

HB

131

March 16, 1983

Representative Walt Furnace  
Chairman  
House Labor and Commerce  
Committee,  
Juneau, Alaska

Dear Representative Furnace:

Here is my testimony  
supporting H.B. 31 in which  
I was not heard due to  
hearing Anchorage landlords  
first and I had an  
appointment to see my attorney  
at 9:00 am, on March 15<sup>th</sup>

I am currently living  
at The A.W.A.R.E. (Aiding Women  
in Abuse and Rape Emergencies)  
Shelter due to domestic violence  
in my living situation and have  
been looking for housing since  
January. It is a frustrating  
and almost impossible  
feat to find housing in  
Juneau, when you have children.  
In addition to finding housing

Rep. Walt Furnace - 2 -

March 16, 1983

when you have children trying to find a reasonably priced apartment or house that is affordable with three children would be a miracle. Being on A.F.D.C. (Aid to Families with dependent children) is an added burden and attempting to attend school is a challenge.

I had to leave my trailer because I did not feel safe; on March 8<sup>th</sup>, 1983 I went to court on a Contempt of Court charge against my ex-husband to see who would be allowed to live in the trailer. Judge Regus allowed my ex-husband to stay at the trailer until the following week because he did have a place to live and my ex-husband's court appointed attorney said I had a temporary place to live at A.W.A.P.E.

Rep. Walt Furnace - 3 -

March 16, 1983

Needless to say, my frustration and helplessness in finding housing that accepts children is a major undertaking for me.

I am currently on the waiting list at Echo Housing (who have 12 - suitable number of bedrooms for myself & 3 children.) and at Sleepy Hollow by the hospital (who have 100 people on their waiting lists).

Thank you for your consideration & my thoughts.

Sincerely,

Dorothy Jorgensen

Box 809  
Juneau Alaska 99802  
(mess. 586-6624)

1882.10  
CIVIL RIGHTS  
REGARDLESS OF  
PARENTHOOD

1 IN THE HOUSE

BY HURLBERT

2

HOUSE BILL NO. 131

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to unlawful practices in the sale or

7

rental of real property."

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

\* Section 1. AS 18.80.240 is amended to read:

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Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL

11

PROPERTY. It is unlawful for the owner, lessee, manager or other

12

person having the right to sell, lease or rent real property

13

(1) to refuse to sell, lease or rent the real property to a

14

person because of sex, marital status, changes in marital status,

15

pregnancy, parenthood, race, religion, color or national origin [;

16

HOWEVER, NOTHING IN THIS PARAGRAPH PROHIBITS THE SALE, LEASE OR RENTAL

17

OF CLASSES OF REAL PROPERTY COMMONLY KNOWN AS HOUSING FOR "SINGLES" OR

18

"MARRIED COUPLES" ONLY];

19

(2) to discriminate against a person because of sex, mari-

20

tal status, changes in marital status, pregnancy, parenthood, race,

21

religion, color or national origin in a term, condition or privilege

22

relating to the use, sale, lease or rental of real property [; HOW-

23

EVER, NOTHING IN THIS PARAGRAPH PROHIBITS THE SALE, LEASE OR RENTAL OF

24

CLASSES OF REAL PROPERTY COMMONLY KNOWN AS HOUSING FOR "SINGLES" OR

25

"MARRIED COUPLES" ONLY];

26

(3) to make a written or oral inquiry or record of the sex,

27

marital status, changes in marital status, race, religion, color or

28

national origin of a person seeking to buy, lease or rent real prop-

29

erty;

IT

1           (4) to offer, solicit, accept, use or retain a listing of  
2 real property with the understanding that a person may be discrim-  
3 inated against in a real estate transaction or in the furnishing of  
4 facilities or sources in connection therewith because of a person's  
5 sex, marital status, changes in marital status, pregnancy, parenthood,  
6 race, religion, color, national origin or age;

7           (5) to represent to a person that real property is not  
8 available for inspection, sale, rental, or lease when in fact it is so  
9 available, or to refuse a person to inspect real property because of  
10 the race, religion, color, national origin, age, sex, marital status,  
11 change in marital status, parenthood, or pregnancy of that person or  
12 of any person associated with that person;

13           (6) to engage in blockbusting;

14           (7) to make, print or publish, or cause to be made, printed  
15 or published, any notice, statement or advertisement, with respect to  
16 the sale or rental of real property that indicates any preference,  
17 limitation, or discrimination based on race, color, religion, sex,  
18 parenthood, or national origin, or an intention to make the prefer-  
19 ence, limitation or discrimination.

