

The Fair Housing Act

It's Not Just Your Right...
It's the Law!



Presented by:

The Fair Housing Continuum, Inc.



A private non-profit 501 (c)(3), fair housing enforcement agency



Mission of FHC



- To ensure equal housing opportunity and eliminate discrimination in Florida.



Overview



- Civil Rights Act of 1968 - Title VIII (Fair Housing Act)
- Fair Housing Act as Amended – 1988
- Areas Covered Under the Act
- Prohibited Practices
- Reasonable Modifications & Accommodations
- Exemptions
- Filing a Fair Housing Complaint
- Who to Contact



The Civil Rights Act of 1968

Title VIII—The Fair Housing Act



- It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the nation.



The Fair Housing Act-

Protected Categories



- Race
- Color
- National Origin
- Religion
- Sex (1974)



Fair Housing Amendments Act of 1988



- Was enacted to strengthen the administrative enforcement provisions of Title VIII.
- Provides for the award of monetary damages where discriminatory housing practices are found.
- Added familial status and disability as protected classes.



Familial Status - Defined



1. The presence of one or more children under the age of 18 living with a parent or legal custodian or their designee;
2. Pregnancy; or
3. A person adopting or securing legal custody of a child under the age of 18.



Familial Status



- The Fair Housing Amendments Act of 1988 provides provisions that allows “housing for older persons” be exempt from *familial status* only.



Disability - Defined



1. A person who has a physical or mental impairment that substantially limits one or more major life activities;

“major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.



Disability - Defined



1. A person who has a physical or mental impairment that substantially limits one or more major life activities;
2. has a record of such impairment; or
3. is regarded as having such an impairment.



Landlord/Tenant vs. Fair Housing



- To establish a discriminatory practice under Federal (Title VIII-Fair Housing Act) and State law (Florida Statute 760); the complainant must be able to establish that a protected category (*race, color, religion, national origin, sex, familial status or disability*) of the Act was violated.



Additional Categories Protected by Law

- Marital status
- Sexual orientation
- Source of income
- Age
- Military
- Occupation
- Political affiliation
- Personal appearance
- Family responsibilities
- Ancestry
- Place of business or residence

States, counties, cities and towns.



Areas covered under the Act



- Sale and rental of a dwelling
- Mortgage Lending
- Real Estate Advertising
- Homeowners Insurance
- Property Appraisals
- Vacant Land Use
- Newly Constructed Multifamily Dwellings



Prohibited Practices



- Refuse to sell or rent a dwelling after a bona fide offer has been made, or refuse to negotiate for the sale or rental of a dwelling.
- Make housing unavailable when it is available.
- Set different terms, conditions, or privileges for the sale or rental of a dwelling.
- Provide different housing services or facilities.



Prohibited Practices



- Advertise a preference, limitation, or anything discriminatory against a protected group.
- Steer you to certain apartments or homes.
- Refuse to provide information regarding mortgage loans, deny a mortgage loan, or impose different terms or conditions on a mortgage loan.



Prohibited Practices



- Deny you insurance or impose different terms or conditions on homeowners insurance.
- Conduct property appraisals in a discriminatory manner.
- Fail to design and construct certain multifamily dwellings in accordance with the fair housing accessibility requirements.



Prohibited Practices



- Harass, coerce, intimidate, or interfere with anyone exercising their fair housing rights.
- Deny request of certain modifications or refuse to make certain accommodations for persons with disabilities.



Fair Housing Act

Reasonable Modifications and Accommodations
for Persons with Disabilities





Reasonable Modifications



- It shall be unlawful for any person to refuse to permit, at the expense of a disabled person, reasonable modifications of existing premises, if the proposed modifications may be necessary to afford the disabled person full enjoyment of the premises.



Reasonable Modifications



- A landlord may request a tenant provide a description of the proposed modification as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.



Reasonable Modifications



- A landlord may also request the tenant, where reasonable, to restore the interior of the premises back to the condition that existed before the modification.



Examples of Modifications



- Ramps
- Widening doorways
- Repositioning electrical outlets, light switches, thermostats, etc.
- Modifying kitchens and bathrooms
- Installing communication devices



Reasonable Accommodations



- It is unlawful for any person to refuse to make reasonable accommodations in the **rules, policies, practices** or **services** when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling.



Examples of Accommodations



- Reserved parking space
- Relocation of mailbox
- Reminder of tenant obligations
- Request for service animal
- Request for sign language interpreter at condominium association meetings



The Fair Housing Act

Exemptions



Exemptions



- Private clubs (Non-commercial property for members).
- Occupancy standards (Reasonable local, State, or Federal restrictions).
- Drug convictions (Illegal manufacture or distribution of a controlled substance).
- Housing for Older Persons (Qualified).



Exemptions



- Single Family Housing (If owner does not own or have interest in more than three single family houses at any one time; the house is sold or rented without the services of a real estate agent).
- Religious Organizations (Non-commercial property).
- Owner-occupied with no more than four units.



The Fair Housing Act

Filing a Fair Housing Complaint



Filing a fair housing complaint



- A complainant has one (1) year from the date of the alleged act of discrimination to file a complaint.
- A complainant has two (2) years from the date of the alleged act of discrimination to file a civil suit.



You can file your complaint with the . . .



- U.S. Department of Housing and Urban Development, Regional Office, Atlanta, GA.
@ 1-800-440-8091
- Florida Commission on Human Relations
@ 1-800-342-8170
- Orlando Human Relations Commission
@ (407) 246-3449



How to contact FHC



Location:

4760 N. US Hwy. 1, Suite 203, Melbourne, FL 32935

Telephone:

1- 888-264-5619 *or* (321) 757-3532

Fax:

(321) 757-3535

Email:

fairhousing32922@bellsouth.net

Website:

www.fairhousingcontinuum.org



Summary



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Remember!

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right. . .it's the law!



For more information about your fair housing rights,
visit the HUD website @ www.hud.gov

