



RECOGNIZING & FIGHTING HOUSING DISCRIMINATION

Lesson Plan and Class Activities

A Community-based Training Guide

LIVE FREE...from housing discrimination

RECOGNIZING & FIGHTING HOUSING DISCRIMINATION

Lesson Plan and Class Activities

A HUD Training Guide

Lesson Purpose:

To make participants aware that housing discrimination exists and that it is illegal, and to provide them with the knowledge and tools that will enable them to recognize instances of housing discrimination, file a complaint and protect their rights.

Lesson Objectives:

By the end of the lesson, participants will understand:

- what housing discrimination is;
- what laws and agencies protect an individual's fair housing rights;
- which are discriminatory and non-discriminatory reasons for denying housing;
- which specific actions by landlords, property managers, homeowners, real estate sales professionals and others are illegal, and which are not considered discriminatory under the law;
- how to file a housing discrimination complaint;
- what steps are part of the complaint investigation and resolution process; and
- what resources are available to provide fair housing information and assistance.

Lesson Duration:

2½ hours

Materials:

For instructor:

- Brochures:
 - *Know the Signs of Housing Discrimination*
 - *Filing a Housing Discrimination Complaint*
- Lesson plan (pages 3-12)
- Resources list (page 13-14)
- Activities (including answer keys) (pages 15-22)
 - Recognizing Housing Discrimination (case studies) (pages 15-20)
 - Housing Discrimination Crossword (crossword puzzle) (pages 21-22)
- Evaluation form (page 23)
- Visual teaching aid (PowerPoint presentation with instructor's notes)

Instructor will also need:

- a computer and projector for the PowerPoint presentation (OPTIONAL; PowerPoint slides also can be printed on transparent sheets for use on an overhead projector), and
- an easel and pad, or a whiteboard, and markers.

For participants:

- Brochures:
 - *Know the Signs of Housing Discrimination*
 - *Filing a Housing Discrimination Complaint*
- Activities:
 - Recognizing Housing Discrimination (case studies) (3 pages)
 - Housing Discrimination Crossword (crossword puzzle) (1 page)
- Resources list (2 pages)

- Evaluation form (1 page)
- OPTIONAL: Printout of the PowerPoint presentation

Lesson Outline

- Welcome (5 minutes)
- What Is Housing Discrimination? (5 min)
- The Fair Housing Act (10 min)
- Discrimination in Rental Housing and Real Estate Sales (25 min)
- Protections for Disabled Renters (20 min)
- Activity: Recognizing Housing Discrimination (15 min)
- Break (10 min)
- Filing a Housing Discrimination Complaint (10 min)
- The Complaint Investigation and Resolution Process (15 min)
- Fair Housing Resources (5 min)
- Activity: Housing Discrimination Crossword (15 min)
- Questions & Answers (10 min)
- Wrap-up and Evaluation (5 min)



Consumer Action developed this training under a grant from the U.S. Department of Housing and Urban Development (HUD).

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Instructor's Notes:

This housing discrimination training module, consisting of two brochures (*Know the Signs of Housing Discrimination* and *Filing a Housing Discrimination Complaint*), a lesson plan that includes class activities, and a PowerPoint presentation, was funded by HUD to be used nationwide by non-profit organizations providing consumer and housing education in their communities.

Before conducting the training, familiarize yourself with the two brochures, the lesson plan (including activities), and the PowerPoint visual teaching aid. *OPTIONAL:* Before the training, research state and local housing laws that apply where the training is being conducted and present those laws at appropriate points in the lesson.

The PowerPoint presentation contains notes for each slide (appearing below the slide when in Normal view or Notes Page view, and inserted into the lesson plan). These notes offer detailed information about the items appearing on the slide. The lesson plan includes indicators so you will know which slide corresponds to each part of the lesson, and when to move to the next one.

Why Adults Learn, a PowerPoint training for educators, provides tips for teaching adults and diverse audiences—it will be helpful to you even if you have taught similar courses before. The slide deck is available at the Consumer Action website (http://www.consumer-action.org/outreach/articles/why_adults_learn/).

Welcome (5 minutes)

➔ **SLIDE #1** (onscreen as participants arrive; direct participants who arrive early to begin reading the two brochures)

Welcome participants. Introduce yourself and present the purpose of the training and the agenda.

Review the contents of participants' packets. Ask the class to take a look inside their packets and make sure they have all the materials needed.

If you have a small group, you can ask individuals to introduce themselves and tell you what they hope to get out of the training. In a larger group, invite volunteers to share their expectations. On your whiteboard or easel pad, jot down some of the specific things participants mention. You can come back to this at the end of the training to make sure you've covered these points. (This activity is designed to serve as a brief icebreaker. It will also give you an idea what participants' expectations and needs are.)

What Is Housing Discrimination? (5 minutes)

Introduction: The U.S. enacted the Fair Housing Act (FHA) in 1968.

Ask: *Why do you think the U.S. needed a law against housing discrimination? Do you think that fair housing laws have put an end to housing discrimination? How many of you know someone who has been a victim of housing discrimination?* (Allow time for responses after each question.)

Ask: *How would you define housing discrimination?* (Allow time for responses before revealing the answer on the next slide.)

➔SLIDE #2

Read the definition on the slide or invite one of the class participants to read it aloud.

Ask: *Why is it so important to understand what housing discrimination is?* (Allow time for responses before revealing the answer on the next slide.)

➔SLIDE #3

Go over slide bullet points.

The Fair Housing Act (10 minutes)

Introduction: Before laws were passed making housing discrimination illegal, landlords, real estate agents and others could do things to prevent certain people from renting, buying or insuring a home that they wanted without ever being punished. The Fair Housing Act protects every person in the U.S., regardless of citizenship, from housing discrimination.

