

HISTORY OF FAIR HOUSING

1866

The Reconstruction Congress passed the Civil Rights Act of 1866 to guarantee property rights to all citizens regardless of race. The courts applied this landmark legislation narrowly to only prohibit racial discrimination by the government.

1949

The Washington State Legislature established the Washington State Human Rights to administer and enforce the Washington Law Against Discrimination in employment.

1957

Washington enacted the Omnibus Civil Rights Act in 1957, outlawing home sale discrimination involving federal or state financing. Declared unconstitutional in 1960 as affirmed by Washington Supreme Court in 1961.

1962

President Kennedy signed Executive Order 11063 prohibiting race, color, creed or national origin discrimination in federally owned, operated or assisted housing.

1964

Congress enacted Title VI of the Civil Rights Act of 1964 to prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

1966-1967

Congress regularly considered and rejected legislation to prohibit discrimination in private housing transactions.

March 1968

The Kerner Commission released its landmark report, concluding that America was "moving toward two societies, one black, one white – separate and unequal." The report discussed the problems of residential segregation and the formation of racial slums as one of the underlying causes of the urban disorders of 1967. The report also pointed out the connection between racial segregation in housing and in schools.

The Senate passed an amended version of the legislation that became the Fair Housing Act on March 11, 1968 with only minor amendments. The bill was then returned to the House where it was referred to the Rules committee for consideration.

April 4, 1968

On April 4, 1968, Dr. Martin Luther King was assassinated and the Capitol was shaken by civil disorders. Within days, the Rules committee concluded its hearings and on April 10, the House voted 250-172 to accept the Senate's amendments, including the fair housing title.

On April 11, 1968, President Lyndon Johnson signed the Civil Rights Act of 1968, which was meant as a follow-up to the Civil Rights Act of 1964. The 1968 act expanded on previous acts and prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, (and as amended) handicap and family status. Title VIII of the Act is also known as the Fair Housing Act (of 1968).

April 19, 1968

City of Seattle enacted its open housing ordinance and conferred enforcement powers on its Human Rights Commission.

June 1968

The U.S. Supreme Court rendered its decision in *Jones v. Alfred H. Mayer Co.*, giving the Civil Rights Act of 1866 new life. Their decision held that the Act banned private, as well as government, racial discrimination in housing.

1969

State of Washington amended the Washington Law Against Discrimination to prohibit housing discrimination.

HUD celebrated the Fair Housing Act's first anniversary with an inaugural celebration in New York. Within that inaugural year, HUD completed the Title VIII Field Operations Handbook, and instituted a formalized complaint process.

1973

Congress enacted Section 504 of the Rehabilitation Act of 1973 to prohibit discrimination based on disability in any program or activity receiving federal financial assistance.

1974

Congress enacted Section 109 of Title I of the Housing and Community Development Act of 1974 to prohibit discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program. Established requirement for "entitlement" jurisdictions to affirmatively further fair housing.

Sex was added as a protected class under the Fair Housing Act.

1975

Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975). Supreme Court held that a municipality may not use a land use regulatory scheme in order to prevent low and moderate-income persons from obtaining housing in the municipality.

City of Seattle added marital status, "sexual orientation" and "political ideology" as protected classes under its open housing ordinance.

1976

Congress amended the Equal Credit Opportunity Act to prohibit discrimination on the basis of race, color, religion, national origin, age, or receipt of public assistance.

1977

Congress enacted the Community Reinvestment Act ("CRA"). This act encourages banks to meet the credit needs of the local communities in which the banks operate. This includes addressing the needs of low-to moderate-income neighborhoods. The CRA responded to the often underdeveloped and inadequate flow of capital funds into low-income neighborhoods to aid in the fostering of neighborhood development, economic growth, and wealth building.

Metropolitan Hous. Dev. Corp. v. Village of Arlington Heights, 558 F.2d 1283 (7th Cir. 1977) recognized the disparate impact proof standard under the FHA.

