



FAIR HOUSING FOR HOUSING PROVIDERS AND LENDERS



AGENDA

Part I

- SERI and Fair Housing
- The Fair Housing Act (FHA)

Part II

- Complaints By Transaction Type
- What is Prohibited?
- Examples of Violations
- Possible Verbal Signs of Discrimination
- FHA Exemptions
- Good Practices

Part III

- SERI Complaint Hotline
- What Happens if You Violate the FHA



SERI

- Local non-profit founded in 1994.
- Working with low-income and minority communities in the Southwest to help protect the environment and improve community health.
- Committed to helping eliminate fair housing biases and prejudices in the community to make our community a place where everyone can live, work, and engage.
- Education and Outreach Initiative Program funded by the U.S. Department of Housing and Urban Development (HUD).



WHAT IS THE FAIR HOUSING ACT?

- In 1968 the Fair Housing Act (FHA) was signed, making it illegal for people to discriminate in any aspect of housing based on an individual's race, color, national origin, religion, sex, familial status, and disability.
- The FHA defines these as their seven federally protected classes.

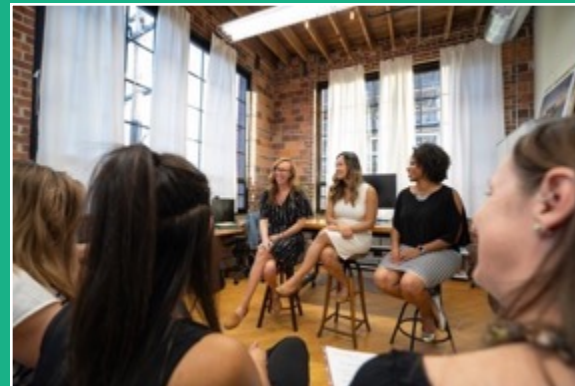
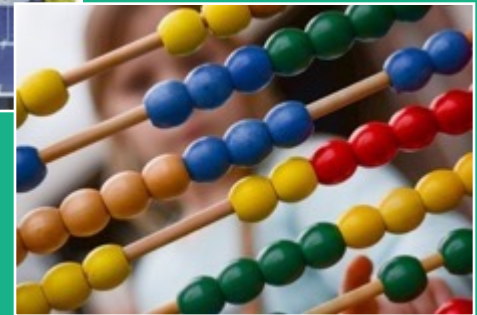


President Lyndon B. Johnson to sign the Fair Housing Act April 11, 1968.
(Photo Credit: *Smithsonian*)



WHY FAIR HOUSING IS IMPORTANT

- Giving everyone access to housing in every neighborhood ensures that everyone has access to the resources they want and affects the rest of our lives!

