



FAIR HOUSING ACT OF 1968

The Civil Rights Act signed into law in April 1968—popularly known as the Fair Housing Act—prohibited discrimination concerning the sale, rental and financing of housing based on race, religion, national origin and sex. Intended as a follow-up to the Civil Rights Act of 1964, the bill was the subject of a contentious debate in the Senate, but was passed quickly by the House of Representatives in the days after the assassination of civil rights leader Martin Luther King Jr. The act stands as the final great legislative achievement of the civil rights era.

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STRUGGLE FOR FAIR HOUSING

Despite Supreme Court decisions, including *Shelley v. Kraemer* (1948) and *Jones v. Mayer Co.* (decided in June 1968), barring the exclusion of African Americans or other minorities from certain sections of cities, race-based housing patterns were still in force by the late 1960s, and those who challenged them often met with resistance, hostility and even violence. Meanwhile, while a growing number of African-American or Hispanic members of the armed forces fought and died in Vietnam, on the home front their families had trouble renting or purchasing homes in certain residential areas because of

their race or national origin. In this climate, organizations such as the National Association for the Advancement of Colored People (NAACP) the G.I. Forum and the National Committee Against Discrimination in Housing lobbied for new fair housing legislation to be passed.

DID YOU KNOW?

A major force behind passage of the Fair Housing Act of 1968 was the NAACP's Washington director, Clarence Mitchell Jr., who proved so effective in pushing through legislation aiding blacks that he was referred to as the "101st senator."

The proposed civil rights legislation of 1968 expanded on and was intended as a follow-up to the historic Civil Rights Act of 1964. The bill's original goal was to extend federal protection to civil rights workers, but it was eventually expanded to address racial discrimination in housing. Title VIII of the proposed Civil Rights Act was known as the Fair Housing Act, later used as a shorthand description for the entire bill. It prohibited discrimination concerning the sale, rental and financing of housing based on race, religion, national origin and sex.

PASSAGE BY THE SENATE AND HOUSE

In the Senate debate over the proposed legislation, Senator Edward Brooke of Massachusetts—the first African-American ever to be elected to the Senate by popular vote—spoke personally of his return from World War II and his inability to provide a home of his choice for his new family because of his race. In early April 1968, the bill passed the Senate, albeit by an exceedingly slim margin, thanks to the support of the Senate Republican leader, Everett Dirksen, which defeated a southern filibuster. It then went to the House of Representatives, from which it was expected to emerge significantly weakened; the House had grown increasingly conservative as a result of urban unrest and the increasing strength and militancy of the Black Power movement.

On April 4—the day of the Senate vote—the civil rights leader Martin Luther King Jr. was assassinated in Memphis, Tennessee, where he

had gone to aid striking sanitation workers. Amid a wave of emotion—including riots, burning and looting in more than 100 cities around the country—President Lyndon B. Johnson increased pressure on Congress to pass the new civil rights legislation. Since the summer of 1966, when King had participated in marches in Chicago calling for open housing in that city, he had been associated with the fight for fair housing. Johnson argued that the bill would be a fitting testament to the man and his legacy, and he wanted it passed prior to King's funeral in Atlanta. After a strictly limited debate, the House passed the Fair Housing Act on April 10, and President Johnson signed it into law the following day.

IMPACT OF THE FAIR HOUSING ACT

Despite the historic nature of the Fair Housing Act, and its stature as the last major act of legislation of the civil rights movement, in practice housing remained segregated in many areas of the United States in the years that followed. From 1950 to 1980, the total black population in America's urban centers increased from 6.1 million to 15.3 million. During this same time period, white Americans steadily moved out of the cities into the suburbs, taking many of the employment opportunities blacks needed into communities where they were not welcome to live. This trend led to the growth in urban America of ghettos, or inner city communities with high minority populations that were plagued by high unemployment, crime and other social ills.

In 1988, Congress passed the Fair Housing Amendments Act, which expanded the law to prohibit discrimination in housing based on disability or on family status (pregnant women or the presence of children under 18). These amendments brought the enforcement of the Fair Housing Act even more squarely under the control of the U.S. Department of Housing and Urban Development (HUD), which sends complaints regarding housing discrimination to be investigated by its Office of Fair Housing and Equal Opportunity (FHEO).

