

Journey from Housing to Home: Fair Housing

April is National Fair Housing Month in the United States. This month commemorates the passage of the Fair Housing Act signed by President Lyndon B. Johnson on April 11, 1968. The Fair Housing Act of 1968 was created as an update to the Civil Rights Act of 1964 by adding Title VIII. This made discrimination in housing transactions unlawful because of race, color, national origin, religion, sex, disability, and familial status. Housing transactions include but are not limited to sales, rentals, and financing of dwellings. It also required that all federal programs related to housing and urban development to affirmatively further fair housing in their work. The Act protects people from suffering from potential disparate impacts. For example, building apartment houses with 1-2 bedrooms may seem nice on the outside because it is production which gives folks more housing options. However, this has a disparate impact on families as they are less likely to live in 1–2 bedroom homes due to their family size.

When reflecting on history, it is important to know what else was happening in the world. Prior to 1968, Congress debated the fair housing bill but could not gather majority support. When Rev. Dr. Martin Luther King Jr. was assassinated on April 4, 1968, President Johnson utilized that moment to speed up approval of the bill. Another notable historical event going on was the Vietnam War. While low-income people of color were fighting for the United States abroad, many of their families were struggling to secure housing due to discriminatory housing practices back home. Soldiers' personal stories also helped sway politicians to pass this Act.

Within the first year of the Act's passage, the U.S. Department of Housing and Urban Development completed the Title VIII Field Operations Handbook. This handbook provided the process to report discrimination and anti-fair housing incidents to the federal government based on the protected classes. Some complaint categories that HUD has received include housing discrimination, bad landlords in federal housing, problems with manufactured housing, land sales, deceptive contractors, fraud, waste, and abuse.

A recent case demonstrates the power of the Fair Housing Act. It was entered on January 22nd of this year as a consent decree in *United States v. Aqua 388 Community Association, et al.* (C.D. Cal.), a Fair Housing Act election case. A consent decree is a legally binding performance improvement plan. The initial complaint filed on April 3, 2023, alleged that the managers of two neighboring condominium towers in Long Beach, California violated 42 U.S.C. § 3604(f)(2)(A) and (f)(3)(B) by refusing to provide the complainant, who has paraplegia, a reserved accessible parking space for over three years. On October 10, 2023, the court granted the United States' motion for partial summary judgment on liability. The consent decree requires the defendants to adopt new reasonable accommodations and reasonable modifications policies, provide fair housing training to employees working at the approximately 950 properties managed by

one of the defendants, and provide a properly marked, accessible parking space to the complainant for as long as she lives at the subject property.

My name is Monica Keel and I am a Program Associate with CHAPA and support the Greater Newburyport Housing Choice Coalition. The Coalition is a collaboration between the Newburyport YWCA and Citizens' Housing and Planning Association (CHAPA). We strive to increase housing options in Amesbury, Newbury, Newburyport, Salisbury, and West Newbury. If you are interested in joining our activities, or learn more about the issue, please go to <https://bit.ly/3HHVotS> and get in touch at jmeers@ywcanewburyport.org. We meet the third Thursday of every month.

Sources:

<https://www.justice.gov/crt/recent-accomplishments-housing-and-civil-enforcementsection#jp%20rental%20and%20sales>

<https://www.vera.org/news/everything-you-need-to-know-about-consentdecrees#:~:text=A%20consent%20decree%20can%20be,antitrust%20cases%20to%20environmental%20regulation.>

[https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutfheo/history#:~:text=The%201968%20Act%20expanded%20on,Housing%20Act%20\(of%201968\).](https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutfheo/history#:~:text=The%201968%20Act%20expanded%20on,Housing%20Act%20(of%201968).)

<https://www.hud.gov/FHM#:~:text=April%20is%20National%20Fair%20Housing,discrimination%20in%20housing%20transactions%20unlawful.>