

Housing

Speak out against

marital status discrimination in housing!

Marital status discrimination in housing is widespread and legal - and completely unfair. AtMP calls on Congress to amend the Federal Fair Housing Act to prohibit discrimination on the basis of marital status. AtMP calls on the states (especially Missouri) to enforce their existing laws against marital status discrimination, and to repeal any laws that prohibit cohabitation.

This section includes:

- How does the law permit marital status discrimination in housing?
- True life examples
- Which states need to change their laws?
- What you can do
- Resources

How does the law permit marital status discrimination in housing?

The Federal Fair Housing Act prohibits discrimination on the basis of 'familial status', which pertains to the presence of children under age 18, but is silent on marital status. About half of U.S. states explicitly prohibit marital status discrimination in housing, but about half the states are silent on it. In these states (unless there are stronger local laws), a landlord can legally refuse to rent to an unmarried couple. In these states, a town can decree that unmarried families, roommates or extended families cannot live certain neighborhoods.

State laws prohibiting cohabitation typically use words like lewd and lascivious, public scandal, disgrace, "crime against public morals and decency." These laws were written generations ago, and no longer reflect citizen's values. Nonetheless, in these states a cohabiting different-sex couple can be charged with a crime, fined and imprisoned!

True life examples of marital status discrimination in housing

These laws are not enforced consistently, and are often ignored. Most landlords probably don't discriminate, even if they are allowed to. We haven't heard of anyone being imprisoned for cohabiting. However, discrimination does happen, and when it does, it hurts!

Great News! Missouri town prevented from evicting unmarried families!

In 2006, Olivia Shelltrack, Fondrey Loving and their three children were denied an occupancy permit when they moved into a five-bedroom house because Ms. Shelltrack and Mr. Loving are not married. In Black Jack, anyone moving into a single-family home must apply for an occupancy permit. The city prohibits more than three people from living together unless they are related by "blood, marriage or adoption." The city threatened to evict the Shelltrack-Loving family. After several months, under media spotlights and facing a lawsuit by the ACLU, the city amended its zoning law.

In 2004, shortly after starting her job as a sheriff's dispatcher in North Carolina, Debora Hobbs was given this unfair ultimatum: either marry her partner, or move out of the house he lived in, or lose her job. The ACLU took her case to

court. The good news is that, in 2006, the court finally found the state's cohabitation ban to be unconstitutional. The bad news is that, by the end of 2007, no legislative action has yet been taken to repeal the law.

In 1998, Dorian Solot and Marshall Miller were looking for an apartment in the Boston area. They inquired about a listing only to have the landlord make it clear that he would not rent to unmarried couples. They later found that the landlord's inquiry into their marital status was illegal, but they couldn't find any organization that would help them. This was one of the experiences that galvanized Dorian and Marshall to create the Alternatives to Marriage Project.

Which states need to change their laws?

Florida, Michigan, Mississippi, North Carolina, Virginia, and West Virginia have anti-cohabitation laws on their books (although NC's has been declared unconstitutional by a state court and should not be enforced).

The following states do not prohibit marital status discrimination in housing: Alabama, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, North Carolina, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming.

*It's not clear whether Alaska prohibits marital status discrimination in housing.

Resources

A handy summary of federal and state laws http://www.craigslist.org/about/state_fair_housing_laws

If you believe you've experienced illegal discrimination, you can find lists of organizations that can help you here:

- http://www.fairhousinglaw.org/fair_housing_laws/laws/, or
- <http://www.nationalfairhousing.org/index.php>, or
- <http://www.fairhousing.com/index.cfm?method=agency.search>
- A list of states that do or don't protect against marital status discrimination <http://www.unmarriedamerica.org/ms-statutes.htm>

WHAT YOU CAN DO

Do you live in a municipality that forbids unmarried folks from living together? Find out at Municode.com a searchable website of municipal codes. If you find restrictions on unmarried cohabitation where you live, please let us know.

Write letters to your elected officials.

Tell Congress to amend the Federal Fair Housing Act to prohibit discrimination on the basis of marital status.

Tell your governor and state representatives to prohibit marital status discrimination.

Tell your governor and state
representatives to repeal any anti-cohabitation laws.