The Fair Housing Laws:
The Letter and the Spirit

America’s first “fair housing” law:
The Civil Rights Act of 1866

As depicted by Allyn Cox in a mural found in the eastern north-south corridor of the House side of the US Capitol – known as the Hall of Capitols.

Enacted April 9, 1866
Returning WWI Veterans change attitudes about the disabled

Formation: September 25, 1920
Motto: "Fulfilling our promises to the men and women who served"

WWII Vets make disability issues more visible to a country of thankful citizens

America's first disabled president

Franklin Delano Roosevelt, America's first disabled president (March 4, 1933 - April 12, 1945) advocates for persons with disabilities.
De-institutionalization of the disabled begins in the 1960’s

Section 811 – Supportive Housing for Persons with Disabilities is enacted in 1959 to “enable persons with disabilities to live with dignity and independence within their communities.”

Civil Rights in the 1960’s

President John Fitzgerald Kennedy addresses the nation on Civil Rights, 11 June 1963

1964 March on Washington
Civil Rights Act of 1964

President Lyndon Baines Johnson with Martin Luther King Jr. at signing of the Civil Rights Act of 1964.

Assassination Credited with Passage of Fair Housing Act

Martin Luther King, Jr.
January 15, 1929 - April 4, 1968

“The time is always right to do what is right.”

Civil unrest after assassination leads LBJ to write a letter to Congress

Soldiers stand near ruined buildings in Washington DC
Civil Rights Act of 1968: The Fair Housing Act is Born

President Johnson signing the Civil Rights Act of 1968

Architectural Barriers Act of 1968

President Lyndon Johnson, signs the ABA into law in August 1968, and characterizes barriers to access as a failure on the part of government that perpetuated “cruel discrimination.”

Nation focuses on women’s rights in the 1970’s

The Equal Rights is first introduced in Congress in 1923. In 1972, it passes both houses of Congress and goes to the state legislatures for ratification.

35 (of 38 required) states ratify it by the 1979 deadline. Ohio was the 33rd state to ratify and did so on February 7, 1974.
Nation focuses on women’s rights in the 1970’s

In 1973, Marabel Morgan of Ohio, a vocal opponent of the ERA, writes *The Total Woman*, where she argues that women are happiest as housewives, caring for their husbands and families. Women can only be totally happy, she says, if they dedicate their lives to these tasks.

1974: Sex/Gender is added as a protected class

Disability Rights in the 1970’s

Personal experience – a grandchild with Down’s Syndrome – motivates Senator Hubert Humphrey’s unsuccessful attempt to amend the 1964 Civil Rights Act to include the disabled.
Advocates of the Disabled Protest Nixon’s Veto

Protests following President Richard Nixon’s pocket veto of the Rehabilitation Act of 1972, lead to passage of an almost identical bill – The Rehabilitation Act of 1973 including Section 504 which effectively makes disability a protected class.

14 Years from Enactment to Regulation

- June 2, 1988 HUD issues 504 Regulations
- September 13, 1988 HUD adds disability as a protected class (Fair Housing Amendments)

EHO in the 80’s

Discrimination against families with children in rental housing

The conclusion of the report says: Nevertheless, the study has demonstrated that, in general, families with children are limited in their choice of housing. For such families, discriminatory practices can be found at all levels of the housing market. This study contributes to the debate on how to more effectively direct the suburban, the inner city, and the homeless in their attempts to find decent housing in a suitable living environment. Clearly, the issue confronts many American families and warrants closer scrutiny and public policy debate.
Families with Children

The Fair Housing Amendments Act of 1988 adds families with children to the protected classes.

Landmark bill passes
House 403/20    Senate 76/8

President George H. W. Bush signs the Americans with Disabilities Act on July 26, 1990 and says, “Let the shameful walls of exclusion finally come tumbling down.”

In the 21st century HUD is working to eliminate all housing discrimination

LEP    DISPARATE IMPACT

LIHC    LGBT
Limited English Proficiency has increased dramatically in the U.S.

LEP Executive Order is issued in 2000
HUD issues Final Rule in 2007

Is LGBT a protected class under The Fair Housing Act?

No, however...
HUD issues its Final Rule on LGBT in 2012 to remind owners that LGBT is already protected under other provisions of the act such as the protection of sex/gender and perception of a disability that have existed under the Act since 1974 and 1988 respectively.

Disparate Impact - new emphasis on an old idea

February 2013
HUD issues Final Rule on Disparate Impact.

- HUD files suit against TDHCA for discrimination based on disparate impact for placing Low Income Housing Credit units in locations that would have a discriminatory effect on members of a protected class.
- March 2014 5th Circuit Court of Appeals finds TDHCA guilty. TDHCA appeals to the U.S. Supreme Court.
- January 2015 Supreme Court hears oral arguments.
- Decision expected by the fall of 2015.
“We have come some of the way, not near all of it. There is much yet to do.”

Lyndon Baines Johnson
April 11, 1968