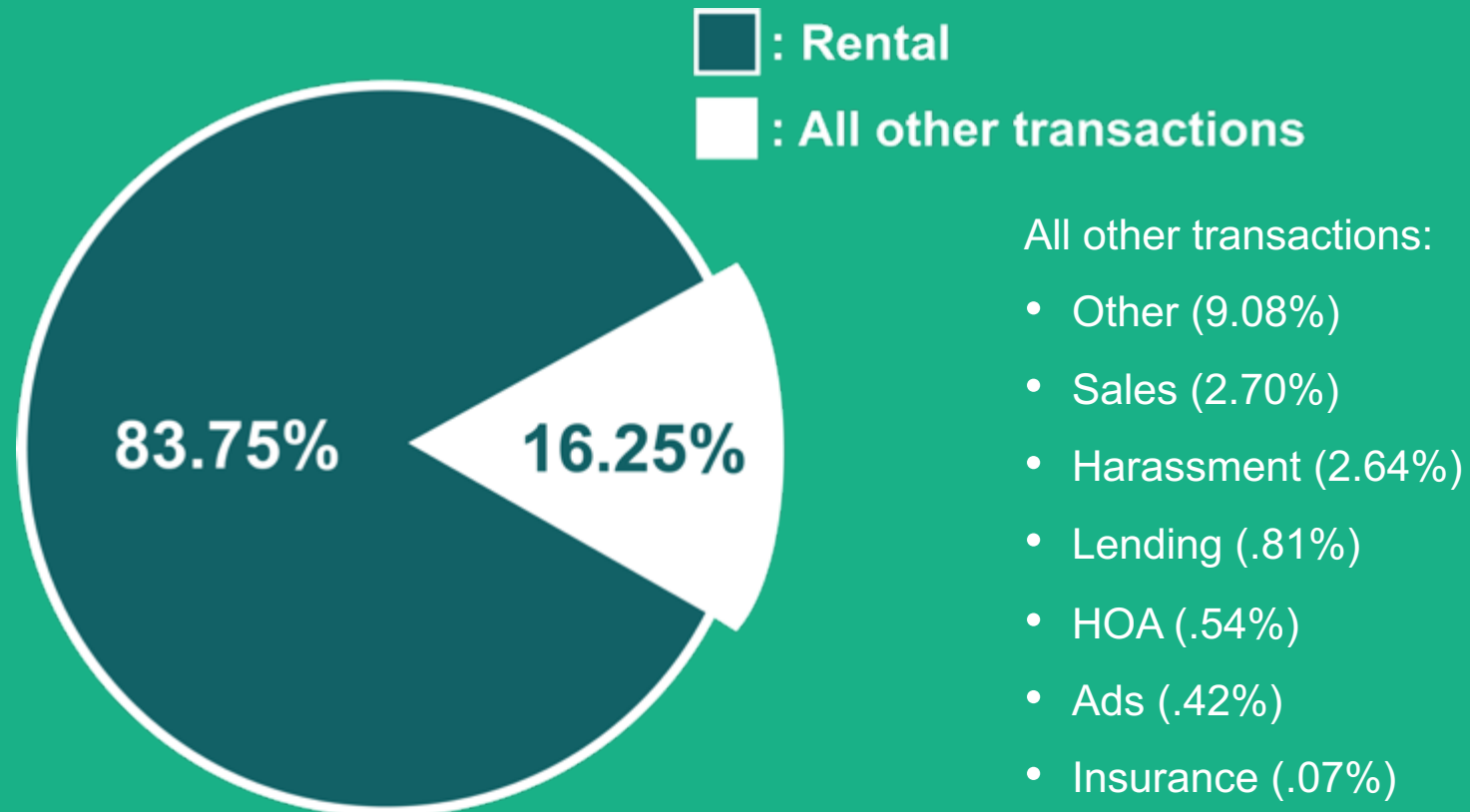


WHERE THE FAIR HOUSING ACT APPLIES?

The Fair Housing Act applies to when people are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in any other housing-related transactions.



COMPLAINTS BY TRANSACTION TYPE



(Source: National Fair Housing Alliance *Fair Housing Trends in 2019*)



WHAT IS PROHIBITED?

- Refuse to rent, sell, or negotiate housing.
- Make housing otherwise unavailable or deny dwelling.
- Set different/less favorable terms, conditions, or privileges for sale or rental of a dwelling.
- Provide different/less favorable housing services or facilities.



WHAT IS PROHIBITED? (CONT.)

- Oral or written statement indicating a limitation or preference based on protected class status.
- Misrepresentation concerning availability of housing.
- Persuade owners to sell or rent because of the entry of a protected class into a neighborhood.



WHAT IS PROHIBITED? (CONT.)

- Discriminate on basis of disability.
- Threaten, retaliate, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Refuse to make a mortgage loan, provide information regarding loans, or purchase a loan.



WHAT IS PROHIBITED? (CONT.)

- Impose different/less favorable terms or conditions on a loan, such as different interest rates, points, or fees.
- Discriminate in appraising property.
- Set different/less favorable terms or conditions for making or purchasing a loan.
- Discrimination in provision of brokerage services.



BLOCK BUSTING



- For profit, persuade, or try to persuade, homeowners to sell their homes by suggesting that people of a particular protected characteristic are about to move into the neighborhood.
- The profiteering real-estate practice of buying homes from white majority homeowners below market value, based on the implied threat of future devaluation during minority integration of previously segregated neighborhoods.



