
Cities at Work: Progressive Local Policies to Rebuild the Middle Class

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Fair housing

Background

The federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, gender, country of origin, family status, and disability. And the Housing and Community Development Act requires that localities receiving Community Development Block Grants, or CDBGs, take steps to “affirmatively further fair housing,” such as analyzing and eliminating housing discrimination, promoting fair housing for all persons, and providing for inclusive patterns of housing occupancy.

Nevertheless, residential segregation still exists in the United States,¹⁹ and housing discrimination, on the basis of race or other factors, is a sad fact of life for many Americans. As a result, communities across the United States have taken innovative steps to expand upon the federal government’s commitment to fair housing.

Expanding protected classes

While the federal Fair Housing Act provides a baseline of protected classes against whom it is illegal to discriminate, some cities have extended these protections to additional classes. Cities should also consider prohibiting discrimination on the basis of source of income, arrest or conviction record, gender identity, sexual orientation, previous housing status, and citizenship status.

Madison, Wisconsin, includes source of income, arrest or conviction record, and gender identity as additional protected classes.²⁰ Similarly, New York City provides protection from housing discrimination on the basis of lawful source of income and citizenship status, among others.²¹ Extending fair housing protections to these additional classes provides crucial civil rights protections to those not covered under federal law and produces more just communities.

Not all municipalities, however, have the ability to add protected classes due to restrictions in state law. In such cases cities will still benefit by vigorous enforcement for those classes protected by federal law.

Enforcement and outreach

Preventing discrimination in housing requires more than just good laws. Educating citizens about their legal rights and effective enforcement methods are also necessary to ensure that fair housing laws are followed.

Cities should conduct education and outreach on fair housing law and tenants' rights, especially in vulnerable or limited-English-speaking communities. To make local residents aware of their legal rights and obligations, Seattle co-sponsors bimonthly fair-housing training sessions for landlords and property managers, and conducts education and outreach campaigns in Seattle's immigrant and refugee communities.²²

Local governments should also fund fair-housing testing services and bring enforcement actions against housing providers who discriminate on the basis of protected classes. The Seattle Office for Civil Rights "tests" for fair-housing law compliance by contracting with a local nonprofit organization for testers—two individuals who are similar in important ways except for a characteristic related to a protected class such as race—who attempt to rent or purchase the same housing. In cases where the behavior of a housing provider suggests discrimination, retesting is completed to verify initial findings. Where confirmed, findings of discrimination lead to enforcement actions against the housing provider.²³