

Urban Planning and Housing:
An Assessment of Fair Housing Laws Providing Protective Status to Veterans

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Abstract

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This thesis examines the housing element of urban planning, but it does not address all aspects of housing. It focuses on housing one segment of the population: veterans. Specifically, it evaluates the barriers to housing veterans, the laws that are in place to ensure that veterans are able to access housing, and what protections exist for veterans who experience housing discrimination. It provides a historical synopsis of Federal fair housing laws and an assessment of the five states that have amended their fair housing laws to provide protection from housing discrimination for military members and veterans. Each state assessment includes a summary of the legislative action that amended the law, the catalyst for inclusion in the state law, the definition of veteran included in the law, and information regarding implementation of the law such as oversight agencies, the frequency of complaints, and programs and actions taken to support the law. A matrix is also included that identifies the fair housing law for every state, the included protected classes, and the online resource for the law.

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Introduction

This thesis examines the housing element of urban planning, but it does not address all aspects of housing. It focuses on housing one segment of the population: veterans. Specifically, it evaluates the barriers to housing veterans, the laws that are in place to ensure that veterans are able to access housing, and what protections exist for veterans who experience housing discrimination.

Providing access to an adequate supply of safe and sanitary housing has long been a focus of urban planners; developing housing is an essential part of building a functioning city. An early example of the impact that urban planning can have in addressing the housing needs of a vulnerable population is the New York City tenements of the late nineteenth and early twentieth centuries. During that era planning laws allowed for high population density to maximize the land use without requiring access to adequate utilities and tenant protections such as fire safety. This resulted in inadequately constructed, overcrowded, disease-ridden multifamily housing for the city's working poor. It also served as a catalyst for America's first comprehensive zoning law in 1916.¹

Over time the approach to planning for and developing a city has changed the built environment. For example, zoning laws have been enacted to ensure that housing for individuals and families is not located next to highly toxic industrial land uses; that housing is supplied with water, sewer, and electricity; that there are societal benefits such as affordable housing bonuses or green space required in exchange for any variances to zoning law. Planning for housing in the urban environment helps cities and counties create a viable revenue source to support further development through the assessment of property taxes.

¹ Montgomery, Michael R. "Keeping the Tenants Down: Height Restrictions and Manhattan's Tenement House System, 1885-1930." *The Cato Journal* 22, no. 3 (2003): 495.

The impact of the evolution of urban planning can be seen in the physical structure of a city. What is not so easily seen is the impact that urban planning has had on who lives within the city. Once zoning laws and building codes were adopted access to safe and sanitary housing improved, which led to the decline of hazardous housing conditions such as those seen in the tenements. Subsequent issues of providing housing evolved from the physical structure to the social challenges. Without protections under the law, many people were denied access to certain types of housing or had little to no choice in where they could live because of the color of their skin or their religious beliefs, for example.

That was until the implementation of the Federal Fair Housing Act. Under that law, city, county, and state governments seeking to obtain funding for housing and community development have to attest to the Federal government in consolidated plans that the jurisdiction is “affirmatively furthering fair housing.” Meaning that any program it administers with Federal monies must take actions to address the housing needs of protected classes.² A protected class in regards to Federal programs and funding refers to those classes identified in the Fair Housing Act. These include race, national origin, sex, handicap, and familial status.³ Even in instances where housing discrimination has not previously existed, jurisdictions are tasked with taking affirmative action “to overcome the effects of conditions which resulted in limiting participation” of protected classes in housing and community development programs. Ultimately, the jurisdiction is required to use “Federal housing funds in a way that increases the supply of integrated housing rather than furthers ghettoization in the inner-city neighborhoods of a

² Lambrix, Laurie, and Prieto, Louis. "How to Use the Fair Housing Laws to Achieve Your Community Development Goals." *Clearinghouse Review* 32, no. 5 6 (1998): 208-15.

³ Fair Housing Act, 42 U.S.C. 3601, §800.

metropolitan area.”⁴ Those protected classes identified in the Act were now given a legal means to report and resolve discrimination experienced while seeking housing.

It is inherently assumed that before one can affirmatively further fair housing that there must be an understanding of the impediments to fair housing. An essential part of addressing housing needs is understanding the community’s demographics and relating those to the spatial environments. Where in a city, county, state are there concentrations of poverty, areas of high minority concentrations, etc.?⁵ The apparent need for fair housing laws arose during the civil rights era. It was during this time the practice of “redlining” occurred in many cities. This was a practice rooted in the real estate sales and development industry that became known as blockbusting. A practice in which white families were subjected to scare tactics ultimately leading to the sale of their homes, which were subsequently sold at inflated prices to minority families. At that time mortgages and insurance were only offered to minority households in “redlined” neighborhoods forcing segregation.⁶

Fair housing law not only protects aggrieved persons from discrimination on a personal level, it also make discriminatory land-use or zoning ordinances illegal. For example, zoning ordinances could not impose spacing requirements that care facilities for the disabled persons be a specific distance from each other, impose additional procedural requirements for obtaining certificates of occupancy or require a variance for housing for protected classes, or perpetuate segregation.⁷

⁴ Lambrix.

⁵ Ibid.

⁶ McGuire, Chester C. "Focus on Housing: Fair Housing Law--thirty-five Years Later.(Insider's Perspective)(Housing and Urban Development Act of 1968)." *Real Estate Issues* 28, no. 3 (2003): 52.

⁷ Pepper, Beth. (1993). Highlights in fair housing law: Strengthening the rights of people with disabilities to live in the community of their choice. *Clearinghouse Review*, 26(11), 1458-1468.

Prior to the Federal Fair Housing Act of 1968, individual cities and states enacted legislation in an attempt to eliminate discriminatory practices in their jurisdictions. By 1961, 18 states and 12 cities had enacted statutes or ordinances prohibiting housing discrimination, and by 1962 the Federal government prohibited discrimination in public housing by executive order. Early testimony in support of fair housing law took the position that housing discrimination was morally wrong and that regulation was morally right.⁸ This idea correlates with the modern day belief that housing is a public good; that housing should be an affordable and accessible piece of a community's infrastructure.

The protected classes identified in the Fair Housing Act are protected from housing discrimination. This law has provided opportunities for these groups of people to access housing in communities throughout the nation. However, in comparison to individual state laws the Federal fair housing law identifies only a small portion of people who are subjected to housing discrimination. Over time states have expanded the list of protected classes to prohibit discrimination based on such things as age, gender identity, marital status, sexual orientation, and source of income or receipt of public assistance.

In some instances, states have included a person's military or veteran status as a protected class. There is a misconception that a veteran who experiences housing discrimination would be covered under the handicap protected class of the Fair Housing Act. However, this is not true. Not all veterans are disabled; many face a variety of other challenges. This thesis will examine what other barriers exist to housing veterans and provide an analysis of what five states of done to provide fair housing protections for veterans.

⁸ Duncan, John B., and Albert Mindlin. 1964. "Municipal Fair Housing Legislation: Community Beliefs and Facts". *Phylon (1960-)* 25 (3). Clark Atlanta University: 217-37.

Purpose

Many veterans return to their communities with physical disabilities, mental health issues, and economic instability making them a difficult to house population. The purpose of this research was to determine which state or Federal laws fair housing laws provided protective status to veterans or service members. Meaning that veterans or service members are identified as a protected class under fair housing laws, enabling them to have legal recourse if they experience discrimination in housing based on their protected class. The research examined the mechanisms that are in place that allow veterans to live free from housing discrimination in the country they defended. It also assessed how individual states have enacted and implemented fair housing laws protecting veterans rights.

Veteran Population

In order to identify the challenges faced by veterans it is important to examine what comprises the veteran population. A veteran is defined by 38 U.S. Code § 101 as a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.⁹ Across the Federal government, multiple agencies are tasked with obtaining data on veterans in America. According to the U.S. Department of Veterans Affairs (VA) there were 22,299,350 veterans of the United States military as of September 30, 2013 (VA DoA).¹⁰

⁹ Veterans' Benefits, 38 U.S. Code 101 (2006).

¹⁰ U.S. Department of Veterans Affairs. National Center for Veterans Analysis and Statistics. *Veterans Population*. http://www.va.gov/vetdata/veteran_population.asp.

On this same date, the U.S. Census Bureau reports that the total population of the United States was 316,768,365, meaning that veterans make up 7 percent of the population.¹¹ Of the total veteran population (22,299,350), approximately 17 percent (3,894,194) of veterans are minorities (see Figure 1), while 9 percent (2,001,252) are women (see Figure 2). The VA’s Office of the Actuary used its 2013 data to complete a population projection for the period of Fiscal Year (FY) 2013 through FY 2043. The projection predicts a steady decrease in the total number of veterans over the next 30 years, particularly in the male veteran population, though it projects an increase in woman and minority veteran populations over the next 30 years.¹²

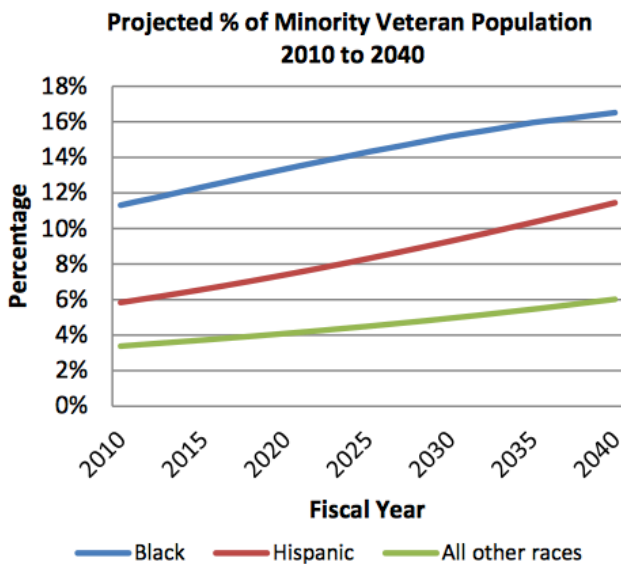


Figure 1 Source: Department of the Actuary, Department of Veteran Affairs

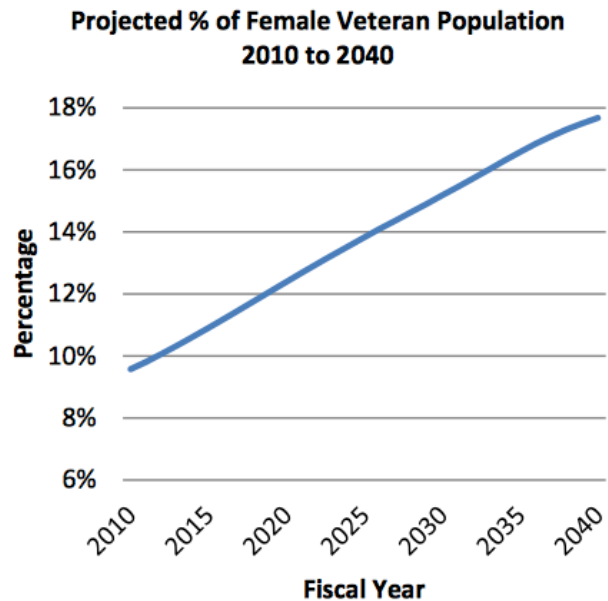


Figure 2 Source: Department of the Actuary, Department of Veteran Affairs

¹¹ “U.S. and World Population Clock.” United States Census Bureau. http://www.census.gov/popclock/?intcmp=home_pop.

