The Fair Housing Act

It’s Not Just Your Right…
It’s the Law!

Presented by:
The Fair Housing Continuum, Inc.

A private non-profit 501 ( c )( 3 ), fair housing enforcement agency
Mission of FHC

To ensure equal housing opportunity and eliminate discrimination in Florida.
Overview

- Civil Rights Act of 1968 - Title VIII (Fair Housing Act)
- Fair Housing Act as Amended – 1988
- Areas Covered Under the Act
- Prohibited Practices
- Reasonable Modifications & Accommodations
- Exemptions
- Filing a Fair Housing Complaint
- Who to Contact
The Civil Rights Act of 1968

Title VIII—The Fair Housing Act

- It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the nation.
The Fair Housing Act -
Protected Categories

- Race
- Color
- National Origin
- Religion
- Sex (1974)
Fair Housing Amendments Act of 1988

- Was enacted to strengthen the administrative enforcement provisions of Title VIII.

- Provides for the award of monetary damages where discriminatory housing practices are found.

- Added familial status and disability as protected classes.
Familial Status - Defined

1. The presence of one or more children under the age of 18 living with a parent or legal custodian or their designee;

2. Pregnancy; or

3. A person adopting or securing legal custody of a child under the age of 18.
Familial Status

- The Fair Housing Amendments Act of 1988 provides provisions that allows "housing for older persons" be exempt from *familial status* only.
Disability - Defined

1. A person who has a physical or mental impairment that substantially limits one or more major life activities;

“major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
Disability - Defined

1. A person who has a physical or mental impairment that substantially limits one or more major life activities;

2. has a record of such impairment; or

3. is regarded as having such an impairment.
To establish a discriminatory practice under Federal (Title VIII-Fair Housing Act) and State law (Florida Statue 760); the complainant must be able to establish that a protected category (race, color, religion, national origin, sex, familial status or disability) of the Act was violated.
Additional Categories Protected by Law

- Marital status
- Sexual orientation
- Source of income
- Age
- Military
- Occupation
- Political affiliation
- Personal appearance
- Family responsibilities
- Ancestry
- Place of business or residence

States, counties, cities and towns.
Areas covered under the Act

- Sale and rental of a dwelling
- Mortgage Lending
- Real Estate Advertising
- Homeowners Insurance
- Property Appraisals
- Vacant Land Use
- Newly Constructed Multifamily Dwellings
Prohibited Practices

- Refuse to sell or rent a dwelling after a bona fide offer has been made, or refuse to negotiate for the sale or rental of a dwelling.

- Make housing unavailable when it is available.

- Set different terms, conditions, or privileges for the sale or rental of a dwelling.

- Provide different housing services or facilities.
Prohibited Practices

- Advertise a preference, limitation, or anything discriminatory against a protected group.

- Steer you to certain apartments or homes.

- Refuse to provide information regarding mortgage loans, deny a mortgage loan, or impose different terms or conditions on a mortgage loan.
Prohibited Practices

- Deny you insurance or impose different terms or conditions on homeowners insurance.
- Conduct property appraisals in a discriminatory manner.
- Fail to design and construct certain multifamily dwellings in accordance with the fair housing accessibility requirements.
Prohibited Practices

- Harass, coerce, intimidate, or interfere with anyone exercising their fair housing rights.

- Deny request of certain modifications or refuse to make certain accommodations for persons with disabilities.
Fair Housing Act

Reasonable Modifications and Accommodations for Persons with Disabilities
Reasonable Modifications

- It shall be unlawful for any person to refuse to permit, at the expense of a disabled person, reasonable modifications of existing premises, if the proposed modifications may be necessary to afford the disabled person full enjoyment of the premises.
Reasonable Modifications

- A landlord may request a tenant provide a description of the proposed modification as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.
Reasonable Modifications

- A landlord may also request the tenant, where reasonable, to restore the interior of the premises back to the condition that existed before the modification.
Examples of Modifications

- Ramps
- Widening doorways
- Repositioning electrical outlets, light switches, thermostats, etc.
- Modifying kitchens and bathrooms
- Installing communication devices
Reasonable Accommodations

- It is unlawful for any person to refuse to make reasonable accommodations in the rules, policies, practices or services when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling.
Examples of Accommodations

- Reserved parking space
- Relocation of mailbox
- Reminder of tenant obligations
- Request for service animal
- Request for sign language interpreter at condominium association meetings
The Fair Housing Act

Exemptions
Exemptions

- Private clubs (Non-commercial property for members).
- Occupancy standards (Reasonable local, State, or Federal restrictions).
- Drug convictions (Illegal manufacture or distribution of a controlled substance).
- Housing for Older Persons (Qualified).
Exemptions

- Single Family Housing (If owner does not own or have interest in more than three single family houses at any one time; the house is sold or rented without the services of a real estate agent).

- Religious Organizations (Non-commercial property).

- Owner-occupied with no more than four units.
The Fair Housing Act

Filing a Fair Housing Complaint
Filing a fair housing complaint

- A complainant has one (1) year from the date of the alleged act of discrimination to file a complaint.

- A complainant has two (2) years from the date of the alleged act of discrimination to file a civil suit.
You can file your complaint with the . . .

- U.S. Department of Housing and Urban Development, Regional Office, Atlanta, GA.
  @ 1-800-440-8091

- Florida Commission on Human Relations
  @ 1-800-342-8170

- Orlando Human Relations Commission
  @ (407) 246-3449
How to contact FHC

**Location:**
4760 N. US Hwy. 1, Suite 203, Melbourne, FL 32935

**Telephone:**
1- 888-264-5619  or  (321) 757-3532

**Fax:**
(321) 757-3535

**Email:**
fairhousing32922@bellsouth.net

**Website:**
www.fairhousingcontinuum.org
Summary

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Remember!

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For more information about your fair housing rights, visit the HUD website @ www.hud.gov