(8) ADD

(8) As to (1) and (2) above, however, nothing prohibits the owner, lessee, manager or other person having the right to sell, lease or rent real property from promulgating reasonable rules and regulations and requiring a reasonable damage deposit; and,

The following classes of real property are exempt from the provisions relating to parenthood;

- (A) A private residence offered for short term occupancy;
- (B) Housing established primarily for the handicapped, developmentally disabled, or elderly;
- (C) Housing established as a dormitory; and,
- (D) Housing<sup>OR</sup> established solely for occupancy by singles.

DESIGNED



**STATE OF ALASKA**  
OFFICE OF THE GOVERNOR

ALASKA COMMISSION ON THE STATUS OF WOMEN  
338 DENALI STREET, SUITE 850  
ANCHORAGE, ALASKA 99501

March 11, 1983

Testimony before: House Labor & Commerce  
Re: HB131  
Prepared by: Carla Timpone, Chair  
Legislative Committee

Since June of 1979 the city of Seattle has had in effect an ordinance prohibiting discrimination in housing based on parenthood. Many of the concerns expressed here regarding the possible effects of the passage of HB131 were addressed in Seattle during hearings on the ordinance:

- landlords were concerned that they would be required to allow any number of occupants; however, landlords are now and will continue to be permitted to set reasonable and lawful occupancy rates
- what about the right of other tenants to peace and quiet? landlords can now and will continue to be permitted to establish and enforce reasonable rules regarding noise
- what about increased damage to rental property? landlords are well aware that any tenant, regardless of age, is potentially capable of causing property damage

A study of five cities in California, concluded in December of 1979, reached the same conclusions: the presence of children in a dwelling has no impact on property valuation, insurance rates, or maintenance costs.

There is, however, an impact on those being discriminated against. The majority of families in the rental market are female headed households. Consequently, refusing to rent



**STATE OF ALASKA**  
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338 DENALI STREET, SUITE 850  
ANCHORAGE, ALASKA 99501

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page 2

to families with children constitutes de facto discrimination against a large percentage of women.

It should be noted that the statute currently in effect prohibits discrimination in housing based on pregnancy. Since pregnancy frequently results in parenthood, it seems logical that either both or neither of those conditions should be protected.

The Alaska Commission on the Status of Women strongly urges the passage of HB131.

# Rick

This is not a major change.

The main effect is to lower housing costs for families with children.

Even in cases where people operate "singles only" or "married couples only"

rentals, the actual construction is quite suitable for people of all ages (altho' the furnishings and appointments may not be).

The risks can be controlled to a large degree by the security deposits, etc.

DO WE HAVE A ~~MEMORANDUM~~

(KENNY) ⊕

LL.

(25%)

(HB-56) STUDENT LOAN BILL  
HESS.

SOLUTION

---

A.H.F.C. MOBILE HOME  
LOAN PROGRAM / AS PER BARNES  
CHECK INTO IT!

~~GAIL BILLS~~

~~30561~~

GAIL BILLS

536 PARK ST Apt A

TUNEAU, ALA

(A.I.D.A.  
CULMAN ACT)

Juneau NOW  
536 Park St. Apt. C  
Juneau, Ak 99801  
586-9739

Testimony to House Committee on Labor and Commerce :

March 11, 1983

My name is Lillian Ruedrich, and I am testifying on behalf of the Juneau chapter of the National Organization for Women. We support HB 131 which proposes the addition of the word "parenthood" as an acceptable condition for renters; one which could not be used as a basis for discrimination. The housing situation is desperate enough for a vast majority of the people of this state due to the general shortage of rental units and the prohibitive cost of buying a home. It makes no social or economic sense to doubly burden people in search of housing simply because they have children. Maintenance and insurance costs in fact do not differ significantly between buildings allowing families with children and those prohibiting children, according to a study done in the state of California. We sincerely hope this committee and the Legislature will work to provide renters with this guarantee of equitable treatment in the same sense that the state seeks to aid homeowners with that loan program. This bill would go a long way toward alleviating the burdens of overcrowding and overpaying which face many families seeking affordable housing. Thank you.

Lillian Ruedrich

HB 131

Although the bill prohibits discrimination in the sale, lease, or rental of real property because of my status as a parent, I wish to point out that the bill does not proscribe any other existing management tools that a landlord may have with regard to rental regulations concerning a tenant's use and occupancy of the premises in order to promote safety, health, or welfare of the tenants.

A landlord may also regulate the tenant's use of the property to avoid abusive use, or to make a fair distribution of services and facilities for tenants generally. This bill also does not prohibit a landlord from taking action against a tenant who fails to; quietly enjoy the premises, or fails to occupy and use the premises in a clean and safe condition. Also, it is clear that a landlord can provide reasonable provisions in a lease limiting the number of persons occupying a unit, without regard issues of parentage.

In conclusion, I believe this legislation should prohibit discrimination against individuals due to their parenthood status, while still allowing a landlord the existing legal controls over the use and occupancy of his rental units.

94% EXCEPT CHILDREN  
EFFICIENCY UNITS

DR. GEORGE HANSON

AMERICAN ASSOCIATION  
ALASKA



OF UNIVERSITY WOMEN

DIVISION

Susan R. Clark  
1109 C Street  
Juneau, Ak. 99801

1 June 1981

To: Alaska State Senators  
Re: CS HB 356 (Judiciary)

A.A.U.W. supports the bill for we have a national position supporting the the reinforcement of families through legislation and improved accessibility to housing not only for the elderly, the economically disadvantaged, and minorities, but also for middle-income families.

We are in the midst of a housing shortage, both nationally and in Alaska, and during such periods landlords can afford to be more selective because full occupancy is almost assured. On the other hand, such situations present the greatest problem to a family with children because only a portion of the already small number of vacant units will be open to them, forcing the family, in many cases, into unsuitable, overpriced or poorly located apartments. That portion of units available to families can even reach zero in areas where the housing shortage is most acute, as was pointed out on C.B.S. program "60 Minutes": "No Kids Allowed."

Love of children in general is no longer the common denominator of public opinion it was just twenty years ago. The "baby boom" has gone bust. Today the availability of family planning, the unwillingness to make economic and social sacrifices for children, the decision to have later or no children have all helped to bring about a sharp increase in housing discrimination against children. The 1960 census showed for the first time that a majority of American homes contained less than three members, and the 1970 census indicated that over 60% of all rental households had no children. Yet as private homes continue to be priced beyond the reach of more and more Americans, apartment complexes and condominiums will provide a major portion of our housing needs. The failure to rent to families with children - whether by private landowners or by direction of government units which may create special zoning classifications for the elderly or prevent large increases in the number of school children in a certain area to maintain educational quality and low taxes - is a form of action resulting from economic self-interest rather than any intent to injure families with children. But injury is in fact the result.

We are rapidly becoming a nation which segregates its citizens on the basis of age as more and more people separate themselves from those with different needs. As our population begins to accomodate a higher percentage of people of retirement age who draw off to themselves into segregated communities, a growing percentage of singles and couples without children who

do not identify closely with families raising children, such families begin to collect in concentrations where they, too, are not exposed to the multi-generational neighborhoods that can provide richness and understanding between peoples. In a highly mobile society where adult children have left their parents in far distant states, youngsters are raised without experiencing or understanding anyone older than they by more than a score of years. As contact and understanding goes, we become pockets of self-interest - socially, economically, politically and even racially - too often losing the vision of the common good.

Housing that segregates by age can have the unfortunate side effect of racial segregation as well. A court in Missouri found that prohibiting children would constitute a prima facie case of racial discrimination, because recent national statistics indicate that 48% of black familial renters have children while less than 37% of white families living in rental units have children. These statistics may show an even further discrepancy when considering Native or Hispanic families. Thus, the refusal to rent to families with children has a disproportionate effect on non-whites. In addition, indigenous families are more likely to have an elderly person or multi-generations living in the same home, a fact that could result in discrimination against both ends of the age spectrum in terms of housing if children are prohibited. Again, this would also be felt more strongly by non-white families.

There are six states which have legislation prohibiting housing discrimination against families with children, legislation which has been in effect for over fifty years (Ariz., Ill., N.J., N.Y., Mass., and Del.). In fact, while Alaska does not now prohibit discrimination against children in rental property, the Alaska civil rights statutes include a provision that the "opportunity to obtain...housing accommodations and other property without discrimination because of ... pregnancy or parenthood... is a civil right." It would seem only just to follow our own good lead, and truly mean what we have written. Even Congress, which has generally held that the problem could best be handled at local or state levels, did provide in 1976 housing program mortgage insurance benefits to landlords who could certify that they did not discriminate against families with children.

