

This booklet has been produced by the Fair Housing Council of Suburban Philadelphia and the Community Legal Aid Society, Inc. through a Fair Housing Organization Initiative Grant from the U.S. Department of Housing and Urban Development.



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**Community Legal
Aid Society, Inc.**

Fair Housing

It's Your Right!

EQUAL JUSTICE

Introduction

Title VIII of the Civil Rights Act of 1968 as amended is known as the Fair Housing Act. The Fair Housing Act makes it illegal to discriminate in any type of housing related transaction on the basis of race, sex, religion, national origin, color, familial status (living with children under the age of 18), or disability.

In Delaware it is also illegal to discriminate against anyone on the basis of creed, marital status or age.



If Your Rights Have Been Violated

If you believe that your rights have been violated under the State or Federal Fair Housing Acts contact the **Fair Housing Program of Community Legal Aid Society, Inc. at (302) 575-0660 or (800) 292-7980** (in-state toll free number) as soon as possible. **Be sure to ask for the Fair Housing Program.**

We will investigate your complaint and assist you in determining what action should be taken. If appropriate, we can file an administrative housing discrimination complaint on your behalf with the U.S. Department of Housing and Urban Development (HUD). In addition, under certain conditions, we may file a complaint in Federal or State Court.

You may also file a complaint with HUD by mail to Fair Housing Enforcement Center, HUD, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-9344 or by phone: (800) 669-9777. You must file your complaint within one year of the discriminatory incident.

If you are able to prove that you have been a victim of discrimination, you may be entitled to receive compensation for actual damages including humiliation, pain and suffering, and other relief. Additionally, the person who discriminated against you must pay your attorney's fees. In Federal and State Court, you can also seek punitive damages.



Permissible Activities Under the Fair Housing Act

Landlords, real estate professionals, and other housing providers may inquire about your income, perform a credit check and evaluate your credit worthiness, contact your previous and current landlords for references, and check if you have a criminal background. These standards are perfectly legal—as long as they are applied to every applicant for housing.



The Fair Housing Program of Community Legal Aid Society wants you to know how to recognize the signs of housing discrimination.

Types of Housing Transactions Covered by the Act

Rental housing, sales, mortgage lending, homeowners insurance, and appraisals are covered by the Fair Housing Act.

Types of Housing Not Covered by the Act

With the exception of the Act's prohibition against discriminatory advertising, the Fair Housing Act does not apply to the following types of housing: 1) the sale or rental of a single family house by an owner who does not use the services of a real estate professional or 2) the rental of apartments in buildings containing four or less apartments if the owner lives in one of the apartments.

Exemptions to the Act

The Fair Housing Act does not apply to housing run by religious organizations and private clubs that limit occupancy solely to members, as long as the organization does not discriminate in its membership because of race, color, or national origin.

Qualified elderly housing communities are permitted under the Act to deny housing to families with children. These communities must fit into one of two categories: either 100% of the occupants must be 62 or older or 80% of all occupied units must have at least one occupant age 55 or older.



Housing Issues Related to Persons With Disabilities

Under the law, a disability is defined as a physical or mental impairment that substantially limits one or more of a person's major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Disabilities can include mobility impairments, visual and hearing impairments, emotional problems, mental illness, mental retardation, alcoholism, drug addiction (not current), or HIV/AIDS. The use of or addiction to illegal drugs is not covered under the Act.

Reasonable Accommodation: *a change, exception or adjustment to rules, policies, or practices so that a person with a disability can enjoy the property in the same way as everyone else.*

For example, a landlord with a first-come, first-served parking policy makes an exception by setting aside a reserved accessible parking space for a tenant with a disability who has difficulty walking and needs to park close to the building; or a landlord makes an exception to a "no pets" rule for people with disabilities who use guide dogs or other assistive or support animals; or a landlord permits a tenant with a mobility impairment to transfer from a third-floor apartment to one on the first floor. If there is a reasonable solution to your special need then you have the right to request a "reasonable accommodation."

