

FAIR HOUSING

What is Fair Housing?

Fair Housing is the right for all people to have safe, decent housing and be able to get this housing without discrimination. City, State, and Federal Fair Housing Laws require that all people have an equal opportunity to buy, rent, or live in housing.

Fair Housing Act.

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

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 handicap:

- 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) or
- 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.

Who is Protected?

Federal Fair Housing Laws prohibit discrimination based on:

- Race
- Color
- Religion
- National Origin
- Sex
- Familial Status (Children in the Home)
- Disability (Physical or Mental)

Recognizing Discrimination.

Refusing to deal – Refuse to sell, rent, lease, exchange, or negotiate for a dwelling

Different Terms/Conditions – Discrimination in the terms and/or conditions of a sale or rental of a dwelling

Misrepresentation – Represent that an available dwelling is not available for inspection, sale or rental when it is

Discriminatory Presentation – Say, publish, or display a discriminatory preference with respect to a sale or rental of a dwelling

Steering – Engage in directing anyone to homes or rental property in a particular area based on discriminatory reasons

Unequal Financing – Deny a loan to anyone or discriminate in the terms or conditions of a loan based on discriminatory reasons

Blockbusting – Engage in panic-selling by representing that the racial composition of a neighborhood is going to change

What Can I Do?

If you feel that you have been discriminated against in the sale or rental of property, you can file an administrative complaint within one year after the act has occurred or a private action within two years of the act. The complaint must be based on the belief that race, color, sex, religion, familial status, disability and/or National origin status was the reason for the alleged discriminatory act.

What is an Analysis of Impediments to Fair Housing Choice (AI).

Analysis of Impediments (AI) is a review of impediments or barriers that affect the rights of fair housing choice. It covers public and private policies, practices, and procedures affecting housing choice. Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin. The AI serves as the basis for fair housing planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts. Conducting an analysis of impediments is a required component of certification and involves the following:

- An extensive review of a State or Entitlement jurisdiction's laws, regulations, and administrative policies, procedures, and practices;
- An assessment of how those laws affect the location, availability, and accessibility of housing;
- An evaluation of conditions, both public and private, affecting fair housing choice for all protected classes; and
- An assessment of the availability of affordable, accessible housing in a range of unit sizes

Sources:

U.S. Department of Housing & Urban Development, 2011.

Family Housing Advisory Services, Inc., 2011.