



GUIDE TO FAIR HOUSING FOR TENANTS



ABOUT

The Fair Housing Resource Center, Inc. (FHRC) is a 501(c)(3) non-profit organization that offers several housing programs that benefit residents of Lake County, Ohio and surrounding communities. The mission of Fair Housing Resource Center is to promote equal housing opportunities for all persons and to advocate for fair housing and diversity in Lake County and surrounding communities through the education and involvement of the public, the governments, and the business community.

FHRC operates a fair housing intake complaint service for victims of housing discrimination. FHRC is a Housing Counseling Agency certified by the U.S. Department of Housing and Urban Development and provides homeownership counseling such as financial literacy counseling, foreclosure prevention, pre-purchase homebuying home financing and repairs.



Fair Housing Resource Center, Inc.

1100 Mentor Avenue
Painesville, Ohio 44077
Phone: 440-392-0147
Fax: 440-392-0148
www.fhrc.org



TABLE OF CONTENTS

Introduction.....	4
Fair Housing.....	5
The Basics of Fair Housing.....	6
Fair Housing & Disability.....	11
Reasonable Accommodation..	13
Reasonable Modification.....	15
Service & Assistance Animals..	16
Q & A.....	19
Conclusion.....	20





INTRODUCTION

The purpose of the **Guide to Fair Housing for Tenants** is to assist tenants with a basic understanding of the Fair Housing Act. This guide offers a comprehensive, easy-to-follow outline of Fair housing.

This guide is to be used as an educational resource and is not intended to provide legal advice. This guide is intended to help provide some basic education on housing matters so you may have a better understanding of your housing rights.

If you do need legal assistance, please contact Fair Housing Resource Center, Inc., your local Bar Association or contact a private attorney. If you are facing an eviction, repair issue or are a victim of housing discrimination, please contact our office at 440-392-0147.

This publication was supported with funding under a grant from the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication.

FAIR HOUSING



THE BASICS OF FAIR HOUSING

The struggles to implement Fair Housing Laws in America have arisen and boiled over since the mid-1800's. It was not until the Civil Rights movement of the 1960s that any real change occurred. The first two attempts to address discrimination in housing were the Rumford Fair Housing Act of 1963 and the Civil Rights Act of 1964. However, the really groundbreaking legislation was the Fair Housing Act of 1968 which was passed one week after the assassination of Martin Luther King, Jr.

Here is a Timeline of Federal Fair Housing Laws:

Civil Rights Act of 1866

Federal law that prohibits all discrimination on the basis of Race only

Civil Rights Act of 1964

Federal law prohibits discrimination in any housing program receiving federal money on the basis of Race, Color, National Origin

Civil Rights Act of 1968 (Fair Housing Act)

Federal law that prohibited discrimination in housing on the basis of Race, Color, National Origin & Religion



THE BASICS OF FAIR HOUSING

Housing and Community Development Act of 1974

The federal law that prohibits discrimination in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program on the basis of Race, Color, National Origin, Religion, Sex

Fair Housing Amendments Act of 1988

Federal law adding to the provisions of the Fair Housing Act to prevent discrimination on the basis of Race, Color, National Origin, Religion, Sex, Disability, Familial Status

Americans With Disabilities Act of 1990

Federal law that prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities.

Who is Protected by the Fair Housing Act

The Fair Housing Act prohibits discrimination in housing based on the following seven factors:

- Race or Color (refers to whether a person is White, Black/African American, Asian, American Indian or Alaska Native, or is a Native Hawaiian or Pacific Islander. (Color speaks to the color of one's skin)
- National Origin (refers to a person's birthplace, ancestry, ethnicity, or cultural background)
- Religion (refers to both the practice or non-practice of religion such as atheism, or religious affiliations that are outside the mainstream religious organizations)
- Sex (including gender, gender identity, sexual orientation, and sexual harassment)
- Familial Status (refers to having children under 18 in a household, including expecting women)
- Disability (those individuals with mental or physical impairments which substantially limit one or more major life activities)



THE BASICS OF FAIR HOUSING

In order to understand how the Fair Housing Act works, you must know the following:

- The protected classes
- The types of transactions covered
- The prohibited act

Let's start with the protected classes! Are you a part of a protected class?

