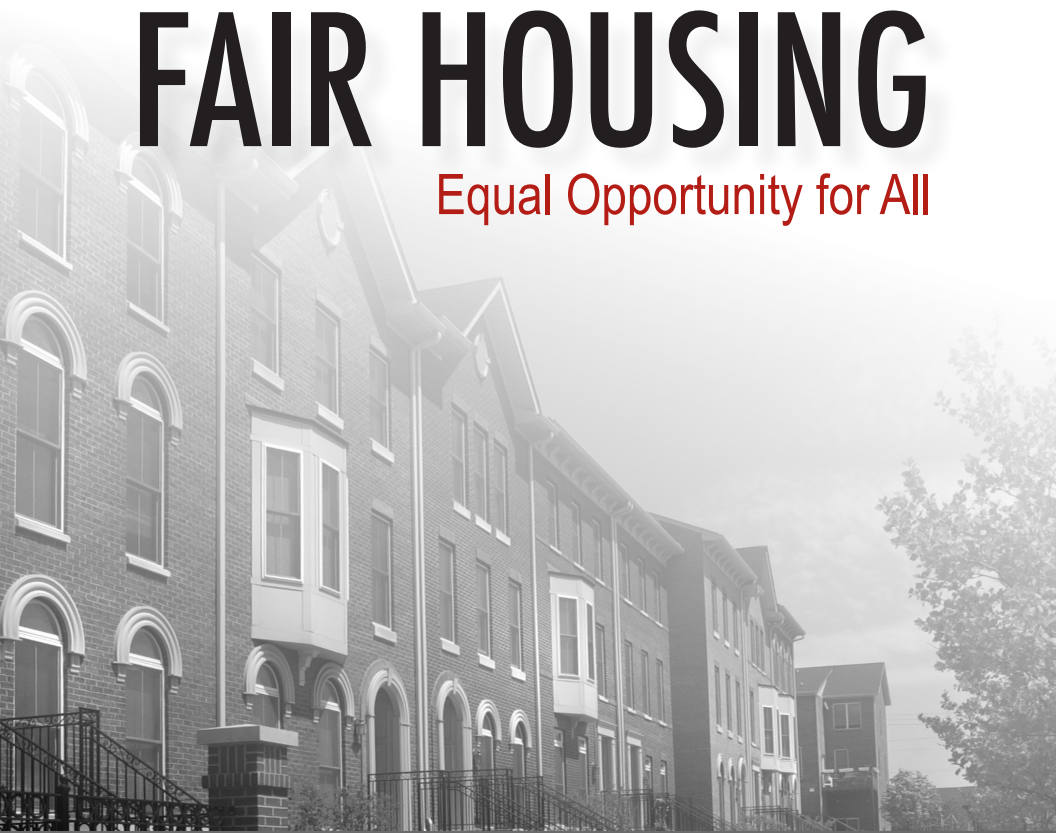




FAIR HOUSING

Equal Opportunity for All



U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity



Please visit our website: www.hud.gov/fairhousing





FAIR HOUSING – EQUAL OPPORTUNITY FOR ALL

America, in every way, represents equality of opportunity for all persons. The rich diversity of its citizens and the spirit of unity that binds us all symbolize the principles of freedom and justice upon which this nation was founded. That is why it is extremely disturbing when new immigrants, minorities, families with children, and persons with disabilities are denied the housing of their choice because of illegal discrimination.

The Department of Housing and Urban Development (HUD) enforces the Fair Housing Act, which prohibits discrimination and the intimidation of people in their homes, apartment buildings, and condominium developments – in nearly all housing transactions, including the rental and sale of housing and the provision of mortgage loans.

Equal access to rental housing and homeownership opportunities is the cornerstone of this nation's federal housing policy. Housing providers who refuse to rent or sell homes to people based on race, color, national origin, religion, sex, familial status, or disability are violating federal law, and HUD will vigorously pursue enforcement actions against them.

Housing discrimination is not only illegal, it contradicts in every way the principles of freedom and opportunity we treasure as Americans. HUD is committed to ensuring that everyone is treated equally when searching for a place to call home.

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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)
- Disability

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.

WHAT IS PROHIBITED?

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

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Otherwise 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, or try to persuade homeowners to sell or rent dwellings by suggesting that people of a particular race, etc. have moved, or are about to move into the neighborhood (blockbusting) or
- Deny any person access to, membership or participation in, any organization, facility or service (such as a multiple listing service) related to the sale or rental of dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.

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

- Refuse to make a mortgage loan
- Refuse 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 a violation of the Fair Housing Act to:
- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right
- Make, print, or publish any statement, in connection with the sale or rental of a dwelling, which indicates a preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act
- Refuse to provide homeowners insurance coverage for a dwelling because of the race, color, religion, sex, disability, familial status, or national origin of the owner and/or occupants of a dwelling
- Discriminate in the terms or conditions of homeowners insurance coverage because of the race, color, religion, sex, disability, familial status, or national origin of the owner and/or occupants of a dwelling

- Refuse to provide available information on the full range of homeowners insurance coverage options available because of the race, etc. of the owner and/or occupants of a dwelling
- Make print or publish any statement, in connection with the provision of homeowners insurance coverage, that indicates a preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin.

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, cancer, chronic mental illness, HIV/AIDS, or 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, a housing provider may not:
 - Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if it may be necessary for you to fully use the housing. (Where reasonable, a 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 it may be necessary for you to use the housing on an equal basis with nondisabled persons.

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 it may be necessary to assure that she can have access to her apartment.

However, the Fair Housing Act does not protect a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

Accessibility Requirements for New Multifamily Buildings: In buildings with four or more units that were first occupied after March 13, 1991, and that have an elevator:

- Public and common use areas must be accessible to persons with disabilities
- All 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 was first occupied after March 13, 1991, these standards apply to ground floor units only.

These accessibility requirements for new multifamily buildings do not replace more stringent accessibility standards required under State or local law.

The Fair Housing Act makes it unlawful to discriminate against a person whose household includes one or more children who are under 18 years of age (familial status). Familial status protection covers households in which one or more minor children live with:

- A parent;
- A person who has legal custody (including guardianship) of a minor child or children; or
- The designee of a parent or legal custodian, with the written permission of the parent or legal custodian.

Familial status protection also extends to pregnant women and any person in the process of securing legal custody of a minor child (including adoptive or foster parents).

