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March 7, 2013

Senate Economic Development and Workforce Services Committee  
30 House Building, Utah State Capitol Complex  
Salt Lake City, Utah

Re: Senate Bill 262, Employment and Housing Antidiscrimination Amendments

Dear Committee Member,

The American Civil Liberties Union of Utah is a statewide, non-partisan organization of nearly 2200 members and supporters dedicated to protecting the principles set forth in the Bill of Rights. We firmly support the passage of SB 262, Employment and Housing Antidiscrimination Amendments, as this bill represents good policy for our state.

The ACLU of Utah has supported various versions of this legislation each time such a proposal has been introduced in our state legislature, beginning in 2008. Our arguments in favor of providing protection from discrimination for members of the LGBT community remain consistent, and focus on the need to treat all Utahns fairly and equally.

**There are NO federal or Utah employment or housing discrimination protections for lesbians, gay men, bisexual, or transgender individuals ("LGBT") despite the very real need for such protection.**

The function of civil rights laws is to return the system to its focus on merit once it becomes clear that some people are losing jobs or unable to obtain housing for reasons that have nothing to do with merit. Discrimination in employment and housing are real and serious concerns for the LGBT community in Utah, thus demonstrating the need for protection in our state. A recent survey shows that 43% of lesbian, gay, and bisexual respondents and 67% of transgender respondents have experienced employment discrimination. These members of our community are vulnerable to losing their jobs and their housing, through no fault of their own, which limits their ability to provide for themselves and their families.

**Senate Bill 262 does not create any standards or protections except those that prevent employers and those offering housing from discriminating on the basis of sexual orientation or gender identity.**

- Senate Bill 262 does NOT create hiring quotas or provide for affirmative action.
- Senate Bill 262 does NOT promote or legitimize gay marriage.
- Senate Bill 262 will NOT flood the courts with litigation. Instead, and like the federal and state antidiscrimination laws already in place that protect the rights of other groups of individuals, it will ensure that hardworking Utahns will not be kept from making contributions to the economic life of our state because of characteristics that have no bearing on their ability to do their job.
- Senate Bill 262 does not create a suspect class for lesbians, gay men, bisexual and transgender individuals. The enactment of Senate Bill 262 will not provide members of the LGBT community with any greater consideration by courts than any other class of individuals. Thus far, the U.S. Supreme Court has singled out only race, national origin and gender as suspect classes that are entitled to heightened consideration by the courts, and in fact, has consistently not afforded members of the LGBT community any particular deference. Passage of House Senate Bill 262 will do nothing to alter this situation.

We urge you to vote in favor of equal treatment, and by doing so, add Utah to the growing list of states, communities, and private businesses that recognize that discrimination against members of the LGBT community hurts us all.

Please feel free to contact me should you have any questions or if you need any further assistance.

Kind regards,

Marina Lowe  
Legislative & Policy Counsel