Fair Housing Protected Classes

The Fair Housing Act prohibits discrimination in housing based on the following seven factors:

- Race
- Color
- Religion
- National Origin / Ancestry
- Sex
- Familial Status (those having children under 18 in a household, including expectant mothers)
- Disability
- Military Status - Ohio

What Types of transactions are covered?

The Fair Housing Act covers various types of housing-related transactions including:

Sale or Rental of Housing: This includes the sale or rental of housing or residential properties. It prohibits discrimination based on race, color, religion, sex, disability, familial status, or national origin.

Advertising: The Act prohibits discriminatory advertising related to housing. Advertisements for housing should not indicate any preference, limitation, or discrimination based on protected characteristics.

Financing: Discrimination in the provision of loans, mortgage lending, or other financial assistance related to housing is also prohibited under the Fair Housing Act.



THE BASICS OF FAIR HOUSING

Appraisal: The Act prohibits discrimination in property appraisal practices. Appraisals should be conducted without regard to the race, color, religion, sex, disability, familial status, or national origin of the individuals involved.

Brokerage Services: Real estate agents and brokers must adhere to fair housing laws, ensuring that their services are provided without discrimination based on protected characteristics.

Residential Real Estate Transactions: This includes all transactions related to residential real estate, such as the purchase, sale, rental, or financing of properties intended for residential use.

Discriminatory Practices: The Act also covers other discriminatory practices related to housing, such as steering individuals to specific neighborhoods based on protected characteristics, providing different terms or conditions based on protected characteristics, or retaliating against individuals who assert their fair housing rights.

Overall, the Fair Housing Act aims to ensure that all individuals have equal access to housing opportunities and are protected from discrimination in all aspects of the housing process.

Specifically, what is prohibited?

In the Sale and Rental of Housing

- Refusal to rent or sell, negotiate, or otherwise make available housing
- Apply different conditions, terms or privileges for the sale or rental of dwelling
- Harassment of tenants
- Falsely deny that housing is available for inspection, rental or sale
- Provide a person with different housing services or facilities
- Impose different sales prices or rental fees, use different qualification criteria or applications for the sale or rental of a dwelling
- Create, publish or print any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination
- Failure to complete, or delay the performance of repairs or maintenance

In Mortgage Lending

- Refusal to make a mortgage loan or provide other financial assistance for a dwelling
- Refusal to provide information regarding loans
- Impose different conditions or terms on a loan, such as different interest rates, points or fees
- Discriminate in appraising a dwelling
- Refuse to purchase a loan

THE BASICS OF FAIR HOUSING

Common Violations to the Fair Housing Act

Marketing Practices

Landlords need to be mindful that marketing materials should only be used to showcase “property features” and amenities, and not contain adjectives or words to outline screening requirements. For example, landlords should not use phrases like “great for elderly couples” as this could be construed as discriminatory against younger single people. Further do not use location references such as “Hispanic neighborhood”. It is good practice to use your Fair Housing logo in all your marketing materials.

Eviction

Tenants often fall victim to Fair Housing violations when it comes to tenant screening. Questions on the application should not ask about physical or mental disabilities, religious background, race or familial status.

Blockbusting

The use of prejudice to instill fear, or panic in order to motivate individuals in a particular area or neighborhood to sell or dispose of their property because of the entrance, or potential entry, of a protected class.

Steering

Using racial, ethnic, or religious criteria in suggesting, recommending, and/or influencing individuals regarding locations for the purchase or rental of a single-family residence or rental dwelling

Occupancy

Landlords need to be mindful of how they market rental occupancy, for instance if a landlord states they can only rent to a family of four because a unit is only two bedrooms, this could be discriminating based on familial status. Landlords need to know the different occupancy limits based on whether individuals are related or unrelated.