The “Housing for Older Persons” Exemption: The Fair Housing Act specifically exempts some senior housing facilities and communities from liability for familial status discrimination. Exempt senior housing facilities or communities can lawfully refuse to sell or rent dwellings to families with minor children. In order to qualify for the “housing for older persons” exemption, a facility or community must prove that its housing is:

- Provided under any State or Federal program that HUD has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
- Intended for, and solely occupied by persons 62 years of age or older; or
- Intended and operated for occupancy by persons 55 years of age or older.

In order to qualify for the “55 or older” housing exemption, a facility or community must satisfy each of the following requirements:

- at least 80 percent of the units must have at least one occupant who is 55 years of age or older; and

- the facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as “55 or older” housing; and
- the facility or community must comply with HUD’s regulatory requirements for age verification of residents.

The “housing for older persons” exemption does not protect senior housing facilities or communities from liability for housing discrimination based on race, color, religion, sex, disability, or national origin.

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

IF YOU THINK YOUR RIGHTS HAVE BEEN VIOLATED

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: File a complaint online, send a letter to the HUD office nearest you, or if you wish, you may call that office directly. Persons who are deaf or hard of hearing and use a TTY, may call those offices through the toll-free Federal Information Relay Service at 1-800-877-8339.

ATLANTA REGIONAL OFFICE

(Complaints_office_04@hud.gov)

U.S. Department of Housing and Urban Development

Five Points Plaza

40 Marietta Street, 16th Floor

Atlanta, GA 30303-2808

Telephone (404) 331-5140 or 1-800-440-8091 x2493

Fax (404) 331-1021 * TTY (404) 730-2654

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

CHICAGO REGIONAL OFFICE

(Complaints_office_05@hud.gov)

U.S. Department of Housing and Urban Development

Ralph H. Metcalfe Federal Building

77 West Jackson Boulevard, Room 2101

Chicago, IL 60604-3507

Telephone 1-800-765-9372

Fax (312) 886-2837 * TTY (312) 353-7143

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

FORT WORTH REGIONAL OFFICE

(Complaints_office_06@hud.gov)

U.S. Department of Housing and Urban Development

801 Cherry Street

Suite 2500, Unit #45

Fort Worth, TX 76102-6803

Telephone (817) 978-5900 or 1-888-560-8913

Fax (817) 978-5876/5851 * TTY (817) 978-5595

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, DC 20410-2000
Telephone 1-800-669-9777
Fax (202) 708-1425 * TTY 1-800-927-9275
www.hud.gov/fairhousing

If You Are Disabled: HUD also provides:

- A TTY phone for the deaf/hard of hearing users (see above list for the nearest HUD office)
- Interpreters, Tapes and Braille materials
- Assistance in reading and completing forms

WHAT HAPPENS WHEN YOU FILE A COMPLAINT?

HUD will notify you in writing when your complaint is accepted for filing under the Fair Housing Act. HUD also will:

- Notify the alleged violator (respondent) of the filing of your complaint, and allow the respondent time to submit a written answer to the complaint.
- Investigate your complaint, and determine whether or not there is reasonable cause to believe that the respondent violated the Fair Housing Act.
- Notify you and the respondent if HUD cannot complete its investigation within 100 days of filing your complaint, and provide reason for the delay.

Fair Housing Act Conciliation: During the complaint investigation, HUD is required to offer you and the respondent the opportunity to voluntarily resolve your complaint with a Conciliation Agreement.

A Conciliation Agreement provides individual relief to you, and protects the public interest by deterring future discrimination by the respondent. Once you and the respondent sign a Conciliation Agreement, and HUD approves the Agreement, HUD will cease investigating your complaint. If you believe that the respondent has violated breached your Conciliation Agreement, you should promptly notify the HUD Office that investigated your complaint. If HUD determines that there is reasonable cause to believe that the respondent violated the Agreement, HUD will ask the U.S. Department of Justice to file suit against the respondent in Federal District Court to enforce the terms of the Agreement.

Complaint Referrals to State or Local Public Fair Housing Agencies:

If HUD has certified that your State or local public fair housing agency enforces a civil rights law or ordinance that provides rights, remedies and protections that are “substantially equivalent” to the Fair Housing Act, HUD must promptly refer your complaint to that agency for investigation, and must promptly notify you of the referral. The State or local agency will investigate your complaint under the “substantially equivalent” State or local civil rights law or ordinance. The State or local public fair housing agency must start investigating your complaint within 30 days of HUD’s referral, or HUD may retrieve (“reactivate”) the complaint for investigation under the Fair Housing Act.

WHAT HAPPENS IF I’M GOING TO LOSE MY HOUSING THROUGH EVICTION OR SALE?

If you need immediate help to stop or prevent a severe problem 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 U.S. Department of Justice to file a Motion in Federal District Court for a Temporary Restraining Order (TRO) against the respondent, followed by a Preliminary Injunction pending the outcome of HUD’s investigation. A Federal Judge may grant a TRO or a Preliminary Injunction against a respondent in cases where:

- Irreparable (irreversible) harm or injury to housing rights is likely to occur without HUD's intervention; and
- There is substantial evidence that the respondent has violated the Fair Housing Act.

Example: An owner agrees to sell a house, but, after discovering that the buyers are black, pulls the house off the market, then promptly lists it for sale again. The buyers file a discrimination complaint with HUD. HUD may authorize the U.S. Department of Justice to seek an injunction in Federal District Court to prevent the owner from selling the house to anyone else until HUD investigates the complaint.

WHAT HAPPENS AFTER A COMPLAINT INVESTIGATION?

Determination of Reasonable Cause, Charge of Discrimination, and Election: When your complaint investigation is complete, HUD will prepare a Final Investigative Report summarizing the evidence gathered during the investigation. If HUD determines that there is reasonable cause to believe that the respondent(s) discriminated against you, HUD will issue a Determination of Reasonable Cause and a Charge of Discrimination against the respondent(s). You and the respondent(s) have twenty (20) days after receiving notice of the Charge to decide whether to have your case heard by a HUD Administrative Law Judge (ALJ) or to have a civil trial in Federal District Court.

