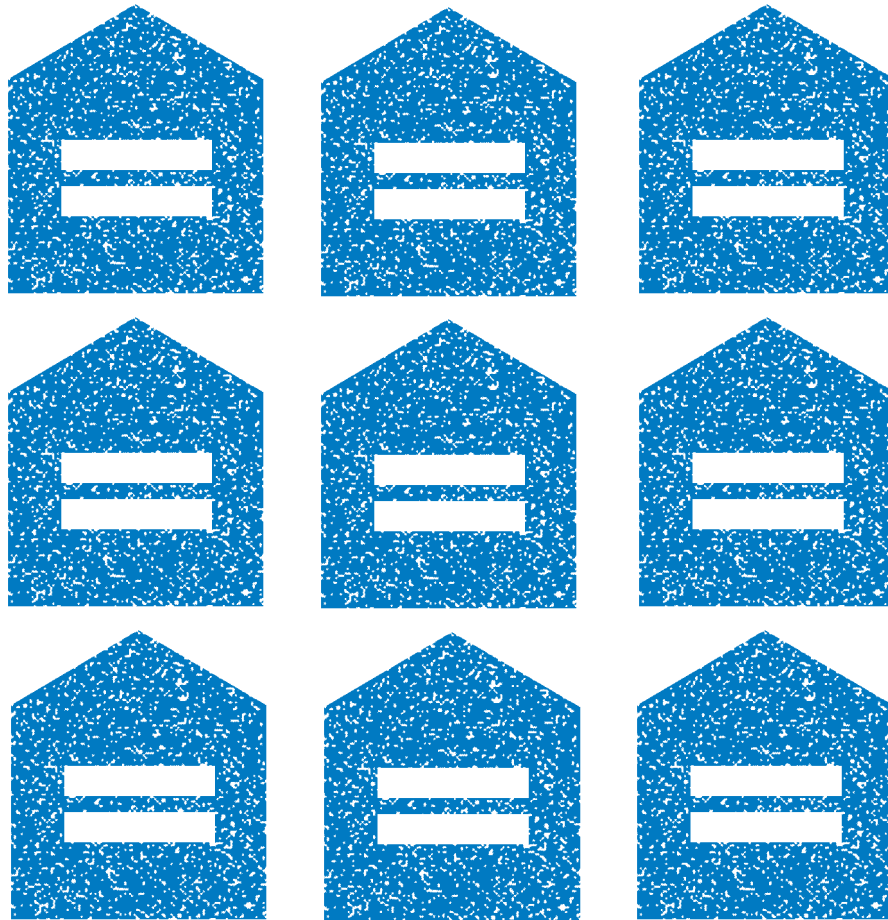




# Fair Housing

It's Your Right

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## **A Message From The Secretary**

When the Fair Housing Act became law 29 years ago, not all Americans could live in the neighborhood of their choice.

Enactment of the law could not resolve America's housing inequalities overnight; but, from that moment on, all those who believe in America's promise of freedom and equality have had a powerful new tool in their struggle for justice.

The Department of Housing and Urban Development and our partners have used the Fair Housing Act to open housing markets all across the country. Its value to people and neighborhoods — and to the nation — has grown with time.

Today, whether housing discrimination is practiced openly or in more subtle ways, it remains a serious problem — and an unworthy reflection on our people and our ideals. But such discrimination cannot withstand the sweeping power of an emerging American consensus: that people of diverse cultures and backgrounds living together generate new energy, new creativity, and an ongoing affirmation of the American Dream.

This emerging consensus is bolstered by the Fair Housing Act — a landmark in America's continuing quest to extend the sacred promises of the Constitution to all our citizens. HUD is proud to enforce this law to help make our country what it can and should be.

This booklet explains your rights. If you feel you have been discriminated against, the Department will respond promptly and thoroughly to your complaint of discrimination. It is our solemn pledge that every American will receive the full protection of the law.

Fair housing is a right for all Americans — the right way for all Americans to live.

Andrew Cuomo

## The Fair Housing Act

The Fair Housing Act prohibits discrimination in housing because of:

- Race or color
  - National origin
  - Religion
  - Sex
  - 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)
  - Handicap (Disability)
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## 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 broker and housing operated by organizations and private clubs that limit occupancy to members.

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## What Is Prohibited?

**In the Sale and Rental of Housing:** No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap (disability):

- 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
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.