EXAMPLES OF VIOLATIONS



**Steering families with children to other apartment buildings.
Section 804(a) and/or (b) 24 C.F.R. § 100.70(c)**

**Mobility-impaired tenant's request for an assigned parking
space (as an exception to the housing provider's first-come
first-served parking policy).
Section 804(f)(3)(b) 24 C.F.R. § 100.204(b)**

**Oral statement by owner that preference will be given to
applicants of a particular nationality.
Section 804(c) 24 C.F.R. § 100.75(b)**



POSSIBLE VERBAL SIGNS OF DISCRIMINATION



**“NO DOGS ALLOWED ON THIS PROPERTY,
NO EXCEPTIONS.”**

**“WE ONLY TAKE PEOPLE THAT SPEAK
ENGLISH CLEARLY.”**

**“YOU MIGHT BE MORE COMFORTABLE
LIVING ELSEWHERE. I’LL SHOW YOU
NEIGHBORHOODS WITH MOSQUES.”**



FAIR HOUSING ACT EXEMPTIONS



- Single-family house
- Mrs. Murphy (owner-occupied) property.
- Religious organization
- Private club
- Housing for older persons.



FAIR HOUSING ACT EXEMPTIONS (CONT.)

- Reasonable occupancy standards.
- Persons convicted of drug manufacturing or distribution.
- Persons whose tenancy presents a direct threat to health, safety, or property.



GOOD PRACTICES FOR HOUSING PROVIDERS AND LENDERS

- Train all employees to follow and understand fair housing laws.
- Create and enforce a non-discriminatory policy.
- Treat anyone inquiring about available housing and lending the same.
- Make the application available to all applicants.



GOOD PRACTICES FOR HOUSING PROVIDERS AND LENDERS (CONT.)

- Maintain housing specs and features, so all applicants are given identical information.
- Avoid advertising that can be interpreted as selecting or discouraging any protected class.
- Display advertising promoting equal opportunity and the official logo.
- Have qualifications be in writing and given to all applicants.



GOOD PRACTICES FOR HOUSING PROVIDERS AND LENDERS (CONT.)

- Notify applicants in a timely manner if they have been rejected and explain why.
- For people with disabilities allow reasonable accommodations and reason modifications.
- Include information on how to request reasonable accommodation and reasonable modification.
- Keep all records including changes to criteria.



SERI COMPLAINT HOTLINE



ONLINE

seriaz.org/fair-housing



E-MAIL

hotline@seriaz.org



PHONE

520-306-0938



DIRECT MAIL

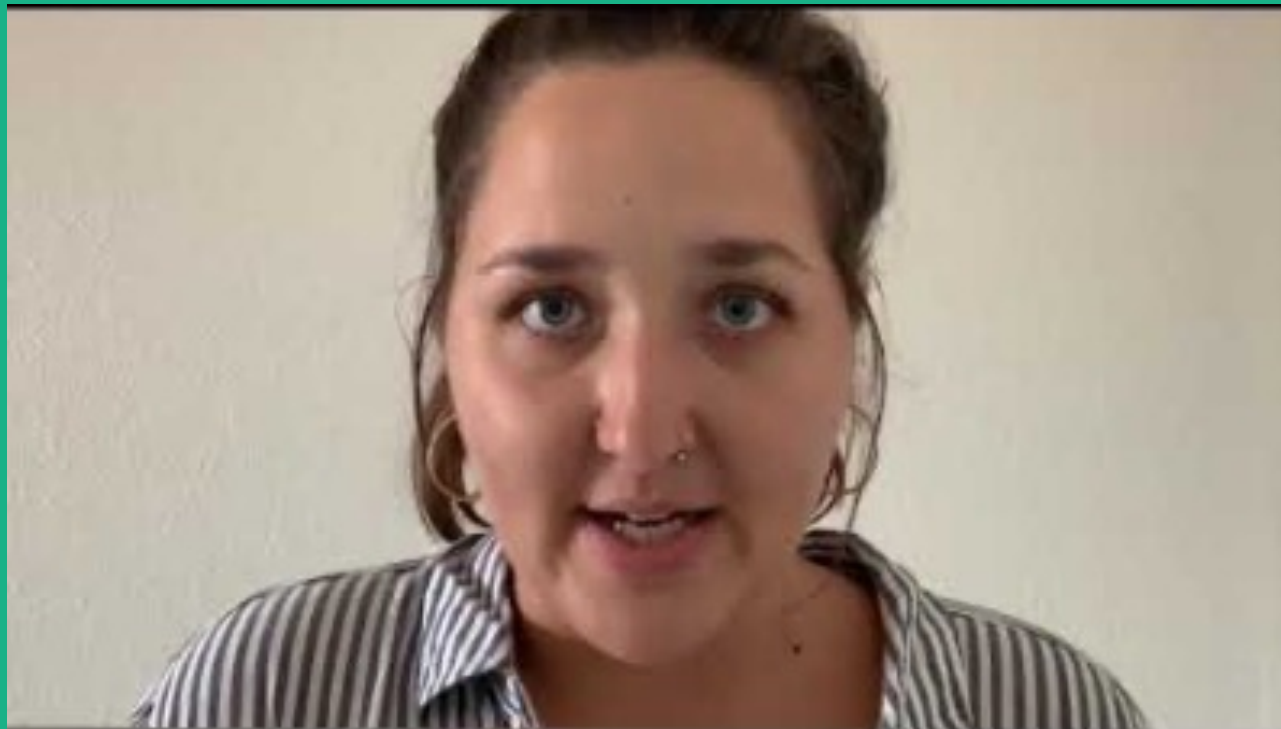
**SERI
P. O. Box 65782
Tucson, AZ 85728**