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Fair Housing-It's Your Right



Learn about the Fair Housing Act

1.) [Get basic facts about the Fair Housing Act](#)

1.)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.

2.)What Is Prohibited?

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

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- 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 owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

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

- 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 illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

3.)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, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and 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

your landlord may not:

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the 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 necessary for the disabled person to use the housing.

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 necessary to assure that she can have access to her apartment.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

4.)Requirements for New Buildings

In buildings that are ready for first occupancy after March 13, 1991, and have an elevator and four or more units:

- Public and common areas must be accessible to persons with disabilities
- 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 will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units.

These requirements for new buildings do not replace any more stringent standards in State or local law.

5.) Housing Opportunities for Families

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 live with:

- A parent
- A person who has legal custody of the child or children or
- The designee of the parent or legal custodian, with the parent or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.

Exemption: Housing for older persons is exempt from the prohibition against familial status discrimination if:

- The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State or local government program or
- It is occupied solely by persons who are 62 or older or
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates an intent to house persons who are 55 or older.

A transition period permits residents on or before September 13, 1988, to continue living in the housing, regardless of their age, without interfering with the exemption.

2.) If You Think Your Rights Have Been Violated

HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, the **Housing Discrimination Complaint Form** is available for you to download, complete and return, or complete online and submit, or you may write HUD a letter, or telephone the **HUD Office** nearest you. You have one year after an alleged violation to file a complaint with HUD, but you should file it as soon as possible.

Step 1: 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 to the housing involved
- A short description to the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) to the alleged violation

Step 2: Where to Write or Call:

Send the Housing Discrimination Complaint Form or a letter to the **HUD Office** nearest you or you may call that office directly.

If You Are Disabled:

HUD also provides:

- A toll-free TTY phone for the hearing impaired: 1-800-927-9275.
- Interpreters
- Tapes and braille materials
- Assistance in reading and completing forms

3.) What Happens when You File a Complaint?

HUD will notify you when it receives your complaint. Normally, HUD also will:

- Notify the alleged violator of your complaint and permit that person to submit an answer
- Investigate your complaint and determine whether there is reasonable cause to believe the Fair Housing Act has been violated
- Notify you if it cannot complete an investigation within 100 days of receiving your complaint

Conciliation

HUD will try to reach an agreement with the person your complaint is against (the respondent). A conciliation agreement must protect both you and the public interest. If an agreement is signed, HUD will take no further action on your complaint. However, if HUD has reasonable cause to believe that a conciliation agreement is breached, HUD will recommend that the Attorney General file suit.

Complaint Referrals

If HUD has determined that your State or local agency has the same fair housing powers as HUD, HUD will refer your complaint to that agency for investigation and notify you of the referral. That agency must begin work on your complaint within 30 days or HUD may take it back.

What if You Need Help Quickly?

If you need immediate help to stop a serious problem that is being 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 Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur without HUD's intervention
- There is substantial evidence that a violation of the Fair Housing Act occurred

Example: A builder agrees to sell a house but, after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with HUD. HUD may authorize the Attorney General to go to court to prevent a sale to any other buyer until HUD investigates the complaint.

What Happens after a Complaint Investigation?

If, after investigating your complaint, HUD finds reasonable cause to believe that discrimination occurred, it will inform you. Your case will be heard in an administrative hearing within 120 days, unless you or the respondent want the case to be heard in Federal district court. Either way, there is no cost to you.

The Administrative Hearing:

If your case goes to an administrative hearing HUD attorneys will litigate the case on your behalf. You may intervene in the case and be represented by your own attorney if you wish. An Administrative Law Judge (ALA) will consider evidence from you and the respondent. If the ALA decides that discrimination occurred, the respondent can be ordered:

- To compensate you for actual damages, including humiliation, pain and suffering.
- To provide injunctive or other equitable relief, for example, to make the housing available to you.
- To pay the Federal Government a civil penalty to vindicate the public interest. The maximum penalties are \$16,000 for a first violation and \$70,000 for a third violation within seven years.
- To pay reasonable attorney's fees and costs.

Federal District Court

If you or the respondent choose to have your case decided in Federal District Court, the Attorney General will file a suit and litigate it on your behalf. Like the ALA, the District Court can order relief, and award actual damages, attorney's fees and costs. In addition, the court can award punitive damages.