HUD Administrative Law Judge Hearing: If neither you nor the respondent elects to have a Federal civil trial before the 20-day Election Period expires, HUD will promptly schedule a Hearing for your case before a HUD ALJ. The ALJ Hearing will be conducted in the locality where the discrimination allegedly occurred. During the ALJ Hearing, you and the respondent(s) have the right to appear in person, to be represented by legal counsel, to present evidence, to cross-examine witnesses and to request subpoenas in aid of discovery of evidence. HUD attorneys will represent you during the ALJ Hearing at no cost to you; however, you may also

choose to intervene in the case and retain your own attorney. At the conclusion of the Hearing, the HUD ALJ will issue a Decision based on findings of fact and conclusions of law. If the HUD ALJ concludes that the respondent(s) violated the Fair Housing Act, the respondent(s) can be ordered to:

- Compensate you for actual damages, including out-of-pocket expenses and emotional distress damages
- Provide permanent injunctive relief.
- Provide appropriate equitable relief (for example, make the housing available to you).
- Pay your reasonable attorney's fees.
- Pay a civil penalty to HUD to vindicate the public interest. The maximum civil penalties are: \$16,000, for a first violation of the Act; \$37,500 if a previous violation has occurred within the preceding five-year period; and \$65,000 if two or more previous violations have occurred within the preceding seven-year period.

Civil Trial in Federal District Court: If either you or the respondent elects to have a Federal civil trial for your complaint, HUD must refer your case to the U.S. Department of Justice for enforcement. The U.S. Department of Justice will file a civil lawsuit on your behalf in the U.S. District Court in the district in which the discrimination allegedly occurred. You also may choose to intervene in the case and retain your own attorney. Either you or the respondent may request a jury trial, and you each have the right to appear in person, to be represented by legal counsel, to present evidence, to cross-examine witnesses, and to request subpoenas in aid of discovery of evidence. If the Federal Court decides in your favor, a Judge or jury may order the respondent(s) to:

- Compensate you for actual damages, including out-of-pocket expenses and emotional distress damages
- Provide permanent injunctive relief.
- Provide appropriate equitable relief (for example, make the housing available to you).
- Pay your reasonable attorney's fees.
- Pay punitive damages to you.

Determination of No Reasonable Cause and Dismissal: If HUD finds that there is no reasonable cause to believe that the respondent(s) violated the Act, HUD will dismiss your complaint with a Determination of No Reasonable Cause. HUD will notify you and the respondent(s) of the dismissal by mail, and you may request a copy of the Final Investigative Report.

Reconsiderations of No Reasonable Cause Determinations: The Fair Housing Act provides no formal appeal process for complaints dismissed by HUD. However, if your complaint is dismissed with a Determination of No Reasonable Cause, you may submit a written request for a reconsideration review to: Director, FHEO Office of Enforcement, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 5206, Washington, DC 20410-2000.

IN ADDITION

You May File a Private Lawsuit: You may file a private civil lawsuit without first filing a complaint with HUD. You must file your lawsuit within two (2) years of the most recent date of alleged discriminatory action.

If you do file a complaint with HUD and even if HUD dismisses your complaint, the Fair Housing Act gives you the right to file a private civil lawsuit against the respondent(s) in Federal District Court. The time during which HUD was processing your complaint is not counted in the 2-year filing period. You must file your lawsuit at your own expense; however, if you cannot afford an attorney, the Court may appoint one for you.

Even if HUD is still processing your complaint, you may file a private civil lawsuit against the respondent, unless (1) you have already signed a HUD Conciliation Agreement to resolve your HUD complaint; or (2) a HUD Administrative Law Judge has commenced an Administrative Hearing for your complaint.

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

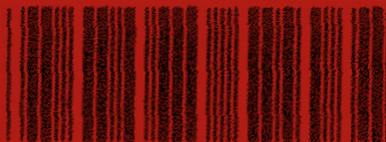
The purpose of this brochure is to summarize your right to fair housing. The Fair Housing Act and HUD's regulations contain more detail and technical information. If you need a copy of the law or regulations, contact the HUD Fair Housing Office nearest you. See the list of HUD Fair Housing Offices on pages 7-10.



CONNECT WITH HUD



Department of Housing and Urban Development
Room 5204
Washington, DC 20410-2000



02305





LOUISIANA FAIR HOUSING ACTION CENTER

HOME ABOUT WHAT WE DO GET INVOLVED RESOURCES NEWS BLOG DONATE MORE

What is the Fair Housing Act?

Title VIII of the Civil Rights Act of 1968, commonly referred to as the Fair Housing Act, was passed on April 11, 1968. The legislation was pending in Congress for several years when the assassination of Dr. Martin Luther King, Jr. motivated Congress to approve enactment of the law seven days after his death. The **Fair Housing Act of 1968**, as amended in 1988 (42 U.S.C. § 3601 et seq.), the Civil Rights Act of 1866 (42 U.S.C. § 1981, 1982), and four Supreme Court decisions provide the legal foundation for the fair housing movement. These laws prohibit all race discrimination in housing and provide protection for other groups seeking to rent or buy a home, secure a mortgage loan or purchase homeowner's insurance.

These laws also protect people from harassment in housing and protect people who help others exercise their freedom to choose the neighborhood where they live.

The federal Fair Housing Act prohibits discrimination on the basis of race, color, religion, sex, disability, family status (having children), and/or national origin. These bases of protection are commonly referred to as protected classes. In addition to these classes that are explicitly protected under federal law, there are also other characteristics that may be protected because discrimination based on those categories would have a clear disparate impact on one of the protected classes. For example, a policy that is discriminatory against survivors of domestic violence will consistently have an unfair impact based on sex, as the majority of survivors of domestic violence are women. Similarly, an overly broad criminal background screening policy will have a disparate impact based on race and national origin, as African Americans and Latinos are over-represented in the criminal justice system.

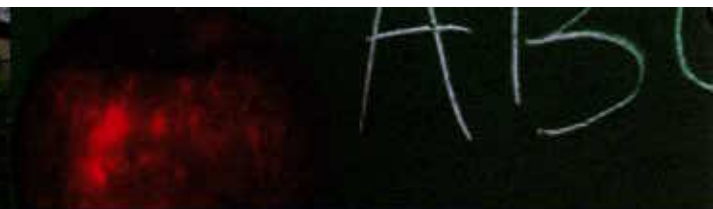
The federal Fair Housing Act enumerates a number of actions and practices that are illegal when found to discriminate or cause discrimination against a member of a protected class. It is illegal to:

- Refuse to sell or rent a property to a person because of his/her membership in a protected class;
- Discriminate in the terms, conditions and/or privileges of sale or rental because of membership in a protected class;
- Discriminate in advertising, specifically to make, print, publish, or cause to be made, published or printed, any notice, statement or advertisement that indicates any preference, limitation, or discrimination because of membership in a protected class;
- Misrepresent the availability of housing because of a person's membership in a protected class;
- Engage in blockbusting or steering. Blockbusting is designed to induce panic in a neighborhood by telling a homogeneous group in a community that others like them are leaving because a group of people representing a protected class are moving into the neighborhood and thereby changing or destroying the neighborhood and community. Steering occurs when housing providers direct renters or buyers to a certain neighborhood because of their protected class status;
- Refuse to accommodate people with disabilities by allowing them to make reasonable modifications to housing;
- Discriminate in making loans for real estate transactions including purchasing, constructing, improving, repairing and/or maintaining a dwelling; and
- To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of a fair housing right or any person who has aided or encouraged any other person in the exercise or enjoyment of a fair housing right.

