

27 *Kenny v. Seu Si Lun*, 112 N.W. 220 (1907).

28 Minn. Stat. § 504B.135 (2009).

29 Minn. Stat. § 504B.285, § 504B.441, & § 504B.205 (2009).

30 Minn. Stat. § 363A.09 (2009).

try to keep a tenant out by interrupting their electric, heat, gas, or water services.³¹ This is a criminal misdemeanor in Minnesota.³² If such a utility shut-off happens, the landlord must prove he or she did not intend it to push the tenant out or else it is an illegal lock-out or shut-off. Tenants cannot waive this right even by signing a written lease or waiver.³³ If a landlord commits an illegal tenant lock-out or utility shut-off in bad faith, the tenant can sue for triple damages or \$500 (whichever is greater) plus attorney's fees.³⁴

Security Deposit

Landlords must mail security deposits, with interest, within twenty-one days of when the lease terminates and the landlord has received the renter's forwarding address, or must mail a letter to the tenant explaining why some or all of the security deposit was withheld (if the letter is postmarked on the 21st day, it will be considered on time). The landlord can only deduct for physical damages beyond "ordinary wear and tear" or for outstanding debts the tenant owes the landlord (like unpaid rent). Minnesota law allows a tenant to sue for double the amount of a deposit wrongfully withheld plus up to \$200 in punitive damages. To recover this money, a tenant would have to sue in Conciliation Court (sometimes called Small Claims Court).³⁵

Fourth District (Hennepin County) Conciliation Court can be reached at 612-348-2713, and it is located in Minneapolis City Hall, 350 South 5th Street, Rm. #306, Minneapolis, MN 55415. Hennepin County Conciliation Court's hours are: Mon., Tues., Thurs., and Fri. from 8:00-4:30, Weds from 8:00-1:30, and closed on legal holidays. Visit <http://www.mncourts.gov/district/4/?page=395> for information on Conciliation Court basics. This page also has information on a free legal advice clinic for qualified low-income persons.

Second District (Ramsey County) Conciliation Court can be reached at 651-266-8230, and it is located in the Ramsey County Courthouse, 15 W Kellogg Blvd, Room 170, Saint Paul MN 55102. Ramsey County Conciliation Court's hours are: Mon., Tues., Thurs., and Fri. from 8:00-4:30, Weds from 8:00-1:30, and closed on legal holidays. Visit <http://www.mncourts.gov/district/2/?page=50> for step-by-step links on how to file in Second District Conciliation Court. This page has links to information on a Housing and Conciliation Court Clinic that helps people who are not represented by an attorney prepare to represent themselves.

DISCRIMINATION IN PUBLIC HOUSING

Public housing is a program run by the federal government through the Department of Housing and Urban Development (HUD). Though funded primarily by HUD, public housing programs are owned, managed, and operated directly by local housing authorities.³⁶ Tenants in Minneapolis public housing deal with the Minneapolis Public Housing Authority for various reasons such as writing checks or asking for repairs. In St. Paul, tenants deal with the St. Paul Public Housing Agency, in Duluth, tenants work with the Housing Redevelopment Authority of Duluth, and so on.

Public housing is limited to low-income families and individuals. Housing authorities determine eligibility based on annual gross income, whether applicants qualify as elderly, a person with a disability, or as a family, and U.S. citizenship or eligible immigration status. If an applicant is eligible, the housing authority will check references to make sure the applicants will be good tenants.³⁷

Similar to standard landlord-tenant relations outlined above, public housing is regulated both by federal and state

31 Minn. Stat. § 504B.225 (2009).

32 Minn. Stat. §§ 504B.225, 609.606 (2009).

33 Minn. Stat. § 504B.225 (2009).

34 Minn. Stat. § 504B.231 (2009).

35 Minn. Stat. § 504B.178 (2009).

36 35 WMLR 762 at 776, quoting F. Fuchs, Introduction to HUD Public & Subsidized Housing Programs: A Handbook for the Legal Services Advocate (1993) at 1.

