

SUMMARY OF IMPORTANT FAIR HOUSING LAWS

EXCERPTED FROM PUBLICATIONS OF THE NATIONAL ASSOCIATION OF REALTORS AND FROM A WESTCHESTER REALTOR'S GUIDE TO FAIR HOUSING AND EQUAL OPPORTUNITY REAL ESTATE PRACTICE.

The 1866 CIVIL RIGHTS ACT provided that:

*All citizens of the United States shall have the same rights, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property."

On June 17, 1968, in the case of JONES v. MAYER, the United States Supreme Court held that the 1866 law prohibits "all racial discrimination, private as well as public, in the sale or rental of property."

Thus, any individual, who feels he or she has been discriminated against, can immediately file a suit in Federal Court. The court can stop the sale of a house, or rental of an apartment, to someone else or award damages and court costs.

The 1968 Supreme Court decision further held that the 1866 Act protects all individuals against the following:

1. Denial that housing is available for inspection, sale, or rent when it really is available.
2. Discrimination in the terms or conditions of sale or rental lease.

1968 FAIR HOUSING LAW

Title VIII of the Civil Rights Act of 1968 (the Federal Fair Housing Law), declared it a national policy to provide fair housing throughout the United States. This law and subsequent amendment makes discrimination based on race, color, religion, sex, or national origin illegal in connection with the sale or rental of most housing and any vacant land offered for residential construction or use.

The Fair Housing Law provides protection against the following acts, if they are based on race, color, religion, sex or national origin:

1. Refusal to sell or rent, to deal or negotiate with any person.
2. Denial of a loan or creation of different terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations or insurance companies.
3. Discrimination, by advertising that housing is available only to persons of a certain race, color, religion, sex, or national origin.
4. "Blockbusting" for profit i.e. persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood.
5. Denial to anyone of the use of, or participation in, any real estate services such as broker's organizations, multiple listing services, or other facilities to the selling or renting of housing.

NEW YORK STATE LAW

New York law prohibits discrimination in the sale, rental or lease of housing accommodations on the bases of race, creed, color, national origin, sex, disability or marital status by the owner, lessee, sublessee, or managing agent of housing accommodations or by real estate brokers and salespersons.

The law also prohibits discrimination in:

1. The terms, conditions or privileges of the sale, rental or lease or in the furnishing of facilities or services in connection with any housing accommodation;
2. The printing or circulating of any statement or publication or the use of any form of application or publication for the purchase, rental or lease of a housing accommodation.

The provisions of this paragraph shall not apply: (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or member of his family restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (2) to the rental of a room or rooms in a housing accommodation, if such a rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or a member of his family resides in such housing accommodation.

FAIR HOUSING AMENDMENTS ACT OF 1988

This Act strengthened the enforcement of the 1968 Fair Housing Law. It also provided substantial additional protection for handicapped persons seeking housing, and limited restrictions on purchasers or renters on account of age or familial status. Sellers or landlords who would decline to sell or rent to persons on account of handicap or familial status are advised to consult an attorney beforehand.