

# Fair Housing for Disaster Survivors

## THE FAIR HOUSING ACT

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## THE FAIR HOUSING ACT

The Fair Housing Act is a federal law that prohibits discrimination in housing and housing-related services based on a person's race, color, national origin, religion, sex, familial status, or disability. The Fair Housing Act ensures that all persons receive equal housing opportunity.

### What Housing Is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

### What Is Prohibited?

In the sale and rental of housing, no one may take any of the following actions based on race, color, national origin, religion, sex, familial status, or disability:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting)
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing
- In mortgage lending, no one may take any of the following actions on the basis of race, color, national origin, religion, sex, familial status, or disability:
  - Refuse to make a mortgage loan;
  - Refuse to provide information regarding loans;
  - Impose different terms or conditions on a loan, such as different interest rates, points, or fees;
  - Discriminate in appraising property;
  - Refuse to purchase a loan; or
  - Set different terms or conditions for purchasing a loan

In addition, it is illegal for anyone to:

- Threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Advertise or make any statement that indicates a limitation or preference on the basis of race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

### **The Fair Housing Act Provides protection for Immigrants**

Fair Housing Act protects all people against prohibited discrimination, regardless of their legal status in the United States. In addition, the Act expressly prohibits discrimination because of national origin.

### **Additional Protection If You Have a Disability**

The Fair Housing Act protects all people against prohibited discrimination based on disability. If you have or someone associated with you has:

- A physical or mental disability (including hearing, mobility, and visual impairments; chronic alcoholism; chronic mental illness; AIDS; and mental retardation) that substantially limits one or more major life activities, and
- A record of such a disability, or are regarded as having such a disability, then

A landlord may not refuse:

- To let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- To make reasonable accommodations in rules, policies, practices, or services if necessary for the disabled person to use the housing.

*Example:* A building with a “no pets” policy must allow a visually impaired tenant to keep a guide dog.

*Example:* An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to ensure that she has access to her apartment.

The Fair Housing Act does not prohibit equal treatment related to rental history and credit history and restrictions on the basis of criminal history, when equally applied to all applicants

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

### **Housing Opportunities for Families**

Unless a building or community qualifies as housing for older persons, it may not discriminate on the basis of familial status. That is, it may not discriminate against families because of the presence of one or more children under age 18 are living with:

- A parent
- A person who has legal custody of the child or children
- The designee of the parent or legal custodian, with the parent or custodian's written permission

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under age 18.

Housing for older persons is exempt from the prohibition against familial status discrimination if any of the following apply:

- The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State, or local government program
- It is occupied solely by persons who are 62 or older
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates an intent to house persons who are 55 or older

### **Help for Those Who Think Their Rights Have Been Violated**

HUD is ready to help with any problem of housing discrimination. The Housing Discrimination Complaint Form is available to download, complete, and return, or to complete online and submit, or persons may also write HUD a letter or telephone the nearest HUD office.

Persons have one year after an alleged violation to file a complaint with HUD, but should file it as soon as possible.

### **What Information Does a Person Need to Tell HUD?**

- Name and address
- Name and address of the person the complaint is against (the respondent)
- Address or other identification for the housing involved
- Short description of the alleged violation (the event that caused the person to believe his or her rights were violated)
- Date(s) of the alleged violation

### **Where Should a Person Write or Call to file a housing discrimination complaint?**

Send the Housing Discrimination Complaint Form or a letter to the HUD Office nearest you, or call the hotline number at 1-800-669-9777 (voice) or (TTY) at 1-800-927-9275. You may also file a housing discrimination complaint on line:

[http://portal.hud.gov/hudportal/HUD?src=/topics/housing\\_discrimination](http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination)