



Know the Signs of Housing Discrimination



Denial of housing

opportunities to people because of race, color, religion, sex, national origin, because they have minor children, or because they have a disability, is known as housing discrimination. It is illegal under the federal Fair Housing Act.

Some minorities, families with children, and people with disabilities are denied housing because of the unfair and illegal practice known as housing discrimination. Tenants and prospective homebuyers of any race, color, religion, national origin or sex, in addition to people with disabilities and families with minor children, are protected against discrimination by federal law. When their rights are violated, they have a remedy. The Fair Housing Act, a law enforced by the U.S. Department of Housing and Urban Development (HUD), is a federal law that protects you from housing discrimination. If you believe you were treated unfairly because of race, color, religion, national origin, sex, disability, or familial status, you have a right to file a complaint with HUD. But in order to know if your fair housing rights have been violated, you should know the signs of housing discrimination.

Recognizing Housing Discrimination

Sometimes the signs of housing discrimination are obvious, and sometimes they are very subtle.

For instance, a landlord or developer is breaking the law if he or she does not rent or sell to someone specifically because the prospective tenant or buyer belongs to a particular racial or ethnic group, such as African Americans, Asian American/Pacific Islanders, Latinos or Native Americans. It also is illegal to harass tenants because they belong to one of these groups.

People with disabilities have additional protections. The law's definition of disability includes people with physical or mental



disabilities, including hearing, mobility and visual impairments, as well as people who have HIV/AIDS or who are recovering from alcohol or substance abuse, if their disability substantially limits a major life activity. People with disabilities are protected from any discrimination that is based solely on their disability. They also have the right to make modifications to rented homes at their own expense if the modifications are reasonable and necessary for them to live there. They also have the right to request a reasonable accommodation from a landlord's rules or policies to afford them full enjoyment of the home. For instance, a no-pets policy must be waived for a visually impaired tenant with a guide dog. In addition, certain multifamily housing must comply with the Fair Housing Act's accessibility requirements.

The law also protects families with children under 18. This category is called "familial status" and also covers certain other people, including pregnant women and people in the process of securing legal custody of a child under 18. Some housing for use by seniors is exempt from this requirement under the Housing for Older Persons Act (HOPA).

Fair Housing Act Prohibitions

The federal Fair Housing Act prohibits several types of discriminatory behavior if they are based on race, color, national origin, religion, sex, familial status or disability. Examples of these

discriminatory behaviors include:

- refusing to sell to, rent to or otherwise deal with an interested tenant or buyer (includes not returning calls or ignoring firm sales offers);
- applying different sale, rental or occupancy terms for different people (includes asking people of color to pay higher security deposits);
- the refusal by real estate professionals or companies to serve minority customers, steering customers to certain neighborhoods or making claims about the racial makeup of an area (includes a real estate agent who tells white clients interested in a certain home that a minority family lives next door, or companies that place ads suggesting that they prefer no children or people of a certain race or national origin);
- lying about the availability of housing (includes telling people of color, families with children or a disabled person that an apartment is already taken when it is not);
- inducing people into renting or selling their property by manipulating their prejudices (called “blockbusting”; includes efforts to buy property at below fair market value by telling people that members of a minority group are moving into the area);
- discrimination in home financing by a bank, savings and loan association or other business (includes charging creditworthy minority customers higher interest rates than white customers);
- harassing or frightening tenants and homeowners into abandoning their leases or leaving their homes (through racial or sexual harassment, slurs, threats of violence, sexual advances and innuendoes);
- local zoning laws that have an unfair effect on minorities and are discriminatory in nature (includes laws that restrict the areas in which group homes for the disabled may be located); and
- attempting to threaten or intimidate people so that they will not exercise their rights or file complaints under the Fair Housing Act.

Discrimination in Renting

The following practices by landlords or their agents (e.g., brokers and property managers) are prohibited:

- running discriminatory advertisements (for example, ads that state “No Kids,” or “Looking for Great White Tenants”);
- falsely stating to minority applicants that an available unit has been rented;
- setting higher or lower rents, security deposit requirements or credit criteria for prospective tenants based on their race or other protected status;
- failing to respond to inquiries by prospective minority tenants;
- failing to provide prospective minority tenants with rental applications; and
- encouraging long-term tenants to leave their apartments by making false allegations regarding the effect of minority residents on property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other services or facilities (called “blockbusting”—done so that rents can be increased or so the units can be converted into condominiums or cooperatives and sold).