Discrimination based on age, as on race, sex, creed, etc..., is discrimination not founded on actual basis, because individual differences between humans result in some children being disruptive, but so are some adults, some Blacks, some whites, some men, some women, some Protestants, some atheists. Others of these same samplings make excellent tenants. A landlord offering housing to the public should make a decision directly related to issues of merit - past rental history, ability to pay, references - not on the basis of one's age, race, gender, etc....

One of the recommendations from the White House Conference of Families where there was agreement at all three national conferences, was the need to "improve fair housing laws and enforcement - [with] no discrimination against families with children..." A.A.U.W. strongly supports this recommendation and the bill now before you.

JOHN

THIS HAS NOTHING TO DO WITH THE BILL?

(8) As to (1) and (2) above, however, nothing prohibits the owner, lessee, manager or other person having the right to sell, lease or rent real property from promulgating reasonable rules and regulations and requiring a reasonable damage deposit; and,

The following classes of real property are exempt from the provisions relating to parenthood;

- (A) A private residence offered for short term occupancy;
- (B) Housing established primarily for the handicapped, developmentally disabled, or elderly;
- (C) Housing established as a dormitory; and,
- (D) Housing established solely for occupancy by singles.

July

This bill is similar to 7322 and 22792

IN MY VIEW  
ALICE BREWER

DEWALIS KENDALL  
W.R. VARNELL; 100 UNITS / 25% 1 BEDROOM  
75% 2 BEDROOM APT

BEN WARSH - EXEMPTION FOR EFFICIENTLY AND ONE BEDROOM APARTMENTS

- OWNER OCCUPIED DUPLEXES
- EXEMPTION FOR HANDICAPPED
- LANDLORD PROMULGATE REASONABLE RULES

{CIVIL}

DISCRIMINATION

— SEX OR PARENTHOOD / STATE LAW

— MUNICIPAL CODE;

— CONSTITUTION

— NO OCCUPANTS — (OCCUPANTS)

—

STATE OF ALASKA  
THE LEGISLATURE

FOUCH Y STATE CAPITOL  
JULY 1981 ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 15, 1982

SUBJECT: Discrimination in rental housing  
accommodations (Work Order No. 12-2776)

TO: Representative Hugh Malone

FROM: Tamara Brandt Cook  
Legislative Counsel *TBC*

You have asked whether a recent California case, Marina Point, Ltd. v. Wolfson, 180 Cal. Rep. 496 (California 1982), has any application under Alaska law. The case deals with the question of whether an owner of an apartment complex may refuse to rent an apartment to a family solely because the family includes a minor child. The California Supreme Court concluded that the owner could not, but two justices dissented.

Although the exclusionary policy was challenged on the basis of an impermissible infringement on state and federal constitutional rights of familial privacy and equal protection of the law as well as on the basis of statutory rights, the case was decided under the Unruh Civil Rights Act of California. The court specifically declined to reach either state or federal constitutional contentions. Marina Point, supra, page 497, page 501. The dissent noted that equal protection and due process principles place no restrictions on purely private actions, but affect only state action. Marina Point, supra, page 512.

In general, a case decided by another state court has no precedential value in Alaska. Nevertheless, had the case been decided on federal constitutional grounds the reasoning in the case could have been directly applied. The Alaska court could also have rejected the reasoning of the California court in interpreting the federal constitution. Although each state court interprets its own constitution and its own statutes, the Alaska court relies on case law from other jurisdictions to support similar conclusions.

Representative Hugh Malone  
Page 2  
April 15, 1982

The court could rely on the reasoning in this case, especially if the court were interpreting a statute similar to the Unruh Civil Rights Act of California. However, AS 18.80.230 and AS 18.80.240 differ considerably from the Unruh Act, so I suspect that Marina Point, supra, would be deemed to be of little value in interpreting Alaska law.

The pertinent part of the Unruh Act, Civil Code section 51 provides:

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry or national origin are entitled to the full and equal accommodations, advantages, facilities, privileges or services in all business establishments of every kind whatsoever.

The phrase "all business establishments" has been held to apply to the business of renting housing accommodations. Marina Point, supra, page 501. In addition, the California court has interpreted the statute to prohibit all arbitrary discrimination by business establishments, with the particular bases of discrimination listed (sex, race, color, etc.) being illustrative rather than restrictive. In re Cox, 474 P.2d 292 (California 1970). This judicial interpretation has not been disturbed by the legislature. The court notes that the legislature is presumed to be aware of and to have acquiesced in the judicial construction when it amends a statute without altering the portions that have been construed as was done with the Unruh Act in 1974. Marina Point, supra, page 504. The court bases its holding that an owner may not refuse to rent an apartment to a family solely because the family includes a minor child on the fact that this amounts to arbitrary discrimination within the terms of the Unruh Act as judicially construed.

The pertinent Alaska statutes have not been judicially construed to forbid any arbitrary discrimination as was done in California nor have they been construed to forbid discrimination on any basis other than those specifically listed in the statute. AS 18.80.230 forbids discrimination in public accommodations on the basis of "sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin". (Emphasis added). AS 18.80.2 ) deals with the discrimination in the sale or rental of real

Representative Hugh Malone

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property separately from the section that deals with discrimination in public accommodations. Discrimination is forbidden on the basis of "sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin". Discrimination in public accommodations and discrimination in rental of property are treated the same under the Unruh Act, while discrimination in these two areas are treated differently in Alaska. In fact, AS 18.80.250(1) and (2) specifically authorizes discrimination in the rental of housing as between married and single people. It would be difficult for the court in Alaska to conclude, as the court in California concluded, that the legislature intended to forbid all arbitrary discrimination with respect to the rental of housing. The fact that "parenthood" is included in the list of protected classes for purposes of public accommodations and excluded from the list for purposes of rental housing suggests the opposite, that the legislature intended to forbid discrimination in the rental of housing only on the basis of specifically listed factors.

In conclusion, since the decision in Marina Point, supra, is based on a statutory scheme that differs markedly from the statutory scheme in Alaka, it will have no direct affect on Alaska law.

TBC:ljb

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 2, 1983

SUBJECT: Methods of payment of overtime  
(HB 223)

TO: Representative Walt Furnace

FROM: Thomas A. Sofo <sup>AS</sup>  
Legislative Counsel

You have asked this office for an opinion regarding the constitutionality of HB 223. That bill prohibits certain methods for the payment of overtime and excuses employers from the payment of liquidated damages for good faith violations of AS 23.10 (Employment Practices and Working Conditions). Section 3 of the bill extinguishes any criminal or civil liability of employers who may have used one of the prohibited methods since December 9, 1978, while sec. 4 of the bill makes the relevant statutory provisions retroactive to that date.

The retroactivity aspect of this bill opens it for challenge on several constitutional grounds. One basis for a challenge would be the prohibition against the impairment of contracts, found in both the United States and the Alaska Constitutions (U.S. Constitution, Article I, section 10; Alaska Constitution, Article I, section 15). Another basis for attack would be the due process guarantees of the Fifth and Fourteenth Amendments of the U.S. Constitution and Article I, section 7 of the Alaska Constitution.

More recently, it has come to my attention that litigation is currently underway concerning the very issues covered by this bill. An attempt to address the subject matter in this manner may be considered special legislation when viewed in that larger context.

Another point to be made concerning litigation in this area is raised by Dresser Industries, Inc. v. Alaska Department of Labor, 633 P.2d 998 (Alaska 1981). In that case, the Alaska Supreme Court upheld the regulatory prohibition of

Representative Walt Furnace

Page 2

March 2, 1983

the very same conduct which is the subject of the present bill. Since there has already been enforcement of these provisions on certain employers, there may be equal protection problems in trying to retroactively excuse other employers from having to comply with those same provisions.

Although authority does exist which holds that the legislature may abolish purely statutory rights and even remedies in a retroactive manner, this office is not prepared to conclude that those general statements regarding legislative authority have application to this specific case. In the case of a person who worked during the time elapsed since December 9, 1978, and was paid overtime under a prohibited method with the result of denying that person compensation to which otherwise entitled, I am not convinced that the Alaska Supreme Court would be persuaded by the argument that rights to minimum wages and overtime pay are purely statutory and are not vested.

TAS:ljb

9/036

# WHERE HAVE ALL THE CHILDREN GONE?

TODAY, THROUGHOUT THE U.S., 27% OF ALL RENTAL HOUSING IS NOT OPEN TO PARENTS WITH MINOR CHILDREN. IN JUNEAU THE FIGURE IS MUCH HIGHER. WE ARE WORKING TO GIVE ALL FAMILIES THE SAME OPPORTUNITIES THAT SINGLES AND COUPLES WITHOUT CHILDREN HAVE.... BELOW ARE A FEW QUESTIONS AND ANSWERS ABOUT FAIR HOUSING.... PLEASE GIVE IT SOME THOUGHT.