Ask: *What types of discrimination does the Fair Housing Act specifically prohibit?* (Allow time for responses before revealing the next slide.)

➔SLIDE #4

Go over slide bullet points, referring to slide notes:

- “Protected class” refers to a group of people that are granted specific protection against discrimination. A protected class is identified by the characteristic that the class members have in common, such as race, religion or disability.
- “Familial status” refers to the presence of one or more children under 18 with a parent or other person having legal custody over them. It also includes some others, among them pregnant women, and people arranging an adoption for a child under 18. The prohibition against familial status discrimination does not apply to some housing for older persons (per HOPA, the Housing for Older Persons Act).
- OPTIONAL: If you know that the state or local government where the training is being conducted extends additional or stronger protections than the federal Fair Housing Act, mention that now. Many states have some form of statute that can be invoked to redress discrimination in the sale or rental of housing, and that information can be found at www.hud.gov/fairhousing.

Discrimination in Rental Housing and Real Estate Sales (25 minutes)

Introduction: Housing discrimination can take many forms. There is obvious discrimination, and then there are acts of discrimination that are much more subtle. In fact, some hopeful buyers and renters may not even realize they’ve been treated unfairly.

Ask: *What sorts of actions related to rental housing do you think are discriminatory—and illegal—under the Fair Housing Act?* (Allow time for responses before revealing the answers on the next slide. Jot down learners’ responses on your whiteboard or easel pad.)

(See the “Know the Signs of Housing Discrimination” brochure for more information on the material covered in slides 5 through 16.)

➔SLIDE #5

Go over slide bullet points giving “Rental Discrimination Examples.” Refer to slide notes for these examples to share with the class:

Because someone is a member of a protected class:

- Example: telling one renter the apartment is not available, and then renting it to someone else.
- Example: charging one renter a higher security deposit or monthly rent than another renter.
- Example: ignoring a call from a prospective renter because he or she has an accent.

Ask: *What sorts of actions related to home sales do you think are discriminatory—and illegal—under the Fair Housing Act?* (Allow time for responses before revealing the answers on the next slide. Jot down learners’ responses on your whiteboard or easel pad.)

➔SLIDE #6

Go over slide bullet points giving “Real Estate Discrimination Examples.” Refer to slide notes for these examples to share with the class:

Because someone is a member of a protected class:

- Example: telling one buyer that the home price is higher than it is.
- Example: not telling a prospective minority buyer who can afford a \$200,000 property about a property listed for \$195,000 in a predominantly white neighborhood.
- Example: rescheduling the appointment to show a minority family a particular home in a predominantly white neighborhood because the real estate agent knows that a white buyer will be making an offer on the house within a week or so.
- Example: showing a minority buyer only homes in a particular, segregated neighborhood rather than showing homes in all neighborhoods that fit the buyer’s budget and criteria, or telling the buyer that you don’t think s/he should view properties in a certain area because s/he wouldn’t “feel at home” there (in other words, s/he does not fit in with the current population).
- Example: rejecting an offer (through a real estate agent) without providing any reason or making any attempt to make a counteroffer.

➔SLIDE #7

Go over slide bullet points for “Also Discriminatory and Illegal.” Refer to slide notes for these examples to share with the class:

If done because of protected class status:

- A discriminatory ad would be, for example, one that states the property is in a white neighborhood, or that children aren’t allowed (unless it satisfies all applicable HOPA requirements).
- Blockbusting refers to attempts, for profit, to scare homeowners into selling their homes or getting tenants to vacate their rentals by telling them that members of a protected class are moving into the area.

- An example of a discriminatory zoning law is one that arbitrarily limits the number of people who can live in the home to discourage the opening of group homes for the disabled.
- Coercion, intimidation, threats or interference aimed at preventing others from exercising and enjoying their fair housing rights.
- This includes any sort of threat or intimidation against a prospective buyer or renter filing a discrimination complaint or against anyone helping someone file a complaint.

Before revealing the next slide, explain that the Fair Housing Act does not apply in every situation, on every property. There are some exemptions (exceptions to the rules). While those situations or actions may seem discriminatory, they are not illegal under the FHA. However, your state or municipality may have laws in place that prohibit some practices permitted by the FHA. (OPTIONAL: Mention specific state or local laws that limit FHA exemptions.)

➔SLIDE #8

Go over slide bullet points, referring to slide notes:

- The Housing for Older Persons Act (HOPA) makes certain housing for older persons exempt from the FHA's prohibition against discrimination on the basis of familial status.
- Discriminatory ads are illegal even when advertising certain properties otherwise exempt from the Fair Housing Act.

Before revealing the next slide, explain that acts of housing discrimination are not limited to homeowners, landlords, real estate professionals or property managers. Those who control the money and insurance needed to buy a home can also be liable for housing discrimination.

Ask: *What sorts of actions related to mortgage lending and insurance do you think are discriminatory—and illegal—under the Fair Housing Act?* (Allow time for responses before revealing the answers on the next slide. Jot down learners' responses on your whiteboard or easel pad.)

➔SLIDE #9

Go over slide bullet points giving "Mortgage Discrimination Examples." Refer to slide notes for these examples to share with the class:

Because someone is a member of a protected class:

- Example: requiring three years of tax returns for one borrower and only two for another, or judging work history with current employer as being insufficient even though it may only be one or two months shorter than another applicant's work history.
- Example: appraising a home for less than it actually is worth. (Since a home must appraise for at least the amount of the sale price before a lender will make a loan on the property, a low appraisal may make it impossible for the buyer to get a mortgage on the house the borrower wants.)
- Example: charging one loan applicant a higher interest rate or fees than another, or offering certain loan products to some applicants and not to others, even though the buyers are similarly qualified.
- Example: turning down a qualified mortgage applicant seeking to buy a home in a neighborhood with a high concentration of protected class members.

