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Comparison of Fair Housing Law Coverages

Drafting Committee

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COMPARISON OF FAIR HOUSING LAW COVERAGES

1. STATES

Massachusetts

Chap. 420, 6-7-57:
MULTIPLE DWELLINGS = PERMANENT RESIDENCES FOR 3 OR MORE FAMILIES.
PUBLICLY ASSISTED HOUSING ACCOMMODATIONS (A) CONSTRUCTED AFTER 7-1-50
AND WHICH ARE EXEMPTED FROM TAXES, OR WHICH ARE SOLD BELOW COST
UNDER FEDERAL HOUSING ACT OF 1949, OR WHICH ARE BUILT ON LAND
ASSEMBLED BY CONDEMNATION; OR FOR WHICH GOVERNMENT HAS SUPPLIED
FINANCIAL ASSISTANCE; AND (B) LOCATED IN A MULTIPLE DWELLING
DURING THE LIFE OF A GOVERNMENTALLY INSURED LOAN THEREFORE; AND
(C) OFFERED FOR SALE OR RENT BY A PERSON OWNING OR CONTROLLING
10 OR MORE GOVERNMENTALLY ASSISTED HOUSING ACCOMMODATIONS.

Chap. 239, 4-22-59:
CONTINUOUSLY LOCATED HOUSING, INCLUDING HOUSING OFFERED (1) BY PERSON
WHO HAS EVER OWNED OR CONTROLLED THE SALE OF 10 OR MORE CONTIGUOUS
HOUSING ACCOMMODATIONS, OR (2) WHICH WAS EVER ONE OF 10 OR MORE
LOTS OF A SUBDIVISION APPROVED BY A PLANNING BOARD UNDER CHAP. 41
PASSED IN 1954.

NOTE: IN THE RELATED FAIR EDUCATIONAL PRACTICES ACT, CHAP. 720, 6-22-49, THE
REASSURING CLAUSE APPEARS: "THIS SECTION IS NOT INTENDED TO LIMIT
OR PREVENT AN EDUCATIONAL INSTITUTION FROM USING ANY CRITERIA OTHER
THAN RACE, RELIGION, COLOR OR NATIONAL ORIGIN IN THE ADMISSION OF
STUDENTS." WITH SLIGHTLY CHANGED WORDING, SUCH A CLAUSE COULD BE
APPLIED TO THE HOUSING COVERED BY A BILL, TO FORESTALL SOME OBJEC-
TIONS BASED ON A MISUNDERSTANDING OF THE LEGISLATIVE INTENT. THE
CLAUSE WOULD BE ADDED TO THE SECTIONS WHICH DEFINES "UNLAWFUL HOUSING
PRACTICES", IF 1959 R. L. BILL IS THE BASIS.

Connecticut

Bill No. 2434, Signed 5-12-59:
PUBLIC ACCOMMODATION INCLUDES, BY DEFINITION, (1) PUBLIC HOUSING,
(2) ALL FORMS OF PUBLICLY ASSISTED HOUSING, AND (3) HOUSING
OFFERED FOR SALE OR RENT THAT IS ONE OF 5 OR MORE ON A SINGLE
PARCEL OF LAND OR CONTIGUOUS PARCELS, ALL OF WHICH ANY PERSON
OWNS OR CONTROLS.

NOTE: CONNECTICUT'S COMMISSION ON CIVIL RIGHTS HAS RULED REAL ESTATE
SERVICES AS A PUBLIC ACCOMMODATION.

Colorado

Effective 5-1-59:
ALL HOUSING AND VACANT LAND IS INCLUDED EXCEPT PREMISES OCCUPIED BY
THE OWNER WITH NOT MORE THAN 4 BOARDERS OR LODGERS.

Oregon

Effective 5-7-59:
LAW OPERATES WITH RESPECT TO "PERSONS ENGAGED IN THE BUSINESS OF
SELLING (OR LEASING) REAL PROPERTY".
2. CITIES

NEW YORK CITY
EFFECTIVE 4-1-58:
COVERS LEASING OF ALL APARTMENTS IN MULTIPLE DWELLINGS (3 OR MORE UNITS),
AND SALE OF HOUSES IN DEVELOPMENTS OF 10 OR MORE.

PITTSBURGH
EFFECTIVE 6-1-59:
COVERS ALL SALES OR RENTALS BY PERSONS OWNING OR CONTROLLING 5 UNITS
ANYWHERE IN THE CITY, AND ALL ACTIVITIES OF REAL ESTATE OPERATORS
AND LENDING INSTITUTIONS, AND ALSO VACANT BUILDING LOTS.

3. 1960 PROPOSALS

NEW YORK STATE
ALL RESIDENTIAL REAL PROPERTY INCLUDING VACANT LAND, EXCEPT (1) SALE
OF ONE AND TWO FAMILY HOMES BY THE OWNER-OCCUPANT, AND (2) RENTAL
OF AN APARTMENT IN A TWO FAMILY HOUSE WHERE THE OTHER APARTMENT
IS OCCUPIED BY THE OWNER. ALSO COVERS ACCEPTANCE OF LISTINGS BY
REAL ESTATE AGENTS, REGARDLESS OF THE PREVIOUS EXCEPTIONS, AND
COVERS LENDING INSTITUTIONS FINANCING RESIDENTIAL PROPERTY.

(TO BE CONTINUED WHEN
OTHER PROPOSED BILLS
ARE RECEIVED HERE)