The Civil Rights Act of 1866 gave Black citizens the same rights as White citizens to inherit, sell, lease, hold, and convey real land and personal property. The Law of 1866 was reaffirmed by the Supreme Court in 1968 in *Jones v. Mayer* (392 U.S. 409). In *Trafficante v. Metropolitan Life Ins. Co. et al.* (409 U.S. 205, 1972), the Court determined that White tenants of an apartment complex had standing to sue the complex for discriminating against non-Whites. The Court found that the White tenants were aggrieved persons under the Fair Housing Act because they were being denied the social benefits and opportunities that come with living in an integrated community. The Supreme Court considered the issue of real estate professionals steering prospective homebuyers to different neighborhoods on the basis of race in *Gladstone Realtors v. Village of Bellwood* (441 U.S. 91, 1979). The Court found that steering on the basis of race is illegal. The Court granted standing to sue to the Village of Bellwood and its residents based on the fact that having been deprived of the social and professional benefits of living in an integrated society [were] sufficient injury allegations in fair housing cases.

In 1982, the Supreme Court considered *Havens v. Coleman* (455 U.S. 363). The case was an important landmark for fair housing advocates as the Court gave a seal of approval to "testing" and determined that testers have standing to sue. Further, the court determined that fair housing centers also have standing to sue when the discriminatory actions of a defendant impair the center's activities.

Considering that many states and cities have fair housing laws and that lower courts have made many other rulings important to fair housing, this is by no means an exhaustive explanation of fair housing laws. But it does provide the basic overview necessary to understand how housing discrimination threatens equal-housing opportunity and freedom of choice in New Orleans.



HOUSING DISCRIMINATION

The federal Fair Housing Act (FHA) protects you from discrimination based on your:

- Race
- Color
- Sex
- Religion
- National origin
- Family status (children)
- Disability

In Orleans Parish, there is also an ordinance that protects you from housing discrimination based on your age, marital status, sexual orientation, gender identity, and creed.

The FHA applies to all housing issues:

- Renting an apartment
- Buying a home
- Getting a home loan or insurance policy
- Property zoning

It also outlaws harassment and retaliation.

WHAT WE CAN DO:

To report housing discrimination, call (504) 596-2100 or email complaints@gnofairhousing.org

HOMEOWNERSHIP PROTECTION

Our certified housing counselors can help you if:

- You are behind on your mortgage
- You can't afford your mortgage payments
- You are looking for help with rebuilding your house
- You need help understanding your property insurance

We are a U.S. Department of Housing and Urban Development (HUD) - approved housing counseling agency.

All of our services are free!

WHAT WE CAN DO:

To speak to a housing counselor, call (504) 596-2100 or email counselor@gnofairhousing.org

FAIR HOUSING EDUCATION

Learning about fair housing law will help you:

- Know your rights
- Be a responsible professional
- Advocate for your community

We conduct trainings on fair housing for anyone interested, including:

- Neighborhood associations
- First-time homebuyers
- Concerned residents
- Realtors
- Property managers & landlords

We also organize conferences, summits, screenings, and other educational events throughout the year.

WHAT WE CAN DO:

To schedule a training or get involved in our programs, call (504) 596-2100 or email outreach@gnofairhousing.org

404 S. Jefferson Davis Pkwy, New Orleans, LA 70119
(504) 596-2100 • (877) 445-2100
www.gnofairhousing.org



GREATER NEW ORLEANS
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ACTION CENTER**

404 S. Jefferson Davis Pkwy, New Orleans, LA 70119
(504) 596-2100 • (877) 445-2100
www.gnofairhousing.org

The Greater New Orleans Fair Housing Action Center (GNOFHAC) is a nonprofit civil rights organization established in 1995 to eradicate housing discrimination. GNOFHAC's work throughout Louisiana includes education, investigation and enforcement activities.

YOUR SUPPORT MAKES IT POSSIBLE
to continue our work as the only
full-service fair housing center
in Louisiana. Please consider making
a tax-deductible donation today.

See what your donation can do at
www.gnofairhousing.org/donate



Visit us on the web:
www.gnofairhousing.org

GREATER NEW ORLEANS
**FAIR HOUSING
ACTION CENTER**

GNOFHAC is dedicated to fighting housing discrimination because it is an illegal and divisive force that perpetuates poverty, segregation, ignorance, fear and hatred.

404 S. Jefferson Davis Pkwy
New Orleans, LA 70119
(504) 596-2100 *local*
(877) 445-2100 *toll free*

In our neighborhood,
everyone's welcome.

DESIGN & CONSTRUCTION REQUIREMENTS in the FAIR HOUSING ACT

Most multi-family dwellings built after March of 1991 must comply with the following accessibility design and construction standards.

ACCESSIBLE BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE

All covered multifamily dwellings must have at least one building entrance on an accessible route.



Minimum clear door is required, as well as a beveled threshold and usable hardware.



The step at this entrance landing makes this building inaccessible.

ACCESSIBLE COMMON & PUBLIC USE AREAS

Covered housing must have accessible public and common-use areas.



Example of a public space.



The lack of curb-cut makes this public space inaccessible.

3 USABLE DOORS (USABLE FOR A PERSON IN A WHEELCHAIR)

Doors must be wide enough to allow passage by persons using wheelchairs. The exterior of the entrance doors and all public use doors are required to have usable hardware.



This exterior door hardware is compliant as it does not require pinching or twisting.

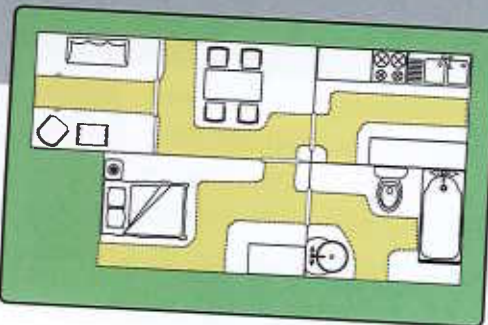


This 22" doorway is non-compliant; Doorway must be at least 32".

4 ACCESSIBLE ROUTE INTO AND THROUGH THE UNIT

There must be an accessible route into and through each covered unit.