➔SLIDE #10

Go over slide bullet points giving “Home Insurance Discrimination Examples.” Refer to slide notes for these examples to share with the class:

Because someone is a member of a protected class:

- Example: ignoring calls or other requests for insurance because the home is in a neighborhood with a high concentration of protected class members or the homeowner/buyer is a member of a protected class.
- Example: consistently rejecting the insurance applications of buyers in a particular neighborhood with a high concentration of protected class members. (NOTE: If a mortgage borrower cannot get homeowners insurance, the lender will not grant the loan.)
- Example: charging a higher premium on policies purchased by minority homeowners than that being charged for similar policies bought by white homeowners.

Before revealing the next slide, explain that being turned down for a rental, mortgage loan or insurance is not necessarily or always a sign of discrimination.

➔SLIDE #11

Read the slide text.

Protections for Disabled Renters (20 minutes)

Introduction: The Fair Housing Act not only makes discrimination against disabled renters and buyers illegal, it requires landlords and others to make an effort to ensure that certain housing units meet the needs of disabled tenants by permitting certain physical alterations to the property, which are called reasonable modifications; making certain exceptions to resident rules, policies, practices or services, which are called reasonable accommodations; and by requiring covered multifamily dwellings to be designed according to the FHA’s accessibility requirements.

➔SLIDE #12

Go over slide bullet points, referring to the slide note:

- Builders, developers, architects, property managers, municipalities, homeowners’ associations and others involved in providing residential housing may be required to *make* certain accommodations and *permit* certain modifications.

Ask: *What are some physical changes to a home a disabled tenant might need as a reasonable modification?* (If necessary, prompt participants with examples like installing a wheelchair ramp or lowering the height of the thermostat. Allow time for responses before revealing the next slide. Jot down learners’ responses on your whiteboard or easel pad.)

➔SLIDE #13

Go over slide bullet points, referring to slide notes:

- Reasonable modifications are physical alterations to the property (for example, installing a wheelchair ramp, or grab bars in the shower/bath) necessary for the tenant to live there. Under the law, these physical changes may be necessary in the private living space and/or the public/common use areas.

- Under the FHA, the tenant is responsible for paying for the modifications. In many cases, the landlord has the right to allow modifications only if the tenant agrees to return the home to its original state upon moving out.
- For example, a person in a wheelchair could need a ramp to access the entrance to the unit. A person who is hearing impaired may need a doorbell that flashes a light inside the unit.
- A wheelchair ramp into the unit is an example of a reasonable modification. Requesting that an elevator be installed in the building would normally constitute a fundamental alternation to the property and thus would not be reasonable. What qualifies as reasonable must be decided on a case-by-case basis.
- It's best to request a modification in writing. You cannot be evicted for making a request.

Ask: *What are some changes a disabled resident might need to a landlord's rules? (If necessary, prompt participants with examples like allowing a guide dog in a no-pets building or providing a reserved parking space near the home's entrance. Allow time for responses before revealing the next slide. Jot down learners' responses on your whiteboard or easel pad.)*

→SLIDE #14

Go over slide bullet points, referring to slide notes:

- Accommodations are exemptions from resident rules (for example, allowing a blind tenant to keep a seeing-eye dog in a no-pets building) required for full use and enjoyment of the home. Accommodations are paid for by the housing provider (though there may, in fact, be no cost).
- For example, someone who is blind could request permission to keep a guide dog in a no-pets building. Someone in a wheelchair could request a reserved parking space near the home's entrance.
- What qualifies as reasonable must be decided on a case-by-case basis.
- It's best to request an accommodation in writing. You can't be evicted for making a request.

Before revealing the next slide, explain that "accessibility" is a broad term that refers to providing disabled people with the same opportunities and choices as non-disabled people. In housing, accessibility refers to making both the living spaces and the common, or public, areas usable and comfortable to disabled residents.

→SLIDE #15

Go over slide bullet points.

→SLIDE #16

Go over slide bullet points.

Activity: Recognizing Housing Discrimination (15 minutes)

→SLIDE #17

Introduction: This exercise will prepare you to recognize when you or someone you know has been a victim of housing discrimination.

During this activity, you will analyze various scenarios and determine whether or not discrimination has taken place. If it has, explain which action(s) violated the FHA and why. If it hasn't, explain why the landlord, property manager, real estate agent, lender or insurance agent did not violate the FHA.

Direct participants to remove the *Housing Discrimination Case Studies* activity worksheet from their packets.

OPTION 1 (group exercise; ideal for larger classes):

- Break the class into smaller groups of three to five participants and divide the case studies evenly among the groups. Each group will be responsible for only those case studies you have assigned them.
- Allow 5-10 minutes for teams to complete the exercise, basing their answers on what they have learned so far.
- After time is up, ask for a volunteer from each group to share his or her group's work with the class.
- Refer to the "Key to Housing Discrimination Case Studies Activity" for guidance and key points. Encourage discussion.

OPTION 2 (individual exercise; ideal for classes of fewer than 12 participants):

- Put up two signs (or two easels and whiteboards) on opposite sides of the room. Write "Illegal" on one sign and "Legal" on the other.
- Read the first case study aloud. Ask participants to go to the side of the room with the "Legal" sign if they think that no discrimination in violation of the FHA has taken place in the scenario, or to the side of the room with the "Illegal" sign if they think that the scenario describes a violation of the FHA. Ask both groups (Legal and Illegal) to defend their positions (i.e., explain why they think the case study describes a situation that does or does not constitute a violation of the FHA).
- After you have discussed the first case study, repeat the exercise for the next case study, and so on.

Break (10 minutes)

Announce a ten-minute break. Be prepared to direct participants to restrooms, water fountains, snack machines, etc.