We will respond within 1 business day and refer your complaint to the proper agency. SERI is a AZ Friendly Relay Business.



SOUTHWEST FAIR HOUSING COUNCIL



WHAT HAPPENS IF YOU VIOLATE THE FAIR HOUSING ACT?



WHO IS LIABLE?

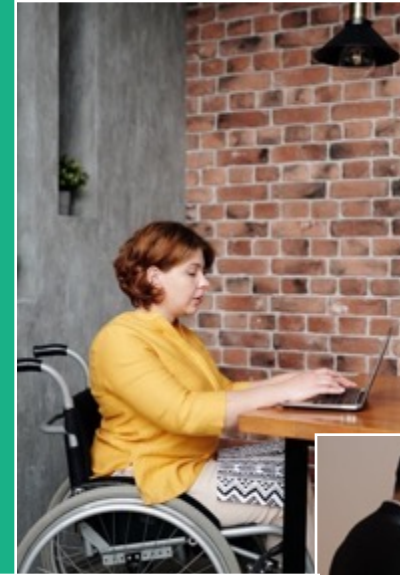
- You can be held liable if you violate the Fair Housing Act even if you did not know the law.
- Person liable for own discriminatory action (direct liability).
- You can be held liable for someone else's illegal behavior if the person is your agent or employee (vicarious liability).
- You can be held liable even if you are following your client's, broker's, agency's, colleague's, or supervisor's orders.



LEGAL ACTION CAN BE TAKEN

Potential plaintiffs

Potential Defendants



POTENTIAL RELIEF TO THE PLAINTIFF

Actual damages

- Difference in price/rent between housing obtained and housing lost.
- Cost of alternative housing.
- Lost wages while dealing with discriminatory actions.
- Storage costs of belongings (there may be other actual costs).



POTENTIAL RELIEF TO THE PLAINTIFF (CONT.)

Consequential damages

- Emotional distress
- Loss of housing opportunity.

Punitive damages

- An amount designed to punish the wrongdoer and ensure that behavior does not recur; is not dependent on measure of actual or consequential damages.



RESOURCES AND THANK YOU

- Eastern Connecticut Association of Realtors - <http://www.easternctrealtors.com/wp-content/uploads/2016/11/FairHousing-PowerPoint.pdf>
- Equal Housing Center of Pennsylvania - http://www.equalhousing.org/wp-content/uploads/2015/07/HECP_Landlord_Guide.pdf
- Fair Housing Project Legal Aid of North Carolina - <http://www.fairhousingnc.org/know-your-rights/fair-housing-overview/>
- Greater Bakersfield Legal Assistance, Inc. - <http://www.gbla.org/>
- HUD Exchange - <http://www.hudexchange.info>
- National Fair Housing Alliance - <http://nationalfairhousing.org>
- SERI Fair Housing Program - <http://www.seriaz.org/projects/fair-housing>
- Southwest Fair Housing Council - <http://swfhc.com/>
- US Department of Housing and Urban Development - http://www.hud.gov/program_offices/fair_housing_equal_opp and www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

This material is based on work supported by the Department of Housing and Urban Development (HUD) under FHIP Grant EOI FEO2I00215.

Any opinion, findings, and conclusions or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of HUD.

