

**Beware! HUD on Hunt for Landlords!
(Fair Housing – It's the Law!)**

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HUD Awards \$17 Million in Grants to Help Fight Housing Discrimination!

Washington: Housing and Urban Development Secretary Alphonso Jackson recently awarded \$17.6 million in grants to 106 groups to help them fight housing discrimination.

The grants, funded under HUD's Fair Housing Initiatives Program will go to public and private fair housing groups and state and local agencies across the country. These groups will use the funds to investigate allegations of housing and discrimination, educate the housing industry and public about housing discrimination laws, and work to promote fair housing.

Some of the grants will address sophisticated and subtle forms of discrimination through paired testing as well as other investigative tools. HUD gave special emphasis to grant applications that target under-served populations, such as rural residents and immigrants, especially non-English speaking racial and ethnic minorities (our emphasis).

[Editor's Note: The following is provided by HUD and reprinted with permission of the Rockford Apartment Association – read and study it so you'll know what your tenants are being told! Be careful with advertising, (DO NOT advertise with phrases such as "Couple to Manage", "Husband-Wife Team to Manage", and educate your resident managers! You have been warned, HUD is on the hunt for landlords!]

The Fair Housing Act

The Fair Housing Act prohibits discrimination in housing because of race or color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people security custody of children under 18) or handicap.

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 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: a) refuse to rent or sell housing; b) refuse to negotiate for housing; c) make housing unavailable; d) deny a dwelling; e) set different terms, conditions or privileges for sale for rental of a dwelling; f) provide different housing services or facilities; g) falsely deny that housing is available for inspection, sale or rental; h) for profit, persuade owners to sell or rent (blockbusting) or i) deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale of housing.

In Mortgage Lending

No one may take any of the following actions based on race, color national origin, religion, sex, familial status or handicap: refuse to make a mortgage loan; refuse to provide information regarding loans; impose different terms or conditions on a loan; 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:

- 1 Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- 2 Advertise or make any statement that indicates a limitation or preference based on 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.

Additional Protection If You Have a Disability

If you or someone associated with you:

- 1 Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities
- 2 Have a record of such a disability or
- 3 Are regarded as having such a disability your landlord may not:
 1. Refuse to let your dwelling or common use areas, at your expense, if necessary for the handicapped 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 out)
 2. Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the handicapped 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 assure that she can have access to her apartment.

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.

Requirements for Newer Buildings

In buildings that were ready for first occupancy after March 13, 1991, and have an elevator and four or more units:

Public and common areas must be accessible to persons with disabilities

Doors and hallways must be wide enough for wheelchairs

All units must have a) an accessible route into and through the unit; b) accessible light switches, electrical outlets, thermostats and other environmental controls; c) reinforced bathroom walls to allow later installation of grab bars and d) kitchens and bathrooms that can be used by people in wheelchairs.

Note: If a building with four or more units has no elevator and was ready for first occupancy after March 23, 1991 these standards apply to ground floor units.

These requirements for new buildings do not replace any more stringent standards in State or local law.

Housing Opportunities for Families

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 with live a parent, a person who has legal custody of the child or children or 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 18.

Exemption: Housing for older persons is exempt from the prohibition against familial status discrimination if: The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State or local government program or it is occupied solely by persons who are 62 or older or it houses at least one person who is 55 or older in at least 80 percent of the occupied units;; has significant services and facilities for older persons; and adheres to a published policy statement that demonstrates an intent to house persons who are 55 or older. The requirement for significant services and facilities is waived if providing them is not practicable and the housing is necessary to provide important housing opportunities for older persons.

A transition period permits residents on or before September 13, 1988, to continue living in the housing, regardless of their age, without interfering with the exemption.

If You Think Your Rights Have Been Violated

HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, the Housing Discrimination Complaint form 903 is available for you to download, complete and return, or complete online and submit, or you may write HUD a letter, or telephone the HUD hotline. You have one year after an alleged violation to file a complaint with HUD, but you should file it as soon as possible.

What Happens After a Complaint Investigation?

If, after investigating your complaint, HUD finds reasonable cause to believe that discrimination occurred, it will inform you. Your case will be heard in an administrative hearing within 120 days, unless you or the respondent want the case to be heard in Federal district court. Either way, there is no cost to you.

The Administrative Hearing

If your case goes to an administrative hearing, HUD attorneys will litigate the case on your behalf. You may intervene in the case and be represented by your own attorney if you wish. An Administrative Law Judge (ALJ) will consider evidence from you and the respondent. If the ALJ decides that discrimination occurred, the respondent [**you, the landlord**] can be ordered:

- 1 To compensate you for actual damages, including humiliation, pain and suffering.
- 2 To provide injunctive or other equitable relief, for example, to make the housing available to you.
- 3 To pay the Federal Government a civil penalty to vindicate the public interest. The maximum penalties are \$10,000 for a first violation and \$50,000 for a third violation within seven years.
- 4 To pay reasonable attorney's fees and costs.

In Addition, You May File Suit

You may file suit, at your expense, in Federal District Court or State Court within two years of an alleged violation. If you cannot afford an attorney, the court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

Other Tools to Combat Housing Discrimination

If there is noncompliance with the order of an Administrative Law Judge, HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of

Appeals. The Attorney General may file a suit in a Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

Government Source: HUD. For further information, the Fair Housing Act and HUD's regulations contain more detail and technical information. If you need a copy of the law or regulations, contact the HUD office nearest you or: Office of Fair Housing and Equal Opportunity, Rm 5116, Dept. of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410-2000.