¹² U.S. Department of Veterans Affairs. *Veterans Population*.

Barriers to Housing Veterans

Each year, the U.S. Department of Housing and Urban Development (HUD) is tasked with conducting a nationwide point-in-time count to determine the state of homelessness across the country. Annually, during the last ten days of January entities designated by HUD as Continuums of Care select one night to estimate the number of people experiencing homelessness in their community. The results of these point-in-time counts are compiled and submitted to Congress in HUD's Annual Homeless Assessment Report (AHAR). The count distinguishes between sheltered and unsheltered homeless. Sheltered homeless are individuals residing in emergency shelters, transitional housing programs, or safe havens. Unsheltered homeless are defined as individuals staying in places not meant for human habitation, such as the streets, abandoned buildings, vehicles, or parks. According to the 2014 AHAR, of the 578,424 people experiencing homelessness on a given night in January 2014, 49,933 were veterans (see Figure 3). One in ten homeless adults is a veteran. The 2014 count represented an 11 percent decline in veteran homelessness between 2013 and 2014. This correlates to a reduction of 5,846 veterans experiencing homelessness.¹³

Estimates of Homeless Veterans
By Sheltered Status, 2009–2014

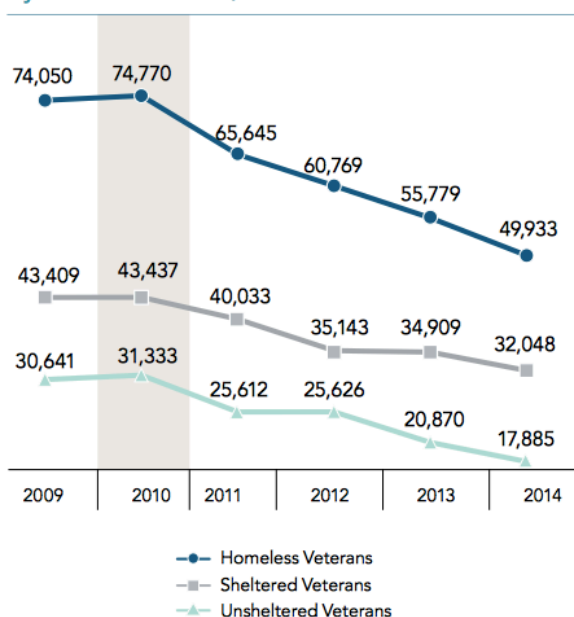


Figure 3 Source: HUD 2014 Annual Homeless Assessment Report

¹³ U.S. Department of Housing and Urban Development, Office of Community Planning and Development, *The 2014 Annual Homeless Assessment Report to Congress*, <https://www.hudexchange.info/resources/documents/2014-AHAR-Part1.pdf>.

The decline in homelessness among veterans is likely to be attributed to Opening Doors, the nation's first comprehensive strategy to prevent and end homelessness. This 2010 U.S. Interagency Council on Homelessness (USICH) plan laid out a path to end veteran and chronic homelessness by 2015, and end homelessness for children, youth, and families by 2020.¹⁴ In its plan to address veteran homelessness, the USICH acknowledged that:

In general, veterans have high rates of Post-Traumatic Stress Disorder, traumatic brain injury, and sexual trauma, which can lead to higher risk for homelessness. About half of homeless veterans have serious mental illness and 70 percent have substance abuse problems. Half of homeless veterans have histories of involvement with the legal system. Veterans are more likely to live outdoors—unsheltered—and experience long-term, chronic homelessness.¹⁵

Opening Doors employed five strategies to address the unique needs of veterans: expanding affordable housing opportunities through improved targeting of current housing programming, providing permanent supportive housing, increasing meaningful and sustainable employment, reducing financial vulnerability, and by transforming the homeless crisis response system.¹⁶ In conjunction with the plan, with HUD's Mayor's Challenge to End Veteran Homelessness initiated in 2015 by First Lady Michelle Obama, the Federal government has been strategically addressing and reducing veteran homelessness. To date, a total of 570 leaders have joined HUD's challenge, including 432 mayors, 7 governors, and 131 county and city officials.¹⁷

¹⁴ "Opening Doors." *U.S. Interagency Council on Homelessness*. http://usich.gov/opening_doors/ (accessed March 23, 2015).

¹⁵ "Opening Doors: Homelessness Among Veterans Fact Sheets." *U.S. Interagency Council on Homelessness*. http://usich.gov/usich_resources/fact_sheets/opening_doors_homelessness_among_veterans/ (accessed May 2, 2015).

¹⁶ "Opening Doors." *U.S. Interagency Council on Homelessness*.

¹⁷ "Mayors Challenge." *U.S. Department of Housing and Urban Development*. http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/veteran_information/mayors_challenge/ (accessed May 2, 2015).

The city's of New Orleans, Salt Lake City, and Phoenix were among the first to declare an end to veteran homelessness in their cities.¹⁸

A contributing factor to homelessness is often the inability to afford housing as a result of unemployment or underemployment. The U.S. Department of Labor Bureau of Labor Statistics reported that in March 2015 the U.S. unemployment rate was 5.5 percent, meaning that 8.6 million persons were unemployed during that month.¹⁹ For that same period, the Veterans Benefit Administration Department of Economic Opportunity reported that 535,000 of those 8.6 million unemployed persons were veterans. This correlates with a veteran unemployment rate for March of 2015 of 4.9 percent of all veterans, marginally better than the national rate. Furthermore, 184,000 of the 535,000, or 34 percent of the unemployed were identified as Post 9/11 Veterans.²⁰ A Post 9/11 Veteran is defined as a veteran that served in the active duty military for 90 days or more following September 11, 2001.

Additionally, a growing number of veterans have been diagnosed with service-connected disabilities. A service-connected disability means that the disability was a result of disease or injury incurred or aggravated during active military service. According to the U.S. Department of Veterans Affairs National Center for Veterans Analysis and Statistics in spite of a declining veteran population from 1985 to 2012, the number of disabled veterans from all eras of service has been steadily increasing. An increase in the severity of the disabilities has also been observed. The growth is occurring primarily in veterans receiving disability ratings of 50 percent

¹⁸ Goldberg, Eleanor. "New Orleans Becomes Latest City To End Chronic Veteran Homelessness." *The Huffington Post*. January 9, 2015.

¹⁹ U.S. Department of Labor. Bureau of Labor Statistics. Economic News Release. *Regional and State Employment and Unemployment Summary*. May 27, 2015. <http://www.bls.gov/news.release/laus.nr0.htm> (accessed April 27, 2015).

²⁰ Veterans Benefits Administration, Office of Economic Opportunity, *Employment Facts and Statistics*, March 2015, http://content.govdelivery.com/attachments/USVAVBA/2015/04/03/file_attachments/378814/BLS%2BEmployment%2BData%2B-%2BMarch%2B2015.pdf.

or more (see Figure 4).²¹ The percentage of the disability rating is designed to compensate for a loss of working time from exacerbations or illnesses related to the service-connected disability.²²

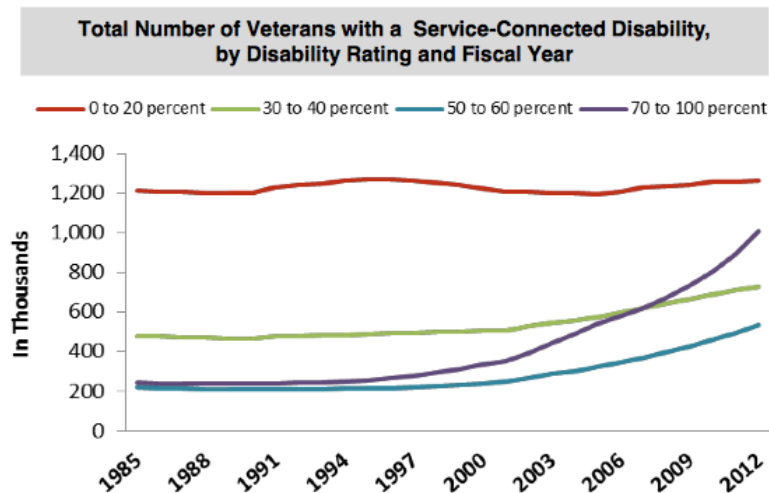


Figure 4 Source: National Center for Veterans Analysis and Statistics

Many of the veterans determined to have service-connected disabilities have been diagnosed with posttraumatic stress disorder (PTSD). Approximately 7 or 8 out of every 100 people (or 7-8% of the population) will have PTSD at some point in their lives. This rate is much higher among veterans, and varies between the eras of service. For example, of Operations Iraqi Freedom (OIF) and Enduring Freedom (OEF) veterans 11-20 out of every 100 veterans (or between 11-20%) will experience PTSD in a given year. For Gulf War (Desert Storm) veterans 12 out of every 100 (or 12%) will have PTSD in a given year. Of the veterans that served in the Vietnam War it is estimated that about 30 out of every 100 (or 30%) have had PTSD in their lifetime.²³

²¹ U.S. Department of Veterans Affairs. *Veterans Population*.

²² "Compensation." U.S. Department of Veterans Affairs. <http://www.benefits.va.gov/COMPENSATION/types-disability.asp> (accessed May 30, 2015).

²³ U.S. Department of Veterans Affairs, National Center for PTSD, "How Common is PTSD?" <http://www.ptsd.va.gov/public/PTSD-overview/basics/how-common-is-ptsd.asp> (accessed May 2, 2015).

Through its Veterans Health Initiative, the VA has implemented a comprehensive program of continuing education designed to improve recognition and treatment of health problems related to traumatic brain injury (TBI). This initiative is in direct response to the increasing number of combat related traumatic brain injuries. TBI has been called a “signature injury” of Operation Enduring Freedom and Operation Iraqi Freedom (OEF/OIF). Fifteen percent of military members who engaged in active combat in Iraq and Afghanistan self-reported that they might have suffered a mild TBI (VHI/TBI). The occurrence of a TBI is not isolated to combat, but is a significant health issue affecting service members and veterans during times of both peace and war. Between the years of 2000 and 2014 320,244 service members were diagnosed with a TBI.²⁴

In addition to PTSD and TBI, many service members were physically disabled during their tours of duty. Some 1,573 battle-injury major limb amputations occurred between 2000 and 2014 during Operations Enduring Freedom, Iraqi Freedom, and New Dawn. This means that their combat related injuries resulted in a loss of one or more limbs, the loss of one or more partial limbs, or the loss of one or more full or partial hand or foot.²⁵ One impact of these many challenges faced by veterans is suicide. A suicide data report issued by the U.S. Department of Veterans Affairs Mental Health Services in 2012 reported that, on average, 22 veterans committed suicide each day in 2010; one veteran commits suicide approximately every 65 minutes.²⁶

²⁴ Department of Defense, Defense and Veterans Brain Injury Center, *DoD Worldwide Numbers for TBI*, <http://dvbic.dcoe.mil/dod-worldwide-numbers-tbi> (accessed May 10, 2015).