Filing a Housing Discrimination Complaint (10 minutes)

Introduction: Housing discrimination is not as uncommon as it should be: Despite laws against unfair treatment, many cases of housing discrimination still occur each year.

Ask: *What would you do if you were a victim of housing discrimination?* (Allow a moment or two for responses.)

You do not have to simply accept being a victim of discrimination. If you believe your Fair Housing Act rights have been violated, you can file a complaint.

(See the "Filing a Housing Discrimination Complaint" brochure for more information on the material being covered in slides 18 through 20.)

➔SLIDE #18

Go over slide bullet points, referring to slide notes:

- The U.S. Department of Housing and Urban Development is responsible for enforcing the FHA. The main HUD office is in Washington, D.C. There are 10 regional HUD offices that investigate complaints for residents in those regions. (Participants will find HUD contact information in the two housing discrimination brochures and on the fair housing resources list included in their packets.)
- HUD accepts complaints online, by mail or by phone.
- When filing a complaint, be as accurate as possible. If you have witnesses, be sure to have their names and contact information available, too.
- Although complaints are accepted for one year from the date the discrimination occurred or terminated, it's best to file the complaint as soon as possible after the incident occurs. If immediate action must be taken to avoid the loss of housing, HUD can authorize the attorney general to go to court to prevent a sale or rental until the complaint has been investigated. HUD may take these steps only if irreparable harm is likely to occur without the government's intervention and if there is substantial evidence that a Fair Housing Act violation occurred.

The Complaint Investigation and Resolution Process (15 minutes)

Introduction: Once you file a complaint, there are a few different paths it can take on its way to a resolution. At some points in the process, the decision will be yours as to which route to take.

➔SLIDE #19

Go over slide bullet points, referring to slide notes:

- HUD and the state and local enforcement agencies that administer laws substantially equivalent to the FHA to which HUD refers complaints (Fair Housing Assistance Programs, or FHAPs) all investigate housing discrimination complaints at no charge to complainants.
- Many state and local fair housing laws provide some additional or stronger protections (for example, against sexual preference or age discrimination) than those provided under the FHA. If HUD refers your complaint to an FHAP for processing, it will promptly notify you.
- HUD or the FHAP will try to reach an agreement (conciliation) between you and the other party to resolve the allegations in the complaint. If an agreement is reached, it is legally binding, and the investigation is over.
- If conciliation fails, the agency's next step is to determine if there is reasonable cause to believe that discrimination in violation of the FHA has occurred or is about to occur. To do so, the agency will gather all relevant documents and interview the parties and all other relevant witnesses. You will be notified as to whether the agency finds reasonable cause that discrimination took place. If it does, it will issue a Charge of Discrimination.

➔SLIDE #20

Go over slide bullet points, referring to slide notes:

- In cases handled by HUD, an administrative hearing will begin before an administrative law judge (ALJ) within 120 days of HUD's Charge of Discrimination. Both you and the

respondent (the person you have made the complaint against) have the right, within 20 days, to elect to have the Charge heard in Federal District Court instead of by an ALJ.

- Whether your Charge is heard by an ALJ or in Federal District Court, there is no cost to you, the complainant.
- During the administrative hearing, each side presents evidence and testimony from witnesses. If discrimination is found, the judge can order the other party to pay you damages (money) for the actual harm that was suffered due to the discrimination, provide relief (such as allowing you to buy or rent the property), pay your attorney's fees, and pay a civil penalty. He/she cannot award punitive damages (money paid to you, the victim, as punishment for discriminating above and beyond what is needed to fully compensate you for your injuries).
- If you or the respondent instead choose(s) to have the case heard in Federal District Court, the U.S. Department of Justice will prosecute the case at no cost to you. The Federal District Court can award punitive damages.
- If one of the parties to the case does not like the outcome of the case, it can appeal the decision—in other words, bring the case to a higher level in the agency (if it was heard by an ALJ) or in court and ask to have the decision reversed or modified.
- You can bring a separate civil lawsuit, at your own expense, in Federal District Court even if you have filed a complaint with HUD, provided that you have not signed a conciliation agreement or an ALJ has not begun an administrative hearing on your HUD complaint.

Fair Housing Resources (5 minutes)

Introduction: In addition to HUD, there are many other resources to help you if you believe you may be a victim of housing discrimination. Using these resources, you can learn more about fair housing protections available under your state or local law, determine whether you have “reasonable cause” to file a formal complaint and find legal representation if you need it.

➔SLIDE #21

Direct participants to remove the fair housing resources list from their folders.

Go over slide bullet points, referring to slide notes:

- HUD is responsible for enforcing the FHA. HUD has ten regional offices that process housing discrimination complaints in their service areas. Contact information appears in the fair housing brochures included in participants' packets and on the resources list included with this lesson plan (also inserted in participants' packets).
- State and local government fair housing agencies can provide guidance and information about state or local fair housing laws, which may offer additional protections (against discrimination based on, for example, sexual preference, marital status and/or age). Look for the phone numbers in the state and local government sections of your phone directory, under "housing." You may also find agencies listed at HUD.gov (http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/partners/FHAP/agencies) and on various private fair housing websites. Or, do an online search for the name of your city and state along with the words “fair housing.”
- There are many private fair housing groups across the nation. Local HUD offices can direct you to a fair housing assistance program near you. Check the resources list included with this lesson plan and inserted in participants' packets.
- If you cannot afford to hire an attorney, seek assistance from your local fair housing

organization or legal aid society. Legal aid organizations exist in many communities to provide low-income people with free (pro bono) legal counsel. It's important that any attorney who represents you have experience with housing discrimination cases.

Activity: Housing Discrimination Crossword (15 minutes)

➔SLIDE #22

Introduction: This exercise gives you the opportunity to review key terms, concepts and resources you've learned about during today's training.

During this activity, you and a few of your fellow learners will work together to complete the crossword puzzle as quickly as you can.

- Direct learners to remove the *Housing Discrimination Crossword* puzzle from their packets.
- Break the class into smaller groups (the number of groups you choose to have depends on the size of the class). Have each group choose one person to fill out a single puzzle worksheet with the answers provided by the team members.
- Have the first team to finish the puzzle stand up and read out all the answers. (You can award a prize, such as a bag of candy, pens, notepads, etc., if you choose.)
- Refer to the crossword puzzle key for the correctly completed puzzle.

Questions & Answers (10 minutes)

Open the floor to questions.

Wrap-up and Evaluation (5 minutes)

➔SLIDE #23

Congratulate learners on their participation in the class and wish them success. Thank them for attending and ask them to fill out the evaluation form and leave it on a table or in a large envelope you provide. If you will be conducting other trainings at a specific future time, announce that now and encourage learners to attend.

HUD Fair Housing Resources

U.S. Department of Housing and Urban Development (HUD)

www.hud.gov

HUD is responsible for enforcing the FHA and for implementing national policy and programs that address housing needs nationwide.

HUD Office of Fair Housing and Equal Opportunity

<http://www.hud.gov/fairhousing>

HUD Housing Discrimination Hotline

Email: fheo_webmanager@hud.gov

800-669-9777 / TTY: 800-927-9275

HUD Fair Housing Regional Offices

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/aboutfheo/fh_hubs

- Boston Regional Office of FHEO (serving Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont):
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Room 321
Boston, Massachusetts 02222-1092
800-827-5005 or 617-0994-8300 / TTY: 617-565-5453
- New York Regional Office of FHEO (serving New Jersey and New York):
26 Federal Plaza, Room 3532
New York, New York 10278-0068
800-496-4294 or 212-542-7519 / TTY: 212-264-0927
- Philadelphia Regional Office of FHEO (serving Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia):
The Wanamaker Building
100 Penn Square East, 12th Floor
Philadelphia, Pennsylvania 19107-3380
888-799-2085 or 215 861-7646 / TTY: 215-656-3450
- Atlanta Regional Office of FHEO (serving Alabama, the Caribbean, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee):
Five Points Plaza
40 Marietta Street, 16th Floor
Atlanta, Georgia 30303-2806
800-440-8091 or 404-331-5140 / TTY: 404-730-2654
- Chicago Regional Office of FHEO (serving Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin):
Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard, Room 2101
Chicago, Illinois 60604-3507
800-765-9372 or 312-353-7776 ext. 2453 / TTY: 312-353-7143

- Fort Worth Regional Office of FHEO (serving Arkansas, Louisiana, New Mexico, Oklahoma and Texas):
801 Cherry Street, Unit #45
Suite 2500
Fort Worth, Texas 76102
800-669-9777 or 817-978-5900 / TTY: 817-978-5595
- Kansas City Regional Office of FHEO (serving Iowa, Kansas, Missouri and Nebraska):
Gateway Tower II
400 State Avenue, Room 200
Kansas City, Kansas 66101-2406
800-743-5323 or 913-551-6958 / TTY: 913-551-6972
- Denver Regional Office of FHEO (serving Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming):
1670 Broadway
Denver, Colorado 80202-4801
800-877-7353 or 303-672-5437 / TTY: 303-672-5248
- San Francisco Regional Office of FHEO (serving Arizona, American Samoa, California, Guam, Hawaii and Nevada):
600 Harrison Street, 3rd Floor
San Francisco, California 94107-1387
800-347-3739 or 415-489-6524 / TTY: 415-436-6594
- Seattle Regional Office of FHEO (serving Alaska, Idaho, Oregon and Washington):
Seattle Federal Office Building
909 First Avenue, Room 205
Seattle, Washington 98104-1000
800-877-0246 or 206-220-5170 / TTY: 206-220-5185

Fair Housing Assistance Program (FHAP) Agencies

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/partners/FHAP/agencies

A person who believes he or she has experienced housing discrimination may contact HUD or the FHAP agency in the state or locality where the alleged discrimination occurred for help.

Fair Housing Initiatives Program (FHIP)

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/partners/FHIP

Access a list of fair housing organizations and other non-profits that receive funding through HUD's Fair Housing Initiatives Program.

Activity: Housing Discrimination Case Studies

Read each scenario and identify any instances of housing discrimination. Explain which, if any, particular actions are illegal under the Fair Housing Act, or point out why an action was not discriminatory under the law, or specify what additional information you may need to decide.

1. An apartment seeker who uses a wheelchair has found a second-floor apartment in an older walk-up building. He asks the landlord to put in an elevator so he can reach the unit, but the landlord refuses.

2. A single male renter and a single, pregnant female renter both are interested in a unit in a large apartment complex. They both have good credit—his score is 788 and hers is 725—and she has references from previous landlords. He does not have any rental history or landlord references because he has been a homeowner for the past 12 years. The landlord decides to rent to the man.

3. A woman with a ten-year-old son and a high credit score, excellent landlord references and adequate income from child support and Social Security disability benefits is denied housing in favor of an elderly, retired couple with lower credit scores, lower income and no references.

4. A renter who has lived in the same first-floor apartment for many years now needs a wheelchair as the result of a degenerative disease. He submitted a written request to install a ramp into his unit at his own expense. The landlord did not respond right away. A few weeks later the landlord evicted the tenant, saying the landlord's sister would be moving into town shortly and would be living there.