Housing Discrimination and Persons Identifying as LGBTQ

A person who identifies as LGBTQ who has experienced (or is about to experience) discrimination may file a complaint with HUD. HUD is committed to investigating violations of the Fair Housing Act against all individuals regardless of their sexual orientation or gender identity.

Sexual Harassment

Sexual Harassment in housing is a form of sex discrimination prohibited by the Fair Housing Act. There are two main types of sexual harassment:

1. Quid Pro Quo - ie. sexual favor for rent;
2. Hostile Environment - unwanted sexual conduct. ie touching, comments, sexting

Redlining

The refusal of lending institutions to make loans for the purchase, construction, or repair of a dwelling because the area in which the dwelling is located is integrated or populated by culturally diverse people.

Rights of Persons with Limited English Proficiency

Under Title VI of the Civil Rights Act of 1964 and the U.S. Supreme Court, recipients of federal financial assistance are required to take reasonable steps to ensure access to their programs and activities by limited English proficient (LEP) persons. Additionally, the Fair Housing Act prohibits national origin discrimination therefore a housing provider may not impose less favorable terms or conditions on a group of residents of a certain national origin by taking advantage of their limited ability to read, write, speak or understand English.

A person wearing a blue shirt is working on a bicycle wheel. The background is a blurred green field. A dark teal banner with white text is overlaid on the image. The text reads "FAIR HOUSING & DISABILITY".

FAIR HOUSING & DISABILITY

FAIR HOUSING & DISABILITY

This section is dedicated to understanding Disability Discrimination under the Fair Housing Act (FHA). In this section, we delve into the crucial provisions of the FHA aimed at preventing discrimination against individuals with disabilities in housing-related transactions. By familiarizing ourselves with the protections afforded by the FHA, we can ensure that all individuals have equal access to housing opportunities, regardless of disability.

Disability Discrimination

A provider cannot discriminate in the terms, conditions, or privileges of the sale/rental of housing accommodations to any person, or in the provision of services/ facilities to any person in connection with the housing accommodations because of a disability of any of the following:

- Make an inquiry as to the nature or severity of an individual's disability.
- Refuse to grant a reasonable accommodation/ modification.
- Otherwise deny or make housing unavailable.

Definition of Disability: Federal laws define a person with a disability as "Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment."

Rights for Disabled Individuals:

It is unlawful for a housing provider to refuse to rent or sell to an individual due to a disability. A housing provider may not impose different application or qualification criteria, rental fees or sales prices, and rental or sales terms or conditions than those required of or provided to persons who are not disabled.

Even if a landlord does not refuse to rent to you, the housing provider may still violate the Fair Housing Act by asking illegal questions about your disability.

What Can Be Asked?

The following inquiries may be made of all applicants for the sale/rental of housing accommodations, regardless of whether they have disabilities:

- An inquiry into an applicant's ability to meet the requirements of tenancy (i.e. yard maintenance)
- An inquiry to determine whether an applicant is qualified for housing accommodations (i.e. income)
- An inquiry to determine whether an applicant currently uses a controlled substance
- An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense (i.e. misdemeanor, felony)

REASONABLE ACCOMMODATIONS

What Are Reasonable Accommodations?

A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling, unit, or common place. A housing provider may not refuse to rent to an otherwise qualified individual with a mental disability because he or she is uncomfortable with the individual's disability. Denying a change in rules, policies, practices, and services would be a direct violation of the Fair Housing Act because it denies a person housing solely based on their disability.

Making A Request

The tenant is responsible for making the request, and it is recommended that the request be made in writing—e.g., a letter or email. You may need to supply supporting documentation proving the disability. A request must be related to your disability and can be made at any time.

What To Do If A Request Is Denied

There are only two reasons a housing provider may deny a request for a reasonable accommodation:

- The request creates an undue financial and administrative burden; and/or
- The request would fundamentally alter the nature of the provider's operations.
- If this happens, you may want to contact an attorney or housing advocate to determine if your request is unreasonable.