²⁵ U.S. Library of Congress, Congressional Research Service, *A Guide to U.S. Military Casualty Statistics: Operation Inherent Resolve, Operation New Dawn, Operation Iraqi Freedom, and Operation Enduring Freedom*, by Hannah Fischer, 7-5700 (2014).

²⁶ U.S. Department of Veterans Affairs. Mental Health Services. Suicide Prevention Program. *Suicide Data Report 2012*, by Janet Kemp and Robert Bossarte. <http://www.va.gov/opa/docs/>

For those veterans who are not affected by physical and mental impairments, one of the unintended consequences of their service may be a lack of rental history. In the 2012 Demographics of the Military Community Report, the Office of the Deputy Assistant Secretary of Defense reported that there were 1,388,028 active duty members in the U.S. military. During that same year 201,958 active duty military members left service.²⁷ Many of these separating service members would have lived in government provided housing such as barracks, or on-base housing provided for individuals or families. As a result, they would have little to no rental or homeownership history to rely upon during background checks when applying for housing in the communities they return to.

Federal Fair Housing Law

The Civil Rights Act of 1968, followed-up to the Civil Rights Act of 1964. In the 1968 Act discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, (and as amended) handicap, and familial status was prohibited; which was an expansion on previous acts. Specifically, Title VIII of the Act is also known as the Fair Housing Act (of 1968). Race, national origin, sex, handicap, and familial status are typically identified as protected classes when referring to the Act. In spite of the housing inequities experienced by veterans returning from the Vietnam War, particularly poor African-American and Hispanic infantrymen, the Civil Rights Act of 1968 did not identify veteran status as a protected class.²⁸

suicide-data-report-2012-final.pdf.

²⁷ Department of Defense, Office of the Deputy Assistant Secretary of Defense, *2012 Demographics Profile of the Military Community*, http://download.militaryonesource.mil/12038/MOS/Reports/2012_Demographics_Report.pdf (Accessed May 10, 2015).

²⁸ "History of Fair Housing." *U.S. Department of Housing and Urban Development*. http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/aboutfheo/history (accessed May 11, 2015).

Examples of discrimination against a protected class under the Fair Housing Act include: refusing to sell or rent a dwelling; discriminating in the terms, conditions or privileges of sale or rental of a dwelling; engage in any conduct relating to make unavailable or deny housing; making any discriminatory notice, statement or advertisement. The Act prohibits a “person” from these types of discriminatory activities. It further defines a person as:

one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 U.S.C., receivers, and fiduciaries.²⁹

Even before the Fair Housing Act passed in 1968, state governments, as recipients of Federal assistance for the provision, rehabilitation, or operation of housing and related facilities were explicitly required in 1962 by Executive Order 11063 to prevent discrimination and provide for equal opportunity in housing.³⁰ The Civil Rights Act of 1964 and Executive Order 11063 both required Federal agencies to issue regulations banning discrimination, but did not provide a mechanism for enforcement. The Federal regulations related to the two laws issued by the U.S. Department of Housing and Urban Development that were designed to bring about compliance were not binding.³¹

Veterans and the Fair Housing Act

It was on January 12, 2011, that Representative Al Green introduced House of Representatives Bill 284 (112th): Veterans, Women, Families with Children, and Persons With Disabilities Housing Fairness Act of 2011. This bill had 33 cosponsors and was referred to the

²⁹ Fair Housing Act, 42 U.S.C. 3601, §800.

³⁰ Executive Order 11063 of November 20, 1962, Equal Opportunity in Housing, http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/EO11063.

³¹ Lazin, Frederick Aaron. 1973. The failure of Federal enforcement of civil rights regulations in public housing, 1963-1971: The co-optation of a Federal agency by its local constituency. *Policy Sciences* 4, no. 3: 263-273.

Committee on Financial Services. If enacted, it would have directed the Secretary of the HUD to implement grants to conduct comprehensive studies examining the incidences, causes, and effects of housing discrimination and segregation on veterans and military personnel. It would have also implemented pilot projects that test solutions for preventing or alleviating housing discrimination and segregation of all types.³²

Another attempt to list veterans as a protected class in Federal fair housing legislation came in 2012. Senator Scott Brown introduced Senate bill 3283 (112th): Ending Housing Discrimination Against Service Members and Veterans Act of 2012, on June 11, 2012. The bill, which had no cosponsors, was read twice and referred to the Committee on Banking, Housing, and Urban Affairs but did not proceed to a vote. If it had been approved, the bill would have inserted “or because the person is a service member or veteran” after “national origin” in the list of person prohibited from discriminating against. It would have prohibited housing discrimination against service members or veterans with respect to the sale or rental of housing, residential real estate-related transactions, and the provision of brokerage services. Reasoning for the inclusion of service members in the Act based on the findings listed in Senator Brown’s bill were:

- (1) Service Members and veterans have given the United States the ultimate commitment to preserve freedom and national security.
- (2) Those who are serving or have served in the Armed Forces deserve the maximum protection possible from discrimination based upon their military service.
- (3) Veterans have historically suffered from homelessness at a higher rate than the general population and ending this disgrace should be a national priority.

³² *Veterans, Women, Families with Children, and Persons With Disabilities Housing Fairness Act of 2011*. H. 284. 112th Congress. <https://www.govtrack.us/congress/bills/112/hr284> (accessed May 11, 2015).

(4) Those who are wearing or have worn the uniform of the United States should be entitled to Federal protection from housing discrimination.³³

The catalyst for Senator Brown's bill was a discrimination case from his home state where a veteran of Iraq and Afghanistan had allegedly been discouraged the veteran from renting because of his military background. The landlord, who was a political activist, claimed the situation (renting to him) would be "uncomfortable." Because the Massachusetts State law made it illegal to discriminate against veterans seeking housing, the veteran had recourse to remedy the discrimination. The Senator and his staff found that fewer than one-half dozen States had similar protections, and sought to change the Federal law so that "no veteran or service member should ever face the indignity of being denied housing solely on the basis of their service."³⁴

On January 22, 2015, Representative Derek Kilmer sponsored and introduced House Resolution 501: Veterans and Service Members Employment Rights and Housing Act of 2015. The resolution "prohibits employment practices that discriminate based on an individual's military service and amends the Fair Housing Act and the Civil Rights Act of 1968 to prohibit housing discrimination against members of the uniformed services." As it pertains to the Fair Housing Act, the resolution proposes to "prohibit housing discrimination against a member of the uniformed services with respect to: (1) the sale or rental of housing, (2) residential real estate-related transactions, and (3) the provision of brokerage services." The resolution was initially referred to the Committee on Education and the Workforce and the Committee on the Judiciary. It was subsequently referred to the Subcommittee on the Constitution and Civil Justice. The resolution, which had 8 cosponsored when it was introduced has added 8 additional

³³ *Ending Housing Discrimination Against Service Members and Veterans Act of 2012*. S. 3283. 112th Congress. <https://www.govtrack.us/congress/bills/112/s3283> (accessed May 11, 2015).

³⁴ U.S. Congress, Senate, *Congressional Record*. Vol. 158. No. 90. June 14, 2012, 112th Congress, Second Session. <https://www.congress.gov/crec/2012/06/14/CREC-2012-06-14.pdf>.

cosponsors since March of 2015. As of April 29, 2015, the Resolution has been referred to the Subcommittee on Workforce Protections.³⁵

Though veterans are not explicitly listed as a protected class in the Fair Housing Act, HUD's Office of Fair Housing and Equal Opportunity has found that veterans have been



Figure 5 Source: U.S. Department of Housing and Urban Development

aggrieved persons and subject to discrimination under the Act primarily in regards to disability. In April 2015, HUD launched a national media campaign during Fair Housing Month that included a focus on the types of discrimination veterans with disabilities often encounter (see Figure 5).³⁶ HUD has also provided grants through its Fair Housing Initiatives Program to organizations that planned to provide fair housing services for current military personnel and veterans ranging from counseling to combat mortgage modification and foreclosure scams experienced by active service personnel and

³⁵ *Veterans and Service Members Employment Rights and Housing Act of 2015*. H. 501. 114th Congress. <https://www.congress.gov/bill/114th-congress/house-bill/501> (accessed April 29, 2015).

³⁶ "Press Release HUDNo_15-035 - Fair Housing Month." *U.S. Department of Housing and Urban Development*, http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2015/HUDNo_15-035 (accessed May 14, 2015).

veterans. Fair housing activities focusing on training, testing, investigation, and resolution of fair housing complaints with an emphasis on fair housing enforcement on behalf of refugees and fair housing services for current military personnel and veterans have also been funded.³⁷

In 2012, the Department of Justice (DOJ) reported an increase in complaints received regarding discrimination of classes not protected by Federal Fair Housing Act, including military status. Seventeen percent of the complaints the DOJ received during that year were listed as “other,” which is a category that represents cases based on military status, source of income, and age. A total of 28,519 complaints were received nationally during 2012 between the National Fair Housing Alliance, the U.S. Department of Housing and Urban Development, HUD’s Fair Housing Assistance Partners, and the Department of Justice. Of those, 122 complaints involved discrimination of class not Federally protected including military status.³⁸

Veterans and State Fair Housing Laws

Changes to the Federal law would have likely resulted in systemic change throughout the nation, as all recipients of Federal assistance would have been required to comply with the Fair Housing Act as amended. Lacking the inclusion of veterans as a protected class in the Federal Fair Housing Act, there is a limited number of states where service members and veterans are legally protected from housing discrimination. Over time, some states have amended their fair housing laws to include veterans and/or military members. These amendments require housing providers and real estate professional within each state to comply with the provisions of the laws as passed by the state.

³⁷ U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *HUD Annual Report on Fair Housing FY 2012-2013*, <http://portal.hud.gov/hudportal/documents/huddoc?id=2012-13annreport.pdf> (accessed May 14, 2015).

³⁸ National Fair Housing Alliance, *Where You Live Matters: 2015 Fair Housing Trends Report*, [http://www.nationalfairhousing.org/Portals/33/2015-04-30 NFHA Trends Report 2015.pdf](http://www.nationalfairhousing.org/Portals/33/2015-04-30%20NFHA%20Trends%20Report%202015.pdf).

