

# FEDERAL FAIR HOUSING ACT

Title VIII of the Civil Rights Act of 1968  
42 U.S.C. § 3601



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LONG ISLAND HOUSING  
PARTNERSHIP CONFERENCE  
APRIL 27, 2021

# History

LONG ISLAND IS  
AMONG THE MOST  
SEGREGATED  
SUBURBAN AREAS IN  
THE COUNTRY DUE TO  
WELL ENTRENCHED  
PREJUDICE AND BIASES

## *Nazi Past of Long Island Hamlet Persists in a Rule for Home Buyers*

By MICHELLE CAREY OCT. 19, 2012



Members of the German-American Bund marching near Camp Siegfried in Yaphank, N.Y., circa 1937.  
Ken Hardy Jr./The LIFE Picture Collection — Getty Images

# The Metro Section

23

SUNDAY, DECEMBER 28, 1997

The New York Times

## At 50, Levittown Contends With Its Legacy of Bias

By BRUCE LAMBERT

LEVITTOWN, N.Y., Dec. 28 — The year-long 50th-birthday party for this pioneering suburb on Long Island is winding down. The parade drew 1,000 marchers. Crowds came for candlelight church services, an antique-car show, exhibits, seminars and tours of the faded Levitt houses that started it all.

There were even Potato Day festivities honoring the flat farmland here where Levitt & Sons began mass-producing single-family tract homes in 1947, heralding the wave of migration from cities that lasted for decades.

But not everyone touched by the Levittown experience has been celebrating.

"The anniversary leaves me cold," said Eugene Barnett, who was among thousands of military veterans who lined up for their green patch of the American dream here after World War II. But he was turned away because he is black. "It's symbolic of segregation in America," he said. "That's the legacy of Levittown."

"When I hear 'Levittown,' what rings in my mind is when the salesman said: 'It's not me, you see, but the owners of this development have not as yet decided whether



Home featured in 'The New York Times'

A Cape Cod house on Rolling Lane in Levittown, transferred in 1990 into a two-story home by Pete and Patti Sheridan. Below, in 1947, the town's first residents moving in.



"The tenant agrees not to permit the premises to be used or occupied by any person other than members of the Caucasian race. But the employment and maintenance of other than Caucasian domestic servants shall be permitted."

Clause from a 1948 Levittown lease.


### Levittown, N.Y.

For the last four decades, blacks have represented less than 1 percent of Levittown's population.

	1960	1970	1980	1990
TOTAL POPULATION	68,276	68,440	87,045	93,286
WHITE	65,056	65,126	83,354	81,683
BLACK	87	44	48	137
OTHER	183	268	643	1,266

