

## **Origin of the Fair Housing Act**

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### **The Time Period of the Fair Housing Act**

Slavery was abolished in the United States in 1865 under President Abraham Lincoln by the 13<sup>th</sup> Amendment. As a result, more than 100,000 slaves were freed, but there was still very widespread segregation. Over the next century, a ‘separate but equal’ culture prevailed. Black people were not getting the same opportunities as white people. In regards to housing specifically, mortgage lenders were doing something called ‘redlining’—“the practice of denying a creditworthy applicant a loan for housing in a certain neighborhood even though the applicant may otherwise be eligible for the loan”.<sup>1</sup> Those neighborhoods that would be considered bad risks for mortgages were marked in red and were typically black neighborhoods.<sup>2</sup>

During that period, Dr. Martin Luther King Jr (MLK Jr.) and others began advocating for civil rights for black people. An example of this is the Chicago Freedom Movement in 1965-1966. Dr. King led rallies and marches outside real estate offices and in white neighborhoods where they were met with a lot of opposition and violence. Very shortly after that, the Leadership Council for Metropolitan Open Communities was formed in Chicago, becoming one of the nation’s first fair housing organizations.<sup>3</sup>

Both the Chicago Freedom Movement and The Leadership Council for Metropolitan Open Communities took part in some of the very first fair housing testing—defined according to the Department of Housing and Urban Development (HUD) as “the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information”.<sup>4</sup> They would send black couples and white couples to real estate offices and see what offers they would be given by the realtors.<sup>5</sup> The Department of Justice (DOJ) officially established and began testing through the Fair Housing Testing Program a few years later in 1991-1992.<sup>6</sup>

### **The Assassination of Martin Luther King Jr.**

On April 4<sup>th</sup>, 1968 MLK Jr. was assassinated. Uprisings erupted in over 120 cities in the United States. While the Fair Housing Act was presented to Congress a few times before, it never had the majority to pass the bill. With the tragedy of Dr. King’s

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<sup>1</sup> Federal Reserve Bank, *Federal Fair Lending Regulations and Statutes: Fair Housing Act*, p. 1.

<sup>2</sup> History.com, Segregation in the United States.

<sup>3</sup> NPR, 50 Years Ago, Martin Luther King Jr. Fought for Open Housing in Chicago.

<sup>4</sup> HUD, *Fair Housing Testing Program*, 2019.

<sup>5</sup> NPR, 50 Years Ago, Martin Luther King Jr. Fought for Open Housing in Chicago.

<sup>6</sup> The United States Department of Justice, Civil Rights Division, *Fair Housing Testing Program*

assassination, civil unrest, like arson and looting, swept the nation. President Lyndon Johnson took advantage of this and advocated for the approval of the bill in Congress. That week, the Fair Housing Act passed on April 11, 1968, requiring equal opportunity in the rent, sale, and financing of housing regardless of race, color, religion or national origin.

### **Since Then**

Since the original protected classes were passed in 1968, there have been a few additions made to the list.

In 1974, discrimination based on sex was added. In 1988, disability and familial status (presence of children under the age of 18) were amended.<sup>7</sup>

As of 2020, there are hundreds of fair housing agencies across the United States that work to protect people based on the seven protected classes: race, color, religion, national origin, sex, disability and familial status.

Some states have added protected classes according to their state's laws. In Washington State, sexual orientation, veteran/military status and marital status have been added.

If you are a resident of Washington State you may contact Northwest Fair Housing Alliance, serving central and eastern counties, at (509) 325-2665, or the Fair Housing Center of Washington, serving central and western counties, at (253) 274-9523.

### **Thoughts**

Some might wonder that without the assassination of Dr. King, the Fair Housing Act would not have passed. It is interesting to think about, because you must take into consideration the fact that people were already working towards fair housing. Dr. King's assassination could be seen as speeding up the process.

Please watch this powerful video created by the National Fair Housing Alliance in 2018 in honor of the 50<sup>th</sup> anniversary of the passage of the 1968 Fair Housing Act. Titled "Seven Days Documentary" it summarizes the events in the week that led up to the Fair Housing Act. <https://www.youtube.com/watch?v=lualCTZT2S0&t=9s>

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<sup>7</sup> Fair Housing Accessibility First, *Fair Housing History*.