State Fair Housing Protections

Prepared by the Policy Surveillance Program Staff

SUMMARY
This map identifies variation in state-level laws that prohibit discriminatory conduct in real estate-related transactions such as the sale or rental of housing.

ABOUT STATE FAIR HOUSING PROTECTIONS & THE DATA
The federal Fair Housing Act, passed as part of the Civil Rights Act of 1968, prohibits discrimination in housing-related transactions based on race, color, national origin, religion, sex, familial status, and disability. Most states have adopted their own fair housing laws to expand upon these federal protections, such as prohibiting discrimination based on an individual’s sexual orientation, gender identity, and source of income.

State fair housing laws prohibit discrimination based on an individual’s membership in a protected class, such as race or religion, for housing-related transactions. These laws regulate which protected classes are included, what types of discriminatory actions are prohibited, and when discrimination is exempt under the law.

This map, and the data used to create it, presents state-level statutes and regulations that address the protections against discriminatory conduct in real estate-related transactions. The map includes key characteristics of these laws, such as protected classes, perceived or associated members of protected classes, types of regulated actions, types of exemptions, treatment of housing vouchers, and penalties for violations of fair housing laws.

Fifty of 51 jurisdictions in the United States have state-level fair housing laws. This dataset is longitudinal, analyzing changes in state-level fair housing laws from August 1, 2017 to August 1, 2019.

Findings from this dataset, as of August 1, 2019, include:

- Domestic violence victims are a protected class in housing-related transactions in 5 states.
- Twelve states include housing vouchers as a source of income.
- Eight states do not impose a duty to affirmatively further fair housing.

NAVIGATING THE DATA
There are two ways to navigate the data by clicking the Filter tab or the Explore tab — for each option, the data can be visualized in a map and table format or in jurisdiction profiles.
Filter
The dataset homepage will default to the Filter tab. Here, users may answer a series of questions to learn more about the characteristics of the laws. Answering more than one question will show all the jurisdictions that meet the combined criteria. Criteria selected will be listed above the questions, and can be removed by clicking the white X or by clicking “Reset” above the questions.

Explore
Users can access Explore by clicking the Explore tab in the bar above the questions. Using Explore, users will see the answers to one question across all jurisdictions.

The primary questions in this dataset are:

1. Does the state prohibit discrimination in housing-related transactions?
2. Which protected classes are regulated under the law?
3. Does the law extend protections to perceived members of a protected class?
4. Does the law extend protections to individuals associated with members of protected classes?
5. What types of actions are regulated under the law?
6. What is exempt from fair housing protections?
7. Which exemptions, if any, apply specifically to sexual orientation discrimination?
8. Which exemptions, if any, apply specifically to gender identity discrimination?
9. Does the law preempt local governments from extending protections to housing voucher recipients?
10. Does the law impose a duty to affirmatively further fair housing?
11. Are penalties authorized for violating the law?

DISPLAYING THE RESULTS
There are two display modes once criteria have been selected by using either the Filter or Explore tab — Map display mode and Profiles display mode.

Map Display
LawAtlas.org dataset homepages default to the map display mode. When querying the data using the Filter tab, all jurisdictions that meet the criteria selected will display in one tone of yellow. Those jurisdictions that do not meet the criteria selected will be colored gray. When querying the data using the Explore tab, the map will illuminate with colors from yellow to red that are associated with the various answer choices (the color-coding is defined by the key to the left of the map).

Below the map, a table will appear. Using the Filter or Explore tab to navigate the questions will change the display:

- Using the Filter tab, you can select an unlimited number of criteria and the applicable jurisdictions that meet the combined criteria will be displayed in the table below.
- Using the Explore tab, you can isolate a single criterion and the applicable jurisdictions will appear in the table below.
Profiles Display
The Profiles display presents the results of the criteria selected in a text-based format for each applicable jurisdiction. Using the Filter tab, jurisdictions that meet the criteria selected will display. Using the Explore tab, jurisdictions that meet the criterion selected will display. If no criteria are selected, the full profiles for each state will appear under both Filter and Explore.

Profile Legend
Within each Profile box, above the questions and answers, there are additional options and information useful in exploring the law:

<table>
<thead>
<tr>
<th>§§</th>
<th>Toggle Legal Text – Selecting this option will show all the legal text used to answer questions for this jurisdiction.</th>
</tr>
</thead>
<tbody>
<tr>
<td>≡</td>
<td>Toggle Full Place Profile – Selecting this option will show all questions and answers for this jurisdiction, regardless of what was selected using the Filter or Explore tabs.</td>
</tr>
<tr>
<td>↔</td>
<td>Toggle Size – Selecting this option will make the profile larger, but will not change the information displayed.</td>
</tr>
</tbody>
</table>

Legal Text History – This interactive timeline displays when changes in the law have occurred within a jurisdiction. Using the arrows to the left or right, users may explore how the law has changed over time as new amendments to the law have been enacted. The timeline will change from gray to a shade of yellow when the jurisdiction passed its first relevant law. Each change in the law after that is marked by a break in the timeline.

Map and Profile Legend
There are a few symbols to be aware of in both Map and Profiles display modes:

<table>
<thead>
<tr>
<th>$</th>
<th>Section Symbol – Clicking this symbol will open a window that displays excerpts from the law that correspond to the question and answer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☢</td>
<td>Caution Note – Clicking on this symbol will open a small window that displays text that describes important caveats about the question and answer.</td>
</tr>
</tbody>
</table>

DATASET RESOURCES
Each dataset homepage includes the following resources available for download:

- Data: The Data file exports in CSV format and may contain two tabs. The “Statistical Data” tab contains the legal variables coded in the dataset, displayed as values defined
in the accompanying Codebook. The “Summary Data” tab contains the legal variables coded in the dataset in text form, as well as the accompanying citations and any caution notes that may be included. Note: if there is only one tab available for download it will be the “Statistical Data” as described above.

- Codebook: The Codebook defines all of the coded variables in the dataset. The Codebook lists the question, question type, variable name, variable value and variable label. The Codebook should be used in conjunction with the Statistical Data extract.

- Research Protocol: The Research Protocol is a comprehensive document that outlines the entire methodology of the project, including the scope, inclusion and exclusion criteria, data collection methods, definitions, coding scheme decisions, as well as the quality control process.

- Summary Report: The Summary Report provides a snapshot of important findings from the dataset.

ADDITIONAL INFORMATION

- Elizabeth K. Julian, Founder and Senior Counsel at the Inclusive Communities Project, served as subject matter expert for this project.

This collection of laws does not provide legal advice nor does it address enforcement of laws, administrative policies, case law, or any other sources of law. Should you have a specific question about these laws in your state, please contact an attorney in your jurisdiction.