In Addition

You May File Suit: You may file suit, at your expense, in Federal District Court or State Court within two years of an alleged violation. If you cannot afford an attorney, the Court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

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 a Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

For Further Information:

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 Office** nearest you.

Filing Your Housing Discrimination Complaint Online

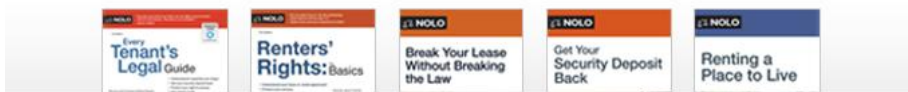
Federal law prohibits housing discrimination based on your race, color, national origin, religion, sex, familial status, or disability. If you have been trying to buy or rent a home or apartment and you believe your civil rights have been violated, you can file your fair housing complaint online by clicking the *Housing Discrimination Complaint* button below. Your housing discrimination complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the Fair Housing Act. The specialist will contact you for any additional information needed to complete this review. If your complaint involves a possible violation of the Fair Housing Act, the specialist will assist you in filing an official housing discrimination complaint.

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What Kind of Housing Discrimination Is Illegal?

Federal law prohibits discrimination based on many factors, including race, religion, national origin, familial status, disability, and sex.

By [Marcia Stewart \(/Law-Authors/Marcia-Stewart.Html\)](#)



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The federal Fair Housing Act of 1968 and the federal Fair Housing Act Amendments Act of 1988 prohibit discrimination on the basis of the following criteria (called “protected categories”): race or color; religion; national origin; familial status or age—including families with children under the age of 18 and pregnant women; disability or handicap, or sex.

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The federal Fair Housing Acts apply to all aspects of the landlord-tenant relationship. A landlord may not:

- advertise or make any statement that indicates a limitation or preference based on race, religion, or any other protected category
- falsely deny that a rental unit is available
- set more restrictive standards for selecting tenants or refuse to rent to members of certain groups
- before or during the tenancy, set different terms, conditions, or privileges for rental of a dwelling unit, such as requiring larger deposits of some tenants or adopting an inconsistent policy of responding to late rent payments
- terminate a tenancy for a discriminatory reason.

Federal antidiscrimination laws are administered by the [Department of Housing and Urban Development \(http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination\)](http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination) (HUD). If you want to read the text of federal discrimination law, see 42 United States Code Sections 3601-3619 and 3631. Find these by going to [Nolo's Law and Legal Research section \(http://www.nolo.com/legal-research\)](http://www.nolo.com/legal-research).

Race or Religion

Overt discrimination against persons of a certain race or religion (“No blacks allowed”) is unusual but, incredibly, does still occur. Far more common is subtle discrimination that is accomplished by indirect methods. For example, the landlord who turns away every black applicant is discriminating just as much as the one who announces that none need apply. And an apartment ad that says “safe Christian community” violates federal law, since applicants might reasonably conclude that Christians are preferred as tenants.

National Origin

Discrimination based on national origin is illegal, whether it's deliberate or carried out indirectly. For instance, an ad that offers special discounts to members of the Italian-American Club would be a likely candidate for a discrimination charge. And landlords cannot require proof of citizenship or immigration papers from applicants of one ethnicity but not from others, since doing so places a burden on one group that is not imposed on everyone else. And in California, it's illegal to ask any applicant or tenant about immigration or citizenship status.

Familial Status or Age

Landlords are not allowed to explicitly or indirectly turn you away based on your family status or your age.

Discrimination Against Families

While some landlords don't like renting to tenants with children, fearing the noise and wear and tear that kids might cause, the federal Fair Housing Acts prohibit discriminating on this basis. A landlord may not legally turn away or evict a tenant because he or she has children or because an applicant or tenant is pregnant. Even if the landlord has a worthy motive, such as believing that children won't be safe in the building or the neighborhood, it is illegal to deny the tenancy on that basis or to make other discriminatory moves such as steering families to certain parts of the property (usually the back).

Some landlords try to get around the laws prohibiting discrimination against families by setting unreasonably low occupancy limits, such as only two people for a two-bedroom unit. This too is illegal, as it has the effect of excluding families. Federal law (in this case, an opinion letter written by the Department of Housing and Urban Development) has established minimum occupancy standards that regulate how low an occupancy can go and still be legal. In general, landlords must allow at least two persons per bedroom. Landlords can be more restrictive only in rare instances, when they can show that legitimate business reasons justify a more restrictive standard. For example, a policy of only three persons in a two-bedroom unit might pass muster if the landlord can prove it is truly based on the limitations of the plumbing system or some other aspect of the building's infrastructure.