5. A mortgage lender reviews two home loan applications. One is from a Hispanic couple purchasing a home in a neighborhood that has a large Hispanic population. The other is from a white couple purchasing a home in a predominantly white neighborhood. Both couples have approximately the same average credit scores, have similar incomes, are equally creditworthy, are borrowing roughly the same amount and are applying for the same type of 30-year fixed-rate mortgage. Both couples are approved for their loans. However, the Hispanic couple is quoted a rate of 5.75%, while the white couple is quoted 5%. (*Turn page to answer.*)

6. An African American couple applies in person to rent a single-family home. The real estate agent tells them the unit is not available anymore, but the couple continues to see new ads for the home for six more weeks.

7. A woman with a Chinese accent calls regarding a home for sale in a predominantly white neighborhood. She leaves three messages but her call is never returned. Her niece, who was born in the U.S. and has no accent, calls and hears back from the real estate agent within 24 hours.

8. A couple with two children is asked to pay a higher security deposit than a couple without children in an identical apartment next door.

9. A couple with a teenage child is denied housing in a senior housing complex.

10. A woman applies for an apartment. She has good credit and the required deposit. When the property manager calls the prospective tenant's previous landlord, she finds out that the woman and her ex-partner used to throw loud, late-night parties that caused some of the other tenants to complain. The property manager turns down her rental application.

11. A rental complex advertises a spacious one-bedroom apartment. When a couple with a newborn applies, the property manager turns down their rental request, saying that a one-bedroom is not sufficient for three people. *(Turn page to answer.)*

12. A homeowner who lives in one unit of a duplex places an ad to rent out the other unit: “Lovely one-bedroom unit in duplex, large garden, hardwood floors. Predominantly Latino neighborhood. Single female preferred. No pets—even seeing-eye dogs—and no children. \$850/mo. 555-555-5555.”

13. An African American couple visits an insurance agent’s office to request a premium quote for homeowners insurance. The agent tells the applicants that she cannot provide a quote until she inspects the home, and that she needs the mortgage lender’s name and phone number so she can call and get information on the property. White neighbors, who referred the couple to the agent, said they were not required to have a home inspection and received a quote while still in the agent’s office.

14. A Native American family puts in a full-price bid on a home in a predominantly white neighborhood. The real estate agent reveals that the seller is motivated, and there are no other bids on the property. The next day, the real estate agent informs the buyers that the seller has rejected their offer. The seller provides no reason and does not make a counter-offer.

Key to Housing Discrimination Case Studies Activity

1. An apartment seeker who uses a wheelchair has found a second-floor apartment in an older walk-up building. He asks the landlord to put in an elevator so he can reach the unit, but the landlord refuses.

Answer: *Landlords must be willing to allow "reasonable" modifications for disabled tenants at the tenant's expense—for example, installing grab bars in the bathroom or a ramp to travel between rooms separated by a step. Putting an elevator into an existing building would likely be a fundamental alteration of the property and thus unreasonable and, if so, it would not be illegal for the landlord to refuse the request.*

2. A single male renter and a single, pregnant female renter both are interested in a unit in a large apartment complex. They both have good credit—his score is 788 and hers is 725—and she has references from previous landlords. He does not have any rental history or landlord references because he has been a homeowner for the past 12 years. The landlord decides to rent to the man.

Answer: *While the landlord may have chosen the male tenant for discriminatory reasons—either sexism or because the woman was going to have a child (familial status)—it is impossible to know for sure because the man also had a higher credit score (an objective selection criterion). And while he did not have any landlord references, he had a good reason for that. In order to know whether the FHA was violated, we would need to know what reason the landlord gave for the denial and whether, based on the facts, that reason was just a pretext (a fictitious reason offered up to conceal the real reason) for discrimination.*

Often, it is difficult or impossible to answer such questions. In some cases, discrimination may be shown through a fair housing test. In a test, a fair housing organization or group sends testers posing as buyers or renters who are the same in every respect except for their membership in a protected class (one being a member, the other not). The goal of the test is to discover if the testers are treated differently in ways that are discriminatory under the Fair Housing Act or state or local fair housing laws.

3. A woman with a ten-year-old son and a high credit score, excellent landlord references and adequate income from child support and Social Security disability benefits is denied housing in favor of an elderly, retired couple with lower credit scores, lower income and no references.

Answer: *The woman and her ten year-old son, whose application was rejected in favor of less-qualified renters, have good reason to suspect that they were discriminated against because of familial status (having children under 18) or disability. (Except in very limited circumstances, landlords are not allowed to ask if you have a disability, but in this case the mother revealed her disability to the landlord when she listed disability benefits as one source of income.) An investigation into these allegations would focus on what justification the landlord gives for the decision and whether it was pretextual.*

4. A renter who has lived in the same first-floor apartment for many years now needs a wheelchair as the result of a degenerative disease. He submitted a written request to install a ramp into his unit at his own expense. The landlord did not respond right away. A few weeks later the landlord evicted the tenant, saying the landlord's sister would be moving into town shortly and would be living there.

Answer: *The answer to whether the landlord violated the FHA depends on the true motivation behind the eviction. If the eviction was conducted for some reason having nothing to do with the reasonable modification request, it does not violate the FHA. The timing, however, is suspicious. Further inquiry would be necessary to determine, for example, whether the landlord had any objection to granting the request, whether the landlord had provided the necessary prior notice to the tenant prior to the eviction, and whether the sister really did need the apartment.*

5. A mortgage lender reviews two home loan applications. One is from a Hispanic couple purchasing a home in a neighborhood that has a large Hispanic population. The other is from a white couple purchasing a home in a predominantly white neighborhood. Both couples have approximately the same average credit scores, have similar incomes, are equally creditworthy, are borrowing roughly the same amount and are applying for the same type of 30-year fixed-rate mortgage. Both couples are approved for their loans. However, the Hispanic couple is quoted a rate of 5.75%, while the white couple is quoted 5%.

