

# The Fair Housing Act Title VIII of the Civil Rights Act of 1968

The Thirteenth, Fourteenth and Fifteenth Amendments to the United States Constitution, the Civil War Amendments, ended slavery and made citizens of freed slaves with the rights and privileges of all Americans. Discriminatory laws, so-called Jim Crow laws, were passed by many states to deny African-Americans those rights.

In 1909, the National Association for the Advancement of Colored People, NAACP, was founded to secure for all people the rights guaranteed in the 13th, 14th, and 15th Amendments. One tactic was to bring lawsuits alleging that discrimination amounted to constitutional violations.

One of these lawsuits was brought in a 1948 case in St. Louis, Missouri. The basis of the suit was a 1911 real estate covenant which stated that no one "of the Negro or Mongolian Race" could buy property in a certain neighborhood until 1961. When the African-American Shelley family bought in that neighborhood in 1940, Kraemer, an area home owner, sued them for violating the covenant. Eventually, the case was heard in the Supreme Court of the United States which held in *Shelley v. Kraemer*, 334 U.S. 1 (1948) that courts could not enforce racial covenants in real estate.

Twenty years after the Shelley case was filed, Congress passed the Fair Housing Act. During hearings, Senator Edward Brooke, the first African-American Senator, spoke passionately about his inability to find housing for his family after returning from serving in World War II. Texas Representative George H.W. Bush, who was to become the 41st president of the United States, wrote about why he voted for the Fair Housing Act:

"The most controversial vote of my four years in the House of Representatives was the Open Housing Bill of 1968, which was an extension of the 1964 Civil Rights Bill. I particularly became passionate on the issue after a tour of Vietnam, where I saw young black soldiers fighting and dying for love of their country while affluent white kids ran away or got deferred, letting others go in their place. Were we supposed to tell these black soldiers when they came home that they couldn't buy houses in our neighborhood?"

The Senate passed the bill on April 4, 1968, the same day that Dr. Martin Luther King, Jr. was assassinated. President Johnson then called upon the House of Representatives to honor Dr. King's memory by passing the act and they speedily did so on April 10. President Johnson signed the bill into law on April 11.

The Fair Housing Act, enforced by the Department of Housing and Urban Development, HUD, prohibits discrimination based on race, color, religion, or national origin by real estate agents, landlords and others in the business of selling or renting housing.

## Examples of these discriminatory practices:

Racially discriminatory real estate covenants which was the practice of passing rules that forbade the sale of property to people of certain races in a neighborhood or real estate development.

Blockbusting which was the practice of real estate agents in persuading owners to sell property cheaply because of the fear of people of another race or class moving into the neighborhood and thus profiting by reselling at a higher price.

Redlining which was the practice of denying or limiting financial services to certain neighborhoods based on racial or ethnic composition without regard to the residents' qualifications or creditworthiness. The term came from banks and real estate agents drawing a "red line" on a map around an area considered risky in which to make home loans.

## Teaching about the Fair Housing Act

### I can:

1. Explain the provisions of the Fair Housing Act.
2. Explain the reasons for the need for the Fair Housing Act
3. Identify specific sections of the Constitution, Bill of Rights, Civil Rights laws or other laws that apply to the Fair Housing Act.

**Discuss how real estate covenants can increase the value of property? How can they be unfair?**

**Using a map of your school district, draw a red line around a neighborhood and discuss how unfair it would be for banks and real estate agents to decide this was not a good neighborhood.**

**Research the *Shelley v. Kraemer*, 334 U.S. 1 (1948) case and discuss how the Supreme Court of the United States used the Fourteenth Amendment to find the racially restrictive covenant in that case unconstitutional.**