Age Discrimination

The federal Fair Housing Acts do not expressly ban discrimination based on age. Nevertheless, it is definitely forbidden under the broader prohibition against discrimination on the basis of familial status.

A landlord cannot refuse to rent to an older person or impose special terms and conditions on the tenancy unless these same standards are applied to everyone else. If you have excellent references and credit history, a landlord has no legal basis for refusing you, even if you are 85 and rely to some degree on the regular assistance of a nearby adult child or friend. (Of course, a landlord could legally give the rental to someone else with equal or better references or financial stability.) However, if your current landlord reveals that you suffer from advanced senility to the point that you often wander into the wrong apartment, frequently forget to pay the rent, or are unable to undertake basic housekeeping chores, the prospective landlord can refuse to rent to you based on this age-neutral evidence that you are not likely to be a stable, reliable tenant.

Disability

Federal law prohibits discrimination against people who:

- have a physical or mental disability that substantially limits one or more major life activities—including, but not limited to, hearing, mobility and visual impairments; chronic alcoholism (but only if it is being addressed through a recovery program); mental illness; mental retardation; being HIV-positive, having AIDS or AIDS-Related Complex
- have a history or record of such a disability, or
- are regarded by others to have such a disability.

Mental or Emotional Impairments

If you had, have, or appear to have mental or emotional impairments, you must be evaluated and treated by the landlord on the basis of your financial stability and history as a tenant, not on the basis of your mental health. If you cannot meet the good-tenant criteria that the landlord applies to all applicants (such as a minimum rent-to-income ratio), you may be rejected on that basis.

Discriminatory Questions and Actions

Landlords are not allowed to ask you whether you have a disability or illness, or ask to see medical records. And no matter how well intentioned, the landlord cannot make decisions about where and how you will live on the property that he would not make were you not disabled. For example, if there are two units for rent—one on the ground floor and one three stories up—the landlord must show both units to a wheelchair-bound applicant unless the applicant asks to see only one.

The Rights of Disabled Tenants to Live in an Accessible Place

Federal law protects disabled tenants after they have moved into a rental unit as well as during the application process. Landlords must reasonably accommodate the needs of disabled tenants, at the landlord's own expense. This means that a disabled tenant can expect the landlord to adjust rules, procedures, or services to a reasonable degree in order to provide an equal opportunity to use and enjoy her dwelling unit or a common space. Examples include providing a parking space for a movement-impaired tenant and accepting a guide or service animal in an otherwise "no pets" building.

However, landlords need not undertake changes that would seriously impair their ability to run their business, such as installing an elevator to the third floor to accommodate a wheelchair-bound tenant's wish to live there.

Fortunately, where a landlord's legal duty to reasonably accommodate the needs of a disabled tenant ends, his obligation to allow the tenant to modify the living space may begin. A disabled tenant has the right to modify his living space, at the tenant's expense, to the extent necessary to make the space safe and comfortable. There are two caveats to this rule: First, the landlord is not required to allow you to make major structural alterations. Second, if the modifications will make the unit unacceptable to the next tenant, the disabled tenant must agree to undo the modification when moving out. The landlord has the right to insist that the tenant put money in an escrow account to cover the eventual cost of returning the unit to its original condition. Examples of modifications undertaken by a disabled tenant include the lowering of countertops, installation of a ramp, or repositioning the light switches.

Landlords are entitled to ask for proof that the accommodation or modification you have requested will address your situation—without it, your landlord has no way of knowing whether your request is legitimate or a ruse to obtain special treatment. Ask your physician, therapist, counselor, or any other third-party professional who knows you and understands your situation for a letter attesting that what you are asking for will meet your needs. To protect your privacy, explain to the physician or other writer that there's no need to explain the disability. The writer need only certify that you are under his or her care and that the changes you would like are appropriate to your situation.

Limited Protection for Alcoholics and Drug Users

Federal fair housing law extends limited protection to two carefully defined groups:

- recovering alcoholics—those who actively and regularly participate in a medically based treatment or AA program
- former drug addicts—including those who have prior convictions for illegal drug use (but not for drug dealing or manufacture).