Methodology

As noted in the Federal Fair Housing Law section of the Introduction, the Fair Housing Act does not provide protective status to service members or veterans. Bills and resolutions introduced in Congress have not progressed from committee and have not resulted in amendments to the Fair Housing Act; though there is still one piece of legislation active and under committee review in the current Congress. Given the lack of Federal legislation and regulation providing protective status to service members and veterans at the national level, research was undertaken to identify what protections were provided at the next level of government, the state.

A review of all 50 states laws was conducted to identify which section of the state law was inclusive of fair housing. The resulted of the review were then used to generate the matrix included in the Appendix 1. The matrix identifies that state law legislating fair housing and the identified protected classes covered by the law. Throughout the development of the matrix annotations were made when the state law included veteran, service member, or military status as a protected class. A review of the completed matrix found that the five states provided protective status based on military service were: Illinois, Massachusetts, New York, Ohio, and Washington. Further assessment of the state laws was delimited to those five states. An assessment of each of those state fair housing law was conducted primarily using the data and information available from state agencies, fair housing organizations, legislative records of both Federal and state governments, local news sources.

State legislative records, both current and archival, were then examined to determine when the acts were first legislated to identify if veterans or service members were included in the initial law. If veteran or military status was not included in the law as originally enacted, a

subsequent search was conducted to identify which amendment to the law incorporated that protected class. A variety of methods were used to ascertain what prompted the amendment of the state law to include veterans or service members. This ranged from reviewing notes to the house/senate bills, to examining transcripts of legislative hearings, or reading publications or newspaper articles published at the time the laws passed.

The state laws were examined to identify the agency (or agencies) assigned with the responsibility of administering, implementing, and enforcing the fair housing law. Agency annual reports and data available from the state were reviewed to determine the prevalence of veteran discrimination in each state based on the reported number of complaints or charges brought forth during the report year. Agency programs were also reviewed to determine what, if any, informational or outreach materials were available that provided information about protections from discrimination aimed at veterans or military service members. Information available from the implementing agencies regarding training and education programs they operated or funded was also reviewed. The educational materials or training program descriptions were reviewed to determine if they were being targeted to veterans or included of information on veteran or service member protections.

A comparison of the results of the individual state assessments was then completed to assess recommendations and identify similarities and/or differences between how each state was implementing its fair housing law to address the inclusion of veterans and service members.

Assessment of Fair Housing Laws

The following sections provide assessments of the state laws of Illinois, Massachusetts, New York, Ohio, and Washington that provide protective status to veterans in fair housing. Each section addresses the legislative action, catalyst for inclusion in the state law, provides the

definition of veteran or military status in each state, identifies the oversight agency, frequency of complaints, and programs that support the law.

Illinois Human Rights Act

Legislative Action

It is public policy of this State of Illinois that all individuals within Illinois have the freedom from unlawful discrimination. The Illinois Human Rights Act provides for protection from discrimination because of: race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.³⁹ Illinois' Landlord and Tenant Act also provide the legal framework for the rights of military personnel to terminate lease in the event of military service.⁴⁰

In November 1979, Senate Bill 1377 passed and enacted the Human Rights Act as Public Act 81-1216A. The Governor signed the Act into law on December 6, 1979. The Act became effective on July 1, 1980, and as originally written included unfavorable discharge from military service as a protective class.⁴¹ On August 4, 1993, Public Act 88-0178, from House Bill 0228 made discrimination because of military status unlawful, providing equal protection under the Illinois Human Rights Act.⁴²

³⁹ Illinois Human Rights Act, Illinois Compiled Statutes, 775 ILCS 5.

⁴⁰ Landlord and Tenant Act, Illinois Compiled Statutes, 765 ILCS 705.

⁴¹ State of Illinois, Department of Human Rights, *First Annual Reports July 1, 1980 through June 30, 1981*, https://www2.illinois.gov/dhr/Publications/Documents/Annual_Report_FY_1980-1981.pdf (accessed May 17, 2015).

⁴² State of Illinois, Office of the Attorney General, *Legal Rights of Illinois Service Members: A Summary of Laws Benefitting Illinois Service Members and Veterans*.

Reasoning for Inclusion in the State Law

The original intent of Senate Bill 1377 was to consolidate “eleven different acts contained in the statutes that deal with discrimination in one form or another” and create the Department of Human Rights.⁴³ The legislative records for the subsequent amendments to the act do not contain justification or reasoning behind the amendments that added military status and subsequently revised the definitions for both military status and unfavorable discharge from military service.

Defining Veteran or Military Status

In order to identify who is protected in Illinois, it is important to know what terminology is used in the state law and how it is defined. The original law used the term “unfavorable discharge from military service.” In 2004, the Act was amended to include status as a member in any reserve component of the armed forces in the definition of “military status.”⁴⁴ The definition of military status was further expanded in 2006 to include veterans of the armed services, reserve units and National Guard, in addition to those on active duty.⁴⁵ The current definitions in the law read as follows:

“Military status” means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard (law).

“Unfavorable military discharge” includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval

⁴³ Illinois, Senate, *Regular Session*, 81st General Assembly, May 25, 1979. <http://www.ilga.gov/Senate/transcripts/Strans81/ST052579.pdf> (accessed May 17, 2015).

⁴⁴ Illinois, *Bill Status of HB4371*, 93rd General Assembly, August 16, 2004.

⁴⁵ Illinois, *Bill Status of H4822*, 94th General Assembly, May 26, 2006.

Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable."⁴⁶

Oversight

The mission of the Illinois Department of Human Rights is “to secure for all individuals within the State of Illinois freedom from unlawful discrimination and to establish and promote equal opportunity and affirmative action as the policy of this state for all its residents.”⁴⁷ The Department is tasked with administering the Illinois Human Rights Act. The Department was funded in 2014 with an appropriation of \$14,665,800 from the state, had general revenue funds of \$9,480,000, received \$700,000 in other state funds, and special projects funds or Federal dollars totaling \$4,485,800. In order to implement the Human Rights Act, the Department of Human Rights is separated into divisions; administration, legal, charge processing, fair housing, and the Institute for Training and Development.⁴⁸

Frequency of Complaints

Between July 1, 2013, and June 30, 2014, the Department of Human Rights received 1,205 inquiries regarding discrimination in housing. A total of 389 charges were filed, and 350 investigations were completed. Military status or unfavorable military discharge was not the basis for any of the 389 charges. During the same year, the Department filed 18 charges of employment discrimination based on military discharge.⁴⁹ While all of the annual reports prepared over the last decade identify some of the housing discrimination charges as “other,”

⁴⁶ Illinois Human Rights Act, Illinois Compiled Statutes, 775 ILCS 5.

⁴⁷ "Filing a Charge of Discrimination Under the Illinois Human Rights Act." *Illinois Department of Human Rights*. http://www2.illinois.gov/dhr/Publications/Documents/Charge_Discrimination_English_Brochure.pdf (accessed May 17, 2015).

⁴⁸ State of Illinois, Department of Human Rights, *Annual Report 2014*, http://www2.illinois.gov/dhr/Publications/Documents/Annual_Report_FY_2014.pdf (accessed May 17, 2015).

⁴⁹ *Ibid.*

none of the reports explicitly identify military status or unfavorable military discharge under the category of “other.”⁵⁰

Subsequent Programs and Actions to Support the Law

The Illinois Department of Human Rights has published the brochure *Filing a Charge of Discrimination Under the Illinois Human Rights Act* in fourteen languages that details what the law provides for and the process of filing a complaint. However, this brochure does not include military status in the list of protected classes but simply states “and more” at the end of the list.⁵¹ The same omission is found in the *Protecting People from Discrimination Flyer*.⁵² Military status is also not listed as a protected class in the *A Guide to Your Fair Housing Rights* brochure.⁵³

Military status and unfavorable discharge from military service are listed on the *Equal Housing Opportunity* flyer that is meant to be posted by entities involved in real estate transactions and states that “it is illegal to discriminate against any person in real estate transactions” and “we do business in accordance with the Illinois Human Rights Act.”⁵⁴ Both are also included in the guide *What Every Real Estate Professional Should Know About Fair Housing* that provides examples of prohibited activity if based on someone’s protected class, lists best practices in order to comply with fair housing laws, and gives information about charges of

⁵⁰ "Annual Reports." *State of Illinois, Department of Human Rights*. http://www2.illinois.gov/dhr/Publications/Pages/Annual_Reports.aspx (accessed May 17, 2015).

⁵¹ "Filing a Charge of Discrimination." *Illinois Department of Human Rights*

⁵² State of Illinois, Department of Human Rights, *Protecting People from Discrimination*, http://www2.illinois.gov/dhr/Publications/Documents/protection_flyer_poster.pdf (accessed May 17, 2015).

⁵³ State of Illinois, Department of Human Rights, *A Guide to Your Fair Housing Rights*, http://www2.illinois.gov/dhr/Publications/Documents/English_Guide_for_Fair_Housing.pdf (accessed May 17, 2015).

⁵⁴ "Equal Housing Opportunity." Illinois Department of Human Rights. <http://www2.illinois.gov/dhr/FilingCharge/Documents/FairHousingPoster8x10.pdf> (accessed May 17, 2015).

discrimination (real estate).⁵⁵ The Department has also expanded beyond printed materials and recorded a series of webcasts offering training on fair housing, available through YouTube and the Department's website.

The Department also conducts education and outreach activities for home seekers, landlords, property owners, advertisers, and community organizations in addition to receiving and investigating complaints of discrimination in housing. The Fair Housing Division provides training and technical assistance to government agencies and community-based groups. It also develops a variety of educational fair housing-related projects to increase public awareness of fair housing.⁵⁶

Massachusetts Fair Housing Law, Chapter 151B

Legislative Action

The Massachusetts Fair Housing Law is contained in Massachusetts General Law at Chapter 151B entitled Unlawful Discrimination because of Race, Color, Religious Creed, National Origin, Ancestry or Sex. Chapter 151B also known as the Massachusetts Civil Rights Law protects individuals from discrimination in employment, housing, public accommodations, mortgage lending, credit, and education.⁵⁷ The law, as originally adopted in 1946, outlawed discrimination based on race, color, national origin, ancestry, and religious creed. Between 1950

⁵⁵ State of Illinois, Department of Human Rights, *What Every Real Estate Professional Should Know*, <http://www2.illinois.gov/dhr/filingacharge/documents/whatrealestateprofessionalsshouldknow.pdf> (accessed May 17, 2015).

⁵⁶ "Home." *Illinois Department of Human Rights*. <http://www2.illinois.gov/dhr/Pages/default.aspx> (accessed May 17, 2015).