37 <http://www.hud.gov/renting/phprog.cfm>

law. For transgender tenants, state law in Minnesota is more favorable than federal law.³⁸ This is because of the Minnesota Human Rights Act and other applicable Minnesota codes, regulations of specific municipalities. For example, The Public Housing Agency of the City of Saint Paul (PHA) recognizes in its Fair Housing Policy “the essential right of all persons to be treated equally and with dignity and respect.”³⁹ The PHA does not discriminate against or condone harassment because of “sexual or affectional orientation.”⁴⁰

Criminal Records

Federal law requires providers of public housing to perform background checks for people who apply to public housing. However, before a public housing authority takes any adverse action against an applicant based on the results of a criminal background check, applicants must be given an opportunity to dispute the accuracy of their criminal records.⁴¹

Eviction

Tenants must be given “good cause” for eviction in Public Housing.⁴² This means that there are only very specific reasons why a tenant can be evicted, including serious or repeated violation of material terms of the lease, non-payment of rent, criminal activity or alcohol abuse, violating a condition of parole, or other good legal cause.⁴³

In Minnesota, being transgender is not permissible grounds for eviction. Discrimination on the basis of a transgendered tenant’s status as a member of a protected class (this class being “sexual orientation”) is a defense to an eviction action.⁴⁴ Landlords will sometimes try to evict a transgendered tenant under false “pretexts” because they know discrimination on the basis of sexual orientation is illegal. In this situation, a tenant who alleges that termination of tenancy was intended in whole or in part as penalty for their good-faith attempt to secure or enforce the right to lease without discrimination has the opportunity to rebut landlord's asserted non-retaliatory purpose for eviction.⁴⁵ The tenant must show that the allegedly non-retaliatory purpose was actually a pretext used as a “cover” for discrimination.⁴⁶ This kind of claim is analyzed under the retaliatory eviction statute.⁴⁷

Under Minnesota’s retaliatory eviction statute, the burden of proving that the eviction was not served for a retaliatory purpose rests with landlord.⁴⁸ Landlords must give tenants written notice of eviction.⁴⁹ If a tenant

38 M.S.A. § 363A.09

39 <http://www.stpaulpha.org/forms/contractopp-eeo.pdf>

40 *Ibid.*

41 42 U.S.C. §1437

42 35 WMLR 762 at 776, quoting National Housing Law Project, HUD Housing Programs: Tenants' Rights § 14.2 (3d ed. 2004 & Supp. 2006-07) [hereinafter National Housing Law Project] (discussing good cause issues and regulations regarding public housing, FHA-subsidized housing, Section 8 housing, and Section 8 vouchers). See 24 C.F.R. § 966.4(l) (2008).

43 24 C.F.R. § 966.4(l) (2008).

44 35 WMLR 762 at 830, quoting *Barnes v. Weis Mgmt. Co.*, 347 N.W.2d 519, 522 (Minn. Ct. App. 1984); and, *Ellis v. Minneapolis Comm'n on Civil Rights*, 319 N.W.2d 702, 704 (Minn. 1982). While *Barnes* and *Ellis* deal with illegal discrimination on the basis of race, similar legal reasoning applies to illegal discrimination on the basis of sexual orientation.

45 M.S.A. § 504B.285, subd. 2 (2008) (formerly codified at § 566.03 (1998)). See, *Barnes*, supra, 347 N.W.2d 519.

46 35 WMLR 762 at 830 quoting *Barnes*, at 522. “Tenants and tenants’ counsel should carefully consider whether they can adequately prove discrimination in the limited time available to prepare for an eviction trial, because unsuccessful prosecution of the discrimination defense may preclude a subsequent discrimination lawsuit or administrative complaint with the United States Department of Housing and Urban Development, Minnesota Human Rights Department, or Minneapolis Civil Rights Department” (35 WMLR 762 at 830). See *Ellis*, 319 N.W.2d at 704.