It is important to remember that, despite these protections, other aspects of a recovering alcoholic's (or a former drug addict's) past might legally serve as the basis for a denial of housing. For example, if you are a recovering alcoholic who has bad credit, a spotty employment history, or negative references from your previous landlords, a landlord may reject you for these reasons just as readily as any other applicant with these flaws. What a landlord cannot do is reject a prospective tenant solely on the basis of his status as a former addict or recovering alcoholic.

Sex and Sexual Harassment

You cannot be denied a place to live (or have special rules imposed on you) solely because you're female or male. Even well-intentioned policies are off-limits—for example, fearful that single women are more likely to be burglarized and assaulted than male tenants, a landlord cannot require single females to live in upper-story apartments, even if, in fact, those units are less prone to break-ins.

Sexual harassment is another form of unlawful sexual discrimination. For example, it's illegal to refuse to rent to a person who resists the landlord's sexual advances or to make life difficult for a tenant who has resisted such advances.

Property Exempt from Federal Antidiscrimination Laws

Unfortunately, not every rental is covered by the federal fair housing laws. The following types of property are exempt:

- owner-occupied buildings with four or fewer rental units
- single-family housing rented without the use of advertising or without a real estate broker, as long as the landlord owns no more than three such homes at any one time
- certain types of housing operated by religious organizations and private clubs that limit occupancy to their own members, and
- with respect to age discrimination only, housing reserved exclusively for senior citizens. There are two kinds of senior citizen housing exempted: communities where every tenant is 62 years of age or older, or "55 and older" communities in which at least 80% of the occupied units must be occupied by at least one person 55 years or older.

Fortunately for some tenants, however, many [state fair housing laws \(/legal-encyclopedia/free-books/renters-rights-book/chapter5-3.htm\)](#) cover properties or situations that are exempt under federal law. For example, owner-occupied buildings with four or fewer rental units are exempt under federal law but are protected under California law.

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Taking the Fear Out of Fair Housing

By Anne Sadovsky

Probably nothing has struck fear in the hearts of multifamily professionals like the monitoring of Fair Housing compliance by the Federal Government.

And probably our compliance is overall as lax as it is to most other laws and rules established for us by local and federal governments.

The catch of course, is that we aren't looking at a \$50 fine for speeding or a \$200 ticket for illegally parking in a handicapped space. We are looking at fines up to and in the millions of dollars range.

Then why in the world would any intelligent human being, any company, take the risk of not complying with Fair Housing laws?

IGNORANCE OF THE LAW IS NO EXCUSE!

Just like it is ineffective to tell the law enforcement officer that you didn't know the speed limit, it is equally as ineffective to claim that you don't know the Fair Housing laws. There are many sources of education in Fair Housing made available to our industry. Although some areas of Fair Housing are still a little gray, most are pure black or white, and we're totally clear on what the laws are.

JUST BECAUSE YOU DON'T THINK IT'S FAIR...

Recently at a seminar a participant voiced her opinion regarding our lack of ability to segregate families from the adult or childless residents. I gave her this example: Suppose you personally needed to live in a certain area, perhaps to be close to work, on a busline, near your childrens' school, or near their after school caretaker. You visit an apartment community in the exact location desired and are told that the family section is full but that there are 4 vacancies in the "adult section". How would you feel?

After a moment of thought she replied that she would be angry and would demand to live on that property. It was then easy to make her understand how familial status became a protected class.

BECAUSE WE'VE ALWAYS DONE IT THIS WAY...

Recently I heard an apartment owner make this statement "I've built and owned apartments for thirty years and nobody is going to tell me who I have to lease to or where." I guess we'll see him in court. Personally I don't understand why anyone would care about who lives on their property as long as those persons meet their criteria! It is my opinion that the only things that matter are income, rental and employment history, criminal background, credit... the things that a reputable applicant verification service generally checks. It's easy to fill out the application, pass it to a screening company, and move on to the next thing. Applicant screening companies are in business to handle the applicant verification process in a fast, efficient manner and can help you in the event a complaint is filed. RentGrow can help you develop your criteria, a point system for grading applicants, and they are a great time saver for your staff!

All of us deal daily with change in both our personal and professional lives, and those changes are rarely easy or comfortable. The changes brought about by the Fair Housing amendments have certainly not been easy, yet these changes have not only been made, they are not going to be revoked.

