



FAIR HOUSING GUIDE *for*

Consumers



REPORT **DISCRIMINATION!**

If you believe you may be a victim
of discrimination, contact:

(866) 540-FAIR (3247)

(267) 419-8918

info@equalhousing.org



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Fair Housing... It's Your Right!

The Fair Housing Act was passed in 1968, yet housing discrimination remains a major problem in Pennsylvania. These days, housing discrimination is more subtle. Consumers are met with a smile and a handshake, but they are denied housing opportunities. Local reports have documented persistent housing discrimination in our communities: landlords with “no kids” policies, persons with disabilities refused reasonable accommodations and modifications that would enable them to live independently, housing providers refusing to return phone calls of prospective renters who “sound black,” refugees denied housing because of their national origin, fees or additional deposits for assistance animals, and buyers steered to different communities based on their race and/or national origin.

This guide was developed to assist you in better understanding your rights under the Fair Housing Act, and to increase your ability to recognize the signs of housing discrimination.

The Fair Housing Act

Title VIII of the federal Civil Rights Act of 1968, as amended, is known as the Fair Housing Act. The Fair Housing Act makes it illegal to discriminate in any type of housing-related transaction on the basis of:

- Race
- Color
- Religion
- National Origin
- Sex (Includes Sexual Orientation and Gender Identity)
- Disability
- Familial Status*

*Familial status means the presence of children under 18 in a household, pregnant women or anyone in the process of adopting or securing legal custody of a child.

The Fair Housing Act covers all housing-related transactions including rentals, sales, mortgage lending, homeowners insurance and appraisals. Covered housing includes apartments, private housing, public housing, condominiums, homeless shelters, mobile home parks, nursing homes and nonprofit housing programs.

State and Local Fair Housing Laws

The Pennsylvania Human Relations Act makes it illegal to discriminate in a housing related transaction on the basis of age, above the age of 40, or against users, handlers, or trainers of assistance animals for people with disabilities. Local fair housing ordinances may expand protections to additional protected classes such as marital status or source of income, so it's important to be aware of local anti-discrimination ordinances in the municipality where you live.

Advertising Guidelines

It is illegal to print or publish a discriminatory advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on any of the protected classes mentioned.

Generally, a housing advertisement should describe the property itself, and not the potential occupant. For example, an advertisement for a housing unit stating “no children” would be considered discriminatory, as it limits families with children from occupying that unit and therefore violates the familial status provision of the Fair Housing Act.

Exemptions

All single family homes are covered by fair housing laws when they are owned by private persons and a real estate broker is used, and all single family homes owned by corporations or partnerships regardless of whether a broker is used. All multifamily dwellings are covered by the Act, including townhouse and condominium communities. There are three exceptions to this rule:

- 1.** If the dwelling has four or less units, the owner lives in one of the units and does not use the services of a real estate agent
- 2.** Qualified senior housing, which is exempt only from the familial status provision of the Act. Qualified senior communities must meet the following standards:
 - 100% of the community is 62 years or older, or
 - 80% of the households have at least one resident 55 years or older
- 3.** Housing run by religious organizations and private clubs that limit occupancy solely to members, but the organization cannot discriminate based on race.

In addition, no housing is exempt from the advertising guidelines, which state that you cannot make, print or publish a discriminatory statement. Any exempt housing that violates these guidelines loses that exemption and can be held liable under the Act.

Activities that Might Indicate Discrimination in Rentals, Sales, Mortgage Lending and Homeowners Insurance:

- Misrepresenting the availability of housing
- The information told to you in person does not match the information told to you on the phone
- The landlord, lender or insurer takes an application from you and promises to call but never does
- The sign says “vacancy,” but the landlord says it was just rented
- The landlord imposes burdensome conditions for rental occupancy
- The rental or sales agent claims the property is unsafe for children
- Advertisements stating “mature adults preferred,” “adult/family sections,” or “no children”
- Steering, or when the agent refuses to show a property in a particular neighborhood or discourages you from considering that neighborhood because of the racial makeup of that neighborhood
- Different terms and conditions in townhouse, condominium, or manufactured housing communities regarding your children (for example, requiring an extra security deposit because you have children)
- The interest rate and points offered are much higher than the current average
- The mortgage or insurance company has a policy that eliminates your home from a loan or policy from that institution (for example: “We don’t insure properties with flat roofs”)
- One insurance company’s quote is significantly different from others
- Threats, coercion or intimidation directed towards anyone exercising a fair housing right or assisting others in exercising those rights

Permissible Standards and Activities under the Law

- Fair Housing laws do not guarantee any person a right to housing they cannot afford
- Property owners may set rents at whatever the market will bear
- An agent or property owner can adopt and apply uniform, objective and nondiscriminatory criteria designed to evaluate a prospective occupant's credit worthiness, such as setting income standards, imposing a credit check or criminal background check
- An agent or property owner is not required to rent to users and dealers of illegal drugs



Housing Issues Related to Persons with Disabilities

Under the law, a disability is defined as a physical or mental impairment that substantially limits one or more of a person's major life activities. This includes wheelchair users, those who are visually impaired, those limited by emotional problems, mental illness, difficulties associated with aging, or those suffering from HIV/AIDS. It does not apply to the illegal use of drugs, but does protect those who are currently in or have successfully completed a recovery program.

Reasonable Accommodations

A change in rules, policies, or practices so that a person with a disability can use and enjoy the property.

- **Example 1:** A landlord must allow a reserved parking space for a person with a disability even though everyone else must park on a first come, first served basis
- **Example 2:** A landlord must allow a person with a visual impairment to have a guide dog even though they have a "no pets" policy

Reasonable Modifications

A change in the physical structure of a dwelling so that a person with disabilities can use and enjoy the property.

- **Example 1:** The installation of a ramp to the front door
- **Example 2:** The installation of grab bars in a bathroom

Note:

Reasonable modifications are generally made at the expense of the tenant. However, if federal funds are used to subsidize the housing, then the housing provider would be responsible to bear the costs of the modifications.

Reasonable accommodation and modification requests must be granted by a housing provider, as long as they are reasonable.

Familial Status Issues

Under the Fair Housing Act, it is illegal to discriminate against families with children. Examples of illegal discrimination include:

- Policies that state “no children” or segregate housing so that children are only allowed in certain areas
- The restriction of children because of “unsafe conditions”
- Policies that do not allow parents and children, or male and female children to share bedrooms

These types of decisions are the parent’s choice to make, and cannot be dictated by a housing provider. Occupancy policies that are more restrictive than two people per bedroom may also be a violation of the Fair Housing Act. Generally, the U.S. Department of Housing and Urban Development states that an occupancy policy of two people per bedroom is generally reasonable. The reasonableness of any occupancy policy, however, may depend on factors such as the size of the bedrooms, the overall size and configuration of the dwelling, the capacity of septic, sewer or other building systems, or the existence of state or local zoning laws.



The **Housing Equality Center** is a nonprofit organization leading the effort to eliminate housing discrimination in Pennsylvania through education, advocacy and enforcement of fair housing laws. We provide victims of discrimination with legal help, perform testing to determine the existence of discrimination, educate the public, consult with and train housing providers, and work with housing and related service providers to ensure compliance with anti-discrimination laws. The Housing Equality Center provides fair housing counseling, testing, and investigations services for victims of discrimination in Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia Counties in Pennsylvania.



Housing Equality Center

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WHAT TO DO IF YOU ENCOUNTER DISCRIMINATION!

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