What exactly is the difference between a reasonable accommodation and a modification?

Under the Fair Housing Act, a reasonable modification is a structural, physical change made to the premises, whereas a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service, such as providing an alternate method of rent payment delivery or agreeing to a longer move-out period at the end of tenancy due to the disability. See the examples on the next page

REASONABLE ACCOMMODATION EXAMPLES

Example 1

A housing provider has a policy of providing unassigned parking spaces to residents. A resident in a wheelchair requests an assigned accessible parking space close to the entrance to her unit. There are accessible parking spaces near the entrance to her unit, but those spaces are available to all residents on a first-come, first-served basis and are often not available. Here, the provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.

Example 2

A housing provider has a "no pets" policy. A tenant who is deaf requests that the provider allow him to keep a service dog in his unit as a reasonable accommodation. The tenant explains that the dog will alert him to several sounds, including knocks at the door, sounding of the smoke detector, the telephone ringing, and cars coming into the driveway. The housing provider must make an exception to its "no pets" policy to accommodate this tenant. Strictly speaking, a service animal cannot be considered a pet under such a policy, but the recognition of that service role and exemption of the animal from the pet policy is still an accommodation of the disability.

Can a Housing Provider deny a request for an accommodation without violating the Act?

Yes. A housing provider can deny a request for a reasonable accommodation if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation. In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable.



REASONABLE MODIFICATION

What are reasonable Modifications?

A reasonable modification is a structural modification that is made to allow persons with disabilities the full enjoyment of the housing and related facilities. Examples of the above would be the installation of a ramp into a building or grab bars in a bathroom. Home modifications are usually made at the tenant's expense. As a housing provider, you may request the following:

- Change the plans
- Require insurance
- Dictate the contractor
- Dictate the type of construction
- Condo, Co-operative and HOAs
- Cannot require removal of any modification in owner's unit
- Cannot require removal of any modification in a public or common use area

Can a reasonable modification be denied?

There are four classes of situations in which a request may legitimately be denied.

- The first is where granting the request would fundamentally alter the entity's services, programs, or activities.
- The second is where granting the request would create a direct threat to the health or safety of others.
- The third is where without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose.
- The fourth, which applies only to recipients of Federal financial assistance, is where granting the request would cause an undue financial and administrative burden.



ASSISTANCE ANIMALS

Types of Assistance Animals

Any animal that is recommended to a disabled individual in order to help with his or her disability is an assistance animal. These animals are often referred to as service animals, work animals, therapy pets or companion pets. Although the lingo may be confusing, it is best to know at least the following categories of assistance animals:

- Animals for the physically-impaired;
- Guide dogs,
- Seizure-alert animals,
- Balance support animals
- Animals for mentally disabled or elderly;
- Therapy animals or companion animals



What is a Service Animal?

Under the ADA, “service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.”

What are Some Examples of Work, Tasks, Assistance, and Emotional Support?

Some examples of work and tasks that are commonly performed by service dogs include:

- Assisting individuals who are blind or have low vision with navigation and other tasks,
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- Providing non-violent protection or rescue work,
- Pulling a wheelchair,
- Alerting a person with epilepsy to an upcoming seizure and assisting the individual during the seizure,

ASSISTANCE ANIMALS

What Types of Assistance Animals Qualify?

The Fair Housing Act does not specify any particular type of animal in order to qualify as an assistance animal. Assistance animals could be dogs, cats, birds, fish, rabbits, etc. The Act is also silent with respect to breed, weight, and size. Assistance animals are not only exempt from “no pet policies” but also from pet restrictions. Examples: “No Pets Allowed,” “Cats Only,” “Small Animals Under 35 lbs.” A disabled individual shall not be charged a pet deposit or other monthly charge for merely keeping and housing an assistance animal.

What Assistance Animals Do....

Assistance animals are recommended to serve a full spectrum of disability-related needs, such as visual, audio, and mobility impairments. However, it is becoming increasingly common for individuals with mental illness or developmental impairments to use assistance animals as a form of alternative therapy.

