

FAIR HOUSING BASICS

What Everyone Needs To Know



Activities of Fair Housing Agencies

Government enforcement agencies:

- Enforcement of fair housing laws
- Technical assistance
- Education and training



Advocacy and education agencies:

- Technical assistance
- Testing
- Fair housing studies



What is Fair Housing ?



Fair housing is the right of all people to be free from discrimination in the rental, sale or financing of housing

Protected Classes

- Race
- Color
- National Origin & Ancestry
- Religion (Creed)
- Sex (Gender)
- Disability
- Familial (Parental) Status
- Marital Status
- Sexual Orientation
- Gender Identity
- Veteran / Military Status
- Age
- Section 8
- Political Ideology

Association

Activities Subject to Fair Housing Laws

- Rental
- Sales
- Lending
- Appraisals
- Insurance
- Advertising
- Coercion, intimidation, threats, interference in the provision of housing



Types of Housing Covered

- Apartments leased or rented
- Condominiums sold, leased or rented
- Houses sold, leased or rented
- Rooming houses
- Shelters, transitional housing
- College residence halls
- Cooperatives
- Mobile home parks
- Housing construction sites
- Empty lots



Who Must Comply?

- Property owners and managers
- Real estate brokers or agents
- Housing developers and contractors
- Mortgage lenders, financial institutions
- Advertising media
- Homeowner associations & condominium boards
- Public housing authorities
- Social service agencies who provide housing
- Maintenance staff
- Outside contractors (plumbing, landscaping, etc)
- Other residents



Advertising Basics

- Fair housing laws cover all rental or sale advertising.
- The Equal Housing Opportunity logo or slogan conveys your fair housing policy to everyone.
- OK to advertise for:
 - families with children
 - people with disabilities
 - Section 8 voucher holders
 - military/veterans



Application & Screening

- Set useful qualification standards
- Establish reasonable application/screening process and apply selection procedures consistently.
- Avoid off-the-cuff judgment calls or stereotyping of applicants.
- Document! Keep a clear paper trail to justify rental decisions.



Application & Screening

- Represent availability accurately and avoid steering!
- Accept applications and negotiate, rent or sell to the first qualified individual.
- Apply deposits, fees, and rents to all applicants, regardless of their protected class.



Race, National Origin and Ancestry Issues

- Avoid questions about citizenship unless there is a business reason to do so
- Apply the same charges to all residents
- Treat residents respectfully and provide prompt services to all



Tenancy Policies and Rules



- Set clear policies and rules (why is each rule needed?)
- Have written policies and rules
- Give a copy to all staff and residents
- Apply rules equally

Harassment

- Sexual harassment
- Harassment due to protected class, such as race, national origin, disability, or sexual orientation

"You want me to fix your stove? ...how bad do you want it, honey?"



Domestic Violence & Fair Housing

- ~90% of the time, women are DV victims
- Neutral "zero tolerance for violence" policies applied equally can adversely impact female DV victims
- Don't assume a DV survivor will bring trouble to the community



Retaliation

An act of harm by a housing provider against an individual because that person asserted his/her fair housing rights, helped someone else to assert fair housing rights, or participated in a fair housing investigation.



Families with Children

Familial Status = Parental Status

- The presence of one or more children under the age of 18 in the household
- Parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child
- Pregnant woman or someone in the process of acquiring legal custody of a child



Families with Children

Housing providers must:

- rent to qualified families with children
- integrate families with children throughout the community
- set rules that don't target children



Housing for Older Persons Act of 1995 (HOPA)

- Housing specifically designed and operated for older persons
- Housing for people who are all 62 or older
- 55+ housing (80% occupancy requirement)
 - Provider must demonstrate intent to serve 55+ population
 - Verification of occupancy
- Can convert to HOPA

Occupancy Standards

Can set reasonable occupancy standards.

HUD: 2-per-bedroom occupancy policy reasonable

Factors to consider –

- Size of bedrooms and unit
- Configuration of unit
- Age of children
- Physical limitations (septic, sewer, etc.)
- State or local laws

Occupancy Standards – King County and Seattle example

70 sq. ft. minimum = first 2 people
+ 50 sq. ft. for each additional person

How to Establish an Occupancy Standard:

- Measure
- Find the applicable local code
- Be prepared to substantiate business-related factors



Sexual Orientation

A protected class under state and local fair housing laws – defined as actual or perceived male or female heterosexuality, bisexuality, or homosexuality.



Gender Identity

A protected class under state and local fair housing laws – defined as a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex at birth.



Veterans and Military Status

An honorably discharged veteran or an active or reserve member in any branch of the armed forces of the United States, including the National Guard, Coast Guard, and Armed Forces reserves.



Housing Subsidies/Income Source

Fair housing ordinances that protect people with Section 8 vouchers, other subsidies, and/or alternative sources of income:

- Seattle
- Spokane
- Bellevue
- Redmond
- Kirkland
- Unincorporated King County



People with Disabilities

- Similar treatment
- No harassment
- Disability access for facilities
- Reasonable modifications and accommodations



Accessibility Requirements

- FHA accessible design standards for multi-family housing of 4+ units, built and ready for first occupancy on/after March 13, 1991
- Washington state building code includes FHA & ADA access standards
- See <http://www.fairhousingfirst.org>



Reasonable Modifications

Physical changes to a dwelling or common area, necessary for a resident to use and enjoy these spaces



Reasonable Accommodations

Reasonable accommodations are changes in rules, policies, practices, and the way services are provided.

These accommodations enable a person with a disability to have an equal opportunity to use and enjoy a dwelling unit or any common areas.

Accommodation/Modification Process

- Resident must request accommodation
- Consider all accommodation requests
- Engage in an interactive process
- Resident may need to provide written verification of disability and need for RA/RM
- Grant accommodations on case-by-case basis



Questions?

Contact a Fair Housing Partner

U.S. Department of Housing & Urban Development
Washington State Human Rights Commission
King County Office of Civil Rights
Tacoma Human Rights & Human Services
Seattle Office for Civil Rights
Northwest Fair Housing Alliance
Fair Housing Center of Washington