**In Mortgage Lending:** No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap (disability):

- Refuse to make a mortgage loan
- Fail 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 or
- Set different terms or conditions for purchasing a loan.

**In Addition:** 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 race, color, national origin, religion, sex, familial status or handicap (disability). This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.
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## **Additional Protection If You Have A Disability**

If you or someone associated with you:

- Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability

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. (Where 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.

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## 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.

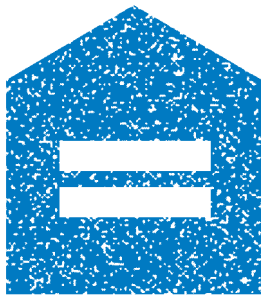
Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.

**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 or
- It is occupied solely by persons who are 62 or older or
- 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.

A transition period permits residents on or before September 13, 1988 to continue living in the housing, regardless of their age, without interfering with the exemption.

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## **If You Think Your Rights Have Been Violated**

HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, you may write a letter or telephone the HUD office nearest you. You have one year after an alleged violation to file a complaint with HUD, but you should file it as soon as possible.

### **What to Tell HUD:**

- Your name and address
- The name and address of the person your complaint is against (the respondent)
- The address or other identification of the housing involved
- A short description of the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the alleged violation

**Where to Write or Call:** Send a letter to the fair housing office nearest you, or if you wish, you may call that office directly. (The direct dial and TTY numbers for the hearing impaired are not toll free.)

*For Connecticut, Maine, Massachusetts,  
New Hampshire, Rhode Island,  
and Vermont:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
Thomas P. O'Neill, Jr.  
Federal Building  
10 Causeway Street, Room 321  
Boston, Massachusetts 02222-1092  
(617) 565-5308  
1-800-827-5005  
TTY (617) 565-5453



*For New Jersey and New York:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
26 Federal Plaza, Room 3532  
New York, New York 10278-0068  
(212) 264-9610  
1-800-496-4294  
TTY (212) 264-0927

*For Delaware, District of Columbia,  
Maryland, Pennsylvania, Virginia,  
and West Virginia:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, Pennsylvania 19107-3380  
(215) 656-0660  
1-888-799-2085  
TTY (215) 656-3450

*For Alabama, the Caribbean, Florida,  
Georgia, Kentucky, Mississippi, North  
Carolina, South Carolina, and Tennessee:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
Richard B. Russell Federal Building  
75 Spring Street, SW, Room 230  
Atlanta, Georgia 30303-3388  
(404) 331-5140  
1-800-440-8091  
TTY (404) 730-2654

*For Illinois, Indiana, Michigan, Minnesota,  
Ohio, and Wisconsin*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
Ralph H. Metcalfe Federal Building  
77 West Jackson Boulevard, Room 2101  
Chicago, Illinois 60604-3507  
(312) 353-7776  
1-800-765-9372  
TTY (312) 353-7143

*For Arkansas, Louisiana, New Mexico,  
Oklahoma, and Texas:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
1600 Throckmorton, Room 502  
Fort Worth, Texas 76113-2905  
(817) 978-9270  
1-800-498-9371  
TTY (817) 978-9274

*For Iowa, Kansas, Missouri, and Nebraska:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
Gateway Tower II  
400 State Avenue, Room 200  
Kansas City, Kansas 66101-2406  
(913) 551-6958  
1-800-743-5323  
TTY (913) 551-6972

*For Colorado, Montana, North Dakota,  
South Dakota, Utah, and Wyoming:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
633 17th Street  
Denver, Colorado 80202-3607  
(303) 672-5437  
1-800-877-7353  
TTY (303) 672-5248

*For Arizona, California, Hawaii,  
and Nevada:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
Phillip Burton Federal Building  
and U.S. Courthouse  
450 Golden Gate Avenue  
San Francisco, California 94102-3448  
(415) 436-8400  
1-800-347-3739  
TTY (415) 436-6594

*For Alaska, Idaho, Oregon,  
and Washington:*

Fair Housing Enforcement Center  
U.S. Department of Housing  
and Urban Development  
Seattle Federal Office Building  
909 First Avenue, Room 205  
Seattle, Washington 98104-1000  
(206) 220-5170  
1-800-877-0246  
TTY (206) 220-5185

*If after contacting the local office nearest you,  
you still have questions—you may contact  
HUD further at:*