47 M.S.A. § 504B.285, subd. 2 (2008)

48 *Ibid.* See, *Parkin v. Fitzgerald*, 307 Minn. 423, 430-31, 240 N.W.2d 828, 831 (1976).

49 § 504B.285, subd. 2 (2008)

receives notice of eviction, the tenant has the right to request a grievance hearing. Court papers for an eviction are called a Summons and Complaint. The Summons and Complaint should inform the tenant of this right and the timeline and process for requesting the hearing. The tenant must initially request an “informal settlement” with the property manager.⁵⁰ If the decision is not favorable, the tenant may then request a formal hearing.⁵¹ An exception exists in regard to evictions relating to health and safety hazards and criminal activity. In such cases, the tenant is not granted the right to a grievance hearing.⁵² Hearing decisions and/or failure to request or attend hearings do not impact a tenant's right to sue in court at a later date.

If you are being evicted, get legal advice right away. If you are low income, call your local legal aid office. You can find more resources online at: <http://www.LawHelpMN.org>. You do not need a lawyer to fight an eviction, but it can help. Bring all related documentation with you.

Recourse for Denial of Public Housing

According to federal law, an applicant has the right to challenge the Housing Authority's decision to not admit the applicant into public housing.⁵³ When an applicant is denied admission to public housing, the Housing Authority must provide notification in writing and explain the reasons for the denial. If the applicant is verbally told of a denial, that person should not assume that this is true, and should always ask for the denial in writing. This way, the person will know whether the reason is legal, and whether there are grounds for an appeal. The written notice should state the reason for the denial and that the applicant has the right to request an informal hearing to challenge the decision within ten days.⁵⁴

DISCRIMINATION IN SECTION 8 HOUSING

Section 8 is a Federal housing program assists some eligible low-income persons with housing in public housing, privately-operated housing projects, or vouchers that tenants can use with participating landlords. Section 8 rental subsidies limit the monthly rent payment based on an applicant's income. Individuals receiving Section 8 rental assistance usually have their rent capped at 30% of the adjusted monthly income as long as their rent is under an established limit.⁵⁵ (If their rent is more than the established limit, they may have to pay 30% of their adjusted monthly income, plus the different between the limit and the actual total rent.)

A person can apply for Section 8 housing assistance through a local public housing authority (PHA). PHAs often have long waiting lists for Section 8, and different PHAs use different criteria to give preference to people on wait lists, so it is recommended to apply for Section 8 through more than one PHA.

Minneapolis Public Housing Authority: <http://www.mphaonline.org/>

St. Paul Public Housing Authority: <http://www.stpaulpha.org/>

Contact information for Minnesota PHAs is listed by city or zip code is available at <http://www.hud.gov/offices/pih/pha/contacts/states/mn.cfm>

If a PHA denies a tenant admission into public housing, the tenant should request this denial in writing, to find out whether the reason for denial is legal and whether there are grounds for an appeal.

Title VIII of the Civil Rights Act of 1964 makes it unlawful to discriminate against a tenant “because of a handicap.”⁵⁶ When looking at other laws, some courts have treated Gender Identity Disorder as a handicap. Title VIII, however, excludes “transvestites” from this protection. It could be argued that a transgender person is not a transvestite and, therefore, is protected, but it is unclear how a court would rule on this issue. In Minnesota, transgender persons have more protections under the Minnesota Human Rights Act (MHRA) than they do under

50 24 CFR § 966

51 *Ibid.*

52 24 CFR § 966.51

53 24 CFR § 960.205

54 *Ibid.*

55 24 CFR §888.113.

56 42 U.S.C. §3604 (2008).

federal law. (MHRA prohibits discrimination based on “sexual orientation” and defines “sexual orientation” in such a way that also protects transgender persons.⁵⁷) A landlord must either accept Section 8 vouchers or not accept them. If a landlord in Minnesota accepts Section 8 vouchers, she/he cannot decide to decline to accept Section 8 vouchers from a tenant because of the tenant’s transgender identity. Section 8 public housing and privately-operated Section 8 projects can only give Section 8 tenants a notice to vacate if there is good cause. In Minnesota, this means that a tenant in Section 8 public housing or a privately-operated Section 8 project cannot be given notice to move out based on the tenant’s transgender identity.