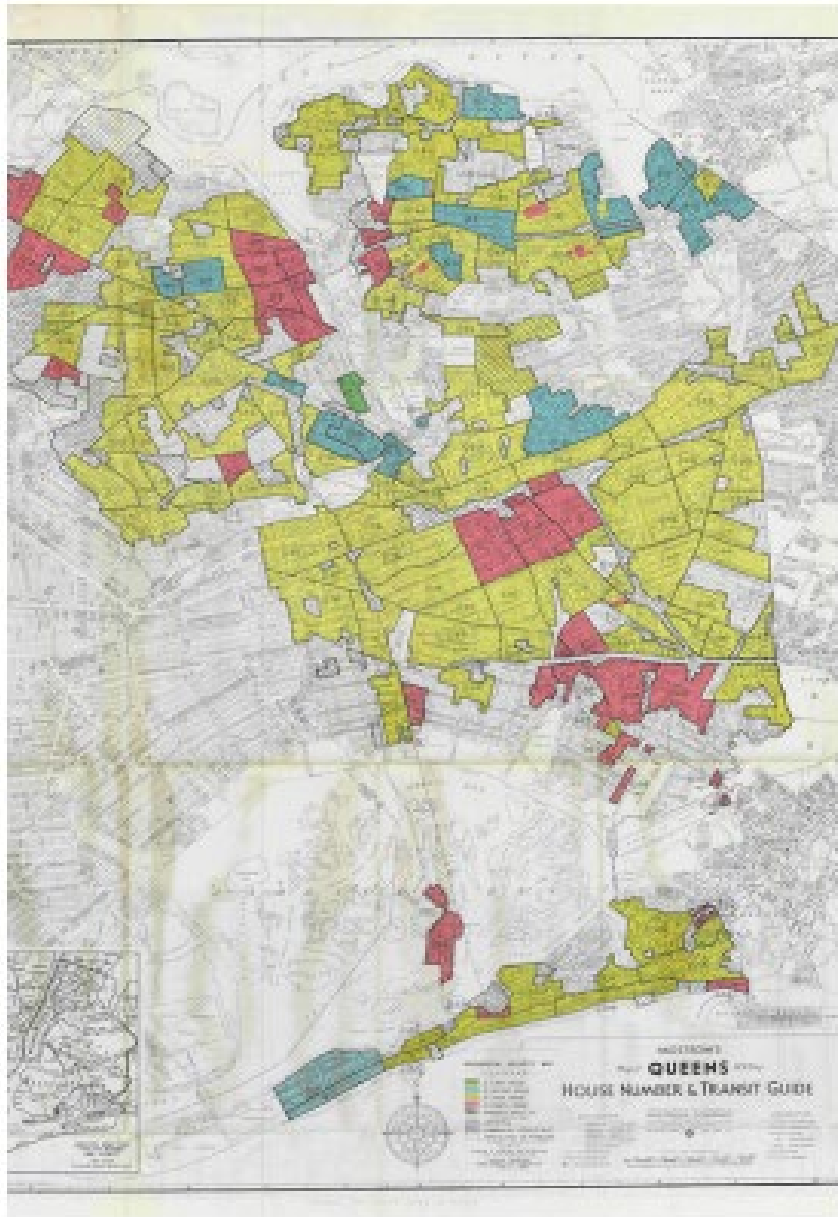
Source: Dunne College Strategic Department

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Until the last quarter of the twentieth century, racially explicit policies of federal, state and local governments defined where whites and African Americans should live”

