



Key Message

To supplement federal protections for service members, states can add military family status as a class protected in state education, employment, housing and other civil rights laws.

Analysis

The department has established a goal to ensure that service members and their families are protected through state antidiscrimination measures against bias and discrimination in employment, housing and education – in addition to the protections under the Uniformed Services Employment and Reemployment Rights Act. These protections align with the Defense Department’s commitment to “Taking Care of Our People.”

Because of their military status, service members and their families may encounter bias and discrimination in employment, education, housing, public utilities, civil rights laws and in places required to provide public accommodations, such as stores, restaurants and various transportation modalities. States have defined military or veteran status as a protected class to provide the opportunity to seek, obtain and hold employment and housing.

States can protect military families from discrimination in public accommodations, employment and housing by uniformly adding military family status to the list of protected classes across all antidiscrimination statutes in the state.

Best Practices

1. Fair employment

EXAMPLES:

California Assembly Bill 556 (2013)

http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0551-0600/ab_556_bill_20131010_chaptered.html

“(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.”

**Virginia House Bill 2161 (2021), Section 2.2-3905**

<https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0477>

“B. It is an unlawful employment practice for

1. An employer to:

a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to such individual's compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, *military* status as-a-veteran, or national origin; or

b. Limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual's status as an employee, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, *military* status, as-a-veteran or national origin.”

2. Housing**EXAMPLES:****Colorado House Bill 22-1102 (2022)**

<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 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.”

Georgia HB 323 (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+ful+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.*

B. Any provision prohibited by subsection A that is included in a rental agreement is unenforceable. If a landlord brings an action to enforce any such provision, the tenant may recover actual damages sustained by him and reasonable attorney fees."

California Assembly Bill 556 (2013)

http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0551-0600/ab_556_bill_20131010_chaptered.html

"(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. [...]"

3. Public accommodation**EXAMPLE:****Virginia House Bill 2161 (2021), Section 2.2-3900**

<https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0477>

"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; [...]"

4. Education**EXAMPLE:****Washington House Bill 3026 (2010), Section 2**

<https://lawfilesexternal.wa.gov/biennium/2009-10/Pdf/Bills/House%20Passed%20Legislature/3026-S2.PL.pdf>

"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. [...]"