⁵⁷ Massachusetts General Law, Part I, Title XXI, Chapter 151B, Section 4. and Massachusetts General Law, Part I, Title II, Chapter 6, Section 56.

and 2000, the law was amended to include: age (1950), sex (1965), marital status (1973), disability and familial status (1983), sexual orientation (1989), genetic information (2000).⁵⁸

In 1969, with the enactment of Chapter 90, An Act Prohibiting Discrimination Against a Veteran or a Member of the Armed Forces in The Sale Or Leasing Of Residential Real Property, veterans became a protected class. The Act amended Chapter 151B of the Massachusetts General Law, and made it unlawful:

For the owner, lessee, sublessee, licensed real estate broker, assignee or managing agent of publicly assisted or multiple dwelling or contiguously located housing accommodations or other person having the right of ownership or possession or right to rent or lease, or sell, or negotiate for the sale of such accommodations, or any agent or employee of such a person: — (a) to refuse to rent or lease or sell or negotiate for sale or otherwise to deny to or withhold from any person or group of persons such accommodations because of the race, creed, color or national origin of such person or persons or because such person is a veteran or a member of the armed forces; (b) to discriminate against any person because of his race, creed, color or national origin or because such person is a veteran or a member of the armed forces in the terms, conditions or privileges of such accommodations or the acquisition thereof, or in the furnishing of facilities and services in connection there-with; or (c) to cause to be made any written or oral inquiry or record concerning the race, creed, color or national origin of the person seeking to rent or lease or buy any such accommodation, or concerning the fact that such person is a veteran or a member of the armed forces.⁵⁹

Reasoning for Inclusion in the State Law

One of the first mentions of protecting veterans from housing discrimination in Massachusetts can be found in House Bill 459 of 1946 An Act to Provide Housing for Veterans of the Second World War. That Act was declared an emergency law, necessary for the immediate preservation of public health and convenience. It was enacted in direct response to the

⁵⁸ "Historical Shift from Explicit to Implicit Policies Affecting Housing Segregation in Eastern Massachusetts." *The Fair Housing Center of Greater Boston*. <http://www.bostonfairhousing.org/timeline/1946-Chapter-151b.html> (accessed May 16, 2015).

⁵⁹ *An Act Prohibiting Discrimination Against a Veteran or a Member of the Armed Forces in the Sale or Leasing of Residential Real Property*. Acts 1969, Chap. 90. Commonwealth of Massachusetts.

housing shortage that existed as veterans returned home from the war. The law required that no city or town institute laws or regulations that would lead to segregation or discrimination of veterans because of their race, creed, color or national origin (1946).⁶⁰ No substantive information was available regarding the reasoning behind the 1969 amendment. However, based on the prior precedent set in the 1946 law, one could assume that the influx of Vietnam Era veterans returning from war was likely to contribute to the change in the state law.

Defining Veteran or Military Status

The definition of statutory terms included in the Massachusetts General Law defines a veteran as:

- (1) any person: (a) whose last discharge or release from his wartime service as defined herein, was under honorable conditions and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States, or on full time national guard duty under Titles 10 or 32 of the United States Code or under sections 38, 40 and 41 of chapter 33 for not less than 90 days active service, at least 1 day of which was for wartime service; provided, however, that any person who so served in wartime and was awarded a service-connected disability or a Purple Heart, or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 90 days of active service;
- (2) a member of the American Merchant Marine who served in armed conflict between December 7, 1941 and December 31, 1946, and who has received honorable discharges from the United States Coast Guard, Army, or Navy;
- (3) any person (a) whose last discharge from active service was under honorable conditions, and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States for not less than 180 days active service; provided, however, that any person who so served and was awarded a service-connected disability or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 180 days of active service.⁶¹

⁶⁰ *An Act to Provide Housing for Veterans of the Second World War*. H. 459. 1946. Commonwealth of Massachusetts.

⁶¹ Statutory Terms, Massachusetts General Law, Part I, Title I, Chapter 4, Section 7.

Oversight

Chapter 56, Section 6 of the Massachusetts General Law established the Massachusetts Commission Against Discrimination and details how commissioners are appointed, the commission's responsibilities; its employees; its regional offices; and its advisory board.⁶² The Commission is able to fund its programs in partnership with the U.S. Department of Housing and Urban Development (HUD), the Federal Equal Employment Opportunity Commission (EEOC), and with the municipal human rights commissions that bring services to local communities.⁶³ In 2014, the Commission operated with \$4,784,841 in revenue, of which \$2,568,237 was appropriated from the State. Additional funding for the Commission is generated from grants from HUD (\$569,523), EEOC (\$1,436,305), and revenue generated from training and testing fees.⁶⁴

Within the Commission, the Enforcement Division is tasked with receiving and investigating complaints of discrimination. The Divisions also makes the recommendations of Probable Cause or Lack of Probable Cause to the Investigating Commissioners, and acts as the facilitator for settlement discussions on housing complaints for early resolution under the state and Federal Fair Housing Acts.⁶⁵

Frequency of Complaints

The Commonwealth of Massachusetts' 2013 Analysis of Impediments to Fair Housing Choice reported that between January 1, 2007, and April 30, 2012, a total 1,685 housing related complaints were made to the Massachusetts Commission Against Discrimination. Of those, 8

⁶² Massachusetts General Law, Section 56.

⁶³ "The History of the MCAD." *Massachusetts Commission Against Discrimination*. <http://www.mass.gov/mcad/history.html> (accessed May 16, 2015).

⁶⁴ Massachusetts Commission Against Discrimination, *2014 Annual Report*, <http://www.mass.gov/mcad/documents/2014-MCAD-Annual-Report.pdf>. (accessed May 16, 2015).

⁶⁵ *Ibid.*

complaints were based on veteran status, and 3 were based on military status.⁶⁶ During 2014, 3,127 new complaints were filed with Massachusetts Commission Against Discrimination alleging discrimination. 173 of the complaints filed in 2014 were based on protected classes identified as “other.” The “other” category included: arrest record, familial, gender identity, genetic information, lead paint, marital status, military status, and public assistance. Of the 3,127 new complaints filed, 367 (approximately 12 percent) of those were within the jurisdiction of housing. Of the housing complaints, 24 were identified as being filed by a protected category that included Marital Status, Creed, Veteran Status, and Gender Identity.⁶⁷

Subsequent Programs and Actions to Support the Law

Massachusetts Commission Against Discrimination provides training sessions aimed at supervisors and managers, line staff, human resources professionals, attorneys, realtors, landlords and property managers, community groups. The purpose of this training is to provide discrimination prevention training to the public.⁶⁸ In 2014, the Enforcement Division was involved in educational outreach and training sessions for public and private organizations, colleges and universities, business organizations, law firms, and civic associations (2014 report).⁶⁹ One of the Commission’s partners, the Metropolitan Boston Housing Partnership, created a *Fair Housing Rights for Veterans Fact Sheet*. This document provides veterans with

⁶⁶ Commonwealth of Massachusetts, *2013 Analysis of Impediments to Fair Housing Choice: Access to Opportunity in the Commonwealth*, <http://www.mass.gov/hed/docs/dhcd/hd/fair/2013analysis.pdf> (accessed May 16, 2014)

⁶⁷ Massachusetts Commission Against Discrimination, *2014 Annual Report*.

⁶⁸ Massachusetts Commission Against Discrimination, *MCAD Training Services*, <http://www.mass.gov/mcad/documents/Pamphlet.pdf> (accessed May 16, 2015).

⁶⁹ Massachusetts Commission Against Discrimination, *2014 Annual Report*.

information on what how fair housing is related to them, the types activities covered by the law, what constitutes a reasonable accommodation or modification, and how to file a complaint.⁷⁰

New York Executive Law, Article 15 Human Rights Law

Legislative Action

In the State of New York, it is the Executive Law that protects against discrimination. Instead of referring to protected persons or classes the state law names protected characteristics, one of which is military status.⁷¹ Predating the Federal Civil Rights Act by over two decades, the State of New York became the first state in the country to enact legislation prohibiting discrimination in employment based on race, creed, color, and national origin when Governor Thomas E. Dewey signed the Ives-Quinn Anti-Discrimination Bill in 1945. At that time, the New York State Commission against Discrimination became the first permanent agency to enforce such legislation.⁷²

The Ives-Quinn Anti-Discrimination Bill was later renamed the Human Rights Law, and the State Commission against Discrimination was renamed the New York State Division of Human Rights.⁷³ Within the Executive Law it is Article 15, the Human Rights Law that finds that “the state has the responsibility to act to assure that every individual within this state is afforded an equal opportunity to enjoy a full and productive life.” The Human Rights Law ensures that there is equal opportunity in employment, education, the use of places of public

⁷⁰ "Fair Housing Rights for Veterans Fact Sheet." *Metropolitan Boston Housing Partnership*. <http://www.mbhp.org/wp-content/uploads/2013/06/Veterans-Fair-Housing-Fact-Sheet.pdf> (accessed April 6, 2015).

⁷¹ New York State, Division of Human Rights, *Fair Housing Guide*, <http://www.dhr.ny.gov/sites/default/files/pdf/nysdhr-fair-housing-guide.pdf> (accessed April 6, 2015).

⁷² "Agency History." *New York State Division of Human Rights*. <http://www.dhr.ny.gov/agency-history> (accessed May 15, 2015).

⁷³ *Ibid.*

accommodation, and the ownership, use, and occupancy of housing and commercial space.⁷⁴ It was not until July 1, 2003, that the law was extended to encompass military status.⁷⁵

During the 2003-2004 Regular Sessions of the State of New York Senate, Bill 3283--A was introduced by 38 senators.⁷⁶ The bill covered many topic areas concerning the treatment of military members in the State of New York. Within the bill were amendments to the Human Rights Law to protect military personnel against discrimination. The bill passed the Senate with an overwhelming majority; 61 ayes and 1 Nay.⁷⁷

Reasoning for Inclusion in the State Law

The amendment to the state law was in direct response to a case in New York City where the city found that a Manhattan landlord was violating the city human-rights law prohibiting discrimination by landlords based on occupation. In this particular instance, prospective tenants were being required to sign a waiver stating that they were not in the military before they could get an apartment. To ensure that the same protections were given at the state level, Senator Michael Balboni (R), who was the chairman of the Senate Committee on Veterans, Homeland Security and Military Affairs introduced the bill banning job-based bias.⁷⁸

⁷⁴ Human Rights Law, New York State Executive Law, Article 15.

⁷⁵ New York State Division of Human Rights, *Annual Report*, Fiscal Year 2005-2006, http://www.dhr.ny.gov/sites/default/files/pdf/annualreport_2005-06.pdf (accessed May 15, 2015).

⁷⁶ New York, Senate, *Bill 3283--A 2003-2004 Regular Sessions*, March 21, 2003. <http://assembly.ny.gov/leg/?sh=printbill&bn=S03283&term=2003> (accessed May 16, 2015).

⁷⁷ New York State Senate, *Regular Session*, March 25, 2003. http://open.nysenate.gov/legislation/transcript/REGULAR-SESSION-03-25-2003_15%3A09 (accessed May 16, 2015).