For more information and answers to frequently asked questions about Section 8, see http://www.hud.gov/offices/pih/programs/hcv/about/fact_sheet.cfm

DISCRIMINATION IN SHELTERS

In Minnesota, there are no specific laws that require homeless shelters to treat transgender people according to their self-identified gender. However, the Minnesota Human Rights Act, which prohibits discrimination on the basis of sexual orientation, has been applied broadly to transgendered individuals.⁵⁸ Unfortunately, not all Minnesota shelters have trans-friendly policies. Without such protections, shelters can be dangerous places for transgender people. If a transgender person is faced with a harmful or dangerous situation in a shelter, it is best to seek legal assistance or other advocacy. The resource section of this manual includes contact information for organizations that provide assistance.

In the case *Goins v. West Group*, the Minnesota Supreme Court held that because the MHRA permitted the segregation of restrooms based on sex, and because previous decisions had already defined 'sex' to mean anatomical sex, it was permissible for an employer to bar a person believed to have male anatomy from a women's restroom.⁵⁹ The Minnesota Human Rights Act permits transient housing programs provided by non-profit organizations to exclude persons based on sex for safety reasons; this is essentially a battered women's shelter exception. Although the law has not been tested on this point, it is very likely that a court would interpret the Goins case to mean that it would be permissible to exclude a person believed to have male anatomy from a woman's shelter. It should be noted that the Minnesota Department of Human Rights, in a memorandum decision, ruled that a post-operative male-to-female transsexual was entitled to use a women's changing facility; while this does not have the force of law, courts often defer to administrative agencies' reasonable interpretations of the statutes they are charged with enforcing, so it is far more likely that a post-operative trans person could enforce their right to access services or facilities reserved for the use of the sex to which they have transitioned.

There are two excellent documents available online that may be helpful for housing providers in accommodating transgender individuals:

Lisa Mottet and John M. Ohle, *Transitioning Our Shelters: A Guide to Making Homeless Shelters Safe for Transgender People*. www.transadvocacy.com/documents/TransitioningOurShelters.pdf

Boston Public Health Commission, *Protocol for Serving Transgender Guests and Health Services Guidelines for Serving Transgender Guests*. www.transgenderlaw.org/resources/transprotocol.pdf

57 Minn. Stat. § 363A.03, 09 (2009).

58 According to the Minnesota Human Rights Act, “‘Sexual orientation’ means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.” Minnesota Statute § 363A.03, subd. 44. Therefore, transgendered individuals are treated the same as all other protected classes and are protected by the State of Minnesota.

59 *Goins v. W. Group*, 635 N.W.2d 717 (Minn. 2001)

DISCRIMINATION WHEN BUYING

A seller, owner or broker of a property cannot refuse to sell to a buyer based solely on the prospective buyer's sexual orientation and gender identity. Most of the same rights apply to buyers as do to renters. A common form of discrimination against buyers is when a seller refuses to recognize a legal marriage when one or both of the partners is transgender. When dealing with a couple who is legally married, a seller must recognize and respect the marriage, regardless of her or his opinions about gender identity or transgender people.

TAKING ACTION

Initially, individuals should keep track of any and all incidents of discrimination they experience, as well as records of any communication with a landlord, seller, or fellow tenant regarding the incident.

Depending on residency and the location of the discrimination, the individual will then file local, state, and federal claims. In Minneapolis, he or she should file a complaint with the Minneapolis Commission on Civil Rights in violation of Title VII of the Code of Ordinances for the City of Minneapolis.⁶⁰ In St. Paul, he or she should file a complaint with the Saint Paul Department of Human Rights in violation of Title XVIII of the Code of Ordinances for the City of St. Paul.⁶¹

For the state claim, the individual may file a complaint with the Minnesota Department of Human Rights in order to report a Minnesota Human Rights Act (MHRA) violation.⁶² There is no charge to file a complaint, and it can be done without an attorney.

