

# A little history about the Fair Housing Movement

## Contributed article

Special Section

### The Fair Housing Movement

From 1967 until 1968, efforts to pass the nation's first comprehensive fair housing legislation were delayed in Congress and there was little hope of a fair housing law ever moving forward.

However, in the wake of the assassination of the Rev. Dr. Martin Luther King Jr. in April 1968 and the civil unrest that ensued, Congress passed Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act.

The promise of this initial legislation was to promote a truly integrated society by making housing available regardless of a person's race, color, religion or national origin.

Forty years later, however, equal access to apartments, homes, mortgage loans and homeowner's insurance is still not a reality for many.

### Legislative History

In its haste to pass the Fair Housing Act, Congress failed to establish an effective governmental enforcement mechanism for victims of housing discrimination.

The U.S. Department of Housing and Urban Development (HUD) had the primary responsibility for enforcement of the Fair Housing Act, but was only given the authority to attempt to conciliate the complaints. If the respondent refused to cooperate with HUD's inquiry, HUD had no power to compel the respondent to provide documents relating to the complaint or to issue a finding of discrimination.

The law also limited the Department of Justice to review and filing of only those complaints that indicated a pattern of discrimination. Consequently, the burden of providing enforcement of the Fair Housing Act fell to private attorneys and the less than 25 private, nonprofit fair housing organizations in existence at the time.

The Miami Valley Fair Housing Center is such a private, nonprofit fair housing organization, but was not one of 25 organizations in 1968.

The initial promise in 1968 to end housing discrimination and replace racially segregated neighborhoods with tru-

### The Fair Housing Act

#### What Housing Is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

#### What Is Prohibited?

##### In the sale or rental of housing:

ly integrated communities was almost wholly unfulfilled. The act was amended in 1972 to provide protection based on gender/sex. And in 1988, President Ronald Reagan signed into law the Fair Housing Amendments Act that expanded fair housing protections to people with disabilities and families with children.

The amendments also established a significantly improved governmental enforcement mechanism. While conciliation was still offered as a means of resolving complaints, the new administrative enforcement process gave HUD authority to obtain documents through subpoenas and to issue a charge where reasonable cause existed to support a claim of housing discrimination.

Once a charge is issued, the complainant and respondent can elect to have the case heard before HUD's administrative law judge or in federal district court.

While the 1988 Amendments were under consideration, HUD recommended to Congress the creation of two programs designed to assist HUD in handling housing discrimination complaints. These programs were the Fair Housing Initiatives Program (FHIP) and the Fair Housing Assistance Program (FHAP).

### The Private Fair Housing Movement

The Fair Housing Initiatives Program (FHIP) provides funding to private nonprofit fair housing agencies like the Miami Valley Fair Housing Center. FHIP funds are used for a variety of enforcement, education and outreach activities designed to help housing providers comply with the law and to

No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

assist housing consumers in identifying and reporting even subtle acts of housing discrimination. Private fair housing organizations, in partnership either with their local FHAP agency or with HUD, also can assist in the processing of complaints through investigation and testing, weed out non-meritorious claims, negotiate settlements and file claims in state or federal courts.

The Miami Valley Fair Housing Center is a member of the National Fair Housing Alliance (NFHA). NFHA serves as the umbrella organization for the network of private fair housing organizations.

In 2007, the Miami Valley Fair Hous-

ing Center was selected as one of HUD's performance-based FHIP grantees. As one of only 39 such grantees nationwide, the Miami Valley Fair Housing Center received a three-year grant to continue its important work in the Miami Valley community. This is critically important to realizing the promise of the Fair Housing Act in our community. The private, nonprofit fair housing movement is responsible for investigating the majority of housing discrimination complaints in the United States. In 2006, these fair housing groups handled more than 17,347 complaints. Without this network, HUD would be inundated with claims and complaints (both frivolous and valid), justice would be slow or absent for people with valid complaints, and challenges to systemic discrimination would be virtually non-existent.

FHAP allows HUD to contract with state and local human rights agencies in jurisdictions with laws that are "substantially equivalent" to the federal Fair Housing Act for investigating and conciliating housing discrimination complaints. In the Miami Valley area, The Ohio Civil Rights Commission and the Dayton Human Relations Council are both FHAP agencies.

## You have a nice set of wheels but can't find a place to park them.



Landlords must allow you to make reasonable accommodations to ensure full use of your apartment. Telling you that you can't install grab bars and ramps is against the law. You can fight back.

If you suspect unfair housing practices, contact your local Fair Housing Center. Everyone deserves a fair chance.



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hosted a gala event in the Grand Ballroom of New York's Plaza Hotel.

In subsequent years, the tradition of celebrating Fair Housing Month grew larger and larger. Governors began to issue proclamations that designated

April as "Fair Housing Month," and schools across the country sponsored poster and essay contests that focused upon fair housing issues.

*This article was provided by HUD.gov. For more information about fair housing, please visit [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing).*