



## WHAT IS FAIR HOUSING

Fair Housing is the right to equal access and use of housing for all individuals free from discrimination. Both federal and state laws prohibit discrimination in housing based on protected classes. In Ohio, those protected classes are: race, color, religion, national origin, sex, familial status, disability, ancestry, and military status.

**“YOU HAVE A RIGHT TO HOUSING FREE  
FROM DISCRIMINATION”**

**Sex • Disability • Familial Status  
Race • Color • Religion  
National Origin or Ancestry • Military Status**

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## FAIR HOUSING LAWS

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## MILITARY STATUS



## WHAT PROTECTIONS DO I HAVE UNDER FAIR HOUSING LAW?

Fair Housing laws apply to essentially every step of the housing process, including rentals and purchases. Examples of Fair Housing law violations include, but are not limited to:

- A landlord refusing to rent a home to a servicemember for fear that the individual won't take care of the property because the individual is on active duty.
- A landlord falsely claiming that a unit is no longer available once they find out of the servicemember's status.
- A bank or loan officer refusing to process a mortgage because the individual is a servicemember.
- A landlord including different lease terms or fees for servicemembers
- A rental or homeowner insurance company charges more for a policy because an individual is a servicemember.
- A flyer that discourages servicemembers from applying to housing
- An apartment complex that steers all servicemembers to a particular building or a real estate agent that steers servicemembers to purchase a home in a specific neighborhood. Steering would include phrases like "I'm not sure about this community, but I know lots of military folks love this other community."



## MILITARY STATUS AND DISABILITIES



The Fair Housing Act prohibits discrimination during every step of the housing process based on race, color, national origin, religion, sex, familial status, and disability. Ohio law, specifically ORC 4112.02(H), adds military status to that list of protected classes.

This means that housing providers, loan officers, mortgage insurance agents, real estate agents, and anyone else involved in the housing process may not make any decision in your case based on your membership in a protected class.

Keep in mind that an individual may belong to more than one protected class:

- For instance, a female servicemember may report discrimination based on her status as a female or as a servicemember, or both.
- Additionally, this means that if you have a disability, service-related or not, you would also be protected under Fair Housing Laws.
  - This includes the right to request a reasonable accommodation – change to a rule or policy to enjoy full use of the home, or a reasonable modification – a physical change to the property to allow greater accessibility.

## ARE THERE OTHER PROTECTIONS FOR SERVICEMEMBERS?

The Servicemember Civil Relief Act (SCRA) provides protections for active-duty members of the military. The SCRA protects servicemembers from default judgment entry. This means that if a defendant does not appear in court, there must be some process to determine if they are a servicemember before a judgment can be entered against them. In eviction proceedings, this means that a landlord must provide an affidavit stating that the tenant is not a servicemember or they are not sure.

Additionally, the SCRA allows courts to postpone an eviction hearing for a servicemember for up to 3 months if it can be proven that military service impacted the servicemember's ability to pay rent. A servicemember must ask for this postponement, which in legal terms is known as a "stay of the proceeding." It is important to note that the SCRA does not provide protections against material breaches of the lease.