Though state law is currently more favorable than federal law to an aggrieved tenant, it may be prudent to file a federal claim, as well. This complaint should be filed with the U.S. Department of Housing and Urban Development (HUD).⁶³

60 See Chapter 139, *Civil Rights, In General*, and Chapter 141, *Civil Rights, Administration and Enforcement*.
<http://www.ci.minneapolis.mn.us/government/ordinances.asp>

61 See Chapter 183, *Human Rights*. http://library1.municode.com/4472/home.htm?infobase=10061&doc_action=whatsnew

62 See <http://www.humanrights.state.mn.us/index.html>. To speak with someone about your rights under the Human Rights Act or to file a charge of discrimination, call 651.296.5663 (toll free 800.657.3704; TTY 651.296.1283). Intake officers are available by phone, Monday through Friday, 9:30 am to 3:00 pm. Walk-in hours are Monday through Friday, 9:00 am to 4:00 pm, and their office is located in downtown Saint Paul on Sibley Street and Mears Park, at 190 East 5th Street, Suite 700, Saint Paul, MN 55101. You do not need an appointment, and walk-ins are addressed on a first come, first served basis. If you prefer to contact by email, please fill out the complaint inquire form at http://www.humanrights.state.mn.us/intake/complaint_inquiry.html.

63 See <http://portal.hud.gov/portal/page/portal/HUD>

RESOURCES

Below is a brief list of resources that may be especially helpful. This collection is only a small representation of transgender-welcoming services in Minnesota and the United States. Searching online for additional resources may yield more specific information or assistance. Resources are divided by Minnesota-specific organizations, national organizations, and general resources, which includes legal documents, publications, research tools, and “know your rights” resources. For ease of use, we have specified whether organizations provide direct or support services, and to what extent they serve the LGBTQI (Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex) communities, and specifically, to what extent they serve transgender communities. National Lawyers Guild Interns spoke with representatives of most of these organizations to ensure that our description of their services is correct and up-to-date, and that they are explicitly welcoming of transgender community members. If an organization's description does not address being explicitly welcoming, it means that NLG could not reach anyone with the organization. In the general experience of the NLG interns, legal aid attorneys and volunteers work hard to be welcoming to all clients. If you are a client in need of legal aid services but feel uncomfortable contacting organizations without knowing how welcoming they are to transgender clients, some of the below organizations that are explicitly transgender-welcoming may be able to help you identify safe and welcoming services that are specific to your particular legal needs.

MINNESOTA RESOURCES

Housing Resources

HOME Line, www.homelinemn.org
3455 Bloomington Avenue, Minneapolis, MN 554097
Metro: 612-728-5767
Greater MN: 866-866-3546
Fax: 612-728-5761

HOME Line provides free legal, organizing, education and advocacy services so that tenants throughout Minnesota can solve their own rental housing problems. HOME Line works to improve public and private policies relating to rental housing by involving affected tenants in the process.

Housing Alliance Law Office - Southern Minnesota Regional Legal Services, www.smrls.org
166 East Fourth Street, Suite 200, St. Paul, MN 55101
651-222-4731

Southern Minnesota Regional Legal Services works to provide free legal assistance for low income people facing critical legal problems.

Minnesota Department of Human Rights, www.humanrights.state.mn.us/index.html
800.657.3704
190 East 5th Street, Suite 700, Saint Paul, MN 55101

To speak with someone about your rights under the Human Rights Act or to file a charge of discrimination, call 651.296.5663 (toll free 800.657.3704; TTY 651.296.1283). Intake officers are available by phone, Monday through Friday, 9:30 am to 3:00 pm. Walk-in hours are Monday through Friday, 9:00 am to 4:00 pm, and their office is located in downtown Saint Paul on Sibley Street and Mears Park, at 190 East 5th Street, Suite 700, Saint Paul, MN 55101. You do not need an appointment, and walk-ins are addressed on a first come, first served basis. If you prefer to contact by email, please fill out the complaint inquire form at www.humanrights.state.mn.us/intake/complaint_inquiry.html

