

Fair Housing

Knowing your Rights and Responsibilities in Fair Housing

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Today's topics:

- Fair Housing Law
- Examples of Discrimination
- Disparate Impact
- Exemptions



Fair Housing

Know Your Rights



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- Federal: Fair Housing Act of 1968, Section 504, Rehabilitation Act of 1973
- Pennsylvania Human Relations Act
- Protected Classes
 - Race
 - Color
 - Religion
 - National Origin
 - Sex (Including Sexual Orientation & Gender Identity)
 - Familial Status
 - Disability
 - Age (over 40)*
 - Ancestry*
 - Sexual Orientation and Gender Identity*
- *Protected at the state level
- Many localities have their own Fair Housing ordinances



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Examples of Discrimination

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Examples

- Refusing to rent or sell housing
- Refusing to negotiate for housing
- Making housing unavailable
- Denying a dwelling
- Setting different terms, conditions, or privileges for sale or rental of a dwelling

- Provide different housing service or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- Steering
- Blockbusting
- Refusing to make reasonable accommodation or modification



Examples of Illegal Advertising

- No Kids
- Perfect for single or couple
- Christian home
- Apartment not suitable for persons with disabilities
- Italian neighborhood
- Great for retired couple or young professional
- Mature adults preferred



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Handicap/Disability

Does NOT Include:

- Current illegal substance abusers
- An individual who poses a “direct threat” to the **health and safety** of others
- An individual whose tenancy would result in substantial physical damage to the **property** of others

Under Fair Housing Laws, people with handicaps or disabilities have the right to request **Reasonable Modifications** and/or **Reasonable Accommodations** in order to be able to fully use and enjoy their housing.

Reasonable Accommodations and Modifications

Reasonable modification:

- *alteration of the physical characteristics of the premises to make the premises accessible*
- *e.g. handrails, grab bars, lowering countertops or cabinets*

Reasonable accommodation:

- *adaptation of the policies, procedures, or rules in order to ensure equal opportunity to enjoy the premises*
- *e.g. support animals, parking spaces, additional keys for aides*



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Assistance Animals

- This term includes both service animals and emotional support animals
- A tenant should get documentation from medical/mental health provider regarding their need for the assistance animal and submit a reasonable accommodation request
- The housing provider may require the tenant to fill out a form
- The housing provider may not require the tenant to disclose personal medical information – only the disability-related need for the animal
- The housing provider may not charge any additional fees, deposit, or rent for the animal and the animal is not subject to breed restrictions under pet policies
- There are no breed restrictions for service or emotional support animals, even if the insurance company says otherwise.



Disparate Impact

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Fair Housing & Criminal Records

- Landlords may require a background check
- Recent federal guidance requires landlords to take into consideration:
 - The nature & severity of the crime
 - How old the record is
 - Rehabilitative efforts since the conviction
- This is required because “blanket bans” on people with criminal records can have a disparate impact on people in protected classes
- Determinations cannot be made on arrest records alone for the same reason
- Criminal background is not necessarily indicative of whether or not someone will be a good tenant



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Source of Income

- Wages, SSI, SSD, Child Support, Alimony, Welfare Assistance, Veteran's Benefits, Survivor Benefits, Vouchers
- Source of Income is not a protect class, Federally or at the State level
- In PA there are some municipalities that do protect Source of Income; Lancaster County does not.
- Be careful:
 - Denying child support could be discrimination based on Familial Status
 - Denying SSD/SSI could be discrimination based on Age or Disability



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Occupancy Limits-Familial Status

- HUD does recognize that property managers can set occupancy limits but gives guidance on flexibility.
 - Does the unit have large bedrooms?
 - Does the unit have a den, or office space that can't be classified as a bedroom but would be able to be used as one?
 - What laws do local municipalities have regarding occupancy limits?



Nuisance Ordinances

- Nuisance ordinances are often implemented to reduce problematic behavior. Depending on how they are designed and implemented, there can be fair housing violations
- If a landlord is required to evict a tenant after a certain number of emergency calls, that can jeopardize housing for victims of domestic violence , which are predominately women.
- Some ordinances may have overly broad definitions that would require landlords to evict tenants on arrest alone, not a conviction
- These ordinances must be carefully reviewed to ensure that they serve only legitimate non-discriminatory purposes, and that the implementation does not disproportionately affect members of protected classes



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Exemptions To Fair Housing Laws

Single family residence

- Sale or rental of a single-family home
- Owner does not own or have interest in more than 3 single-family homes at any one time
- Does not use the services of a real estate agent or broker
- “A man’s home is his castle”
- This is a federal exemption, but does not apply to PA Human Relations Act

Housing for older persons (familial status):

Policies and procedures demonstrate an intent to provide housing for persons 55 and over

Ms. Murphy’s exemption:

- Owner-occupied dwelling that includes housing for no more than 4 families living independently.
- Under PA Human Relations Act, this exemption only applies to housing with 2 or fewer units.
- Race and color are not exempt

Religious organizations can show a preference for members of their religion if

- Not operated for profit
- Religion not limited by race, color, or gender
- No Exemptions if using a professional advertising agency
 - ✓ ex. Property management company



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Rental Advantage Course

- Eight-hour comprehensive course on how to be a good renter
- From gathering documents to dealing with Eviction
- Flexible schedule, two hours of at-home work
- Certificate at completion of course



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Questions?