

Fair Housing: Your Right to Live Free from Housing Discrimination



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What is Fair Housing?

- Passed into law in 1968, the Fair Housing Amendments Act says that it is against the law to treat a person differently, based on certain characteristics, when he or she is trying to find a home or stay in a home.
- This is called “discrimination”.



People who are protected from discrimination

A person cannot be treated differently because the person:

- has a disability;
- has a different color of skin;
- is a certain race, like African-American, Asian, Latino, or Hispanic;
- was born in a different country;
- is a man or woman;
- is religious;
- has children; or
- is in the military.

Other laws say discrimination happens when someone is treated differently because the person is gay, lesbian, or identifies as a different gender.



When can discrimination happen?

- If you try to buy or rent a home, and you are told no because of your race, gender, disability, or family.
- Charging more for rent or services because of your gender, race, disability, etc.
- Telling others that a home is not available because of your race, gender, disability, but the home is available to someone else.
- Not accommodating the needs of someone with a disability.
- Treating you wrongly because you tell others about discrimination and their rights to live free from discrimination.
- Forcing people of the same gender, family status, race to live in the same area (segregation).
- Advertising a home in a way that discourages certain people from applying



Fair Housing Laws Apply to:

- Landlords
- Realtors
- Property Managers
- Builders
- Mortgage Brokers
- Insurance Agents
- Zoning Codes
- Advertisers
- Homeowner and Condo Associations
- Assisted Living and Nursing Homes
- Extended Stay Hotels
- Shelters



Fair Housing Protections for Specific People



**WOMEN
FAMILIES
SURVIVORS OF VIOLENCE
INDIVIDUALS WITH DISABILITIES**

Fair Housing Issues Facing Women and Families



Housing Laws Protecting Victims of Domestic Violence



- Violence Against Women Act (VAWA) first passed in 1994
- Reauthorized in 2000, 2005 and 2013
- VAWA protects victims of domestic violence, dating violence, stalking, or sexual assault who are living in particular types of *federally assisted* housing

Housing Covered by VAWA



Almost ALL Federally Assisted Housing is required to follow VAWA:

- Public Housing
- Housing Choice Voucher (Section 8 Voucher)
- Project-Based Section 8
- Supportive Housing for Elderly or Disabled
- McKinney Vento Homeless Programs
- Shelter + Care
- Permanent Supportive Housing
- USDA (Rural Housing) Multifamily*
- LIHTC*

People Protected by VAWA:



VAWA protects anyone who:

1. Is a victim of actual or threatened **domestic violence, dating violence, sexual assault or stalking**, or an “affiliated individual” of the victim (spouse, parent, brother, sister, or child of that victim; or an individual to whom that victim stands in loco parentis; or an individual, tenant or lawful occupant living in the victim’s household)

AND

2. Is living in, or seeking admission to, any of the covered housing programs.

How does VAWA help DV Victims?



- Status as a victim/survivor of domestic violence, dating violence, stalking, or sexual assault cannot be the reason a home is denied.
- If other problems like eviction, poor credit, or unemployment are related to the domestic violence, those problems cannot be the reason a home is denied.

How does VAWA help DV Victims?



- A DV victim may not be evicted or terminated for the domestic violence, dating violence, stalking, or sexual assault.
- An act of DV does not equal “good cause” or a “serious or repeated violation of the lease”. A LL cannot use that act to evict the DV victim
- The abuser may be evicted, terminated if co-tenant, or moved to a different unit.
- A DV victim is allowed to remain in the home or may request an emergency transfer immediately following an act of domestic violence, stalking, or sexual assault.

DV Victims cannot be evicted from covered housing because of:



- Assault by a family member
- Assault by a significant other not living in the household
- Police being called to the home because of domestic violence
- Damage to the unit during a domestic violence incident
- Noise that occurs during a domestic violence incident



How do you ask for protection under VAWA?



- In order to request protection under VAWA, DV victims may be required to submit their request in writing and provide proof of the domestic violence, dating violence, sexual assault, or stalking.
- Forms of proof
 - ✦ police record
 - ✦ court record
 - ✦ documentation by a professional (like a lawyer or a doctor)
 - ✦ Self certification
- Call Legal Aid for help!