So what are your options? Change, comply, or pay devastating fines.

SO WHAT DOES ALL THIS HAVE TO DO WITH REMOVING FEAR FROM FAIR HOUSING?

KNOWLEDGE IS POWER!

Remember the first time you tried to parallel park a car? With no experience, no real training, no knowledge, you probably felt pretty frustrated. However, as the years have gone by, you have conquered that frustration, lost your fear and now feel powerfully capable of parallel parking.

Lack of fear, being empowered, comes at least partly from knowledge. When you KNOW HOW, what the rules are, and you understand them, you are in a position of power.

WHAT SPECIFICALLY MAKES US AFRAID?

*Our clientele is educated by the media and the government to know that it can be very profitable to sue housing providers. As many as 40% of complaints filed since 1988 have been bogus, trumped up, manufactured by the complainant.

*HUD has a large budget for hiring and training testers/shoppers. You and I never know if our client is really seeking an apartment home or if they're looking for someone to sue.

*We have to deal with questions from current and prospective residents that are discriminatory in nature, and we're not sure how or what to answer.

*We're afraid that our "humanness" will get us in trouble. For example, we may have a bad day when we're not as friendly to one as another, or the office gets extremely busy and we forget to offer refreshments to one person.

*Someone indicated to us that it is 100% necessary to do everything exactly the same way with everyone, no exceptions. So now we think that we have to carry a physically challenged person to the second floor, that we must show an apartment to someone who is abusive and of whom we're afraid, and that we must shake hands with someone who's hand is rotting off with an obviously highly contagious disease.

SO JUST WHAT IS THE SOLUTION?

Know that you are complying with the law. Document any different behavior on your part on the clients guest card, place a "refreshments are for everyone, please help yourself" sign on the cookie table, and understand that it is not HUD's goal for you to be abused, to damage yourself physically or to risk becoming ill.

As long as your change of behavior is not because of a person's race, color, national origin, religion, gender, familial status or handicap, DON'T PANIC!

And as far as discriminatory questions are concerned, practice the following statement and use it when necessary:

"It is our company policy to lease to all who qualify, including all the protected classes listed on this Fair Housing poster. I will be happy to help you with your apartment needs, but as directed by law, I cannot answer your question."

IGNORANCE IS NOT BLISS!

It is your responsibility to know the laws and guidelines, place as much, if not more importance on Fair Housing as you do on leasing apartments and collecting rent, and you won't have to be afraid.

Anne Sadovsky is one of Multihousing's foremost marketing and motivational speakers. Her company specializes in consulting and training. Their Leasing 101 video/workbook training program and their Fearless Fair Housing video provides affordable and effective video training! Their accelerated leasing program, with its commission based fee structure is in high demand with both new and distressed properties. For more information on these and other Fair Housing Friendly™ products and services, please call or write Anne Sadovsky & Company at 7557 Rambler Road, Suite 1454, Dallas, Texas 75231, (800) 759-9339.



Fair Housing and Hoarding Fact Sheet

1. What is Fair Housing?

Fair housing is a set of principles and laws which mandate equal access and opportunity in housing. Fair housing covers persons who are members of a protected class which are groups of persons and their families that historically have experienced discrimination. Under the Federal Fair Housing Act, those classes are race/color, religion, national origin, gender, disability, and families with children.

2. What is hoarding?

Compulsive hoarding is (Frost & Hartl, 1996):

- the acquisition of, and failure to discard, a large number of possessions that appear to be useless or of limited value;
- living spaces that are sufficiently cluttered so as to preclude activities for which those spaces were designed;
- the presence of significant distress or impairment in functioning caused by the hoarding.

3. Why would persons who hoard be covered under fair housing laws?

Someone who is a compulsive hoarder meets the definition of disability under federal fair housing laws because it is a mental impairment which substantially limits one or more of the person's major life activities.

4. What types of protections does a person with a disability have under fair housing laws?

Hoarders, as persons with disabilities, have the right to request a reasonable accommodation. A reasonable accommodation is a request for a waiver or change in policies, practices, procedures and services to provide equal access and opportunity in housing for persons with disabilities. There must be a direct connection between the person's disability and the reasonable accommodation request.

