

**The Fair Housing Act:
Rights and Remedies**

Fair Housing Law Center

Southwestern Pennsylvania Legal Services
10 West Cherry Ave.
Washington, PA 15301
877-725-4472

The Fair Housing Act

What is Fair Housing?

**Is This Unlawful
Discrimination?**

A landlord always performs credit checks on African-American and Hispanic applicants, but does not always perform credit checks on Caucasian applicants.

Who Is Protected?

◊ The Protected Classes:

- ◊ Race
- ◊ Color
- ◊ National Origin
- ◊ Religion
- ◊ Sex
- ◊ Familial Status
- ◊ Disability

Is This Unlawful Discrimination?

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Familial Status

- ◊ A family in which one or more children under age 18 live with:
 - ◊ A parent
 - ◊ A person who has legal custody of the child or children
 - ◊ The designee of the parent or legal custodian with the parent or custodian's permission
- ◊ Also applies to pregnant women and anyone securing legal custody of child under 18

Is This Unlawful Discrimination?

A Landlord observes a prospective tenant talking to herself and assumes she has a mental illness. The Landlord falsely tells her that there are no vacancies.

Disability

o A Person is considered disabled under the Act if:

- o He or she has a physical or mental impairment that substantially limits one or more major life activities;
- o He or she has a record of such a disability OR
- o He or she is regarded as having such a disability

What's Covered?

- o Renting
- o Selling
- o Lending
- o Insuring
- o (All Areas Connected With Residential Housing)

Is This Unlawful Discrimination?

Owner occupies one half of a duplex. The owner has only ever rented to Caucasian applicants and has denied all others.

Renting

- o Who may be liable?
- o What properties are covered?

Selling/Buying

- o Who may be liable?
- o What properties are covered?

Mortgage and Insurance Issues

- o Mortgage
- o Refinance
- o Home Equity
- o Loan Modifications
- o Appraisals
- o Decisions on Applications
- o Rates and Fees
- o Renter's Insurance
- o Homeowner's Insurance

Is This Unlawful Discrimination?

An apartment is available for \$500 per month. A female tenant is interested in the apartment and tells the landlord she can only afford \$450. The landlord agrees to rent to her and tells her she can make up the additional \$50 by "fooling around with him."

Examples of Discrimination

- o Landlord tells prospective tenant "I don't rent to Muslims."
- o A Landlord refuses to rent to any Male with any criminal conviction, but rents to any Female regardless of any criminal conviction.
- o Newspaper Advertisements that say "Adults Preferred" or "No Children", or "No Catholics."
- o An Asian immigrant who has a noticeable accent calls in response to a rental ad. The property manager tells him that the house he wants to see is already taken. Later the immigrant learns that the house was always available.

Examples of Discrimination

- Landlord allows Tenant to have an emotional support animal, however shortly thereafter attempts, without cause, to evict the Tenant.
- A tenant assists a neighbor in filing a housing discrimination complaint. The Landlord then threatens to evict that tenant.
- A local zoning board denies a zoning variance that would have allowed a Group Home, for people with disabilities, to move into a residential neighborhood.
- A Property Manager in a predominantly White neighborhood tells a Hispanic prospective tenant that they have another building that he may prefer, which is in a predominantly Hispanic neighborhood.

Coverage Specific to Persons with Disabilities

- Reasonable Modification
- Reasonable Accommodation
- Design Requirements

Is This Unlawful Discrimination?

A prospective tenant uses a service animal. The landlord agrees to rent to her and service animal, however he tells her that there will be an extra \$50.00 security deposit as well a \$10.00 per month pet fee.

**Reasonable
Accommodation**

- o Reasonable
- o Necessary
- o Required Documentation

- o Procedure

**Is This Unlawful
Discrimination?**

Tenant, renting a house, requests the Landlord to provide a ramp. Landlord agrees provided that Tenant pays for the ramp.

**Is This Unlawful
Discrimination?**

A Tenant, in a Housing Authority property, requests that they provide a ramp. Housing Authority agrees provided that the Tenant pays for the ramp.

Reasonable Modification

- o Reasonable
- o Necessary
- o Required Documentation
- o Responsibilities

Design Requirements

- o An accessible building entrance on an accessible route.
- o Accessible public and common use areas.
- o Usable doors (usable by a person in a wheelchair).
- o Accessible route into and through the dwelling unit.
- o Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
- o Reinforced walls in bathrooms for later installation of grab bars.
- o Usable kitchens and bathrooms.

Is This Unlawful Discrimination?

A tenant requests a walk in bathtub from her private landlord. He agrees to allow her to install the bathtub provided she restore the original bathtub at move out.

What Can I Do?


- o Action must be taken promptly:
 - o Complaints
 - o Pennsylvania (PHRC): 180 Days
 - o Federal (HUD): One Year
 - o Civil Lawsuit
 - o Pennsylvania: Two Years
 - o Federal: Two Years

What Can Happen?

- o I could get my eviction stopped and be able to stay in my home.
- o I could get the housing I want.
- o I could get the modification or accommodation I asked for.
- o I could get a policy change that would help others too.
- o I could get compensated for out of pocket expenses and humiliation, etc.

How To Contact HUD

- o Pittsburgh FHEO Field Office
Moorhead Federal Building, 10th Floor
1000 Liberty Avenue
Pittsburgh, PA 15222
(412) 644-6970
- o Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
Room 5204
451 Seventh Street SW
Washington, D.C. 20410-2000
1 (800) 669-9777



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