1978

A federal district court in Ohio held, for the first time, that the 1968 Fair Housing Act prohibited insurance redlining.

1979

Gladstone Realtors v. Village of Bellwood, 441 U.S. 91 (1979). Supreme Court recognized that neighbors and the municipality had standing as aggrieved persons to challenge racially discriminatory steering practices by two real estate brokers.

1981

King County enacted its Open Housing Ordinance

1982

Havens Realty Corp. v. Coleman, 455 U. S. 363 (1982). Supreme Court recognized fair housing testing and tester standing to sue as aggrieved persons.

1986

King County added sexual orientation and marital status protections to its open housing ordinance.

City of Seattle added creed and disability as protected classes under its open housing ordinance.

1987

City of Tacoma hosted its inaugural Fair Housing Month celebration.

1988

On September 13, 1988, President Reagan signed into law the Fair Housing Amendments Act which had been passed by overwhelming margins in the House and Senate during the summer of 1988. This amendment became effective March 12, 1989, making major changes to Title VIII, including adding two protected classes – familial status and handicap – strengthening the administrative and judicial enforcement

process for HUD complaints and providing monetary penalties in cases where housing discrimination is found.

1989

City of Seattle added Section 8 protections to its open housing ordinance.

Washington Law Against Discrimination amended for consistency with Fair Housing Amendments Act.

1992

King County amended its open housing ordinance for consistency with Fair Housing Amendments Act.

1994

Executive Order 12892, as amended, required federal agencies to affirmatively further fair housing in their programs and activities, and provided that the Secretary of HUD will be responsible for coordinating the effort. The Order also established the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

1994

The non-profit Northwest Fair Housing Alliance, headquartered in Spokane, was founded as a HUD-approved Fair Housing Initiatives Program.

President Clinton signed Executive Order 12892 requiring federal agencies to affirmatively further fair housing and establishing the President's Fair Housing Council.

1995

The non-profit Fair Housing Center of Washington, headquartered in Tacoma, began operations as a HUD-approved Fair Housing Initiatives Program.

2000

President Clinton signed Executive Order 13166 to eliminate, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs and activities.

2003

President Bush signed Executive Order 13217 to require federal agencies to evaluate their policies and programs to determine if any could be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

2004

The Washington State Legislature amended Washington's Residential Landlord-Tenant Act to expand legal protections for domestic violence victims. House Bill 2EEHB 1645, effective March 15, 2004, amended landlord-tenant law and indirectly expanded fair housing protections for victims of domestic violence.

2006

The Washington State Legislature passed Engrossed Substitute House Bill (ESHB) 2661 amending the Washington Law Against Discrimination to include sexual orientation and gender identity discrimination protections in employment, commerce, real estate transactions, places of public resort, accommodation, or amusement, and insurance and credit transactions. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, and gender expression or identity.

King County amended its open housing ordinance to include gender identity and Section 8 as protected classes

2007

In April 2007, the Washington State Legislature amended the Washington Law Against Discrimination to overturn the Washington State Supreme Court's holding in *McClarty v. Totem Electric*, 157 Wn.2d 214, 137 p.3d 844 (2006), adopting the definition of disability enumerated by the Americans with Disabilities Act of 1990. Defined disability more broadly than federal law as "the presence of a sensory, mental, or physical impairment that: (i) is medically cognizable or diagnosable; or (ii) exists as a record or history; or (iii) is perceived to exist whether or not it exists in fact." Additionally, "a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated.

Also in April 2007, the Washington State Legislature passed Senate Bill (SB) 5123, amending the Washington Law Against Discrimination to protect persons with veteran or military status from discrimination in employment, commerce, real estate transactions, places of public resort, accommodation, or amusement, and insurance and credit transactions. "Veteran or military status" includes any honorably discharged veteran as defined in RCW 41.04.007, and any active or reserve member in any branch of the armed forces of the United States, including the National Guard and Coast Guard.