⁷⁸ MacIntosh, Jeane. "Pols Blast Anti-Soldier Landlord's Apt. Policy." *New York Post*, February 4, 2003.

Defining Veteran or Military Status

Article 15 of the Human Rights Law states that the term “military status when used in this article means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the Federal or state government as authorized by law.” It further defines the term "reserve armed forces, when used in this article, means service other than permanent, full-time service in the military forces of the United States including but not limited to service in the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Air Force Reserve, or the United States Coast Guard Reserve.”⁷⁹

Oversight

The New York State Division of Human Rights is responsible for enforcing the Executive Law.⁸⁰ The law tasks the Division with adopting, promulgating, amending, and rescinding the suitable rules and regulations, and the policies and practices necessary to carry out the provisions of law. Some, but not all, responsibilities of the Division include receiving and investigating complaints, holding hearings, creating advisory councils, and reporting annually to the Governor all of its activities and of its recommendations.⁸¹

Frequency of Complaints

Each biennium, the New York State Division of Human Rights produces a report for the governor, the legislature, and the people of New York. The report contains an assessment of the

⁷⁹ Human Rights Law, Article 15.

⁸⁰ New York State, *Fair Housing Guide*.

⁸¹ Human Rights Law, Article 15.

Division's progress in meetings its goals, and a summary of its activities. During fiscal years of 2011 and 2012 6,126 complaints filed, and 7,621 cases were resolved. The complaints filed were predominantly based on the areas of employment discriminations (approximately 82%), housing (approximately 10.2%), public accommodation (approximately 4.5%), and 3.4% were classified as other. The basis of 5.1 percent of those complaints was categorized as "other" which included military status.⁸² As with other states, the information provided does not explicitly identify the number of complaints received based on military status.

Subsequent Programs and Actions to Support the Law

The New York Division of Human Rights published a *Fair Housing Guide* for its residents that provides information on who is protected, who must follow the law, what is prohibited, and how to file a complaint.⁸³ A brochure entitled *Discrimination Based Upon Military Status and Against Veterans with Disabilities* provides information about the law specific to military status, provides examples of discriminatory scenarios, and explains how to file a complaint.⁸⁴ The Division's External Affairs unit develops outreach and education programs designed to educate the public about their rights under the Human Rights Law.⁸⁵

Ohio Revised Code 4112.02

Legislative Action

The Ohio Civil Rights Act, found in the law at Ohio Revised Code at 4112, governs unlawful discriminatory practices in the state. The Act prohibits discrimination based on race,

⁸² New York State Division of Human Rights, *Annual Report*, Fiscal Year 2011-2012, <http://www.dhr.ny.gov/sites/default/files/pdf/AnnualReportFY2011-2012.pdf> (accessed May 16, 2015).

⁸³ New York State, *Fair Housing Guide*.

⁸⁴ "New York State, Division of Human Rights, *Discrimination Based Upon Military Status and Against Veterans with Disabilities*, http://www.dhr.ny.gov/sites/default/files/pdf/military_status.pdf (accessed May 16, 2015).

⁸⁵ New York, *Annual Report*, Fiscal Year 2011-2012.

color, religion, sex, national origin, ancestry, military status, disability, or familial status in employment, housing, public accommodations and credit.⁸⁶ Originally enacted as the Ohio Civil Rights Act of 1959, the law initially prohibited discrimination in employment on the basis of race, color, religion, national origin and ancestry. In 1965, the law was amended to include protections against discrimination in housing.⁸⁷ The law as it pertains to housing “gives all persons in the protected classes the right to live wherever they can afford to buy a home or rent an apartment.” In regards to housing, the Civil Rights Act makes it unlawful to:

- Refuse to rent, sell, finance, or insure housing accommodations or residential property
- Represent to any person that housing accommodations are not available for inspection, sale, rental, or lease
- Refuse to lend money for the purchase, construction, repair, rehabilitation, or maintenance of housing
- Accommodations or rental property
- Discriminate against any person in the purchase, renewal, or terms and conditions of fire, extended coverage, of homeowners or renter’s insurance
- Refuse to consider without prejudice the combined income of both spouses
- Print, publish, or circulate any statement or advertisement which would indicate a preference or limitation
- Deny any person membership in any multiple listing services or real estate broker’s organization⁸⁸

On October 30, 2007, House Bill 372 was introduced and included a provision requiring an amendment to include “military status” as a protected class. The bill passed in both the Ohio senate and house, and became effective on March 24, 2008. The amendment “prohibited discrimination based on military status with respect to the Ohio

⁸⁶ “Civil Rights Commission,” Ohio Revised Code, Title 41, Chapter 4112.

⁸⁷ “A Historical Perspective of Ohio’s Laws Against Discrimination.” *Ohio Civil Rights Commission*. <http://crc.ohio.gov/aboutus/history.aspx> (accessed May 31, 2015).

⁸⁸ Ohio Development Services Agency, Office of Housing and Community Partnerships, *Know Your Rights: A Summary of Fair Housing Laws*, <https://development.ohio.gov/files/cs/Know%20Your%20Rights%20-%20A%20Summary%20of%20Fair%20Housing%20Laws.pdf> (accessed May 31, 2015).

Civil Rights Act and various other anti-discrimination laws regarding employment and work related issues, housing and real estate acquisition, health care, and insurance.”⁸⁹

Reasoning for Inclusion in the State Law

The amendment to the Civil Rights Act was passed as a part of the Ohio Veterans Package. This package provided established benefits and protections for veterans and military members ranging from protections under the Civil Rights Act to probate fee exemptions, military retiree state income tax exemptions, consumer protections, and civil service exam credit. The package also established a first time homebuyers program. Additionally, the state attorney general’s Patriot Program was established to provide a wide array of legal services to service members and their families.⁹⁰

Defining Veteran or Military Status

In Ohio, "military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.⁹¹ "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division. The law

⁸⁹ Ohio General Assembly Archives, 127th General Assembly, *Substitute House Bill Number 372*. http://archives.legislature.state.oh.us/bills.cfm?ID=127_HB_372 (Accessed May 31, 2015).

⁹⁰ "Resource Guide for Veterans and Military Personnel." *Ohio Attorney General*. <http://mha.ohio.gov/Portals/0/assets/Supports/ProjectVets/ag-resource-guide.pdf>. (accessed June 1, 2015).

⁹¹ Ohio Revised Code, Title 41, Chapter 4112, Section 4112.01.

further defines “uniformed services” as the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.⁹²

Oversight

The Ohio Civil Rights Act of 1959 established the Fair Employment Practices Commission, now known as the Ohio Civil Rights Commission. The Commission is responsible for enforcing the states discrimination laws. Through the legislature, the Commission was also given authority to study, advise, and issue statements on the state’s civil rights matters. This is also the entity responsible for receiving and investigating discrimination claims and providing education on the laws.⁹³

Frequency of Complaints

The Ohio Civil Rights Commission prepares an annual report summarizing the charges of discrimination made throughout the year. During July 1, 2009, through June 30, 2010 fiscal year 4,121 charges were filed. The charges included cases of discrimination in employment, housing, public accommodation, credit, and disability in higher education. The bases of discrimination were race, color, religion, national origin, military status retaliation, sex, disability, and familial status. The annual report does not explicitly identify the number of claims related to military status, but it does categorize 549 of the 4,121 charges as falling into the jurisdiction of housing.⁹⁴

⁹² Ohio Revised Code, Title 59, Chapter 5923, Section 5923.05.

⁹³ "OCRC's History." *Ohio Civil Rights Commission*. <http://crc.ohio.gov/AboutUs/History.aspx> (accessed June 1, 2015).

⁹⁴ Ohio Civil Rights Commission, *Annual Report 2010*, <http://crc.ohio.gov/Portals/0/pdf%20docs/2009-2010%20Annual%20Report.pdf> (accessed June 1, 2015).

Subsequent Programs and Actions to Support the Law

The Commission distributes information regarding fair housing laws and rights of veterans thorough its brochures and education programs. A *Fair Housing Rights & Responsibilities* brochure lists military status as a protected class and provides brief descriptions of types of housing related discrimination.⁹⁵ The attorney general's *Resource Guide for Veterans and Military Personnel* provides extensive resources and contact information for all aspects of the Ohio Veterans Package and Patriot Program.⁹⁶ Another ongoing effort is training and education. The Commission provides organizations and businesses training at no cost that focuses on promoting a tolerant and effective working environment.⁹⁷

Washington Law Against Discrimination (WLAD), RCW 49.60

Legislative Action

During the 2007 Regular Session, the Washington State House of Representatives and Senate passed Senate Bill 5123 to include protection for persons with veteran or military status from discrimination in the Washington Law Against Discrimination (WLAD). Once signed by Governor Christine Gregoire, the amendment became effective on July 22, 2007. The bill amended the Revised Code of Washington (RCW) at 49.60, which is known as the law against discrimination. With its enactment, the amendment prohibited “practices of discrimination against any of its (Washington State) inhabitants because of honorably discharged veteran or

⁹⁵ "Fair Housing Rights & Responsibilities." *Ohio Civil Rights Commission*. [http://crc.ohio.gov/Portals/0/pdf%20docs/Brochures/Fair%20Housing%202014%20\(2\).pdf](http://crc.ohio.gov/Portals/0/pdf%20docs/Brochures/Fair%20Housing%202014%20(2).pdf) (accessed June 1, 2015).

⁹⁶ "Resource Guide for Veterans and Military Personnel." *Ohio Attorney General*.

⁹⁷ "Training Requests." *Ohio Civil Rights Commission*.

<http://crc.ohio.gov/PublicAffairs/TrainingRequests.aspx> (accessed June 1, 2015).

military status.”⁹⁸ The law extends protections in the areas of employment, housing, public accommodation, and credit and lending.⁹⁹ Twenty Senators including primary sponsor Senator Steven Hobbs, a member of the Washington Army National Guard who served in Kosovo and Iraq, sponsored the bill.¹⁰⁰

Reasoning for Inclusion in the State Law

A House Bill Report prepared by non-partisan legislative staff provided a summary of public testimony regarding the bill. Included in this summary were explanations as to why veterans and military members needed protection under the law. Though the Washington State Human Rights Commission (WSHRC) received many complaints regarding veteran discrimination, it had no authority to respond to them. Discrimination was occurring in employment practices where veterans were being questioned not about their qualifications, but about their mental health or ability to work with employees that did not support the war.¹⁰¹ Similar information was provided in the Senate Bill Report, though it expanded on justification for the amendment. The summary of public testimony included in the Senate Bill Report stated that people returning from military service were sometimes having their service to their country held against them, and that “veterans should be celebrated and valued for the sacrifices they make for our country, not denigrated.”¹⁰²

⁹⁸Washington, Senate, *Certification of Enrollment Senate Bill 5123*, July 22, 2007. <http://lawfilesexternal.wa.gov/biennium/2007-08/Pdf/Bills/Session%20Laws/Senate/5123.SL.pdf> (accessed May 13, 2015).