U.S. Department of Housing and Urban Development

For listings and contact information for all homeless shelters in Minnesota, visit:

www.hud.gov/local/mn/homeless/shelterslisting.cfm#henn

The Housing Discrimination Law Project

Legal Aid - Mid Minnesota Legal Assistance

430 1st Avenue N, Suite 300

Minneapolis, MN 55401-1780

Phone: 612-332-1441

TDD: 612-332-4668

Fax: 612-334-5755

The housing discrimination law project serves individual clients with low incomes by investigating claims, negotiating, giving advice and referrals, and representing clients in court and administrative actions. HDLP also addresses discrimination at the systemic level by providing other organizations and individuals with training, legal analysis, technical assistance and advocacy; challenging systemic and institutional sources of housing discrimination; and representing clients' interests in public policy debates and the development of equal housing policies. Individuals who need legal help can call Legal Aid Monday through Friday to speak with a client intake specialist. The intake specialist will ask about the client's income and legal problem.

For Hennepin County Client Intake: 612-334-5970

TDD/TTY: 612-332-4668

For Benton, Chisago, Isanti, Mille Lacs, Morrison, Sherburne, Stearns, Todd, or Wright Counties or if you are a Senior in those counties or Anoka, Kanabec, Pine, or Wadena Counties: Client Intake:

320-253-0121 Toll Free: 888-360-2889

TDD/TTY: 320-253-0121

For Big Stone, Chippewa, Kandiyohi, Lac qui Parle, Lincoln, Lyon, Meeker, Renville, Swift, or Yellow Medicine Counties: Client Intake: 320-235-9600

Toll Free: 888-360-3666

TDD/TTY: 320-235-9600

For clients with disabilities statewide: Client Intake: 612-334-5970

Toll Free: 800-292-4150

TDD/TTY: 612-332-4668

Minnesota Landlord-Tenant Rights Manual

www.ag.state.mn.us/Consumer/housing/lt/lt1.asp

General Legal Resources

Law Help Minnesota, www.lawhelpmn.org

Law Help Minnesota operates a website designed to help low-income Minnesotans access legal aid information for civil law problems, including housing issues.

OutFront Minnesota, www.outfront.org

310 38th Street E #204

Minneapolis, MN 55409

inquiries@outfront.org

612-822-0127 or 800-800-0350

OutFront Minnesota's mission is to make our state a place where GLBT Minnesotans have the freedom, power, and confidence to make the best choices for their own lives. This group has worked incredibly hard towards the elimination of discrimination of GLBT individuals and toward bringing full equality to all members of the

community. OutFront has dealt with many transgender specific issues and can offer guidance on changing your name, changing your driver's license, amending your birth certificate, getting a new passport, gender reassignment, as well as legal advice regarding your rights in the workplace.

Minnesota AIDS Project, www.mnaidsproject.org/living/legal/index.htm

1400 Park Avenue S
Minneapolis, MN 55404

Metro: 612-373-AIDS

Statewide: 800-248-AIDS

Metro TTY: 612-373-2465

Statewide TTY: 888-820-2437

mapaidline@mnaidsproject.org

Minnesota AIDS Project Legal Services provides advice, direct representation and referrals to a network of volunteer attorneys for HIV-related legal matters including estate planning, discrimination, social security, immigration, and employment-related concerns. Participants must be HIV-positive and complete our legal intake process. MAP also provides brief consultation to HIV service providers and family members on HIV-specific legal topics. MAP welcomes transgender community members.

ACLU of Minnesota, www.aclu-mn.org

450 N Syndicate

Suite 325

St Paul, MN 55104

support@aclu-mn.org

651-645-4097

The ACLU of Minnesota is an affiliate of the American Civil Liberties Union and coordinates philosophy, approach to litigation and funding with that organization. It fights to protect the civil liberties of Minnesotans through litigation, public education, and lobbying related to legislation that impacts civil liberties and civil rights. Though the ACLU is not a specifically GLBT organization, it works for individuals within the community and is a fierce supporter of equal rights and anti-discrimination. The phone number provided will take you to the main extension. The current legal counsel is Teresa Nelson, but any of the staff at the office will be willing to point you in the right direction.