The Fair Housing Act exempts certain types of property, including certain single-family homes rented or sold without the use of an agent and certain owner-occupied buildings containing four or fewer units.

Discrimination in Housing Sales

It is illegal for a seller or agent to run ads or make statements that are discriminatory. For instance, it would violate the Fair Housing Act if a seller published a classified ad that characterized the racial makeup of the area the home is in, or stated that the house will not be sold to families with children. This part of the Fair Housing Act applies to ads for single-family and owner-occupied housing even in cases where the property is exempt from other components of the law. In addition, these actions by sellers and their agents are illegal when they disadvantage a protected class:

- lying about or exaggerating sales terms in order to discourage

- certain homebuyers or to price them out of the market;
- failing to inform prospective buyers about all available listings in their price range and desired locations;
- using stall tactics to avoid showing a home to a buyer;
- steering prospective buyers only to racially segregated neighborhoods; and
- refusing to negotiate with interested buyers.

Mortgage and Insurance Discrimination

Some illegal discrimination is obvious, such as the mobile home park owner who says he will not rent to parents of young children, or the real estate agent who refuses to show homes to people of color. But home mortgage and insurance discrimination can be more difficult for individuals to recognize. Mortgage and insurance professionals are prohibited from engaging in certain practices that disadvantage protected classes, including:

- denying loans or insurance to prospective buyers of homes in certain neighborhoods;
- scrutinizing the loan application of one applicant more closely than another applicant because of race;
- giving artificially low appraisals on properties in certain neighborhoods; and
- imposing different terms or conditions on a loan, such as higher or lower fees, points or rates.

Reasonable Modifications and Reasonable Accommodations

Reasonable modifications and reasonable accommodations are required by the Fair Housing Act when they are necessary to provide a person with a disability the full use and enjoyment of his or her housing. The Act protects disabled buyers and renters, households that include a person with a disability, and any person associated with a disabled buyer or renter.

Reasonable modifications: The Act requires housing providers to permit, at the expense of the person with a disability, reasonable

modifications of the person's private living space, as well as to common use spaces. Modifications are physical changes to the property. To show that a requested modification may be necessary, there must be an identifiable relationship between the requested modification and the individual's disability. Further, the modification must be reasonable. Examples of reasonable modifications include:

- installing a ramp to allow wheelchair access;
- widening doorways to make rooms more accessible for persons in wheelchairs;
- installing grab bars in bathrooms; or
- lowering kitchen cabinets to a height suitable for persons in wheelchairs.

Reasonable accommodations: The Act requires housing providers to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a person with a disability full use and enjoyment of the housing, including public and common use spaces. To show that a requested accommodation may be necessary, there must be an identifiable relationship between the requested accommodation and the individual's disability. Further, providing the accommodation must be reasonable (i.e., it cannot impose an undue financial and administrative burden on the housing provider or fundamentally alter the nature of the provider's operations). Examples of reasonable accommodations include:

- a housing provider with a "no pets" policy waives the policy for a tenant who needs an assistance animal; or
- an apartment building with unassigned parking spaces gives a tenant with a mobility impairment a reserved space directly in front of his unit.

Design and Construction Requirements

The Act requires that public and private multifamily housing with four or more units, designed and constructed for first occupancy after March 13, 1991, be built to allow access for persons with disabilities. Anyone involved in the design and/or

construction of covered multifamily housing may be held liable for violations of the Act. This includes builders, developers and architects. Requirements for accessible design and construction include, but are not limited to:

- public and common use areas in the housing must be accessible to persons with disabilities;
- doors designed to allow passage into and within the housing must be wide enough to allow passage by persons in wheelchairs;
- an accessible route into and through the housing must be provided;
- light switches and other controls must be in accessible locations;
- bathroom walls must include reinforcements to allow later installation of grab bars; or
- kitchens and bathrooms must be usable, such that an individual in a wheelchair can maneuver about the space.

Do You Suspect Housing Discrimination?

Contact HUD. Call the U.S. Department of Housing and Urban Development at 800-669-9777 or visit its website (www.hud.gov) to file a complaint or get answers to your fair housing questions. The HUD website also contains a listing of HUD's regional fair housing offices, fair housing partners, and information and forms for filing a fair housing complaint. Visit www.hud.gov/fairhousing for more information.

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