Answer: *If their qualifications and the mortgage products truly are the same or very similar, the Hispanic borrowers have good reason to suspect the higher rate was due to discrimination because of national origin—either because they are Hispanic or because the home they are financing is in a Hispanic neighborhood.*

6. An African American couple applies in person to rent a single-family home. The real estate agent tells them the unit is not available anymore, but the couple continues to see new ads for the home for six more weeks.

Answer: *If the homeowner were renting the home on his/her own, the property might be exempt from many of the FHA's prohibitions against rental discrimination and, if so, the owner could rent to whomever s/he wants to. But because the property owner is using a real estate agent to rent the property, this exemption does not apply. In this case, the rejected African American couple has good reason to suspect racial discrimination. An investigation into these allegations would focus on whether the agent had any reason for continuing to list the home after telling the couple it was no longer available.*

7. A woman with a Chinese accent calls regarding a home for sale in a predominantly white neighborhood. She leaves three messages but her call is never returned. Her niece, who was born in the U.S. and has no accent, calls and hears back from the real estate agent within 24 hours.

Answer: *The woman who never receives a call back has good reason to suspect discrimination because of national origin. An investigation into these allegations would focus on why the agent called the niece back and other potential evidence of unequal treatment by the agent.*

8. A couple with two children is asked to pay a higher security deposit than a couple without children in an identical apartment next door.

Answer: *Landlords may charge tenants a reasonable security deposit, which could vary based on the size of the unit or other valid criteria such as credit score. But a family could not be charged a higher deposit just because they have children.*

9. A couple with a teenage child is denied housing in a senior housing complex.

Answer: *The Housing for Older Persons Act (HOPA) exempts certain housing for older persons from the FHA's prohibition against "familial status" discrimination. To qualify for the exemption, the housing provider must show that the housing is either provided under a state or federal program that HUD has determined is specifically designed or operated to assist elderly persons (as defined in the state or federal program); or intended for, and solely occupied by, persons 62 years of age or older; or intended and operated for occupancy by persons 55 years of age or older, which satisfies several other requirements contained in the FHA and its implementing regulations. If the housing complex in this case meets the HOPA requirements, then it has not violated the FHA.*

10. A woman applies for an apartment. She has good credit and the required deposit. When the property manager calls the prospective tenant's previous landlord, she finds out that the woman and her ex-partner used to throw loud, late-night parties that caused some of the other tenants

to complain. The property manager turns down her rental application.

Answer: *Regardless of how high a prospective tenant's credit score or income is, a record of rowdiness or behavior that has disturbed other tenants are valid reasons to reject the application.*

11. A rental complex advertises a spacious one-bedroom apartment. When a couple with a newborn applies, the property manager turns down their rental application, saying that a one-bedroom is not sufficient for three people.

Answer: *Owners and managers have the right to implement reasonable occupancy requirements based on factors such as the number and size of bedrooms and the overall size of the home. Generally speaking, HUD considers two persons to a bedroom reasonable. However, in a case like this, where the third resident is a newborn, and the apartment is spacious, the landlord's refusal to rent may violate the FHA. Evidence that a landlord applies unreasonably low occupancy limits as a method of keeping children and minorities out would establish a separate, independent violation of the Act.*

12. A homeowner who lives in one unit of a duplex places an ad to rent out the other unit: "Lovely one-bedroom unit in duplex, large garden, hardwood floors. Predominantly Latino neighborhood. Single female preferred. No pets—even seeing-eye dogs—and no children. \$850/mo. 555-555-5555."

Answer: *There is a lot wrong with this ad: Indicating the racial makeup of the neighborhood, stating a preference for one gender over another, prohibiting seeing-eye dogs and banning children are all discriminatory. (Specifying "single" female also would be discriminatory in those states with laws prohibiting discrimination based on marital status.) Remember, even owners of properties that are exempt from some of the FHA's prohibitions are not allowed to run discriminatory ads.*

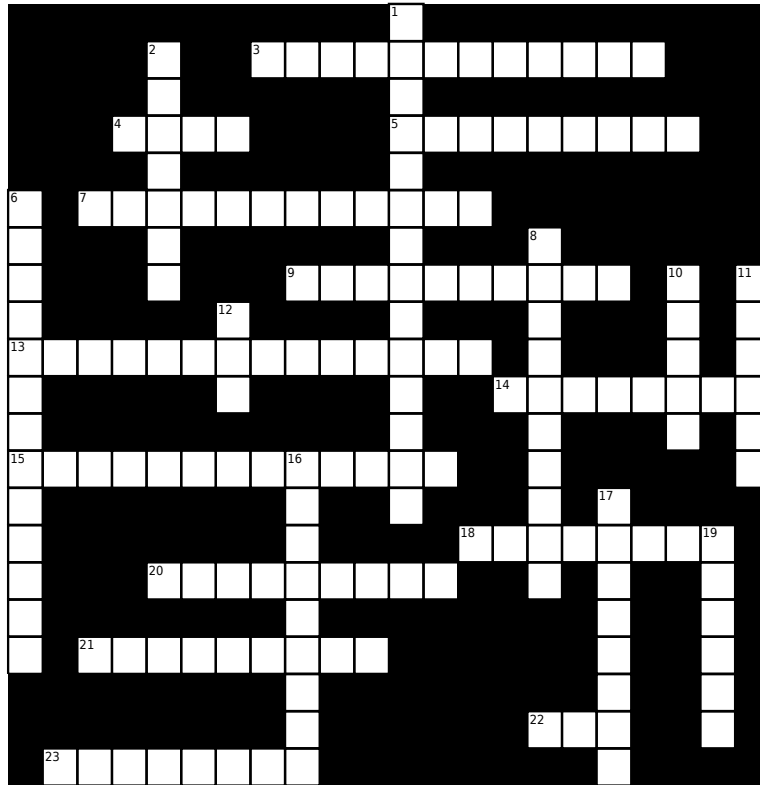
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Answer: *Homeowners insurance providers that base decisions on race violate the FHA; that may be the case in this situation. Insurance discrimination may include applying company policies differently because of race or other protected characteristic (for example, by requiring the African American couple to go through an inspection but not requiring that of the white couple) or impeding coverage (for example, by making an applicant go through additional steps, such as providing difficult-to-gather information).*

14. A Native American family puts in a full-price bid on a home in a predominantly white neighborhood. The real estate agent reveals that the seller is motivated, and there are no other bids on the property. The next day, the real estate agent informs the buyers that the seller has rejected their offer. The seller provides no reason and does not make a counter-offer.