ANCHORAGE DAILY NEWS 6/1/81

COZY 2-3 BR, 1 1/2 bath, excellent cond. near West High, fireplace, carport, w/c, dw, gd. \$650/mo no pets or child. Call Joyce. 276-8010, or 344-061.

**DOWNTOWN  
WALK TO WORK**

**NOW RENTING!**  
Apartments in newly renovated building. 1 blk from park Strip, off street parking and laundry room for your convenience. no dogs or children.  
EFFICIENCY/\$275  
1 BR./\$315  
2 BR./\$360  
ALL UTIL. INCLUDED  
Resident Manager, 277-7151

from, JUNEAU EMPIRE 10/15/80

2 br. apt., adults only, no pets. \$500 plus \$150 cleaning deposit. Call between 7-9 p.m. Available Nov. 1st.

from, JUNEAU EMPIRE 10/9/80

2 br. unfurnished and 1 br. furnished, in West Juneau. Carpeting, dishwasher, garbage disposal, off street parking. No pets or children. Mature adult preferred. 586

Q: AREN'T MAINTAINENCE COSTS HIGHER WHEN YOU RENT TO FAMILIES WITH CHILDREN?

A: ACCORDING TO A NEW YORK COMPANCY WHICH SUPPLIES THE INSURANCE INDUSTRY WITH NATIONWIDE STATISTICS ON DAMAGES, THERE IS NO EMPIRICAL DATA TO PROVE THAT THE PRESCENCE OF FAMILIES RESULTS IN GREATER DESTRUCTION TO PROPERTY.

Q: WOULDN'T A FAIR HOUSING LAW FORCE LANDLORDS TO OVERCROWD THEIR APARTMENTS?

A: NO. FAIR HOUSING LAWS ARE REASONABLE AND ARE NOT WRITTEN IN AN ARBITRARY MANNER. A LANDLORD WOULD NOT HAVE TO RENT A ONE BEDROOM APARTMENT TO A PARENT OR PARENTS WHO HAD THREE CHILDREN. OR, A PROJECT DESIGNED FOR THE ELDERLY OR HANDICAPPED WOULD NOT BE FORCED TO ACCEPT TENANTS WHO HAD CHILDREN. A FAIR HOUSING LAW WOULD BE REASONABLE AND GIVE EQUAL OPPORTUNITIES TO PARENTS AND INSURE THAT AN ADEQUATE SIZED APARTMENT WOULD NOT BE DENIED TO THEM BECAUSE OF PARENTHOOD.

Q: ISN'T THE SOLUTION TO BUILD MORE HOUSING?

A: THIS SOLUTION IGNORES THE FACT THAT OFTEN NEW BUILDINGS WILL NOT RENT TO FAMILIES WITH CHILDREN. ALSO, THERE IS NOTHING TO PREVENT EXISTING BUILDINGS TO ADOPT NEW RULES BANNING CHILDREN. IN THE LAST TWO MONTHS TWO APARTMENT BUILDINGS IN JUNEAU HAVE CHANGED THE RULES AND NOW EXCLUDE CHILDREN.

Q: DON'T INSURANCE COMPANIES CHARGE HIGHER RATES FOR BUILDINGS THAT ALLOW CHILDREN?

A: NO. PRUDENTIAL, SAFECO, AETNA, REPUBLIC, NORTHWESTERN, AND CONTINENTAL INSURANCE COMPANIES SAY THAT IT IS THE CONDITION OF THE BUILDING THAT DETERMINES THE RATES, NOT THE AGE OF THE TENANTS. (IT IS IMPORTANT TO NOTE THAT IF TENANT AGE WERE A FACTOR IN SETTING ACCIDENT LIABILITY RATES, THE HEAVIEST BURDEN MIGHT FALL ON THE ELDERLY).

Q: WOULDN'T FAIR HOUSING LAWS FORCE LANDLORDS TO ACCEPT CHILDREN IN BUILDINGS THAT ARE UNSAFE FOR THEM?