Transgender Community Resources

Minnesota Transgender Health Coalition, www.mntranshealth.org

3405 Chicago Ave Suite 103

Minneapolis, MN 55407

mntranshealth@yahoo.com

612-823-1152

The MN Transgender Health Coalition is committed to improving health care access and quality of health care received by trans and gender non-conforming people through education, resources and advocacy. The Coalition works for racial, social, and economic justice and have been very active in community outreach. This group can and does provide resources for transgender individuals regarding safe health providers and information regarding trans health issues.

University of Minnesota's Center for Sexual Health, www.med.umn.edu/fp/phs/clinic/transgender/home.html

1300 S 2nd St

Minneapolis, MN 55454

csh@umphysicians.umn.edu

612-625-1331

The Center for Sexual Health welcomes individuals who identify as transgender, transsexual, crossdresser,

bigender, drag queen, drag king, gender queer, and intersex. The Center offers clinical services as well as hormone therapy and surgery, therapy groups, and support groups. The Center is dedicated to giving accurate health information and competent services for specific needs.

Transgender Commission, www.glbta.umn.edu/trans
TransCom@umn.edu
Transgender Commission c/o GLBTA Programs Office
University of Minnesota
46 Appleby Hall, 128 Pleasant St SE
Minneapolis, MN 55455

The Transgender Commission was formed in March 2006 in partnership with the GLBTA Programs Office at the University of Minnesota. The University of Minnesota Transgender Commission works to create equity, access, and an inclusive environment for people of all genders through education, advocacy, and institutional change. The Commission strives to honor transgender people and celebrate gender diversity, make visible the systems of gender that profoundly affect all our lived experiences, and eliminate the discrimination faced by transgender and gender non-conforming students, staff, faculty, alumni, and community members.

NATIONWIDE RESOURCES

Transgender-Specific Resources

National Center for Lesbian Rights, www.nclrights.org
Legal Helpline: 415.392.6257 (9AM-5PM PST)
Toll free: 1.800.528.6257 (9AM-5PM PST)

The National Center for Lesbian Rights helps GLBT individuals and families nationwide through litigation, public policy advocacy, and public education. NCLR offers a legal helpline during regular business hours, and the best way to request assistance is by filling out an online help form on NCLR's website. NCLR provides referrals, assistance locating GLBT-aware attorneys, and offers limited direct services. The National Center for Lesbian Rights is committed to serving transgender communities, and is very welcoming to transgender clients.

National Coalition for Transgender Equality, www.nctequality.org
1325 Massachusetts Avenue NW, Suite 700
Washington, DC 20005
Phone: (202) 903-0112

The National Center for Transgender Equality (NCTE) is a 501(c)3 social justice organization dedicated to advancing the equality of transgender people through advocacy, collaboration and empowerment. NCTE provides this presence by monitoring federal activity and communicating this activity to our members around the country, providing congressional education, and establishing a center of expertise on transgender issues. NCTE also maintains a federal transgender activists' network. NCTE's website include issue-based resources and information on topics including homelessness, immigration, employment, health care, and prisons.

Sylvia Rivera Law Project, www.srlp.org
Attn: Gabriel Arkles
322 8th Avenue, 3rd Floor
New York, NY 10001
Phone: (212) 337-8550

SRLP provides free legal services to transgender, intersex and gender nonconforming low-income people and people of color in the New York area. SRLP provides advice and referral for a wide variety of legal issues. Sometimes, they can also provide more help, such as advocacy, help with a case you are bringing on your own, or, more rarely, representation in a legal action. The best way to reach them is to either call or write to Gabriel Arkels directly.

