



Key Message

To supplement employment protections under the Uniformed Services Employment and Reemployment Rights Act, states can add military family status as a class protected in state education, housing, public utilities and civil rights laws.

Analysis

To address the Defense Department's commitment to taking care of our people, Secretary of Defense Lloyd J. Austin III has established a goal of ensuring that service members and families be protected through state anti-discrimination measures that protect against bias and discrimination in such matters as employment, housing, education, public utilities and civil rights laws to supplement employment protections under the Uniformed Services Employment and Reemployment Rights Act.

Service members and their families may also encounter such bias and discrimination in places required to provide public accommodations, such as stores, restaurants and various modes of transportation.

Some states have amended protective discrimination statutes to define military family status as a protected class. This provides active-duty military families the chance to seek, obtain and hold employment and housing, as well as provide safeguards in other areas for which veterans are protected.

Best Practices

1. Fair employment and housing:

California Assembly Bill 556 (2013)

http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0551-0600/ab_556_bill_20130905_amended_sen_v97.html

"Assembly Bill 556, as amended, Salas. Fair Employment and Housing Act:
military veterans.

Existing

(1) Existing law, the California Fair Employment and Housing Act, protects and safeguards the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation.

This bill would add 'military and veteran status,' as defined, to the list of categories protected from employment discrimination under the act. The bill would also provide an exemption for an inquiry by an employer regarding military or veteran status for the purpose of awarding a veteran's preference as permitted by law."



Colorado House Bill 22-1102 (2022), Section 2

<https://leg.colorado.gov/bills/hb22-1102>

This act forbids anyone selling or renting a dwelling from discriminating against an individual based on their veteran or military status. The act also forbids anyone from refusing to negotiate for housing with an individual on the basis of their veteran or military status or otherwise denying or withholding housing on the basis of an individual's veteran or military status. For purposes of the act, an individual who was dishonorably discharged from military service does not have veteran or military status.

"24-34-502. Unfair housing practices prohibited - definitions.

(1) It is an unfair housing practice, unlawful, and prohibited:

(a) (I) For any person to refuse to show, sell, transfer, rent, or lease any housing; refuse to receive and transmit any bona fide offer to buy, sell, rent, or lease any housing; or otherwise make unavailable or deny or withhold from an individual any housing because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry; to discriminate against an individual because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease of housing or in furnishing facilities or services in connection with housing; or to cause to be made any written or oral inquiry or record concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry of an individual seeking to purchase, rent, or lease any housing; however, nothing in this subsection (1)(a) requires a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others; [...]"

Georgia House Bill 323 of 2023, Section 1

<https://www.legis.ga.gov/legislation/64169>

"(3) 'Discriminate' or 'discrimination' means a refusal to sell, rent, or lease housing accommodations or to negotiate for the sale, rental or lease of housing accommodations based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information. Such term includes representation that a housing accommodation is not available for inspection, sale, or rental when it is in fact so available; includes any other denial or withholding of housing accommodations; includes provision of inferior terms, conditions, privileges, facilities, or services in connection with housing accommodations; includes harassment in connection with housing accommodations; includes the cancellation or termination of a sale or rental agreement; includes the provision of segregated or separated housing accommodations; and includes the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling. [...]"

**Virginia House Bill 2161 (2021), Section 55.1-1208**

<https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB2161>

“Prohibited provisions in rental agreements.

A. A rental agreement shall not contain provisions that the tenant: [...]

8. Agrees to waive remedies or rights under the Servicemembers' Civil Relief Act, 50 U.S.C. § 3901 et seq., prior to the occurrence of a dispute between landlord and tenant. Execution of leases shall not be contingent upon the execution of a waiver of rights under the Servicemembers Civil Relief Act; however, upon the occurrence of any dispute, the landlord and tenant may execute a waiver of such rights and remedies as to that dispute in order to facilitate a resolution.”

2. Public Accommodation and Education**Virginia House Bill 2161 (2021), Section 2.2-3900**

<https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB2161>

“Short title; declaration of policy. [...]

B. It is the policy of the Commonwealth to:

1. Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status as a veteran, or disability in places of public accommodation, including educational institutions and in real estate transactions; [...].”

Washington House Bill 3026 (2010)

<https://app.leg.wa.gov/billsummary?BillNumber=3026&Year=2009>

“NEW SECTION. Sec. 2. Discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited. [...].”