- Color of Law, Richard Rothstein



# REDLINING

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HOME OWNERSHIP LOAN CORP

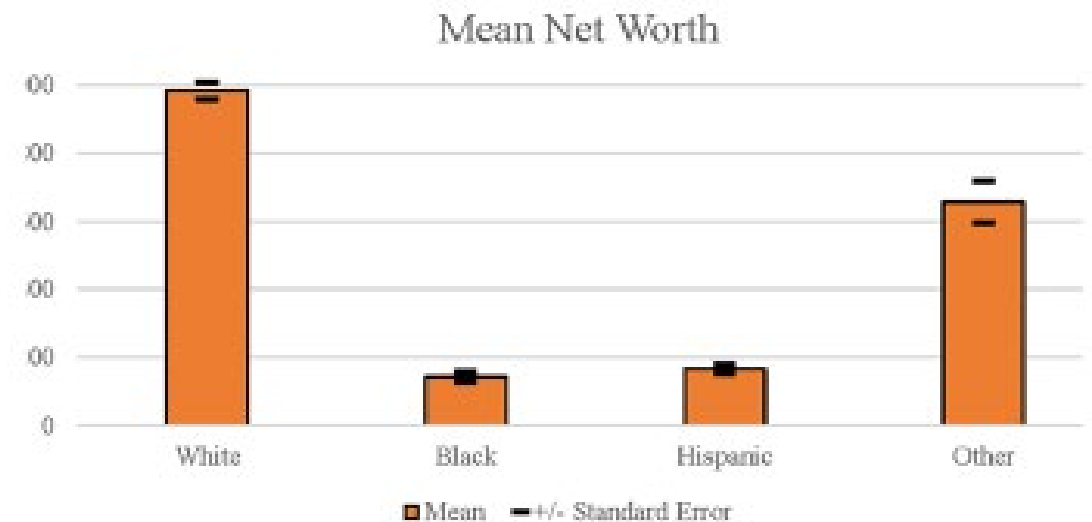
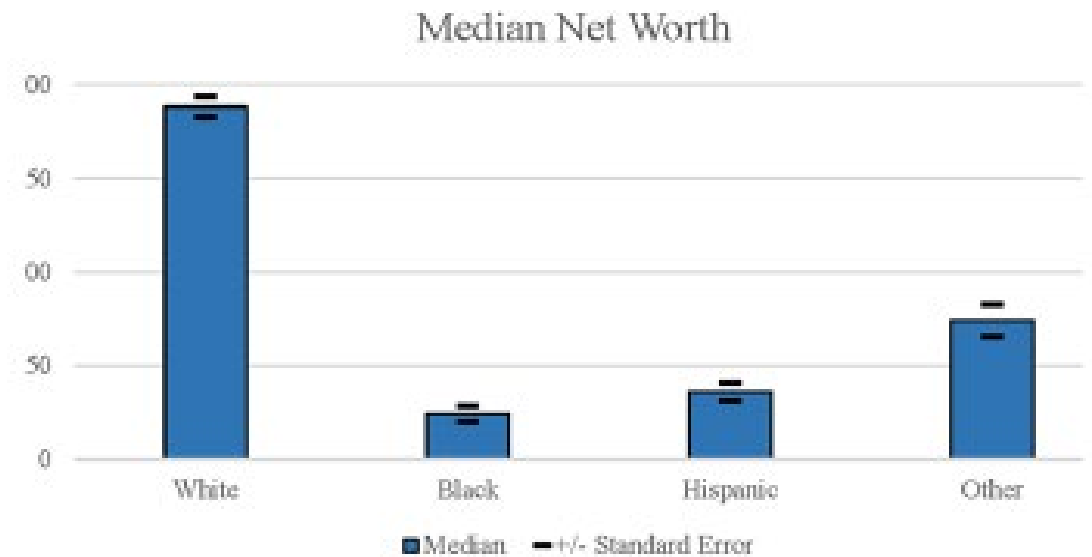
## FEDERAL HOUSING ADMINISTRATION