Transgender Law Center, www.transgenderlawcenter.org

870 Market Street, Room 823

San Francisco, CA 94102

Phone: (415)865-0176

Email: info@transgenderlawcenter.org

The Transgender Law Center (TLC) is a civil rights organization advocating for transgender communities. TLC provides direct legal services, engages in public policy advocacy and education and works to change laws and systems that fail to incorporate the needs and experiences of transgender people. TLC is specific to California, but they do assist out-of state callers in locating appropriate local resources whenever possible.

Transgender Law and Policy Institute, www.transgenderlaw.org

The Transgender Law and Policy Institute is a non-profit organization dedicated to engaging in effective advocacy for transgender people. TLPI bring experts and advocates together to work on law and policy initiatives designed to advance transgender equality.

General Housing Resources

National Alliance of HUD Tenants, www.saveourhomes.org

42 Seaverns Avenue

Boston, MA 02130

Phone: (617) 267-9564

Email: naht@saveourhomes.org

The National Alliance of HUD tenants is a multi-cultural, tenant-controlled alliance of tenant organizations in privately-owned, multifamily HUD-assisted housing. Hundreds of tenant associations representing thousands of tenants in every region of the country are already involved, working together to preserve and improve affordable housing, protect tenants' rights, develop tenant empowerment, promote resident control and ownership, improve the quality of life in HUD-assisted housing and to make HUD accountable to its constituents. Their website includes resources and a state-by-state directory of organizations. This is an excellent place to begin searching for local support.

National Coalition for the Homeless, www.nationalhomeless.org

The National Coalition for the Homeless is a national network of people who are currently experiencing or who have experienced homelessness, activists and advocates, community-based and faith-based service providers, and others committed to a single mission: to end homelessness. Toward this end, the National Coalition for the Homeless (NCH) engages in public education, policy advocacy, and grassroots organizing. Work is focused in the following four areas: housing justice, economic justice, health care justice, and civil rights. NCH's website has resources for people who are experiencing homelessness or at risk of losing housing, and includes a national directory of state-by-state resources. This is another excellent place to begin searching for support.

National Housing Law Project, www.nhlp.org

National Housing Law Project

614 Grand Ave., Ste. 320

Oakland, CA 94610

Phone: (510) 251-9400

Email: nhlp@nhlp.org

The National Housing Law Project (NHLP) is a national housing law and advocacy center. The goal of NHLP is to advance housing justice for the poor by increasing and preserving the supply of decent affordable housing, by improving existing housing conditions, including physical conditions and management practices, by expanding and enforcing low-income tenants' and homeowners' rights, and by increasing opportunities for racial and ethnic minorities. NHLP works to achieve that goal by providing legal assistance, advocacy advice and housing expertise to legal services and other attorneys, low-income housing advocacy groups, and others who serve the

poor. NHLP's primary areas of emphasis are public policy advocacy, litigation assistance, training, and research and writing, focusing on issues and problems that will have the greatest impact on the housing rights of the poor.

LSS Financial Counseling Service, www.cccs.org
424 West Superior St. Suite 600 Duluth, MN 55802
1-888-577-2227
Phone: (888) 577-2227

LSS Financial Counseling Service offers credit counseling services. LSS FCS has financial counselors who are trained to work with all people, including those who are facing financial crisis. They have offices throughout the state of Minnesota, and also serve the country by phone and online counseling services.

HELPFUL DOCUMENTS

Lisa Mottet and John M. Ohle, *Transitioning Our Shelters: A Guide to Making Homeless Shelters Safe for Transgender People*. www.transadvocacy.com/documents/TransitioningOurShelters.pdf

Boston Public Health Commission, *Protocol for Serving Transgender Guests and Health Services Guidelines for Serving Transgender Guests*. www.transgenderlaw.org/resources/transprotocol.pdf

Transgender Law Center, *California Transgender Law 101*.

www.transgenderlawcenter.org/pdf/ca_trans_law_101_overview.pdf

A brief review of California state laws as they affect transgender people. Updated in April, 2009.