Compliant dwellings have an accessible route throughout that is a minimum of 36" wide.



5 ENVIRONMENTAL CONTROLS IN ACCESSIBLE LOCATIONS

Light switches, electrical outlets, thermostats and other controls must be accessible.



Outlet is correctly placed between 15" and 48".



This outlet is noncompliant; it is placed above 48".

6 USABLE KITCHENS AND BATHROOMS

Kitchens and bathrooms must be constructed so an individual in a wheelchair can maneuver in the space provided. Reinforcements must be installed in bathroom walls so that grab bars can be added.



This accessible sink allows for wheelchair access.



Lack of maneuvering space makes this room inaccessible.

THE FAIR HOUSING ACT

The federal Fair Housing Act (FHA) of 1968, as amended in 1988, protects people with physical and mental disabilities from discrimination in housing. It's illegal for a housing provider to:

- 1 Refuse to sell or rent a property to a person because of his/her disability
- 2 Refuse to provide a mortgage loan or homeowner's insurance policy to a person because of his/her disability.
- 3 Discriminate in the terms, conditions and/or privileges of sale or rental because of a person's disability
- 4 Refuse to accommodate people with disabilities or refuse to allow a person with a disability to make reasonable modifications to housing

In addition, builders and developers of multi-family apartment buildings must comply with certain accessibility design and construction standards.

REASONABLE ACCOMMODATION & MODIFICATION

For People with Disabilities under the FHA

1 REASONABLE ACCOMMODATION

Housing providers are required to change rules and conditions to accommodate a person with a disability so that they may fully use and enjoy their dwelling.



For example, if a landlord has a "no pets" rule, he/she must make an exception for a person with a disability who uses a guide dog.

2 REASONABLE MODIFICATION

Housing providers are required to allow a resident with a disability to make physical modifications to the property as needed.*

For example, a landlord must allow a tenant who uses a wheelchair to install a wheelchair ramp.

*Generally, the landlord need not pay for the modification.



FAIR HOUSING ACT PROTECTIONS FOR PEOPLE WITH DISABILITIES



Greater New Orleans Fair Housing Action Center
404 S. Jefferson Davis Pkwy • New Orleans
(504) 596-2100 • (877) 445-2100 toll free
www.gnofairhousing.org

REQUEST FOR REASONABLE ACCOMMODATION/MODIFICATION

Housing providers are required to make a reasonable accommodation in their rules, policies, practices and procedures, and to allow reasonable modifications (changes to the physical structure) for individuals with disabilities. A request need not be in writing, but it is recommended that a request be made in writing so that there is a record of both the request and the date it was sent.

When considering a reasonable accommodation/modification request, a housing provider may take only the following into consideration:

- Is the individual for whom the request is made a person with a disability?
- Is the requested accommodation or modification necessary to allow the person with a disability an equal opportunity to use and enjoy a dwelling, including common areas? This is not determined by the housing provider but by the individual; however, confirmation from a qualified third party may be requested.
- Would the requested accommodation impose an undue financial and administrative burden on the housing provider? For a modification, this may only be considered if the housing provider receives federal financial assistance.
- Would the requested accommodation require a fundamental alteration in the nature of the program?

Under no circumstances may a housing provider ask about the nature or severity of the disability. Housing providers may request information about the relationship between the person's disability and the need for the requested accommodation or modification.

Providers may ask questions that clarify what it is about the rule, policy, practice or procedure that serves as a barrier or whether there are alternatives that would work for the person with a disability. This may enable providers to offer an alternative solution if the requested accommodation is an administrative and financial hardship or would fundamentally alter the nature of a provider's operations.

For more information or to file a housing discrimination complaint, contact your local fair housing agency or contact HUD at:

1-800-669-9777

1-800-927-9275 (TTY)

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FAIR HOUSING RIGHTS OF PERSONS WITH DISABILITIES



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HOUSING DISCRIMINATION IS ILLEGAL

The federal Fair Housing Act prohibits discrimination in housing-related transactions because of race, color, religion, national origin, sex, disability or familial status. Many state and local laws also prohibit housing discrimination based on several additional protected classes.

The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative and homeowners' associations must not discriminate because of one's membership in a protected class.

Housing discrimination is against the law. The only way to stop discrimination is to report it.



COMMONLY ASKED QUESTIONS AND ANSWERS

What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes having a record of such an impairment or regarding someone as having such an impairment when they do not.

May housing providers refuse to rent to me because they believe I will not be safe or cannot take care of myself?

No. The only exception, which applies to all applicants, is if an individual's tenancy poses a direct threat to the health or safety of others or would result in substantial physical damage to the property of others *and* a reasonable accommodation cannot significantly reduce or eliminate the threat.

What is a reasonable accommodation?

Housing providers must permit reasonable accommodations requested by residents. A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. For example, reasonable accommodations include allowing an assistance animal even if there is a "no pets" policy or creating a reserved accessible parking space for a specific resident.

A request for a reasonable accommodation may be denied if providing the accommodation would impose an undue financial and administrative burden on the housing provider or would

fundamentally alter the nature of the provider's operations, determined on a case-by-case basis. When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs.

What is a reasonable modification?

Housing providers must permit reasonable modifications requested by residents. A "reasonable modification" is a structural change made to existing premises occupied or to be occupied by a person with a disability, so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas. The resident pays the cost of the modification. Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a deaf or hard of hearing tenant to install strobes. Section 504 of the Rehabilitation Act of 1973 may require landlords that receive federal funds to pay for reasonable modifications.

May the housing provider ask for details or proof that I am disabled?

The housing provider may ask for verification of a person's disability, if it is not obvious or otherwise known to the housing provider, and may verify that a request is related to that disability. If requested, the individual may provide a written statement from a licensed medical or social service professional or other third party stating that the applicant/resident qualifies as an individual with a disability. **The housing provider may not ask the person with a disability or the certifying professional about the nature or severity of the individual's disability.**

LENDERS ALSO MAY NOT DISCRIMINATE

These are examples of things a lender may not do because you are a person with a disability:

- Refuse to meet with you because you request a sign language interpreter or need some other reasonable accommodation, such as meeting in a wheelchair-accessible location.
- Require medical documentation from you or require that you prove that your disability income will continue for a specified period of time, such as three years.

- Charge you a higher interest rate or fees.
- Fail to count all your sources of income, including any disability income.
- Hold you to a higher qualification standard or require a higher credit score.
- Require that you make a larger down payment or pay more in closing costs.
- Appraise the property differently because it has features such as strobes or ramps.