What if I don't live in assisted housing?



- Ohio law does not offer the same kind of protections for victims of domestic violence, dating violence, sexual assault, or stalking living in privately owned housing.
- Treating victims of domestic violence, dating violence, sexual assault, and stalking differently may violate the Fair Housing Amendments Act. It depends on the circumstances. Talk to an attorney or file a complaint!

Sexual Harassment in Housing Violates Fair Housing Laws

A poster with a blue border. On the right side, a woman with long dark hair, wearing a black top and a light-colored cardigan, is sitting on a couch and working on a laptop. A black mug is on the table next to her. The background is a light, neutral color.

**I'VE HEARD ABOUT
SEXUAL HARASSMENT
AT WORK... BUT I DIDN'T EXPECT IT
IN MY OWN APARTMENT.**

SO I FILED A COMPLAINT WITH HUD.
If a landlord makes unreasonable sexual demands or if he threatens you with eviction or refusal to make repairs because you bring in the sexual harasser, he is violating the Fair Housing Act. Report sexual harassment and get a place to live.

**Fair Housing Is Your
Right. Use It!**

Visit hud.gov/fairhousing or call the HUD Hotline:
1-800-669-9777 (tdd)/1-800-927-9275 (tty). 

A HUD poster about sexual harassment in housing. It explains that sexual harassment is a form of discrimination under the Fair Housing Act. The poster also provides information on how to file a complaint with HUD and the NFHA.

Sexual Harassment: 2 Types



- **Quid Pro Quo**, or “This for That” – Housing provider asks for sex or sexual favors to avoid eviction or in exchange for free rent, repairs, excused late payments or fees, etc.
- **A Hostile Environment** is when a housing provider creates a threatening or uncomfortable environment because of unwanted sexual behaviors

Sexual Harassment



Sexual Harassment is discrimination under fair housing laws.

It is illegal for your landlord to try to evict you or to raise your rent for reporting sexual harassment.

Sexual Harassment can come from a landlord, owner, manager, employee, or neighbor.

It does not matter if the harasser is male or female.

Examples Include:

- Landlord enters your home without permission
- Makes unwanted sexual advances or comments
- Touches you
- Threatens to evict you if you turn down sexual advances



If your landlord has “ideas” about repairing your unit, collecting “rent”, or “lending a hand”, we have some ideas, too.



Do not wait until an eviction is filed to report sexual harassment by your landlord!

Fair Housing Law for Families with Children

- Families with children are protected from discrimination under the Fair Housing Amendments Act



Examples of prohibited acts:

- Denial of a second story unit due to “safety” or “noise” concerns
- Segregation of families into assigned “areas”
- Limitations on the number of children who may reside in the unit
- Requirement that tenant seek “approval” from LL to add children

Fair Housing Protections for People with Disabilities

- Fair Housing means everyone is treated equally in the process of finding and keeping a home.
- People with disabilities receive extra protections under Fair Housing laws to **make sure they can equally use and enjoy** their homes.



What does it mean to have a Disability?

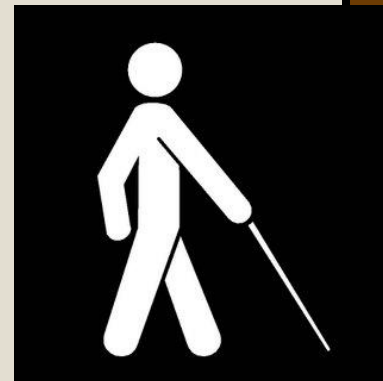
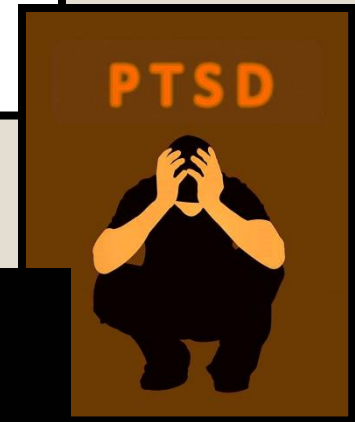
“Disability” means you have a “physical or mental impairment” that affects a major part of your life. A “disability” also means a doctor said in a report in the past that you have a disability, or that someone thinks you have a disability when you actually do not.