Answer: *Since we have a motivated seller and no competing offers, it is suspicious that s/he did not accept a full-price offer or make a counter-offer. Refusing to negotiate with qualified prospective buyers because of race, color or national origin, when using a real estate agent or broker, is a form of housing discrimination. An investigation into these allegations would focus on why the seller was not interested in the offer, whether he or she knew that the potential buyer was a Native American, and whether the house ever sold and for what price.*

Housing Discrimination Crossword



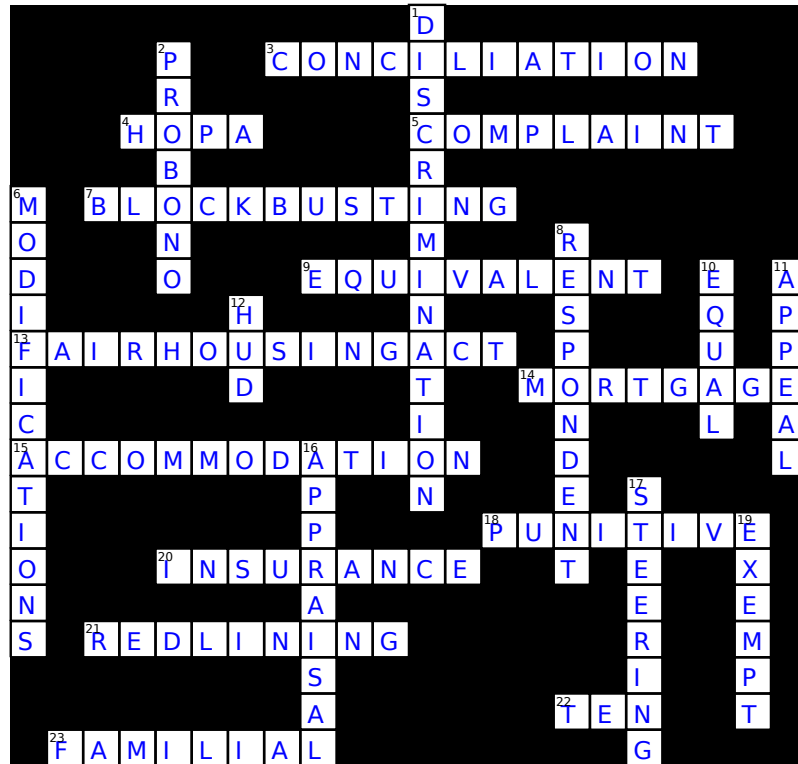
Across

- 3 Process of facilitating agreement to resolve a fair housing complaint
- 4 Housing for Older Persons Act
- 5 Must be filed with HUD within one year of occurrence or termination of the discrimination
- 7 Playing on people prejudices to get them to leave their property
- 9 State or local laws must be substantially this when compared to federal fair housing laws for HUD to transfer your complaint to a state or local agency for processing
- 13 FHA (3 Words)
- 14 Type of discrimination that includes imposing different loan terms or conditions
- 15 An exception to normal tenant rules
- 18 Damages awarded as punishment beyond that needed to compensate the complainant
- 20 Type of discrimination that includes charging a higher premium based on race
- 21 Refusing to make loans or sell insurance in minority neighborhoods
- 22 Number of HUD regional offices
- 23 Status that refers to the presence of children under 18 in the home

Down

- 1 The act of blocking someone's right to housing because of membership in a protected group
- 2 Free legal counsel
- 6 Physical alterations to a property necessary for a disabled tenant
- 8 The party that the complaint alleges discriminated
- 10 Everyone has a right to this type of housing opportunity
- 11 You can do this if you are not happy with the decision in your discrimination case
- 12 Department of Housing and Urban Development
- 16 An artificially low one makes it harder to get a mortgage
- 17 Encouraging buyers to shop for real estate in certain neighborhoods
- 19 Housing that is not required to comply with certain FHA rules

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Training Evaluation: Recognizing & Fighting Housing Discrimination

Please help us improve future presentations by giving us your opinion of today's class. Circle the response that best reflects your feelings about each statement:

1. I have a better understanding of what actions are illegal under the Fair Housing Act.

Strongly agree Agree Disagree Strongly disagree

2. I understand what my rights are under the Fair Housing Act when I attempt to rent or buy a home.

Strongly agree Agree Disagree Strongly disagree

3. I know how to file a Fair Housing Act discrimination complaint and what to expect during the investigation and resolution process.

Strongly agree Agree Disagree Strongly disagree

4. I know where to go for information and assistance regarding my housing rights.

Strongly agree Agree Disagree Strongly disagree

5. I can use what I learned today to make improvements in my life.

Strongly agree Agree Disagree Strongly disagree

6. The instructor was well informed.

Strongly agree Agree Disagree Strongly disagree

7. The materials I received are easy to read and understand.

Strongly agree Agree Disagree Strongly disagree

8. I would like to attend another class like this.

Strongly agree Agree Disagree Strongly disagree

Please let us know how we could improve future trainings (use back, if necessary):

Thank you for attending!