A seeing-eye dog is an assistance animal that most people recognize. However, there are many more diverse uses for an assistance animal. For example, a therapeutic assistance animal may be recommended for an individual who suffers from anxiety or depression. Therapeutic assistance animals serve to aid the symptoms of a disability in a similar manner as conventional medicine or counseling.

Validating The Assistance Animal

An individual's decision to utilize an assistance animal instead of receiving a different form of therapy or medication is the private decision between the individual and his or her healthcare provider.

However, the individual and the animal must satisfy all three of the following key requirements in order to be protected under the Fair Housing Act:

1. The individual must have a disability as defined by the Act;
2. The animal must serve a need that is directly related to the disability; and
3. The request to have the animal must be reasonable.

Not all disabled individuals are required to provide documentation to support their disability. The only time that documentation can be requested is when the disability is not obvious or apparent. A housing market professional will ask the disabled individual for documentation to support the disability, as it is defined by the Act, and the need for the assistance animal.

ASSISTANCE ANIMALS



Individuals with assistance animals should be prepared to gather supportive documentation from their physician, therapist, counselor, or other healthcare professionals. A disabled individual does not need to reveal the

- nature or severity of the disability, and it is
- unlawful for a housing provider to ask for such information

NOTE: Documentation from the Internet - Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known. In HUD's experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal.

A Moment of PAWS and Reflection...

Key points in determining the fair housing protection, rights, and responsibilities of individuals with assistance animals:

- Assistance animals serve to help individuals with physical AND mental impairments.
- Assistance animals are exempt from standard "no pet" policies and pet restrictions.
- Permission to house and keep an assistance animal may be requested as a reasonable accommodation.
- The need for an assistance animal must be documented by a physician, therapist, or other healthcare professional.



Q & A

What Type of Housing is Covered?

The Fair Housing Act covers most housing. In some situations, owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members are exempt.

Who qualifies as a person with a disability under the Act?

The Act defines a person with a disability to include, (1) individuals with a mental or physical impairment that substantially limits one or more major life activities, (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment

Who must comply with the Fair Housing Act's reasonable accommodation requirements?

Courts have applied the Act to individuals, corporations, associations, and any others involved in the provision of housing and residential lending, including property owners, housing managers, homeowners and condominium associations lenders, real estate agents, and brokerage services. Courts have also applied the Act to state and local governments, most often in the context of exclusionary zoning or other land-use decisions.



CONCLUSION

The Guide to Fair Housing for Tenants has given you the information you need to navigate the basic process of either renting or buying a home. It cannot answer every question or address every situation you may encounter as part of your housing journey. Whether renting or buying, however, the most important things to remember are:

- Communication! Communicate clearly and regularly with your landlord; communicate with your real estate agent, underwriter, inspector, and any other members of your team.
- Budgeting! Keep your household finances in good order and review to determine how best to address your budget goals, debt reduction, and credit score for your particular housing needs.
- Planning! Buying a home, or even moving to a new rental, requires planning ahead, identifying your goal, and developing a system to achieve it, then sticking to it. This is not only budgeting, but, for instance, being aware of the notice requirements to end your lease or application deadlines for down payment assistance programs.

Of course planning can't solve everything, and sometimes the unexpected strikes. Whether you suffer a setback in securing a loan or discover too late that your neighbors are not friendly, you will certainly find yourself with novel situations and new questions. Call FHRC to speak to a Housing Counselor or a Mortgage Counselor or to discuss concerns about Fair Housing or repair issues with your landlord. We can direct you to help or provide assistance with your situation, depending on what you need. Best of luck on your housing journey!



Fair Housing Resource Center ,Inc.

1100 Mentor Avenue,
Painesville, Oh 44077
Website: www.fhrc.org
Email: info@Fhrc.org
Phone: 440-392-0147





Fair Housing Resource Center, Inc.
1100 Mentor Avenue
Painesville, Ohio 44077