U.S. Department of Housing  
and Urban Development  
Office of Fair Housing and Equal  
Opportunity  
451 7th Street, S.W., Room 5204  
Washington, D.C. 20410-2000  
(202) 708-0836  
1-800-669-9777  
TTY 1-800-927-9275

## What Happens When You File A Complaint?



### **If You Are Disabled:** HUD provides:

- A TTY phone for the hearing impaired; see above list for the HUD office *nearest* you.
- Interpreters
- Tapes and braille materials
- Assistance in reading and completing forms

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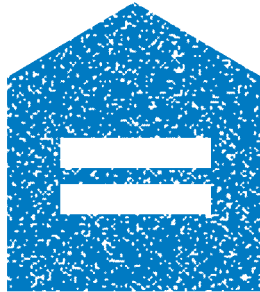
HUD will notify you when it receives your complaint. Normally, HUD also will:

- Notify the alleged violator of your complaint and permit that person to submit an answer
- Investigate your complaint and determine whether there is reasonable cause to believe the Fair Housing Act has been violated
- Notify you if it cannot complete an investigation within 100 days of receiving your complaint

**Conciliation:** HUD will try to reach an agreement with the person your complaint is against (the respondent). A conciliation agreement must protect both you and the public interest. If an agreement is signed, HUD will take no further action on your complaint. However, if HUD has reasonable cause to believe that a conciliation agreement is breached, HUD will recommend that the Attorney General file suit.

**Complaint Referrals:** If HUD has determined that your State or local agency has the same fair housing powers as HUD, HUD will refer your complaint to that agency for investigation and notify you of the referral. That agency must begin work on your complaint within 30 days or HUD may take it back.

### What If You Need Help Quickly?



If you need immediate help to stop a serious problem that is being caused by a Fair Housing Act violation, HUD may be able to assist you as soon as you file a complaint. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur without HUD's intervention
- There is substantial evidence that a violation of the Fair Housing Act occurred

**Example:** A builder agrees to sell a house but, after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with HUD. HUD may authorize the Attorney General to go to court to prevent a sale to any other buyer until HUD investigates the complaint.

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## What Happens After A Complaint Investigation?

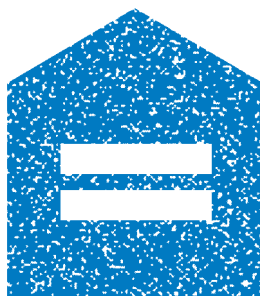
If, after investigating your complaint, HUD finds reasonable cause to believe that discrimination occurred, it will inform you. Your case will be heard in an administrative hearing within 120 days, unless you or the respondent want the case to be heard in Federal district court. Either way, there is no cost to you.

**The Administrative Hearing:** If your case goes to an administrative hearing HUD attorneys will present the case on your behalf. You may intervene in the case and be represented by your own attorney if you wish. An Administrative Law Judge (ALJ) will consider evidence from you and the respondent. If the ALJ decides that discrimination occurred, the respondent can be ordered:

- To compensate you for actual damages, including humiliation, pain and suffering.
- To provide injunctive or other equitable relief, for example, to make the housing available to you.
- To pay the Federal Government a civil penalty to vindicate the public interest. The maximum penalties are \$10,000 for a first violation and \$50,000 for a third violation within seven years.
- To pay reasonable attorney's fees and costs.

**Federal District Court:** If you or the respondent choose to have your case decided in Federal District Court, the Attorney General will file a suit and litigate it on your behalf. Like the ALJ, the District Court can order relief, and award actual damages, attorney's fees and costs. In addition, the court can award punitive damages.

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## In Addition

**You May File Suit:** You may file suit, at your expense, in Federal District Court or State Court within two years of an alleged violation. If you cannot afford an attorney, the Court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

### **Other Tools to Combat Housing Discrimination:**

- If there is noncompliance with the order of an Administrative Law Judge, HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of Appeals.
- The Attorney General may file a suit in Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

### **For Further Information:**

The purpose of this brochure is to summarize your right to fair housing. The Fair Housing Act and HUD's regulations contain more detail and technical information. If you need a copy of the law or regulations, contact the HUD fair housing office nearest you. See list of Fair Housing Enforcement Centers on pages 6-9.

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**U.S. Department of Housing  
and Urban Development**  
Room 5204  
Washington, D.C. 20410-2000

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