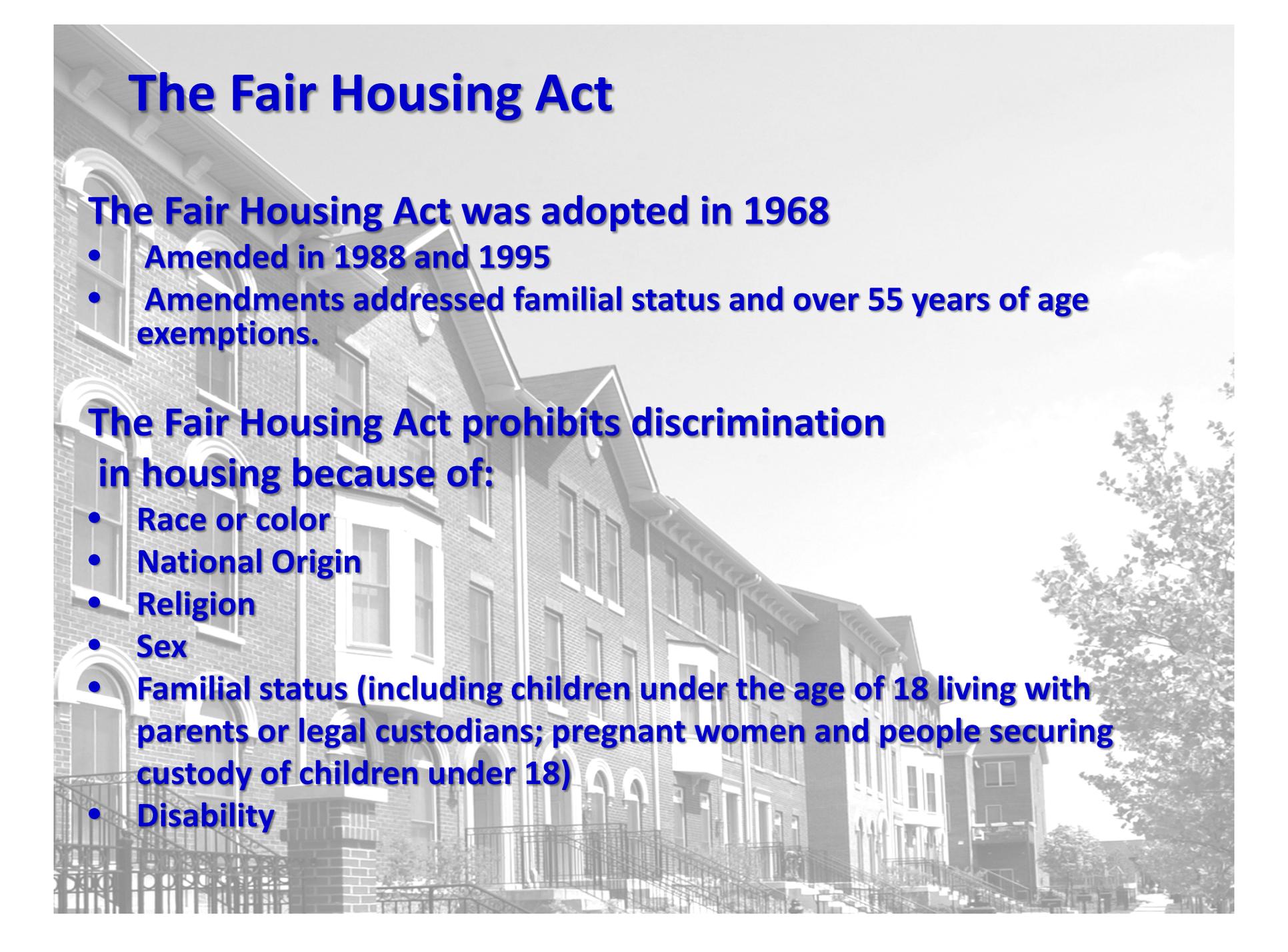


# FAIR HOUSING



Equal Opportunity for All

# The Fair Housing Act

A row of brick townhouses with arched windows and fire escapes, serving as a background for the text.

**The Fair Housing Act was adopted in 1968**

- Amended in 1988 and 1995
- Amendments addressed familial status and over 55 years of age exemptions.

**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

**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.**



### **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**
- **Set different terms, conditions or privileges for sale or rental of a Dwelling**
- **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 related to the sale or rental of dwellings**

A group of diverse children are gathered outdoors in a garden or schoolyard. They are engaged in a hands-on activity, possibly planting or examining small plants. One boy in a red shirt is holding a small plant in a clear container. A girl in a white shirt is looking down at a plant. A boy in a green shirt is also looking at a plant. The background shows trees and a utility pole.

## Housing Protection for Families with Children

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).

## **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 or HIV/AIDS) that substantially limits one or more major life activities

- Are regarded as having such a disability, a housing provider may not:

- Refuse to let you make reasonable modifications to your dwelling at your expense (a landlord may permit changes only if you agree to restore the property to its original condition when you move.)

- Example: A building with a “no pets” policy must allow a visually impaired tenant to keep a guide dog.**



**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.**

## 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 /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.
- 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.



## **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.

***Local ordinances include steps that can be taken locally.***

***Your local ordinance also includes time limits in which complaints must be submitted and responses must be provided.***

Complaint



**Where to Write or Call:** File a complaint online or 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.

**THE SOUTHEAST REGIONAL OFFICE:**

**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

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](http://www.hud.gov/fairhousing)

## 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.

## **What Happens After A Complaint Investigation?**

### **Determination of Reasonable Cause, Charge of Discrimination, and**

**Election:** When the 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 the complainant, HUD will issue a Determination of Reasonable Cause and a Charge of Discrimination against the respondent(s).

The complainant and the respondent(s) have twenty (20) days after receiving notice of the Charge to decide whether to have their 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 the complainant nor the respondent elects to have a Federal civil trial before the 20-day Election Period expires, HUD will promptly schedule a Hearing for the complainant's case before a HUD ALJ. The ALJ Hearing will be conducted in the locality where the discrimination allegedly occurred. During the ALJ Hearing, the complainant 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.

# **City of Dunnellon**

## **Local Fair Housing Ordinance**

**The City of Dunnellon has included in the City's Fair Housing Ordinance Adopted September 24, 1990 provisions for Fair Housing.**

**Complaints:** Must be submitted in writing within 60 days of the incident.

**City Review:** 30 day notification, response and investigation period

If the City finds that the complaint is justified the city will forward the findings to the State Attorney's office.

**Copies of The City of Dunnellon's Fair Housing Ordinance are available at City Hall upon request.**

ANY  
QUESTIONS  
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