“The infiltration of inharmonious racial groups will produce the same effects as those which follow the introduction of nonconforming land uses which tend to lower the levels of land values and to lessen the desirability of residential areas”

- FHA Underwriting Manual 1936

- **between 1934 and 1962, 98% of FHA insured loans went to Whites**
- **Levittown was funded by FHA loans**

# IMPACT OF THESE AND OTHER POLICIES- HUGE WEALTH GAPS

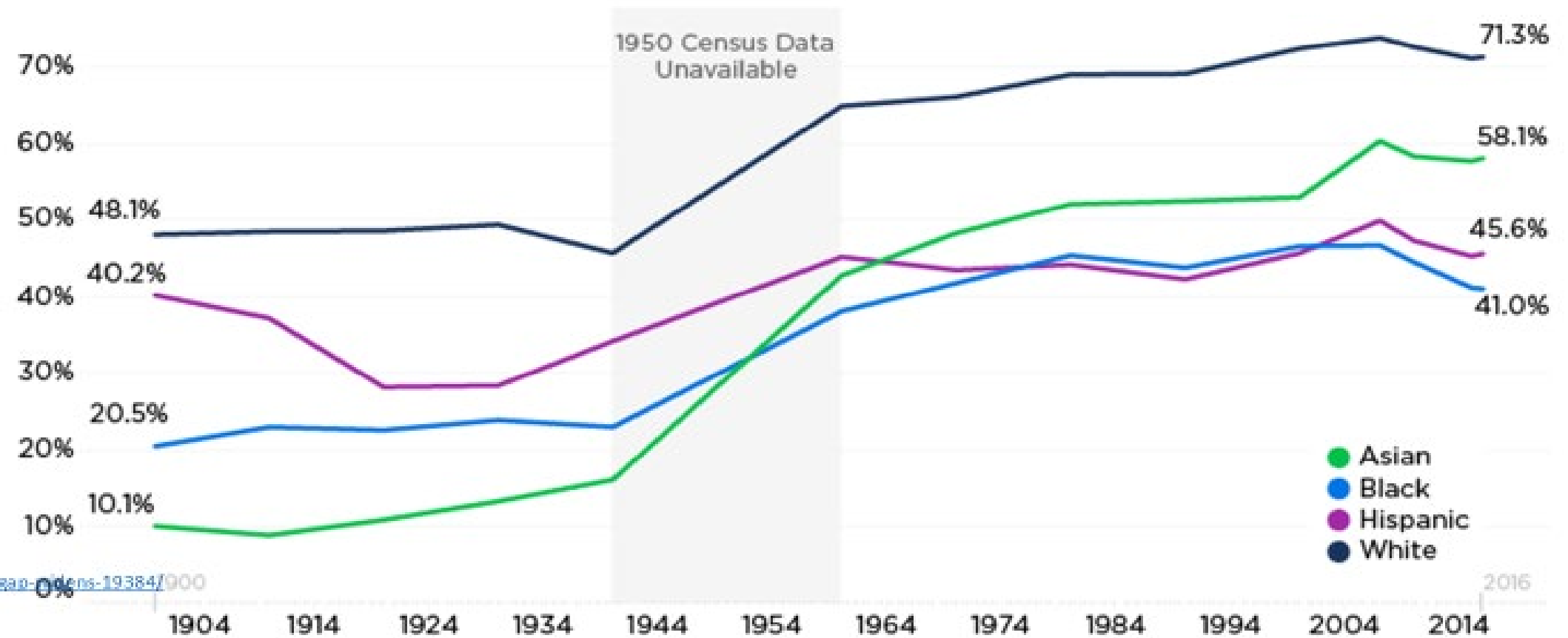


Bhutta, Neil, Andrew C. Chang, Lisa J. Detting, and Joanne W. Hsu (2020). "Disparities in Wealth by Race and Ethnicity in the 2019 Survey of Consumer Finances," FEDS Notes. Washington: Board of Governors of the Federal Reserve System, September 28, 2020.



# The Gap Between Black and White Homeownership Rates Has Widened Since 1900

Homeownership rate by race



Source: Urban Institute analysis of U.S. Census Bureau, Decennial Census and American Community Survey, 1990-2015, made available by IPUMS-USA, University of Minnesota, www.ipums.org.

# RACE DISCRIMINATION CONTINUES TO THIS DAY



# Basics of the Fair Housing Act

# What is Fair Housing?



- Fair Housing is the right to be free from illegal discrimination in the rental, sale, or financing of housing
- Discrimination = being treated differently than others because you belong to a protected class

# FAIR HOUSING ACT, 42 U.S.C. § 3604

Unlawful to discriminate in the  
sale or rental of dwellings based upon



DISABILITY



RACE



SEX



COLOR



NATIONAL  
ORIGIN



RELIGION



FAMILY  
STATUS

# APPLIES TO PRIVATELY AND FEDERALLY FUNDED HOUSING



# Who Must Comply? *EVERYONE*

- ❖ Real Estate Brokers and Agents
- ❖ Property Managers/Owners
- ❖ Property Maintenance Staff
- ❖ Homeowners/Condominium Associations
- ❖ Housing Authority Staff
- ❖ Housing Developers and Contractors
- ❖ Mortgage Lenders and Financial Institutions
- ❖ Advertising Media
- ❖ Architects

# PROVISIONS OF THE FAIR HOUSING ACT

- **REFUSAL TO RENT OR SELL**
  - **TERMS OF RENTAL OR SALE**
- **ADVERTISING/ SPEECH**
  - **REPRESENTATION OF UNAVAILABILITY**
- **BLOCK BUSTING**
  - **DISABILITY**
- **COERCION, THREATS (CRIMINAL)**



# “IMPACT AND INTENT”

- INTENTIONAL DISCRIMINATION  
 (“Disparate Treatment”)
- ADVERSE EFFECT  
 (“Disparate Impact”)

# INTENTIONAL DISCRIMINATION

- *“I WILL NOT RENT AN APARTMENT  
TO [MEMBER OF PROTECTED CLASS]”*
- FAILURE TO ACCOMMODATE NEEDS OF  
INDIVIDUALS WITH DISABILITIES
- **INTENT IS KEY.** OFTEN DEMONSTRATED  
THROUGH CIRCUMSTANTIAL EVIDENCE

# DISPARATE IMPACT

- A POLICY OR PRACTICE
- EVEN THOUGH NEUTRAL ON ITS FACE
- HAS A DISPROPORTIONATE ADVERSE IMPACT UPON A PROTECTED GROUP
- AND DOES NOT HAVE A VALID JUSTIFICATION

IT MAY VIOLATE THE FAIR HOUSING ACT

# LGBTQ RIGHTS



“SO LONG AS CHANGING THE PLAINTIFF’S SEX WOULD RESULT IN A DIFFERENT OUTCOME, A STATUTORY VIOLATION HAS OCCURRED.”

# SEXUAL HARASSMENT IN HOUSING



Questions?

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