The Fair Housing Act
FACT SHEET

The Fair Housing Act prohibits discrimination in the sale, lease, or rental of housing and any aspect of a credit application because a person is a member of one or more of the following protected classes:

- **Race**
- **Color**
- **National origin**
- **Religion**
- **Sex**
- **Disability**
- **Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)**
- **Creed, Marital Status, Age, Sexual Orientation, Gender Identity, Source of Income (Covered by State Law only).**

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 real estate broker, housing that is intended for those age 55 or over, and housing operated by organizations and private clubs that limit occupancy to members.

WHAT IS PROHIBITED?

Sale and Rental of Housing: No one may take any of the following actions based on person's membership in a protected class:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental or
- For profit, persuade owners to sell or rent (Blockbusting).

Mortgage Lending: No one may take any of the following actions based on a person's membership in a protected class:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property
- Refuse to purchase a loan
- Set different terms or conditions for purchasing a loan

Other Protections: It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Advertise or make any statement that indicates a limitation or preference based on a protected class (e.g., "No Children"). This prohibition against discriminatory advertising also applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

DISABILITY PROTECTION:

If you or someone associated with you have:

- A physical or mental disability (including hearing, mobility and visual impairments, chronic mental illness, AIDS, drug addiction (other than addiction caused by current, illegal use of a controlled substance and alcoholism)

that substantially limits one or more major life activities or the disability of anyone associated with them.
- A record of such a disability or being regarded as having such an impairment.

Then, your landlord may not:

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (When reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled 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 New Buildings

In buildings that are 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:
    - An accessible route into and through the unit
    - Accessible light switches, electrical outlets, thermostats, and other environmental controls
    - Reinforced bathroom walls to allow later installation of grab bars and
    - Kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 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 live with:

- 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.
- It is occupied solely by persons who are 62 or older.
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates an intent to house persons who are 55 or older.