⁹⁹ "Veteran Questions." *Washington State Human Rights Commission*. <http://www.hum.wa.gov/FAQ/FAQVeteran.html> (accessed April 6, 2015).

¹⁰⁰ "Biography." Senator Steve Hobbs <http://sdc.wastateleg.org/hobbs/biography/>

¹⁰¹ Washington State Legislature, 2007-2008 Biennium, *House Bill Report SB 5123*. <http://lawfilesexternal.wa.gov/biennium/2007-08/Pdf/Bill Reports/House/5123.HBR.pdf>. (Accessed May 13, 2015).

¹⁰² Washington State Legislature, House Committee on State Government and Tribal Affairs, *House SB 5123*. <http://lawfilesexternal.wa.gov/biennium/2007-08/Pdf/Bill%20Reports/House/>

Defining Veteran or Military Status

The RCW at 49.60.040 defines honorably discharged veteran or military status to include a person who is a “veteran, as defined in RCW 41.04.007” or is “an active or reserve member in any branch of the armed forces of the United States, including the National Guard, Coast Guard, and Armed Forces Reserves.”¹⁰³ At RCW 41.04.007 the term "veteran includes every person, who at the time he or she seeks the benefits.....has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

- (1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;
- (2) As a member of the women's air forces service pilots;
- (3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into Federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;
- (4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
- (5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
- (6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.¹⁰⁴

Oversight

The Washington State Human Rights Commission (WSHRC) receives and investigates complaints made by persons alleging unfair practices in violation of the WLAD, while also enforcing and administering the WLAD. As a result of the amended law, the jurisdiction of the

5123.HBR.pdf (Accessed May 12, 2015).

¹⁰³ "Veteran Questions." *Washington State Human Rights Commission*.

¹⁰⁴ "Veteran" Defined for Certain Purposes. Revised Code of Washington. Title 41. Chapter 41.04. Section 41.04.007.

WSHRC expanded to include honorably discharged veteran or military status as a basis for prohibiting discrimination in employment; places of public resort, accommodation, assemblage, or amusement; and real estate, credit, and insurance transactions.¹⁰⁵

It was estimated that the amendment of the law would result in a one percent increase in complaints to the WSHRC. This was based on a study of the impact of similar protection in the state discrimination laws of New York, Illinois, Massachusetts, and New Jersey; all of which indicated less than 1% of their total complaints filed based on veteran or military status. The WSHRC received an estimated 1,100 new complaints each year at the time of the bills enactment. This meant that approximately 11 complaints were anticipated to be received during a single year regarding discrimination based on honorably discharged veteran or military status.¹⁰⁶

Averaging \$2,400 to investigate, resolve, and adjudicate each complaint the annualized cost of 11 additional complaints was estimated to be \$26,400. However, the budgeted amount was based on the necessary staffing level required to oversee the increased caseload, and print new materials incorporating the amendment. A total of \$41,034 was budgeted including salary, wages, and benefits for two .30 Full Time Equivalent (FTE) positions, as well as funding for printing. The staffing need anticipated included an experienced investigator and a specialist for outreach efforts during the first two years of implementation.¹⁰⁷

Frequency of Complaints

Annually, the Fair Housing Center of Washington produces a report containing a summary of the discrimination reports it received. Of the 775 calls received alleging

¹⁰⁵ Washington State Legislature, 2007-2008 Biennium, *House Bill Report SB 5123*.

¹⁰⁶ Washington State Human Rights Commission, *Individual State Agency Fiscal Note 5123 SB*, <https://app.leg.wa.gov/CMD/Handler.ashx?MethodName=getdocumentcontent&documentId=sKeh2hYvbZc&att=false> (accessed May 12, 2015).

¹⁰⁷ *Ibid.*

discrimination from October 1, 2013, through September 30, 2014, of the 775 total calls received, 413 pertained or related to a fair housing issue or allegation of discrimination.

Two percent of those were based on protected classes covered by state and/or local fair housing laws. This percentage (approximately 8 calls) included the following protected classes: marital status, sexual orientation, age, and veteran status. An additional 3 percent of calls 3% of callers listed more than one protected class. Unfortunately, the information provided does not explicitly identify the number of calls received based on veteran status or military service.¹⁰⁸

Subsequent Programs and Actions to Support the Law

To encourage compliance with the law, the WSHRC published a *Self-Assessment Checklist for Compliance and Suggested Best Practices for Employment* as a guide to honorably discharged veteran and military status under the Washington Law Against Discrimination. The checklist includes two sections covering policies and actions required for compliance, and policies and actions suggested for compliance. It is intended to be a practical tool for businesses, employers, and other covered entities to help prevent confusion and discrimination in the workplace, foster an inclusive environment, and limit the likelihood that a discrimination complains.¹⁰⁹ The State has also updated its public information and brochures to incorporate the amendment. A *Guide to Honorably Discharged Veteran and Military Status Discrimination* was also published that is structured as a question and answer document providing information on typical scenarios veterans or military members may face in housing, employment, and

¹⁰⁸ Fair Housing Center of Washington, *Annual Report, 2014 Fiscal Year*, <http://fhc.washington.org/PDF/2014ARreport.pdf> (accessed May 14, 2015).

¹⁰⁹ Washington State Human Rights Commission. *Guide to Honorably Discharged Veteran and Military Status Under the Washington Law Against Discrimination: Self-Assessment Checklist for Compliance and Suggested Best Practices for Employment*. (accessed May 14, 2015).

accommodations.¹¹⁰ This contains much of the same information published on the WSHRC's website in a Veterans Questions section.¹¹¹

The WSHRC is a member of the Fair Housing Partners of Washington State. This partnership consists of Washington State Human Rights Commission, King County Office of Civil Rights, Seattle Office for Civil Rights, Tacoma Human Rights, Fair Housing Center of Washington, and the Northwest Fair Housing Alliance. The group published the *Top 100 FAQs for Property Owners and Managers*, a guide to fair housing laws in Washington State. This guide included the following excerpt regarding veteran and military status:

As a housing provider, what should I know about veteran and military status discrimination?

With the large number of veterans returning from Iraq, Afghanistan, and other places where the American military serves, it is important to protect these individuals from harmful, preconceived, and stereotyped notions about veterans and people serving in the military. A housing provider must not negatively consider veteran or military status when making housing-related decisions. In addition, housing policies and practices must not have an adverse impact on veterans or those in the military by preventing a housing provider from selling or renting to veterans or those currently in the military.

Many veterans are protected by fair housing law's prohibition against discrimination based on disability. Because of the wars in Iraq and Afghanistan, a number of veterans are returning to the United States with disabilities. These disabilities are not only physical, but also include mental conditions such as traumatic brain injury and Post-Traumatic Stress Disorder (PTSD). Even though people with these conditions do not show physical signs of injury, these conditions are considered disabilities under most fair housing laws. Housing providers should not discriminate against individuals returning home from war or other military service based on veteran status or disability status. In addition, veterans and service members may require reasonable accommodations for their disabling conditions.¹¹²

¹¹⁰ Washington State Human Rights Commission. *Guide to Honorably Discharged Veteran and Military Status Discrimination* (accessed May 13, 2015).

¹¹¹ "Veteran Questions." *Washington State Human Rights Commission*.

¹¹² "Fair Housing in Washington State: Top 100 Frequently Asked Questions and Answers for Property Owners and Managers." *Washington State Human Rights Commission*. <http://www.hum.wa.gov/FairHousing/100FAQOwn.html>.

Not only does the WLAD explicitly give veterans and military personnel protections from discrimination, it also has greater protections for people with disabilities, as compared to the Federal Americans with Disabilities version. This WLAD includes protections for people with traumatic brain injury, Post Traumatic Stress Disorder (PTSD), and depression or anxiety, which are often barriers for veterans in employment and housing.¹¹³ While there is not an extensive amount of data available on the number and frequency of complaints received alleging discrimination based on honorably discharged veteran or military status, there is at least a system in place to address the claims.

¹¹³ "Veteran Questions." *Washington State Human Rights Commission*.

Summary

This thesis focused on the fair housing laws that exist to protect veterans from housing discrimination. It examined the mechanisms that are in place to ensure that veterans are able to choose where they live and are aware of their rights under state fair housing laws that include veterans or military status as a protected class. While it is not as overt as the discrimination endured by so many during the civil rights era, an examination of the catalysts for inclusion in the state laws found that veterans are experiencing housing discrimination. These veterans had no recourse under the Federal Fair Housing Act, which with the exception of an amendment to include handicap as a protected class, has remained largely unchanged in regards to who is protected from discrimination since its enactment in 1968.

The implementation of the Fair Housing Act has changed the way the cities, counties, and states plan for development. It became a government's obligation to affirmatively further fair housing; to ensure that in any project using Federal funds for housing and community development programs, that the needs of the protected classes are addressed. Urban planning became a mechanism for initiating change in communities, for helping diversify neighborhoods, and for ensuring protected classes were able to have the same access to housing as other citizens. With the current emphasis on addressing the housing needs of veterans with programs such as HUD's Mayor's Challenge to End Veteran Homelessness, ensuring that veterans are protected from discrimination as they seek housing in our communities could become increasingly more important.

The discussion of fair housing and veterans begins at the most basic level of defining what makes a person a veteran. The assessment found that the definition of veteran and/or military status varies greatly. One state was very specific as to which type of discharge a person

must have to be eligible for protections, while another state offered protective status for those being discriminated against due to their unfavorable military discharge. Another challenge is that the dialogue concerning discrimination faced by veterans when seeking housing is often related to physical disability and posttraumatic stress disorder. As outlined in the introduction, there are many other barriers to housing including homelessness, and unemployment or underemployment. What the state assessments found was that there are many other factors that contribute to housing and employment discrimination that could exacerbate the other barriers.

For instance in Washington State, prior to the amendment to the law, veterans were being subjected to discriminatory hiring practices negatively impacting their ability to gain and retain employment which likely inhibited their ability to earn income. A landlord who required potential tenants to sign a waiver that they were not in the military was limiting housing choice of veterans in New York. Housing choice was further limited in Massachusetts when a landlord let personal beliefs influence tenant selection for a veteran returning from war. Also in Massachusetts, a lack of housing available to veterans after the Second World War resulted in an emergency law for the immediate preservation of public health and convenience. In these instances, the state and Federal fair housing laws were not able to offer the veteran or service member and recourse under the laws in place at the time of discrimination. Agencies tasked with enforcing the laws did not have the authority to investigate the claims, nor does it appear that a system was in place to track the volume of similar allegations of discrimination.

