

Commission on Human Rights

Housing Discrimination and housing segregation take away sense of safety in one's own home

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This year commemorates the 47th anniversary of the U.S. Fair Housing Act as well as the Kentucky Fair Housing law, both of which were passed in 1968. Because of these laws, housing discrimination is illegal.

Housing discrimination is uniquely damaging in that it takes away a person's sense of safety in his or her own home. It is important that all of us as responsible members of society remain vigilant in addressing both the blatant and subtle forms of housing discrimination that tear at the national fabric.

Because of the Fair Housing Act and Kentucky's Fair Housing Law, it is unlawful to discriminate against any person who seeks to rent or own housing, based on the person's color, disability, familial status (whether one lives with children under 18 years of age or whether a woman living in the household is pregnant), national origin, race, religion or sex. Federal and Kentucky fair housing laws provide equal opportunity to all people when buying, selling, renting, financing or insuring housing. People have the right to buy or rent where they choose a home, condominium, apartment, trailer or lot. Everyone must obey the law, including property owners, property managers, real estate brokers, sales agents, operators, builders and developers, advertisers and advertising media, mortgage lenders, insurers, and banks or other financial institutions.

The U.S. Dept. of Housing and Urban Development (HUD) is the primary federal agency responsible for the enforcement of federal fair housing laws. HUD reports that its Office of Fair Housing and Equal Opportunity (FHEO) receives about 8,000 complaints of housing discrimination a year. The Kentucky Commission on Human Rights is an affiliate of HUD and as such enforces the U.S. Civil Rights Act within Kentucky. Also, the commission is the state authority responsible for enforcing the Kentucky Civil Rights Act. The Louisville Human Relations Commission and the Lexington-Fayette County Human Rights Commission due to local county ordinances that give them authority investigate housing complaints occurring in Fayette and Jefferson counties. In the last 10 years, the Kentucky Commission on Human Rights alone has received from people across the state 466 housing discrimination complaints.

HUD reports that it is estimated that nearly 4 million instances of housing discrimination occur annually against blacks and Latinos alone, but less than 1 percent of all violations are reported or even detected. HUD says that rental cases have been and continue to represent the largest source of housing complaints. Adding to the high numbers of reported incidents of housing discrimination is the troubling fact that most individuals may have no idea that they have been discriminated against because the victim is often not in a position to observe the treatment of non-minorities, according to HUD.

In the case of immigrants and refugees, we who conduct education and outreach to form relationships with these communities in Kentucky conclude as do so many organizations across the nation that very low numbers of immigrant and refugee housing discrimination victims report the discrimination because the groups are afraid of authorities and are thus afraid to bring attention to themselves.

On the other hand, as education and outreach efforts have reached more people, and as the state commission's partnerships with local community human rights commissions have achieved marked success, housing discrimination complaints based on the protected classes of disability and familial status steadily increase.

One vulnerable group that is not protected by laws prohibiting discrimination throughout the majority of the state are people who are lesbian, gay, bisexual, transgendered, and the families members with whom they live. The lack of housing discrimination protection for these individuals leaves a hole in the state's ability to protect as many people as possible from the atrocities of discrimination regarding their housing. Adding gender identity and sexual orientation as protected classes to the Kentucky Civil Rights Act would help close the gap.

In addition to enforcing the laws against housing discrimination, it is important to take proactive steps to overcome it. There are positive measures that, if utilized, could help reduce the resulting segregation that discrimination causes.

There has been significant progress since fair housing law was established. After all, the national and several state fair housing laws finally brought to an end the legal racial and ethnic segregation of neighborhoods. Nevertheless, housing discrimination remains pervasive, devastating, and as a consequence, segregation remains high and detrimental. It is too convenient to simply attribute the extreme housing segregation that exists in Kentucky to poor economy, poverty and high unemployment, Rather the Kentucky Commission on Human rights asserts housing discrimination is a primary cause of segregation.

Kentucky remains one of the most segregated states in the nation, contributing to lower property values, increased crime, and obstacles to economic opportunities for minorities, women, children, families and communities.

Both urban and rural areas of Kentucky are subjected to housing discrimination and its resulting segregation and loss of equal opportunity. Forty-five percent of Louisville, Ky., residents reside

in extreme segregation based largely on race, color and national origin, according to news media. In rural areas, segregation by race is even more pronounced. The 2010 U.S. census shows that African Americans make up 7.8 percent of Kentucky, yet, in Eastern Kentucky, blacks, Hispanics and other minorities comprise just over 1 percent of the population.

One step toward affirmatively encouraging healthy housing integration is to ensure that minority businesses and contractors be actively included in opportunities to participate in projects designed to develop and improve neighborhoods and communities. Without the involvement of minority businesses and contractors, members of minorities seeking housing demonstrate less interest in the most historically segregated areas of urban and rural communities.

Secondly, the commission encourages the establishment of an enforceable statewide Uniformed Residential Landlord and Tenant Act (URLTA). Such law makes consistent the regulations governing landlord and tenant policies. In Kentucky, counties and cities may adopt such law, but also have the option to choose not to adopt it. The consistency of a statewide URLTA would help decrease discrimination and, therefore, segregation.

A third step to discourage housing segregation is to address “source of income” discrimination. This is best described as discrimination against a person with low income in the rental or acquisition of housing because that person is a recipient of public assistance income, such as housing vouchers. While not specifically covered by either federal or state fair housing law, low-income recipients of government assistance disproportionately fall within the classes of persons who are covered by fair housing laws, such as minorities, women and families. The Kentucky Commission on Human Rights supports any future enactment of laws to protect low-income persons. The addition to the Kentucky Civil Rights Act of a protected class called, “source of Income,” for example, could result in decreased housing discrimination and its resulting segregation. While the addition of this protected class could result in increased and unfunded enforcement responsibilities for the commission, we would support this move to aggressively further fair housing and equal opportunity among this vulnerable and disadvantaged group.

As the people of our state and nation recognize the Fair Housing Month of April, it is the hope of the Kentucky Commission on Human Rights and others that discussion, debate and contemplation will result in a raised level of consciousness about the detriment to the entire society of housing discrimination and segregation and with it a raised level of commitment to bring these antiquated systems to an end through true fair and equal opportunity. It will benefit all persons.

