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## **SUMMARIES OF KEY FAIR HOUSING LAWS**

### **CIVIL RIGHTS ACTS OF 1866 AND 1870**

Passed at the conclusion of the U.S. Civil War, the provisions of the Acts were routinely ignored in relation to housing transactions until 1968, when the U.S. Supreme Court ruled that the 1866 law prohibits **all forms of racial discrimination** in the sale or rental of housing. The 1870 Act addresses the making of “contracts”, including property contracts, and was intended to insure that “all persons” shall have the “full and equal benefit of all laws” as is enjoyed by “white citizens”. The 1866 law specifically addresses “property rights”, as follows:

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

### **FAIR HOUSING AMENDMENTS ACT OF 1988**

(Amending the Fair Housing provisions of the **Civil Rights Act of 1968**)

This Act, originally passed in 1968 within one week of the assassination of Dr. Martin Luther King, with major amendments in 1974 and 1988, includes protection against discrimination based on: **race, color, religion, sex, familial status (one or more persons under the age of 18 living with a parent, legal guardian or the designee of a parent or legal guardian), national origin or handicap status.** Major provisions include:

- The Act applies only to housing and housing related transactions (it does not apply to commercial property transactions) and only applies to providers of housing; it does not prohibit the housing consumer from selecting the housing of their choice for whatever reason is desired.
- The Act applies, with only a few exceptions, to virtually all types of housing transactions (rental, sales, condominium, housing cooperative, mortgage lending, appraising, insuring) in the United States.
- The Act protects against all forms of **differences in treatment**, based on any of the protected categories.
- The Act has been ruled to prohibit otherwise legal and/ or neutral actions or policies that produce disparate impacts for protected group persons.
- The Act prohibits statements (including advertising) of intent to discriminate or that indicate a preference or limitation based on any of the protected characteristics.
- The Act provides exemptions from the familial status provisions of the Act for designated senior citizen facilities.

- In relation to persons with disabilities (handicap status), besides providing “equal treatment”, housing providers may also be required, under the Act, to make reasonable accommodations in policies and practices or may be required to make or allow to be made reasonable modifications to the physical condition of a unit in order to make it possible for a person with disabilities to have access to or use the housing accommodation.
- The Act allows the application of reasonable limitations as to the maximum number of persons who may occupy a dwelling unit.
- The Act protects persons from threats or intimidation related to exercising their “fair housing rights”.
- The Act may be enforced administratively by the Federal government (the U.S. Department of Housing and Urban Development or, in some cases, the U.S. Department of Justice) or by aggrieved persons who file actions in the appropriate state or federal court.
- A person filing a complaint may seek, and may be awarded, temporary and permanent injunctive relief, including the right to complete a transaction and/ or occupy a unit, compensatory and punitive monetary damages, attorney fees and costs.

### **MICHIGAN ELLIOTT-LARSEN CIVIL RIGHTS ACT**

Originally passed in 1968, with major amendments in 1977 and 1992, this Act mirrors the coverage, the protection and the exemptions of the Federal Fair Housing Act. In addition, the State Act prohibits discrimination in housing based on a person’s chronological age and based on a person’s marital status. The Act applies to both housing and other real estate transactions, including commercial property transactions. The Act provides for administrative enforcement through the Michigan Civil Rights Commission, with administrative complaints filed by aggrieved persons with the Michigan Department of Civil Rights. Like the Federal Act, the State Act also provides the right for aggrieved persons to file private actions in State Circuit Courts without going through the administrative process, with similar penalty provisions.

### **MICHIGAN PERSONS WITH DISABILITES CIVIL RIGHTS ACT**

Passed in 1976, provisions of the Act helped to shape the 1988 amendments to the Federal Fair Housing Act that expanded that Act to include protection against discrimination based on disability status. Coverage and protection under this Act are similar to the Federal Act, except that the Michigan Act contains the following “undue hardship” language that is not included in the Federal Act:

“Except as otherwise provided in article 2, a person shall accommodate a person with disabilities for purposes of employment, public accommodation, public service, education, or housing unless the person demonstrates that the accommodation would impose an undue hardship.”

Enforcement and penalty provisions mirror the Federal Act and the Elliott-Larsen Act.