For nearly 50 years the Fair Housing Act has been ensuring that no one living in America experiences discrimination based on their race, religion, national origin, sex, handicap, familial status. Individuals and families in these protected classes are no longer limited in their housing access as they were during the civil rights era. Discriminatory zoning laws and ordinances no

longer shape Cities. People can choose where they live. Unfortunately, there are still occurrences of housing discrimination; establishing protected class did not eliminate discrimination. What the Fair Housing Act did was provide aggrieved persons with a means to combat discrimination under the law. The U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity receives, investigates, resolves, and reports on violations of the Act. There are decades worth of data to help us understand the extent to which housing discrimination occurs for the protected classes. What is less clearly understood is the extent to which discrimination is affecting the housing choice of those not protected by the law.

Recommendation

In the five state assessments, the annual reports prepared by the oversight agency contained very little information on the number of complaints received based on the defined veteran or military status adopted by the state. There were also inconsistencies among the states as to how information regarding the veteran protections was being disseminated. Washington and New York made targeted outreach materials for veterans, while the states of Massachusetts and Illinois updated some, but not all of the existing materials. None of the states reported on programs that specifically target military service members or veterans by providing training or education on military installations, to veteran service organizations, or instituting partnerships with other state or Federal agencies that have regular interaction with veterans. It was not possible to ascertain whether housing discrimination based veteran status as a protected class was not a substantial issue, as the annual reports indicate, or if veterans were not aware of their rights as may be indicated by the lack of training and education.

There are 49,933 homeless veterans. One mechanism to becoming successful in achieving the goal to end veteran homelessness by 2015 could be enacting House Resolution 501

the Veterans and Service Members Employment Rights and Housing Act of 2015 that is currently in the House Subcommittee on Workforce Protections. Enactment of that legislation could provide for funding to investigate claims of veteran discrimination in housing and employment. It could also provide funding for education and outreach targeted to veterans, employers, and housing providers.

At the present time there is very little research or data available to determine the prevalence of housing discrimination due to veteran or military status. Lacking that information, and a basic definition of the problem, it is challenging to determine what a feasible solution might be to eliminating or reducing the housing barriers faced by veterans. It is recommended that Federal, state, or local government agencies in partnership with fair housing organizations conduct further research in order to determine the extent to which discrimination is occurring. Authority would need to be given to the agencies tasked with enforcing the law, the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Council at the Federal level, and state human rights commissions (or similar) at the state level. It would also require instituting training and education programs for active duty, reserve, and veteran military personnel to inform them of situations they might be encountering without realizing that are instances of discrimination.

Veterans have earned the right to live free from housing discrimination in the country they defended. Without institutional and legislative change those rights are not guaranteed. The enactment of legislation amending the Federal Fair Housing Act would have a significant impact on the lives of veterans. It should not be acceptable to anyone that only 5 states having been willing to provide veterans with protections under their fair housing laws.

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Appendix 1

State Fair Housing Law Matrix: Applicable Law

State	Title	Law
Alabama	Unlawful discriminatory housing practices.	Code of Alabama Section 24-8-4
Alaska	Alaska Human Rights Law	Alaska Statute 18.80
Arizona	Discrimination in sale or rental	Arizona Revised Code 41-1491.14
Arkansas	Discrimination in sale or rental of housing	Arkansas Code 16-123-310
California	Fair Employment and Housing Act (FEHA)	Government Code Section 12955-12956.2
Colorado	Colorado Anti-Discrimination Act	Colorado Revised Statute 24-34-301
Connecticut	Human Rights and Opportunities	Connecticut General Statutes, Chapter 814c
Delaware	Delaware Fair Housing Act	Delaware Code Title VI Subtitle II Chapter 46
Florida	Florida Fair Housing Act	Florida Statutes Title XLIV Chapter 760 Part II
Georgia	Georgia Fair Housing Act	Official Code of Georgia Title 8 Chapter 3 Article 4
Hawaii	Discrimination in Real Property Transactions	Hawaii Revised Statutes Division 3 Title 28 Chapter 515
Idaho	Commission on Human Rights	Idaho Statute Title 67 Chapter 59
Illinois	Illinois Human Rights Act	775 Illinois Compiled Statutes 5 Article 3
Indiana	Indiana Civil Rights	Indiana Code 22-9 Administrative Code Title 910
Iowa	Iowa Civil Rights Act	Iowa Code Chapter 216
Kansas	Kansas Acts Against Discrimination	Kansas Statute Chapter 44 Article 10 Section 15
Kentucky	Civil Rights	Kentucky Revised Statutes Chapter 344
Louisiana	Louisiana Equal Housing Opportunity Act	Louisiana Revised Statutes Title 51 Chapter 2606
Maine	Unlawful Housing Discrimination	Maine Revised Statutes Title 5 Part 12 Chapter 337 Subchapter 4
Maryland	Housing Discrimination	State Government Article, §20-702, Annotated Code of Maryland
Massachusetts	Massachusetts Fair Housing Law	Massachusetts General Law Chapter 151B
Michigan	Elliot-Larsen Civil Rights Act	Michigan Compiled Laws Section 37
Minnesota	Unfair Discriminatory Practices Relating To Real Property	Minnesota Statutes 363A.09
Mississippi	State law does not address discrimination in housing	Mississippi Code of 1972 Unannotated
Missouri	Missouri Human Rights Act	Missouri Revised Statutes Chapter 213 Human Rights
Montana	Montana Human Rights Act	Montana Code Annotated 2015 Title 49 Human Rights
Nebraska	Nebraska Fair Housing Act	Legislative Bill 825
Nevada	Discrimination In Housing	Nevada Revised Statutes Chapter 118
New Hampshire	Fair Housing	New Hampshire Statutes Section 354.A
New Jersey	Civil Rights	New Jersey Permanent Statutes Title 10:5-4
New Mexico	New Mexico Human Rights Act	New Mexico Administrative Code Title 9 Chapter 1 Part 1
New York	Human Rights Law	New York Executive Law Article 15
North Carolina	North Carolina Fair Housing Act	North Carolina General Statute Chapter 41A
North Dakota	State Policy Against Discrimination	North Dakota Century Code Chapter 14-02.4 Human Rights
Ohio	Ohio Civil Rights Act	Ohio Revised Code 4112.02
Oklahoma	Oklahoma Fair Housing Act	Title 25, Article 4a, Section 1451
Oregon	Unlawful Discrimination	Oregon Revised Statutes Chapter 659A
Pennsylvania	The Pennsylvania Human Relations Act	Act of 1955, P.L. 744, No. 222, as amended
Rhode Island	Rhode Island Fair Housing Practices Act	Rhode Island General Laws Chapter 34-37
South Carolina	South Carolina Fair Housing Law.	South Carolina Code of Laws Chapter 21
South Dakota	Human Rights	South Dakota Codified Laws 20-13-20
Tennessee	Human Rights	Tennessee Code Annotated Title 4 Chapter 21
Texas	Texas Fair Housing Act	State Statute Title 15 Chapter 301
Utah	Utah Fair Housing Act	Utah Code Title 57 and Chapter 21
Vermont	Fair Housing Act	Vermont Statutes Title 9 Chapter 139
Virginia	Virginia Fair Housing Law	Code of Virginia Title 36 Chapter 5.1
Washington	Washington Law Against Discrimination	Revised Code of Washington 49.60
West Virginia	West Virginia Human Rights Act	West Virginia Code Chapter 5 Article 11
Wisconsin	Equal Rights Programs	Wisconsin Statutes Chapter 106 Subchapter III
Wyoming	Wyoming Fair Housing Act	Senate File No. SF0132
States that include veterans as a protected class		

State Fair Housing Law Matrix: Protected Classes

State	Age	Ancestry	Change in Marital Status	Color	Creed	Disability (Handicap)	Familial Status	Gender	Gender Expression	Gender Identity	Genetic Information	Guide Animal	Height	HIV	Marital Status	Military Status	National Origin	Order of Protective Status	Public Assistance	Parenthood	Pregnancy	Race	Religion	Sex	Sexual Orientation	Source of Income	Unfavorable Military Discharge	Veteran Status	Weight
Alabama				X			X										X					X	X	X					
Alaska			X	X		X									X		X				X	X	X	X					
Arizona				X			X										X					X	X	X					
Arkansas				X			X										X					X	X	X					
California		X		X		X	X	X	X	X	X				X		X					X	X	X	X	X	X		
Colorado		X		X	X	X	X								X		X					X	X	X	X				
Connecticut	X			X	X	X	X								X		X					X		X			X		
Delaware	X			X	X	X	X			X					X		X					X		X	X				
Florida	X			X		X									X		X					X	X	X					
Georgia				X			X										X					X	X	X					
Hawaii	X	X		X		X	X		X	X				X	X								X	X	X	X			
Idaho				X														X					X	X	X				
Illinois	X	X		X		X									X	X	X	X			X	X	X	X	X	X	X		
Indiana				X	X	X	X										X					X	X	X					
Iowa				X	X	X	X			X							X					X	X	X	X				
Kansas		X		X		X	X										X					X	X	X					
Kentucky				X		X	X										X					X	X						
Louisiana				X		X	X										X					X	X	X					
Maine		X		X		X	X										X					X	X	X	X				
Maryland				X		X	X			X					X		X					X	X	X	X				
Massachusetts	X	X		X	X	X	X				X				X	X	X					X	X	X	X			X	
Michigan	X			X		X	X						X		X		X					X	X	X					X
Minnesota				X	X	X	X								X		X		X			X	X	X	X				
Mississippi																													
Missouri		X		X		X	X										X					X	X	X					
Montana	X			X	X	X	X								X		X					X	X	X					
Nebraska				X		X	X										X					X	X	X					
Nevada		X		X	X	X	X		X	X							X					X	X	X	X				
New Hampshire	X			X		X	X								X		X					X	X	X	X				
New Jersey	X	X		X	X	X	X		X	X					X		X					X	X	X	X	X			
New Mexico		X		X		X	X			X					X		X					X	X	X	X				
New York	X			X	X	X									X	X	X					X		X					
North Carolina				X		X	X										X					X	X	X					
North Dakota	X			X		X									X		X		X			X	X	X					
Ohio		X		X		X	X									X	X					X	X	X					
Oklahoma	X			X		X	X	X									X					X	X						
Oregon				X		X	X								X		X					X	X	X	X	X	X		
Pennsylvania	X	X		X	X	X	X					X					X					X	X	X					
Rhode Island	X	X		X		X	X		X	X					X		X		X			X	X	X	X				
South Carolina				X		X	X										X					X	X	X					
South Dakota		X		X	X	X	X										X					X	X	X					
Tennessee	X			X	X												X					X	X	X					
Texas				X			X										X					X	X	X					
Utah				X		X	X			X							X					X	X	X	X	X	X		
Vermont	X			X	X	X	X			X					X		X		X			X	X	X	X				
Virginia	X			X		X	X										X					X	X	X					
Washington				X	X	X						X				X	X					X		X				X	
West Virginia	X	X		X		X											X					X	X	X					
Wisconsin	X	X		X		X	X								X			X				X	X	X	X	X	X		
Wyoming				X		X	X										X					X	X	X					

States that include veterans as a protected class