5. What is an example of a reasonable accommodation that could assist a person whose housing is at risk due to hoarding?

If the housing provider is considering eviction of a person with a disability due to the hoarding, a remedy plan can be offered as a reasonable accommodation to preserve the tenancy. This remedy plan could include support services plus an individualized schedule for cleanup and inspections.

6. Must the housing provider approve a reasonable accommodation request?

The request must be approved as long as it does not cause an undue administrative and financial burden or change the basic nature of the housing program.

7. Who can I call to get help in requesting a reasonable accommodation?

Call Housing Opportunities Made Equal (513-721-4663). We will advise you on making a reasonable accommodation request and help in working with the landlord.

Attention Members: Log in to pay your dues today (0) items in **My Cart**

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What to Do about Hoarding: Tips for Property Managers



Hoarding disorder is a distinct mental disability defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) as follows:

- The disorder is characterized by the ***persistent difficulty discarding or parting with possessions***, regardless of the value others may attribute to these possessions.
- The ***behavior usually has harmful effects***—emotional, physical, social, financial, and even legal—for the person suffering from the disorder and family members.
- For individuals who hoard, the ***quantity of their collected items sets them apart*** from people with normal collecting behaviors. They accumulate a large number of ***possessions that often fill up or clutter active living areas of the home or workplace*** to the extent that their intended use is no longer possible.

More about Hoarding Disorder

- Hoarding disorder is estimated to affect 6 to 15 million people nationally. By comparison, Alzheimer’s disease affects 4 million people.
- Hoarding creates health and safety issues, including fire hazards, infestations, and structural problems.
- People with hoarding disorder often go undetected for months or even years. In apartment communities, they are often “discovered” when property staff must enter the unit or a neighboring resident complains of offensive odors or other issues.
- People with hoarding disorder often do not report maintenance issues. The lack of corrective maintenance leads to further damage to the unit.

What You Should Do

- Because it is a disability, people with hoarding disorder must be accommodated in compliance with the Fair Housing Act. While they usually do not request a reasonable accommodation, it is still your responsibility to accommodate, since the disability is likely apparent and thus warrants protection under the Fair Housing Act regardless of the resident's request for an accommodation.
- Do not immediately evict. Search for solutions to the necessity to protect the property and accommodate the resident.
- Consult an attorney who specializes in fair housing issues as soon as possible.
- Plan an inspection visit, and take notes on immediate fire and safety hazards, as well as damages to the unit.
- Gain the resident's trust by treating the matter with sensitivity and compassion. Do not use words like "junk," "trash," or "mess" to describe the person's belongings.
- Make sure that property staff, including maintenance professionals, understand that the situation is a fair housing issue and that they must treat the matter with due sensitivity.
- Require immediate action if the resident is hoarding animals or explosives, blocking emergency exits or sprinklers, or directly damaging the unit.
- Consider, as a reasonable accommodation, developing an individualized remedy plan that requires the resident to obtain support services and clean the unit.
- The remedy plan should require cleaning over the course of several months. Require immediate removal of fire and safety hazards, and allow for more time to remedy less hazardous items.
- Include in the remedy plan regular inspections to verify progress.
- Document, document, document! Document the remedy plan in a voluntary written agreement. Try to obtain a signature on the agreement from the resident. If the resident will not sign the agreement, send a follow-up letter stating what has been agreed upon, with an acknowledgement of receipt for the resident to return. Also document each and every conversation and interaction with the resident, and all other activities related to the matter.
- Do not try to provide support services yourself. You may, however, want to provide the resident with a list of support services and clean-up professionals. As another possible accommodation, you may hire a cleaning service at the resident's expense.
- Consider providing trash bins and/or a dumpster for the resident.
- Consider a short-term truck rental for the removal of the discarded items as sometimes the resident will go back to the trash bins or dumpster to retrieve them.
- After the resident complies with the remedy plan, conduct brief check-ins to verify continued cooperation. Remember that the disorder does not go away after the unit is cleaned.
- If the resident does not comply with the remedy plan after repeated efforts, consult with your attorney to consider eviction proceedings.



More Information

Check out these resources for more information on hoarding and other fair housing issues:

- "Hoarding: Best Practices Guide," MassHousing, www.masshousing.com
- "Hoarding: Facts and Remedies for Property Managers (Infographic)," AppFolio, www.appfolio.com
- IREM and NAAEI course "Fair Housing and Beyond," www.irem.org/fairhousingandbeyond

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