

The Legal and Political Rights of LGBT People

Local Laws and Policies

University of Massachusetts

- The school's nondiscrimination policy includes "sexual orientation" and "gender identity and expression."
- Because same-sex couples can marry in Massachusetts, they receive the same rights and privileges as other married partners at the University, including access to health-care coverage and tuition waivers for their partners.

Pioneer Valley

- The nondiscrimination ordinances of Amherst and Northampton include "sexual orientation" and "gender identity/expression."

State of Massachusetts

- Massachusetts explicitly prohibits discrimination based on sexual orientation in public accommodations, housing, public and private employment, education, credit, and union practices. Gender identity is not explicitly included in the state's anti-discrimination law, but several courts and the state Commission Against Discrimination have ruled that transsexual individuals can pursue an anti-discrimination claim under the category of sex or disability discrimination.
- Beginning in 2004, Massachusetts began issuing marriage licenses to same-sex couples residing in the state as a result of a 2003 Massachusetts Supreme Court ruling. More than 12,000 same-sex couples have married since then. Initially, out-of-state couples were prevented from entering same-sex marriages in Massachusetts if these marriages would not be legal in their home states. But the state government passed a law in 2008 to allow same-sex couples from any state to marry here.

Laws in Other States and Cities

Anti-Discrimination

- Twenty states and the District of Columbia currently ban discrimination based on sexual orientation in housing, public accommodation, and employment: California, Colorado, Connecticut, Hawai'i, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and Wisconsin.
- Thirteen states and the District of Columbia explicitly ban discrimination based on gender expression and identity in housing, employment, and public accommodations: California, Colorado, Hawai'i (only housing and public accommodation), Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington
- More than 100 municipalities protect the rights of gender-diverse people, from large metropolises (including New York City, Chicago, Houston, Dallas, San Diego, Seattle, San Francisco, Atlanta, Philadelphia, and Pittsburgh) to small cities (including New Hope, PA [population 2,252] and Huntington Woods, MI [population 6,151]).

Marriage/Domestic Partnership Rights

- Same-sex couples can marry in Connecticut, Iowa, and Vermont, as well as in Massachusetts. Maine and New Hampshire have passed laws that will allow same-sex couples to marry. In New Jersey, same-sex couples can enter civil unions that give them the same benefits and protections under state law as male-female couples who are legally married. Same-sex couples in California, Washington, and Oregon can register as domestic partners and receive all or many of these benefits. New York and Rhode Island recognizes same-sex marriages that were legally performed in other states and countries.
- Forty states have enacted laws that deny recognition to same-sex marriages performed there or in other states. Twenty-nine of these states have codified this language into their constitutions (Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin). Three states have not enacted laws for or against same-sex marriage: New Mexico, New York, and Rhode Island.
- Internationally, Belgium, Canada, the Netherlands, Norway, South Africa, Spain, and Sweden allow same-sex couples to be legally married. Denmark, Finland, Iceland, and the United Kingdom have laws that grant same-sex couples virtually all of the benefits of civil marriage. Brazil, the Czech Republic, France, Germany, Luxembourg, New Zealand, Slovenia, Switzerland, and Uruguay provide many legal benefits to same-sex couples.

Hate Crimes Laws

- Thirty-two states and the District of Columbia have enacted hate crimes legislation that includes crimes based on real or perceived sexual orientation.
- Eleven of these states (California, Colorado, Connecticut, Hawai'i, Maryland, Minnesota, Missouri, New Mexico, Oregon, Pennsylvania, and Vermont) and the District of Columbia also explicitly include gender identity and expression in their hate crimes laws.

Sodomy Laws

- In 2003, the Supreme Court in *Lawrence v. Texas* ruled that sodomy laws violate the constitutional right to privacy, thereby voiding the 13 remaining state sodomy laws.

Federal Laws and Policies

Anti-Discrimination

- In 1996, Congress passed the Defense of Marriage Act, which by defining marriage as between a man and a woman, prevents the federal government from recognizing same-sex relationships.
- The U.S. government added “gender identity” and “sexual orientation” to federal hate crime laws in 2008.

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