REQUEST FOR REASONABLE ACCOMMODATION/MODIFICATION

What is a reasonable accommodation?

A “reasonable accommodation” is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including its public and common use space. Housing providers, including homeowner and condominium associations, must make reasonable accommodations for persons with disabilities, such as allowing assistance animals in a no-pets building. A request need not be in writing, but it is recommended that a request be made in writing so that there is a record of both the request and the date it was sent.

When considering a reasonable accommodation request to allow an assistance animal, a housing provider may take only the following into consideration:

- Is the individual for whom the request is made a person with a disability?
- Is the requested accommodation necessary to allow the person with a disability an equal opportunity to use and enjoy a dwelling, including common use areas?
- Would the requested accommodation impose an undue financial and administrative burden on the housing provider?
- Would the requested accommodation require a fundamental alteration in the nature of the provider's operations?

A housing provider may not ask about the nature or severity of the disability. However, a housing provider may request information about the relationship between the person's disability and the need for the requested accommodation to allow an assistance animal. This information can usually be provided by the individual making the request. A doctor or other medical professional, a peer support group, a non-medical service agency, or another reliable third party who is in a position to know about the individual's disability may also provide the information.

For more information or to file a housing discrimination complaint, contact your local fair housing agency or contact HUD at:

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FAIR HOUSING RIGHTS OF PERSONS WITH DISABILITIES TO REASONABLE ACCOMMODATIONS FOR ASSISTANCE ANIMALS



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The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies and condominium, cooperative and homeowner associations must not discriminate because of one's membership in a protected class.

Landlords and other housing providers may not discriminate against persons with disabilities. Pet restrictions cannot be used to deny or limit housing to persons with disabilities who require the use of an assistance animal. This brochure discusses how reasonable accommodations may be required to enable persons with disabilities that require the use of an assistance animal to use and enjoy a dwelling. For more general information about the fair housing rights of persons with disabilities, please see the brochure: Fair Housing Rights of Persons with Disabilities.

Housing discrimination is against the law. One way to stop discrimination is to report it.

COMMONLY ASKED QUESTIONS AND ANSWERS

What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes a record of such an impairment or being regarded as having such an impairment. The law also covers someone who is associated with a person with a disability.

Is an assistance animal a pet?

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability or provides emotional support that alleviates one or more identified symptoms or effects of a person's disabilities. Assistance animals perform many functions for persons with disabilities, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons with seizure-related disabilities to impending seizures, or providing emotional support to persons who have a disability-related need for such support.

Assistance animals under the Fair Housing Act are sometimes referred to as "service animals," "assistive animals," "support animals," "therapy animals," "emotional support animals," or "companion animals." Under the Fair Housing Act, housing providers have an obligation to accommodate persons who, because of their disability, require service dogs or other types of assistance animals to perform tasks, provide emotional support, or alleviate the effects of their disabilities.

Must an assistance animal be trained or certified?

For purposes of a reasonable accommodation under the Fair Housing Act, an assistance animal does not have to be individually trained or certified. While dogs are the most common type of assistance animal, other animals may also be assistance animals. Assistance animals may be any breed, size or weight. Some, but not all, assistance animals wear special collars or harnesses. Assistance animals are not required to have special licenses, be certified, or have any visible identification.

May a housing provider require a pet deposit for an assistance animal?

No. Since an assistance animal is not a pet, a housing provider may not require a payment of a fee or security deposit or other terms and conditions that apply to applicants or residents with pets. However, if an assistance animal causes damage to the rental unit or common areas, the housing provider may charge the tenant for the cost of repairing the damage, if it is the provider's practice to assess tenants for damage to the premises caused by tenants.

What if a housing provider only allows pets under 30 pounds?

Assistance animals are not pets and therefore a housing provider may not limit the size of the assistance animal. Assistance animals may be any breed, size, or weight and housing providers should reasonably accommodate a tenant with a disability-related need for an assistance animal by waiving any size or weight limitations that might otherwise apply to pets.

When may a housing provider deny an assistance animal?

Housing providers are not required to provide an accommodation that is unreasonable, meaning that allowing the animal would result in a financial and administrative burden on the provider. In addition, a request may be denied if the specific assistance animal poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others, determined on an individual basis and not by assumptions or stereotypes about a particular type or breed of animal.

What if the housing provider's property insurance carrier prohibits certain animals?

If an insurance carrier would cancel, increase policy costs, or adversely change policy terms because of the presence of a certain breed of dog or other animal that is an assistance animal, the insurance company would be violating the Fair Housing Act. The insurance company must make a reasonable accommodation to its policies and procedures to allow the assistance animal without changing the cost or terms of the provider's insurance coverage.





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SIGNS OF POSSIBLE DISCRIMINATION

- Families with children are limited to certain buildings or to the first floor.
- Occupancy is limited to one person per bedroom.
- The housing provider refuses to sell, rent or show available housing after learning that you have children.
- The terms and conditions of a lease or agreement are different for families, such as lease terms that strictly limit children's activities on the property or charge a higher security deposit.
- Statements are made that the dwelling would not be suitable for your family, that your children won't be safe, or that the neighbors do not want you there.
- The availability changes between a phone contact and an in-person visit.
- Advertisements express a preference for singles or couples.

**FAIR HOUSING
FOR FAMILIES
WITH CHILDREN**



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The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative and homeowners' associations must not discriminate because of one's membership in a protected class.

IT IS ILLEGAL TO REFUSE TO RENT TO SOMEONE BECAUSE OF THE PRESENCE OF CHILDREN IN THE HOUSEHOLD

If a housing provider refuses to rent or sell a covered unit, requires a higher security deposit, charges additional fees, limits the use of facilities, or limits families to particular floors or buildings, that could be discrimination. Housing discrimination is against the law. The only way to stop discrimination is to report it.



COMMONLY ASKED QUESTIONS AND ANSWERS

What does the phrase “familial status” mean?

“Familial status” means the presence of children under 18 in the household. This includes pregnant women and persons in the process of adopting or securing custody of a child/children. Children include foster children and grandchildren as long as the person has legal custody or written permission.

What actions does the law prohibit?

The law prohibits actions such as denying housing, limiting access to housing, discouraging home seekers, or creating different rules, fees or standards because the family has or is expecting a child/children.

Does this mean that a landlord must rent to or cannot evict any household with children?

No. A housing provider has the right to refuse rental applications or evict tenants based on objective criteria, such as credit history or bad tenant history. A housing provider should establish qualification standards and apply them equally to each household, whether or not it has children.

May a landlord make rules about how children should behave?

