

# Fair Housing on Many State Legislative Agendas

With forty-three (43) General Assemblies in session in January, changes to state Fair Housing laws are on the agendas of state lawmakers.

All state legislatures will be in session in 2017. The remaining seven states (7) states convene between February and April.

MHI has been tracking proposed state legislation and has identified fifty-one (51) bills from across the nation seeking changes in state laws governing housing discrimination.

And it's only the middle of January.

Federal fair housing laws were established by the Civil Rights Act of 1968. Under the amended law, it is illegal to deny housing to someone on the basis of race, color, religion, sex, disability, familial status, or national origin.

Over the years, states followed with their own version of discrimination laws. These laws include the "protected classes" of the Federal act, but often include new classes as well.

The most common bills being introduced in state legislatures this year are to expand the number of protected classes under state laws.

For instance, bills have been introduced in several states to include "sexual orientation" and "gender identification" as protected classes. Other bills would establish new state protected classes such as, crime victims, victims of domestic violence, source of income, military status, etc.

Additionally, legislation regarding service animals has started to appear in state legislatures. A growing

issue for community operators, some states are considering bills to make it a crime for a person to falsely claim a disability necessitating the need for an accommodation to pet policies allowing a service or support animal.

As always, MHI suggests you contact your state association for the status of all pending legislation in a given General Assembly and to volunteer to help in their lobbying efforts for the industry.





## HUD ANNOUNCES FAIR HOUSING AGREEMENT RESOLVING DISCRIMINATORY ZONING ALLEGATIONS

**WASHINGTON** - The U.S. Department of Housing and Urban Development (HUD) announced today that it has entered into a Conciliation/Voluntary Compliance Agreement resolving a complaint brought by complainant PathStone, a real estate development corporation based in Rochester, NY, against Whitehall Township and Whitehall Zoning Hearing Board, in Whitehall, Pennsylvania. The complaint alleged that Whitehall engaged in discriminatory zoning practices.

The Fair Housing Act prohibits discrimination in zoning and land use, including setting discriminatory terms and conditions and making housing unavailable, because of race, color, religion, sex, national origin, disability, or familial status. In addition, Title VI of the Civil Rights Act and Section 109 of the Housing and Community Development Act of 1974 require recipients of federal financial assistance not to discriminate and to conduct and administer housing programs in conformity with civil rights laws.

“Municipalities have the critical responsibility to approve housing in a manner that is fair, inclusive and accessible,” said Gustavo Velasquez, HUD Assistant Secretary for Fair Housing and Equal Opportunity. “We are pleased that this agreement has been reached and expect it to lead to greater housing opportunities for families interested in making Lehigh Valley home.”

The Agreement settles PathStone's allegations that Whitehall discriminated because of race, national origin, family status, and disability when it denied its request to construct affordable multifamily housing in the Township.

Under the agreement, which will be in place for five years, Whitehall will pay \$375,000 to PathStone. It will also, among other things, provide the necessary permits for the housing, actively promote the project on its website and in its quarterly newsletters.



For more information, questions, or to get copies of past Updates, contact MHI's General Counsel, Rick Robin-