A: THIS ISSUE IS MISLEADING. ACCORDING TO OUR STATE AND LOCAL BUILDING CODES, ANY BUILDING WHICH IS UNSAFE FOR A CHILD IS ALSO UNSAFE FOR ADULTS. THE REAL SAFETY ISSUE IS THAT ANTI-CHILD RENTAL POLICIES FORCE MANY FAMILIES TO LIVE IN THE MOST DILAPIDATED, UNSAFE, AND OVERCROWDED HOUSING.

Q: ARE THERE FAIR HOUSING LAWS IN OTHER AREAS OF THE COUNTRY?

A: YES. LAWS TO PROTECT RENTERS WITH CHILDREN HAVE BEEN PASSED IN MANY AREAS THROUGHOUT THE UNITED STATES. ARIZONA, MICHIGAN, ILLINOIS, NEW JERSEY, NEW YORK, DELAWARE, CONNECTICUT, MINNESOTA, AND THE DISTRICT OF COLUMBIA HAVE PASSED FAIR HOUSING LAWS. NUMEROUS CITIES HAVE ERACED LAWS THAT PROTECT FAMILIES AND CHILDREN, THEY INCLUDE SAN FRANCISCO, SPOKANE, LOS ANGELES, OAKLAND, AND SEATTLE.

Municipality  
of  
Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4342  
(TTY) 279-4725

TUDY KNOWLTON  
MAYOR

EQUAL RIGHTS COMMISSION  
670 East 10th Avenue

February 23, 1983

Hugh Malone, Representative  
State of Alaska  
Pouch V  
Juneau 99811

Dear Mr. Malone:

The following information is provided in response to an inquiry from your office.

The Anchorage Equal Rights Commission is an administrative agency which is charged with enforcement of the municipal discrimination ordinance. This ordinance is found in the Anchorage Municipal Code, Section 5, a copy of which is enclosed.

In 1982, the Equal Rights Commission opened 97 investigations of alleged discriminatory practices. Of this total, 20 cases or 21%, were filed in the category of housing. Of these housing cases, 9 were filed on the basis of parenthood, which by definition is included under sex discrimination (see Section 5.20.010). This represents 9% of the total cases filed with the agency.

Additionally, the Equal Rights Commission received numerous inquiry calls regarding housing discrimination against parents with children. These callers generally sought clarification of our jurisdiction and were from both property seekers and property owners.

It is significant that prior to 1982, no cases had been filed with the Commission on the basis of parenthood. These 1982 filings are attributed to the severe shortage of rental units in the Anchorage area. With a vacancy rate that at times stood at 1%, parents found it extremely difficult to obtain rental units.

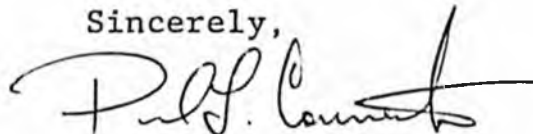
Mr. Hugh Malone  
Page Two  
February 23, 1983

As the problem continued to accelerate throughout the year, the Equal Rights Commission took steps to alert the community to the requirements of the local ordinance. Advertisements were placed in the local papers which spelled out the Commission's jurisdiction. A public forum on Housing Discrimination and meetings were held with property owners and interested public, to discuss the situation and the method in which the Equal Rights Commission would handle complaints. These actions were of particular importance in raising the awareness level of property seekers and in reassuring property owners that each allegation resulting in a complaint, would be reviewed on a case-by-case basis.

In 1983, we will continue in our efforts to prevent and eliminate alleged discrimination and aggressively enforce Title 5 of the Anchorage Municipal Code.

If I can be of further assistance, please do not hesitate to call me.

Sincerely,



PAUL L. CONNERTY,  
Executive Director  
Anchorage Equal Rights Commission

jf  
Enc.

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## Opening apartment doors closed to kids

By Randy Shipp

Boston

Anyone trying to find an apartment that accepts children will not be surprised by the conclusions of a recent US Housing and Urban Development survey. It shows that, nationwide, 26 percent of all rental units have "no children" policies, and many that do accept children have restrictions on the number, sex, or age of the youngsters.

These restrictions affect roughly 2 million families, says Elizabeth Roistacher, HUD's deputy assistant secretary for policy development and research.

The report adds that restrictive rental policies also may mean that families may be split up, with children being sent to live with other relatives, until parents can find some place for them to live, or doubling up with another family, leading to increased family tension.

"There is also a real feeling among people who are hit by this that society thinks there's something wrong in having children," Dr. Roistacher says. "Children react to this. They are hurt, they're parents are hurt. They're all really disturbed by the fact that children don't seem to be wanted."

