

# FAIR HOUSING ACT KNOW YOUR RESPONSIBILITIES



Title VIII of the Civil Rights Act of 1968, as amended in 1988, is known as the Fair Housing Act. The Fair Housing Act makes it illegal to discriminate in any type of housing related transaction on the basis of:

- Race
- Color
- Religion
- Sex
- National Origin
- Disability
- Familial Status (presence of minor children in a household, pregnant women or anyone securing legal custody of a child)

## Illegal activities

It is against the law to do any of the following because of race, color, national origin, religion, sex, familial status or disability:

- Refuse to rent or sell housing
- Refuse to negotiate for the sale or rental of housing
- Make housing unavailable or deny that housing is available
- Set different terms, conditions or privileges for the sale or rental of housing, a mortgage, home loan, homeowners insurance or any other housing transaction
- Advertise in a discriminatory way
- Threaten, coerce or intimidate anyone exercising a fair housing right or assisting others in exercising those rights

## Families with children

Examples of illegal practices include "no children" policies, refusing families due to the ages of their children (e.g. – no children under 7) rejecting families based on the presence of lead based paint, or segregating housing so that children are only allowed in particular areas. It's also illegal to discriminate because of "unsafe conditions," state that parents and children cannot share a bedroom, or force children of opposite sexes to have separate bedrooms. These types of decisions are the parent's choice to make. Overly restrictive occupancy policies and per capita charge (e.g. - \$850 for two, \$100 each additional occupant) can have a disparate impact on families with kids and violate the Fair Housing Act. If a provider can offer a legitimate nondiscriminatory justification for the policy, then it may be permissible.

## Discriminatory advertising

Generally, a housing advertisement should describe the property itself, and not the potential occupant. Section 3604(c) of the Fair Housing Act makes it illegal to make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

## Accommodations and modifications

The Fair Housing Act requires housing providers to make reasonable accommodations, which are changes in the rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. Under the law, a disability is defined as a physical or mental impairment that substantially limits one or more of a person's major life activities. A simple example of a reasonable accommodation would be to waive a "no pet" policy or a pet fee for a person with a disability who requires an assistance animal.

The Act also requires housing providers to allow a tenant with disabilities to make modifications to housing when reasonable. Examples of modifications include installation of a wheelchair ramp, grab bars in the bathroom or widened doorways for wheelchair access. Unless the housing is funded by the U.S. Department of Housing and Urban Development, modifications are made at the tenant's expense.

## Best practices

Any person involved in a housing transaction is responsible for following and upholding the fair housing laws. This includes owners of property, onsite managers, rental agents, mortgage lenders, real estate brokers and agents. Train all employees or agents to obey fair housing laws. The crucial requirement is that all persons who inquire about available housing be treated in the same manner. The sequence in which they are told about availability, shown available housing, asked for credit references, should be identical for all, and the information given should be the same.

Develop standard procedures for dealing with all consumers and make all decisions on whether to accept or reject applicants based on identical criteria. Avoid advertising that could be construed as an attempt to select or discourage persons on the basis of any of the protected classes, and display an equal opportunity statement or logo. Also, maintain a list of available housing units to ensure that all applicants are given the same information, and include on this list such things as the apartment number, the rent, utilities, security deposit, date of availability, and deposit required.

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The Housing Equality Center is a nonprofit organization leading the effort to eliminate housing discrimination in Pennsylvania through education, advocacy and enforcement of fair housing laws. We provide victims of discrimination with legal help, perform testing to determine the existence of discrimination, educate the public, consult with and train housing providers, and work with housing and related service providers to ensure compliance with anti-discrimination laws. We assist housing discrimination victims and conduct testing investigations in Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia Counties.



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