You can be considered “disabled” even if you do not receive SSI or other disability assistance, like VA or SSDI.



What is a “Physical or Mental Impairment”?

- If you are blind or cannot see very well, or you are deaf or cannot hear very well.
- If you cannot walk or it is hard for you to walk.
- If you have a mental illness or developmental disability (Down syndrome, autism, etc.).
- Diseases that will last your entire life, like HIV, cancer, ADHD, muscular dystrophy, multiple sclerosis.



Major Life Activities



Including, but not limited to:

Seeing

Hearing

Walking

Breathing

Performing Manual Tasks

Caring for One's Self

Speaking

Thinking

Discrimination Based on Disability



- To refuse to sell or rent a home; or
- To make different terms or conditions of the sale or rental of a home; or
- To provide different services
- Because of:
 - The disability of buyer or renter
 - The disability of a person living in the home
 - Association with a person with a disability

Reasonable Accommodations



Examples of Typical Reasonable Accommodations

- A parking space just for you
- Service animal or emotional support animal
- An apartment on the ground floor if you cannot use stairs
- Paying rent at a different time than others



You must ask for an accommodation



- You must ask your landlord for an accommodation. You should do this in writing (and keep a copy of it too).
- Someone else can help you ask for an accommodation.
- You can ask at any time. For example, if you need help applying for an apartment, you can ask then.



Who pays for a Reasonable Accommodation?



Under the Fair Housing Act, reasonable accommodations must be paid by the landlord/housing provider



A Response to an Accommodation May Not be Conditioned



- A housing provider cannot:
 - Place a condition on granting the accommodation
 - Charge a fee for the accommodation
 - Require something extra, like insurance, for the accommodation

Assistance Animals under the FHA



Service animals, assistance animals, and emotional support animals



- Animals can help people with disabilities. Sometimes they are trained to do work. These are called service animals or animal assistants.
- Sometimes they are not trained and simply help people feel better. These are called emotional support animals.
- Service animals, assistance animals, and emotional support animals are dogs or cats or other types of animals, but they are **not pets** under the law.

What kinds of work or help do service animals provide?

- A dog may help guide a person who is blind.
- A dog may help pull a wheelchair or help someone during a seizure.
- A monkey could help someone get items



- A dog could help someone balance so he or she does not fall.
- A cat could help someone feel better when he or she is depressed or sad or lonely.





“Who let the dogs in?” – When can an assistance animal be denied?

- A landlord cannot say no to a person who needs an animal because of its breed or because it is too big.
- A landlord can only say no to a person who needs an animal if the animal is **dangerous** in some way or would **cause damage** to the apartment, unless there are ways to make the animal not dangerous or to stop the animal from causing damage.



Reasonable Modification





Reasonable Modifications

Structural changes that allow a person with a disability to live more easily in a home:

Flashing light for doorbell, phone

Removal of lower cabinets in kitchen/bath

Building a ramp

Raising a wall

Adding grab bars



Modifications Have the Same Basic Rules as Accommodations



- Same definition of disability.
- Same rules about requesting medical or other documentation of disability.
- Same connection between disability and need for modification.
- However, a person with a disability usually has to pay for modification. Some landlords must help pay though.
- Some organizations in Ohio, like independent living centers, can help with money for a reasonable modification.

If your rights were violated, you can do something about it.



- You could file a complaint with either of these agencies:
 - HUD Administrative Complaint Process:
www.hud.gov
 - Ohio Civil Rights Commission Complaint Process:
www.ocrc.ohio.gov

Must be filed within one year of the date of discriminatory conduct
- Lawsuit
 - Fair Housing Amendments Act (must be filed within 2 years)
 - Ohio state law (must be filed within 1 year)



Where can I get help?



- Washington County Fair Housing (740) 373-6623
- Legal Aid of Southeast and Central Ohio
 - www.lasco.org 1-800-686-3669 (Athens)
- Ohio Civil Rights Commission (888) 278-7101
- Fair Housing Complaint Hotline (800) 669-9777



Questions?

