

FAIR HOUSING

“FAIR HOUSING, IT’S NOT AN
OPTION, IT’S THE LAW”

FAIR HOUSING ACT

The Fair Housing Act was established to protect people from discrimination when **renting** or **buying** property.

WHO IS PROTECTED?

Discrimination based on the following factors is prohibited:

*Race

*Color

*National Origin

*Religion

*Sex

*Disability

*Familial Status

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Familial Status includes:

- someone with one or more children under the age of 18
- a pregnant woman
- someone who has custody or guardianship of a child
- someone in the process of adopting a child, or
- foster parents

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Discrimination based on sex includes a protection against sexual harassment.

- Deliberate or repeated verbal comments, gestures or physical contact that create a hostile environment.
- Example: asking for sexual favors in exchange

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- **“Disability”** means a person who has a physical or mental impairment that substantially limits one or more major life functions.
- One can have either a history of the impairment or can be viewed by others as having an impairment.

MAJOR LIFE FUNCTIONS INCLUDE:

*Walking

*Seeing

*Hearing

*Speaking

*Breathing

*Learning

*Working

*Caring for your daily needs

WHO IS NOT PROTECTED?

Discrimination based on the following factors is not covered by the Fair Housing Act:

- ✓ Marital status
- ✓ Sexual orientation
- ✓ Source of income
- ✓ Criminal History, including Sexual Offenders and Juvenile Offenders
- ✓ Non-recovering users of illegal substances

WHAT IS PROTECTED?

The following types of dwellings are covered:

- Group Homes
- Nursing Homes
- Assisted Living Facilities
- Residential Hotels
- Dormitories

FAIR HOUSING ACT EXCLUDES

- ❖ An owner-occupied building with up to four units.
- ❖ A home sold or rented by the owner as long as he or she does not own more than three homes or use a real estate agent or has not sold a home in the last 24 months.
- ❖ A housing development operated by an organization or club.
- ❖ A housing development for older adults.

LIMITED EXCEPTION

Renting out rooms in your home.

Example: A woman who rents rooms in her house can advertise for females only, but she cannot exclude any woman because of race. The person advertising the room must actually live in the house in order to apply this exception.

Under the Fair Housing Act, it is against the law to:

- Refuse to rent to you or sell you housing.
- Tell you housing is unavailable when in fact it is available.
- Deny a person with children under the age of 18 a specific unit in an apartment building for which he or she has otherwise qualified.

Under the Fair Housing Act, it is against the law to:

- Show you apartments or homes in certain neighborhoods only.
- Advertise housing to preferred groups of people only.
- Threaten, coerce, intimidate, or interfere with someone who is advocating for his or her fair housing rights.

Under the Fair Housing Act, it is against the law to:

- Impose different terms or conditions on a mortgage loan.
- Make assumptions about your ability to pay based only on your race or national origin

Note: A bank does not have to loan you money if you cannot show that you can repay that loan.

- Deny you property insurance.

Under the Fair Housing Act, it is against the law to:

- Ask you about a disability unless you are requesting an accommodation or applying for housing that gives priority to persons with disabilities.
- Ask you to provide more documentation than is necessary to prove your disability and its connection to your requested reasonable accommodation.
- Ask a person with a disability to prove he can live independently.

Under the Fair Housing Act, it is against the law to:

- Refuse a reasonable accommodation unless it is not related to the person's disability or it would fundamentally alter the nature of the provider's operations or would impose an undue financial and administrative burden.
- Discriminate against residents because of the disability associated with them. ("Associated" means children, parents, friends, spouses, roommates, patients, etc.).

NON-DISCRIMINATING STANDARDS

Landlords can set standards for renters.

However, they must apply them to everyone equally.

Examples include: income range, credit checks including owing too much money, landlord references, and criminal background check.

NON-DISCRIMINATING STANDARDS

If there is a lease violation, housing providers that suspect that you have a disability cannot automatically evict you from your housing until they first ask you if there is an accommodation that they can make that would alleviate or modify your behavior that caused the lease violation.

NON-DISCRIMINATING STANDARDS

- ❖ An apartment does not have to be made available to a person who is a direct threat to the health or safety of others or who uses illegal drugs.
- ❖ If a person's threat can be successfully eliminated or significantly reduced by a reasonable accommodation, then they can be protected under the Act.

PROVIDING DOCUMENTATION OF DISABILITY

Generally, a landlord may **NOT** ask. . .

- “Do you have a disability?”
- “How severe is your disability?”
- “May I have permission to see your medical records?”
- “Have you ever been hospitalized because of a mental disability?”
- “Who will pay your rent if you are hospitalized?”
- “Have you ever been in a drug rehabilitation program?”
- “Do you take medications?”
- “Why do you receive SSI?”

PROVIDING DOCUMENTATION OF DISABILITY

If your disability is obvious to others, you should not have to provide documentation, otherwise, you can:

- Show your SSI or SSDI check to the provider;
- Provide a statement from a doctor, case manager, a peer support group, etc.

PROVIDING DOCUMENTATION OF DISABILITY

- You should not have to provide copies of your medical records.
- Information that you provide should be kept confidential, except in cases of an emergency.

VISIT-ABILITY

Providing a level of accessibility that allows persons with disabilities to visit friends, relatives, and neighbors in their homes within a community.

VISIT-ABILITY

Unlike other forms of accessible design, visitability does **not** ensure **total** accessibility. Instead, it refers to the **entrance, entry-level floor** and **washroom** facilities and that they are accessible to a person in a wheelchair. Other accessible features, such as a roll-in shower or accessible kitchen features, are not requirements for visitability.

Filing a Complaint

- If you believe your rights have been violated, you can file a complaint with HUD or a State or local fair housing agency.
- With HUD, you have one year from the date of the event to file your complaint.
- You can file a complaint by going online, mailing or faxing forms, writing letters, or by calling.

How to File a Complaint - HUD

- Online form: <http://www.hud.gov/complaints/housediscrim.cfm>
- Or at the above website, you can print out a form, complete it, and mail it to:
 - Office of Fair Housing and Equal Opportunity
 - Department of Housing and Urban Development
 - Room 5204
 - 451 Seventh St. SW
 - Washington, DC 20410-2000
- You can call toll-free 1-800-669-9777

Fair Housing References

- ✓ www.housingrights.org
- ✓ www.hud.gov
- ✓
- ✓ <http://www.hud.gov/offices/ftheo/FHLaws/index.cfm>
- ✓ <http://www.hud.gov/complaints/housediscrim.cfm>