The problem is growing worse. The number of rental units unavailable to families with children is rising. And with more apartment buildings switching to "no children" policies, and more one-bedroom rather than multi-bedroom units being built, it is likely to continue to rise.

In Massachusetts, state law prohibits

such discrimination in dwellings with three or more units. Violations carry a fine of up to \$1,000. Even so, discrimination against families with children is "the biggest problem right now for housing," according to a spokesman for the Massachusetts Commission Against Discrimination. Because of exemptions under the law, he says, very few rental units actually are affected.

The California-based Fair Housing for Children Coalition (FHCC) conducted a survey of apartment ads in newspapers. In Los

### Focus

Angeles, 71 percent allowed no children of any age, and Fresno, San Diego, and San Jose showed 53 percent, 65 percent, and 70 percent respectively.

"We've dealt with people who are living with six kids in a station wagon on the Santa Monica pier, and a woman living with two kids in a tent on the beach," says FHCC executive director Dora Ashford.

FHCC also gets calls from pregnant women worried that they will lose their apartment when they have their baby.

"We had a recent case of a couple in Santa Monica who had a baby a few months ago. They got a letter from [the apartment management company] saying, 'Congratulations on your new baby - and we would like you to find another place to live in 60 days.'"

But when FHCC lawyers took the case and pointed out that the family would not be

violating any occupancy codes, and that a local ordinance forbade age discrimination, the family was allowed to stay.

The generally tight housing market is a major cause of the problem, Ms. Ashford says.

"As long as the housing crisis worsens [the discrimination problem] will, too. Families with children are in a worse position to buy their way out, as are the elderly, when housing crunches hit, so they're hurt a lot worse than other people."

Helen Blank of the Children's Defense Fund (CDF) says positive steps are being taken. The HUD study, for instance, is an example of interest in the issue on the part of the federal government.

Moreover, anti-discrimination statutes have been passed in Arizona, Connecticut, Delaware, Illinois, Massachusetts, Minnesota, New Jersey, New York, and the District of Columbia. The California Legislature is considering similar legislation.

The CDF has set up a national network of organizations concerned with discrimination against families with children. Its purpose, Ms. Blank says, is "... to communicate with each other about local ordinances they are working on, share strategy, and give each other mutual support."

Dr. Roistacher says increasing the number of available homes and apartments would help solve the problem. She says HUD is looking into possible roles that it can take, and also would like state and local governments to get involved with the issue.



FAIR HOUSING FOR CHILDREN COALITION

P.O. BOX 5877 SANTA MONICA, CA 90405 (213) 393-1093

HH 356

The following letter of intent on COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 356 (relating to unlawful practices in the sale or rental of real property) dated April 30, 1981 was received (the Judiciary committee report appears on page 894 of the journal) and appears as follows:

LETTER OF INTENTCSHB 356

April 30, 1981

The Honorable Jim Duncan  
Speaker of the House

Dear Mr. Speaker:

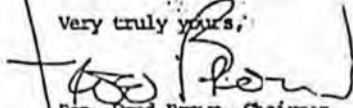
The Committee on Judiciary has had under consideration House Bill 356, "An Act relating to unlawful practices in the sale or rental of real property", and has provided you with a committee report recommending that it be replaced with our committee substitute for that bill, and that committee substitute for House Bill 356 do pass.

Although the bill prohibits discrimination in the sale, lease, or rental of real property because of a person's status as a parent, the committee wishes to point out that the bill does not proscribe any other existing management tools that a landlord may have with regard to rental units. For example, a landlord may still adopt rules and regulations concerning a tenant's use and occupancy of the premises in order to promote safety, health, or welfare of the tenants.

A landlord may also regulate the tenant's use of the property to avoid abusive use, or to make a fair distribution of services and facilities for tenants generally. This bill also does not prohibit a landlord from taking action against a tenant who fails to quietly enjoy the premises, or fails to occupy and use the premises in a clean and safe condition. Also, it is clear that a landlord can provide reasonable provisions in a lease limiting the number of persons occupying a unit, without regard to issues of parentage.

In conclusion, we believe this legislation should prohibit discrimination against individuals due to their parenthood status, while still allowing a landlord the existing legal controls over the use and occupancy of his rental units.

Very truly yours,



Rep. Fred Brown, Chairman  
Committee on Judiciary

FB/MF/dm