Reasonable rules are appropriate. Here are some general guidelines:

Rules should apply to all tenants and not just children.

Rules should address behavior, not status, and should not be so restrictive that families with children do not get equal use and benefit of the housing.

May a landlord decide which units are better for families with children?

No. Landlords must give applicants objective information about what units are available and allow applicants to determine which unit is suitable for their household.



May a landlord set limits on the number of occupants?

A housing provider has the right to establish reasonable occupancy standards. Some restrictive occupancy limits have the effect of discriminating against families with children. As a general guideline, any such limit should not be more restrictive than two persons per bedroom, and should consider the size and configuration of rooms and total livable space. A maximum of two persons per bedroom may be unreasonably restrictive depending on all the circumstances viewed as a whole. Rules allowing fewer than two persons per bedroom are presumed unreasonable.

Is there any type of housing that may prohibit families with children?

Communities that qualify for the “Housing for Older Persons” exemption under the Fair Housing Act are permitted to exclude families with children under the age of 18. These communities must meet all the requirements of the exemption: In housing for persons 62 or older, every resident must be 62 or older; and in housing for persons age 55 or older, 80% of the units must have at least one person age 55 or older, and the community must meet other requirements, including completing surveys.

In some circumstances, the Fair Housing Act exempts owner-occupied buildings with no more than four units.

BEST PRACTICES FOR ASSOCIATIONS AND PROPERTY MANAGERS

- Treat all applicants and residents alike regardless of race, color, religion, national origin, sex, disability, familial status or other characteristics that may be protected by state and/or local laws.
- Put eligibility criteria in writing and apply them in the same manner to all applicants.
- Establish the same terms and conditions for all applicants.
- Provide information about and/or show all applicants all available apartments for rent or units for sale.
- Never discourage applicants from applying or suggest they would be happier living elsewhere.
- Do not refuse to rent/sell to families with children unless the community qualifies for the “Housing for Older Persons” exemption under the Fair Housing Act.
- Establish a written procedure for responding to requests for reasonable accommodations and modifications from or on behalf of residents with disabilities.
- Review all promotional materials and advertisements to ensure that there is no suggestion of a preference, limitation or discrimination based on protected class.
- Require fair housing training for managers, board members, employees and real estate agents.



For more information or to file a housing discrimination complaint, contact your local fair housing agency or contact HUD at:

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FAIR HOUSING GUIDANCE FOR CONDOMINIUM, COOPERATIVE AND HOMEOWNERS' ASSOCIATIONS



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THE FAIR HOUSING ACT APPLIES TO CONDOMINIUM, COOPERATIVE AND HOMEOWNERS' ASSOCIATIONS

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The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative and homeowners' associations must not discriminate because of one's membership in a protected class.

An association may have the right to approve or reject new residents and establish association policies and procedures, but it may not discriminate because of a protected characteristic while doing so.



AVOID FAIR HOUSING VIOLATIONS

Associations are responsible for the statements and actions of those who work on their behalf, such as board members, property managers, maintenance staff and real estate agents. Ensure that *all* staff are knowledgeable about their fair housing responsibilities.



COMMONLY ASKED QUESTIONS AND ANSWERS

What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes having a record of such an impairment or regarding someone as having such an impairment when they do not.

What is a reasonable accommodation?

Housing providers must permit reasonable accommodations requested by residents. A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. For example, reasonable accommodations include allowing an assistance animal even if you have a "no pets" policy. Another common example is creating a reserved accessible parking space for a specific resident.

What is a reasonable modification?

Housing providers must permit reasonable modifications requested by residents. A "reasonable modification" is a structural change made to existing premises occupied or to be occupied by a person with a disability, so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas. The resident pays the cost of the modification. Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a deaf or hard of hearing tenant to install strobes.

Are all requests considered reasonable?

A request for a reasonable accommodation may be denied if providing the accommodation would impose an undue financial and administrative burden on the housing provider or would fundamentally alter the nature of the provider's operations, determined on a case-by-case basis.

When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs.



May the association ask for details or proof that a person is disabled?

The housing provider may ask for verification of a person's disability, if it is not obvious or otherwise known to the housing provider, and may verify that a request is related to that disability. If requested, the individual may provide a written statement from a licensed medical or social service professional or other third party stating that the applicant/resident qualifies as an individual with a disability. **The housing provider may not ask the person with a disability or the certifying professional about the nature or severity of the individual's disability.**

What is familial status?

"Familial status" means the presence of children under 18 in the household. This includes pregnant women and persons in the process of adopting or securing custody of a child/children. Children include foster children and grandchildren as long as the person has legal custody or written permission.

If the only available units are on upper floors, may the community refuse to rent to families with children?

No. It is up to the applicants to determine whether they have any preference about floor levels.

Under what circumstances may a community or association exclude families with children?

Communities that qualify for the "Housing for Older Persons" exemption under the Fair Housing Act are permitted to exclude families with children under the age of 18. These communities must meet all the requirements of the exemption: In housing for persons 62 or older, every resident must be 62 or older; and in housing for persons age 55 or older, 80% of the units must have at least one person age 55 or older, and the community must meet other requirements, including completing surveys.

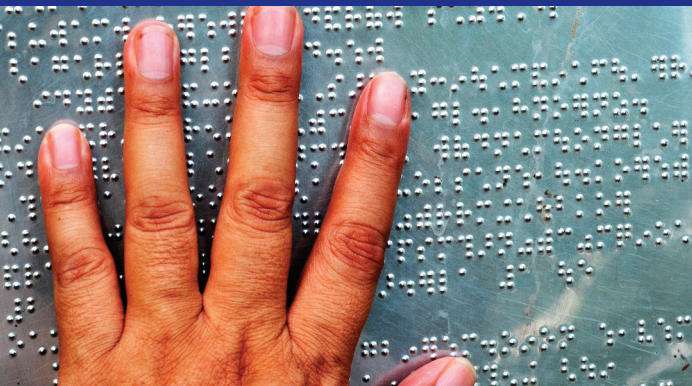
REQUESTS FOR REASONABLE ACCOMMODATION/MODIFICATION

A request for a reasonable accommodation or reasonable modification need not be in writing, but it is recommended that a request be made in writing so that there is a record of both the request and the date it was sent.

When considering a reasonable accommodation/modification request, a housing provider may take only the following into consideration:

- Is the individual for whom the request is made a person with a disability?
- Is the requested accommodation or modification necessary to allow the person with a disability an equal opportunity to use and enjoy a dwelling, including common use areas?
- Would the requested accommodation impose an undue financial and administrative burden on the housing provider?
- Would the requested accommodation require a fundamental alteration in the nature of the provider's operations?