Reasonable Modification: *a change in the physical premises so that a person with disabilities can enjoy the property in the same way as everyone else.*



Activities that Might Indicate Discrimination in Reference to Your Property Appraisal Report

- The properties chosen to compare your property to are not in similar neighborhoods.
- The appraisal report has not taken into consideration positive economic changes in your neighborhood (for example, the presence of new construction or new investments planned for your neighborhood that might have the effect of increasing the value of your property).
- The appraisal report lists negative comments about your neighborhood that could be interpreted as having racial connotations.

Other Types of Activities Covered Under Fair Housing Laws

Advertising: Fair housing laws state that it is unlawful to "...make, print, publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on one of the protected classes."

Ads that say "no children," "adults only," "male preferred or female preferred" are examples of illegal ads.

Harassment: It is unlawful to threaten or intimidate persons who have filed fair housing complaints or any individual who is supporting these persons in pursuit of their rights.

Activities that Might Indicate Discrimination When Applying for Homeowners Insurance

- Policies by the insurance company that eliminate your house or apartment from being insured by that company. (For example, “We don’t write policies in that neighborhood,” “We don’t write policies for older homes,” “We don’t write policies for properties worth less than \$50,000,” “Your property doesn’t fit our profile,” etc.)
- One insurance company’s quote is significantly different from others.
- The insurer will only offer you a market rate policy and not a replacement cost policy.



The installation of a ramp to your front door or the installation of grab bars in the bathroom is a reasonable modification. Unless you live in a federally subsidized apartment, modifications are made at the expense of the tenant, but the landlord must allow those changes, as long as they are *reasonable*. A federally assisted housing provider will be required to bear the costs of the modification as long as it does not create an undue financial or administrative burden.

Activities that Might Indicate Discrimination in Rental Housing

- Misrepresenting the availability of housing.
- Steering or segregating housing (for example, the buildings in the complex are racially segregated; there is a policy that “children are only allowed in building C,” or that “children are required to live on the first floor”).
- Requiring different terms or conditions for rental occupancy.
- The information told to you in person does not match the information told to you on the phone.
- The landlord takes an application from you and promises to call but never does.
- The sign says “vacancy,” but the landlord says it was just rented.



- There is nothing available now and there won't be when you need to move.
- The landlord imposes burdensome conditions for rental occupancy.
- The landlord keeps using various delaying tactics.
- The complex has overly restrictive occupancy standards and age limits (requiring less than 2 people in a bedroom or allowing no one under the age of 18 to live there).
- The landlord has rules about adults sharing a bedroom with a child or male and female children sharing a bedroom.
- The landlord claims the property is unsafe for children.
- The landlord will not allow guide or support animals.
- The landlord will not make a reasonable accommodation.
- The landlord will not allow you to make reasonable modifications to the premises.

Activities that Might Indicate Discrimination in Real Estate Sales

- The agent refuses to show a property in a particular neighborhood or discourages you from considering that neighborhood because of its racial makeup.
- The agent requires you to be pre-qualified before discussing any properties with you, but you believe this is not required of everyone.



- The agent gives you listings of properties in “select” neighborhoods that appear to be chosen because of their racial makeup (i.e. steering).
- The agent encourages or discourages sales or purchases in a particular neighborhood because of the changing racial makeup of that neighborhood (i.e. blockbusting).
- Different terms and conditions in townhouse, condominium, or manufactured housing communities regarding your children (for example, requiring an extra security deposit because you have children).
- Different terms and conditions in townhouse, condominium, or manufactured housing communities because of your disability related special needs.

Activities that Might Indicate Discrimination in Home Mortgage Loans

- You believe you are qualified for a conventional mortgage but the agent insists that an FHA loan is better.
- The interest rate and points offered are much higher than the current average.
- The agent will not count income from sources other than your employment.
- The mortgage company won't return your phone calls and it is difficult to get information about the status of your application.
- The mortgage company is very discouraging or gives negative comments about your ability to qualify even though you believe you are qualified.
- The mortgage company has a policy that eliminates your new home from a mortgage at that institution (for example, “We don't give loans under \$50,000”).