

Fair Housing its more than just a Federal law

The Fair Housing Act has been on the books for decades, prohibiting all forms of housing discrimination based upon a person’s race, color, national origin, religion, sex, familial status and/or disability.

The list of so-called “protected classes” in the federal law is relatively short and easy to remember. However, the federal law is not the only housing non-discrimination law impacting manufactured housing communities and retail sales centers.

Shortly after the Fair Housing Act was originally adopted, individual state legislatures around the nation began passing their own version of the act. Often these new state laws added additional protected classes absent from the federal act.

For instance, many states treat active

service members and veterans as protected classes. Other states have language in their laws indicating a person on public assistance cannot be discriminated against in housing.

One of the latest trends in state legislation is to add “sexual orientation” and/or “gender identity” to the list of protected classes.



In 2017, many state legislatures considered bills to add additional protected classes to their state fair housing laws. One of the few to actually pass was in the state of Nevada where “sexual orientation, gender identity or expression” to their non-discrimination language.

The bottom line, is that when drafting a non-discrimination policy for your community or business, you must look beyond just the federal law.

Cities get in on the act, too!

State legislatures are not the only governing bodies getting in on the fair housing bandwagon. It is becoming quite common to see city councils and county commissions jumping into the protected class fray.

Often referred to as “Human Rights” ordinances, these local laws are often focused on banning discrimination based upon gender identity and/or sexual

orientation.

The Human Rights Campaign maintains an on-line list of localities with such ordinances. While informative, the list is incomplete and does not list all cities and counties with local nondiscrimination laws.

Check with your local jurisdictions for more information.

Justice Department Files Sexual Harassment Lawsuit against Owner and Seller of North Carolina Homes

The Justice Department today announced that it has filed a lawsuit against XXXXXX, who rents, sells, and finances homes in Wilkes County, North Carolina. The lawsuit alleges that Hatfield sexually harassed actual and prospective female residents and borrowers in violation of the Fair Housing Act and the Equal Credit Opportunity Act.

The complaint, filed in the U.S. District Court for the Western District of North Carolina, alleges that for over ten years Hatfield has committed egregious acts of sexual harassment against multiple women who have lived in or inquired about his homes. According to the complaint, Hatfield operates some of his homes as rental properties, which he manages, and offers and provides financing to purchasers of his other homes. The suit alleges that Hatfield's conduct has included making unwelcome sexual comments and advances, engaging in unwanted sexual touching and groping, offering tangible housing benefits in exchange for sex acts, and taking or threatening to take adverse housing actions against women who object to his harassment.

“Sexual harassment in housing and lending is unacceptable, and indeed is illegal,” said Acting Assistant Attorney General Tom Wheeler of the Justice Department's Civil Rights Division. “Every woman has the right to feel safe in her home, and the Justice Department will continue to vigorously enforce the federal civil rights laws to hold accountable those who violate this basic right.”

“The victims in this case merely wanted to rent or buy a home, a place of sanctity and safety,” said U.S. Attorney Jill Westmoreland Rose of the Western District of North Carolina.

“Unfortunately, the process became sordid when Hatfield used the critical need for housing as leverage to make unwanted and aggressive sexual advances. This lawsuit should serve as fair warning that Mr. XXXX's actions were not only unlawful, but repugnant to the citizens of Western North Carolina - and this office will work vigorously to protect the women, families and other vulnerable individuals harmed by this type of conduct.”

The lawsuit seeks monetary damages to compensate victims, a civil penalty, and a court order barring further discrimination and requiring additional preventive measures. The complaint is an allegation of unlawful conduct. The allegations must be proven in federal court.



For more information, questions, or to get copies of past Updates, contact MHI's General Counsel, Rick Robinson. at rrobinson@mfgghome.org.