A housing provider may not ask about the nature or severity of the disability. However, a housing provider may request information about the relationship between the person's disability and the need for the requested accommodation, if either the disability or the need for the requested accommodation is not apparent. This information can usually be provided by the individual making the request. A doctor or other medical professional, a peer support group, a non-medical service agency, or another reliable third party who is in a position to know about the individual's disability may also provide the information.



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FAIR HOUSING RIGHTS OF PERSONS WHO ARE DEAF OR HARD OF HEARING OR WHO ARE BLIND OR HAVE LOW VISION



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Housing discrimination is against the law. One way to stop discrimination is to report it.

Landlords and other housing providers may not discriminate against persons with disabilities. This brochure discusses the fair housing rights of individuals with hearing, vision, communication or speech-related disabilities. This brochure also discusses reasonable accommodations and reasonable modifications that may be required to enable persons with such disabilities to use and enjoy a dwelling. For more general information about the fair housing rights of persons with disabilities, please see the brochure: ***Fair Housing Rights of Persons with Disabilities***.



LANDLORDS AND PROPERTY MANAGERS

Landlords and their agents must ensure that individuals with vision, hearing, communication or speech-related disabilities can effectively communicate with them. For example, persons who are blind or have low vision may need to have the rental application or other housing related documents read to them. Housing providers may not refuse to communicate through TTY, video relay, or other relay systems.

COMMONLY ASKED QUESTIONS AND ANSWERS

What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes a record of such an impairment or being regarded as having such an impairment. The law also covers someone who is associated with a person with a disability.

What is a reasonable accommodation?

A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including its public and common use space. Examples of reasonable accommodations for residents who are deaf or hard of hearing or blind or have low vision include:

- Providing an interpreter to enable residents who are deaf or hard of hearing to participate in homeowner or condominium association meetings or meetings or conversations with a housing provider involving long, complex or important matters.
- Providing assistance in filling out forms or providing leases, rules or other documents in large print.
- Where a lease permits only those adults named on the lease to reside in a unit, allowing a live-in aid if the tenant needs such assistance.

LENDERS AND INSURERS

Lenders and insurance companies may not refuse to provide mortgages or homeowners or renters insurance respectively because the applicant is a person with a disability. Nor may they provide mortgages or insurance on different terms.

Under the Fair Housing Act, lenders and insurers need to make sure that a person with a disability receives the same information about a loan or insurance policy as any other applicant without a disability. Lenders and insurers also need to make reasonable

- Allowing an assistance animal in a building with a "no pets" policy.

What is a reasonable modification?

A "reasonable modification" is a structural change made to existing premises, occupied or to be occupied by a person with a disability, so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas. Examples of reasonable modifications include allowing a tenant to:

- Install a communication device, such as strobe lights, to alert a tenant who is deaf or hard of hearing that a smoke alarm or door bell has sounded.
- Modify kitchen appliances for use by a person who is blind.
- Install grab bars or ramps; widen doorways to enable wheelchair access.
- Remove a built-in bookshelf that protrudes into a pathway.

The resident is responsible for paying the cost of the modification. Tenants are obligated to restore the interior of the dwelling to its previous state only where it is reasonable to do so and the housing provider has requested the restoration. Reasonable modifications to the exterior of a dwelling are not required to be restored. Section 504 of the Rehabilitation Act of 1973 may require landlords that receive federal funds to pay for reasonable modifications.

accommodations to persons with disabilities, which may include providing an interpreter. Under another law, the Americans with Disabilities Act, a lender or insurance company is generally required to provide appropriate auxiliary aids and services to persons with disabilities when necessary to ensure effective communication when discussing a complex issue such as a mortgage or insurance policy. Appropriate auxiliary aids and services may include qualified sign language or oral interpreters, computer-assisted real-time transcription, qualified readers, and documents in alternate formats (Braille, large print, audio format, accessible electronic format).

THE HUD LGBT RULE FACT SHEET

Greater New Orleans Fair Housing Action Center • (504) 596-2100 • www.gnofairhousing.org



BACKGROUND

“Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity,” referred to as the “LGBT Rule,” came into effect on March 5, 2012. Its purpose is to protect lesbian, gay, bisexual and transgender individuals and families from discrimination in Dept. of Housing and Urban Development (HUD) programs, and to set an example to the private market.

Note: The LGBT rule is not a law, or an amendment to the federal Fair Housing Act, which protects against discrimination in housing based on race, color, national origin, religion, sex, disability, or familial status (whether or not you have kids). It is simply a new regulation applied to HUD-funded housing and housing providers.



DEFINITIONS

Sexual orientation refers to whether a person identifies as homosexual, heterosexual, or bisexual.

Gender identity refers to an individual’s actual or perceived gender-related characteristics. This includes types of gender expression not stereotypically associated with the sex a person was assigned at birth.

THE RULE:



EQUAL ACCESS PROVISION

The rule establishes a new Equal Access Provision

- Housing that is financed, insured, or assisted by HUD must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- Types of HUD funding the rule covers: Section 8 (housing vouchers), Community Development Block grants, Public Housing, Housing Opportunities for Persons with Aids (HOPWA), Supportive Housing for the Elderly and Persons with a disability, Federal Housing Administration (FHA) insured loans, and any other HUD-assisted program. Private housing providers with no FHA loan are not subject.



FEDERAL HOUSING ADMINISTRATION LOANS

The rule adds sexual orientation and gender identity to the existing FHA equal access provision

- Prohibits lenders from determining eligibility for FHA-insured loans on actual or perceived sexual orientation and gender identity.



DEFINITION OF FAMILY

The rule clarifies the definition of “family” and “household” to include LGBT inclusive language

- “Family” now includes persons regardless of actual or perceived sexual orientation, gender identity, or marital status.
- This is crucial because the definition of family determines who is eligible to participate in a HUD program.
- Applies to certain programs only: Section 8, Public Housing, FHA, Community Development Block Grants, Housing Opportunities for Persons with AIDS (HOPWA), 202/811 (elderly and disabled assisted housing).



PROHIBITION OF INQUIRIES

The rule prohibits inquiries about sexual orientation and gender identity

- Prohibits owners and operators of HUD-funded housing, or HUD insured housing (FHA loans), from inquiring about an applicant or occupant’s sexual orientation or gender identity, or denying an applicant housing on that basis.
- Any mortgage lender that provides FHA loans must follow this provision, even if an individual is seeking a non-FHA loan.