

Updated legal maps show marginal change in U.S. state fair housing laws

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Two updated datasets published to LawAtlas.org today show minimal change in state fair housing laws and city nuisance property ordinances since 2017, in spite of the continued housing crisis in the United States.

These laws are part of the existing landscape of statutes, regulations, and ordinances intended to establish a framework for safe and equitable housing in the US. Yet, we know little about how they function as tens of millions of Americans continue to suffer from poor housing options and dangerous housing conditions.

"These datasets are an invaluable resource for housing rights advocates, public health practitioners and others who work on issues related to housing discrimination and eviction. They also provide a foundation for legal epidemiology researchers working at the intersection of housing and health to explore the public health impact of these laws—some of which have been around for generations and have largely gone unstudied," said Lindsay K. Cloud, JD, director of the Policy Surveillance Program's Center for Public Health Law Research at Temple University's Beasley School of Law.

The data published today include laws and policies in effect from August 1, 2017 through August 1, 2019. The city nuisance property ordinances dataset captures laws from the 40 largest US cities, while the state fair housing dataset captures laws from all 50 states and the District of Columbia.

[City Nuisance Property Ordinances](#)

City nuisance property ordinances impose penalties on property owners based on the conduct of their tenants, sometimes requiring the eviction of those tenants. These policies were originally designed to regulate substance use and crime, but many ordinances establish a wide range of activities that the city considers to be a nuisance. These activities can include calls to law enforcement, which may discourage tenants from calling the police in life-threatening situations.

"Nuisance property ordinances could have a significant impact on public

health since they may force tenants to choose between calling 911 and being threatened with eviction," explained Kathleen Moran-McCabe, JD, a special projects manager at the Center who managed the update to these data. "These laws can have a disproportionate effect on [domestic violence survivors](#), and people with disabilities, who may have to call for emergency help more often than others. While some cities exempt domestic violence incidents or calls to police from being considered a nuisance, many cities do not have exemptions in their nuisance ordinances."

While the majority of the cities' laws were relatively unchanged since 2017, the data released today show important changes to the laws in Chicago, Columbus, Ohio, and Dallas.

Chicago and Columbus both added exemptions for domestic violence. Chicago expanded its exemption for emergency calls to apply to any calls related to domestic or sexual violence or an individual's disability—not just calls made by the property owner. Columbus added an exemption to its law that prevents domestic violence incidents from being labeled nuisance activities.

Dallas has adopted a policy that allows the Dallas Police Department to designate a building as a "habitual criminal property" if certain criteria are met, including being associated with five or more [law enforcement](#) reports of criminal activity within one year. The police department may require owners now to post a sign at the building to show its habitual criminal status, and may face fines.

[State Fair Housing Protections](#)

The Fair Housing Act was passed as part of the Civil Rights Act of 1968 to prohibit discrimination in housing. Since then, a majority of states have enacted congruent policies to advance FHA's aims. As of August 1,

2019, every state except Mississippi has its own laws that seek to supplement protections against discrimination in housing-related transactions.

Changes to these laws since 2017 have been minimal, but those states that have changed their law tend to focus on the nature of protections for various populations:

- New Hampshire added gender identity as a protected class in 2019, bringing the total to 20 states with this protection.
- Five states now include domestic violence victims as a protected class, up from four in 2017.
- Source of income protections—which may specifically include or exclude housing vouchers—is also now protected from discrimination in 12 states, up from 11 in 2017 (New York added source of income, including housing vouchers, as a protected class).

"The State Fair Housing dataset is a valuable resource as we continue to seek to understand the impact of housing laws, associated regulations, and the implementation of policies on local practices, as well as broader effects on public health outcomes," said Adrienne Ghorashi, JD, a program manager at the Policy Surveillance Program who led the update of these data. "As federal protections against housing discrimination have been stalled or scaled back, understanding the effects of state laws becomes even more critical to advancing equity in [housing](#)."

More information: City Nuisance Property Ordinances. Policy Surveillance Program, Center for Public Health Law Research, Temple University Beasley School of Law. February 28, 2020.

lawatlas.org/datasets/city-nui...-property-ordinances

State Fair Housing Protections. Policy Surveillance Program, Center for

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