



Fair Housing Laws & Independent Living

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Scope of Coverage



Federal Fair Housing Act



Ohio Fair Housing Law



Muni & County F.H. Ordinances



Fair Housing Act

- What Property is Covered?
- What Type of Discrimination is Illegal?
- What Actions are Prohibited?



What Property is Covered?

“any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.”

- 42 U.S.C. §3602(b)



What Property is Covered?

- House, apartment, condo
- Manufactured/mobile home
- Nursing home/assisted living
- Dorm room
- Extended stay hotels
- Timeshare
- Vacant land intended for residential construction



What Property is **Not** Covered?

- Commercial property
- Religious organizations
 - For noncommercial dwellings
 - For religious discrimination only
- Private clubs
- Housing for older persons
 - For familial status discrimination only
- For federal & some local law
 - Exemptions for small landlords



What Type of Discrimination is Illegal?

- Race/color
- National origin/ancestry
- Sex (Gender)
- Religion
- Familial status



Familial Status

- < 18 living with parent, legal custodian, or designee *or*
- pregnant *or*
- in process of securing legal custody of person < 18



Familial Status



- August 2006



Common Familial Status Violations

- Occupancy standards
 - “Reasonable” are OK
 - Need to know what is allowed
- Mixed-gender living OK



Familial Status Exemptions

- State or federal elderly housing program recognized by HUD
- 62 and over housing
 - all residents
- 55 and over housing
 - 80% units have at least 1 resident & policy/procedures
- HUD verification rules



What Type of Discrimination is Illegal?

- Race/color
- National origin/ancestry
- Sex (Gender)
- Religion
- Familial status
- Handicap/Disability



Disability

- Physical/mental impairment which substantially limits 1 or more major life activity, *or*
- Record of having such impairment, *or*
- Being regarded as having such impairment
- Includes people associate with or residing with person meeting definition



Disability

- Mobility impairment
- Visual impairment
- Mental illness
- HIV/AIDS
- Former drug abuse
- Other physical/mental impairments



Disability

- Protections offered by FHA:
 - Discrimination prohibited
 - No inquiries into existence or nature of disability



Disability

- Protections offered by FHA:
 - Discrimination prohibited
 - Housing esp. for disabled OK
 - Reasonable modifications



Reasonable Modifications

- *Physical* changes to allow person full enjoyment of premises
 - interior of own unit *and*
 - common areas
- At person's own expense
- Can require proof of covered disability
- Modification must be related to disability
- May require return *interior* areas of unit to original condition
- May require reasonable escrow
- Can request at any time



Reasonable Modifications

- Examples:
 - Widen doorways
 - Install grab bars
 - Lower heights of kitchen cabinets
 - Install ramp
 - Install automatic water faucet shut-off
 - Install or remove carpeting
 - Lower/raise height of switches, outlets, thermostats
 - Install lever door handles



Disability

- Protections offered by FHA:
 - Discrimination prohibited
 - Housing esp. for disabled OK
 - Reasonable modifications
 - Reasonable accommodations



Reasonable Accommodations

- Changes in “rules, policies, practices, or services when ... necessary to afford ... equal opportunity to use & enjoy dwelling”
- Can require proof of covered disability
- Change must be related to disability
- Not req'd if “undue burden” on LL or “fundamental alteration” of provision of housing
- Can request at any time



Reasonable Accommodations

- Examples:
 - Allow service animal despite “no pet” policy
 - Reserved parking space
 - Allow live-in aide
 - Allow non-tenant to use laundry room
 - Move from 1 unit to another (w/o fee)
 - Change rent due date
 - Inform others (family; social worker, etc.) of new policies



Disability

- Protections offered by FHA:
 - Discrimination prohibited
 - Housing esp. for disabled OK
 - Reasonable modifications
 - Reasonable accommodations
 - “New” construction req’ts



“New” Construction

- Covered multifamily dwellings
 - Four or more units
 - If elevator in building, all units must comply
 - If no elevator, all ground floor units must comply
- First occupancy after 3/13/91
- Applies regardless of funding
- Applies to “dwellings” under FHA (includes condos, apartment bldgs, timeshares, dorms, etc.)



“New” Construction

- Required Accessibility Features:
- Accessible entrance on accessible route
 - Public/common areas accessible
 - Usable doors
 - Accessible route into/through unit
 - Switches, outlets, thermostats, etc., in accessible locations
 - Reinforced walls in bathrooms
 - Usable kitchens & bathrooms



What Type of Discrimination is Illegal?

- Race/color
- National origin/ancestry
- Sex (Gender)
- Religion
- Familial status
- Handicap/Disability
- Military status (in OH since 2008)



What Type of Discrimination is Illegal?

- Local fair housing laws
 - Sexual orientation
 - Age
 - Marital status
 - Ethnic group
 - Occupation
 - Source of income



What Acts are Prohibited?

- Refusal to sell, rent, negotiate, or “otherwise make unavailable or deny” a dwelling
- Discriminate in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities



What Acts are Prohibited?

- Misrepresent availability
- Make, print, or publish any notice, statement or ad indicating a preference or limitation based on protected class



What Acts are Prohibited?

- Blockbusting
- Steering
- Exclusionary zoning
- Redlining
 - Includes insurance & mortgage lending



What Acts are Prohibited?

- Coerce, intimidate, threaten, or interfere with person in exercise of FH rights
 - Covers retaliation for making complaint





Questions?

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