

WHAT EVERYONE SHOULD KNOW ABOUT FAIR HOUSING

The sale and purchase of a home is one of the most significant events that an individual will experience in their lifetime. It is more than the simple purchase of housing, for it directly impacts the hopes, dreams, aspirations, and economic destiny of those involved. It is for this reason that the Fair Housing Act and other federal and state laws were enacted to guarantee a right to a national housing market free from discrimination based on race, color, religion, sex, disability, familial status, and national origin.

THE LAW

Civil Rights Act of 1866 – The Civil Rights Act of 1866 prohibits all racial discrimination in the sale or rental of property.

Fair Housing Act – With the enactment of the US Civil Rights Act of 1968, fair housing rights became federal law. Title VIII of the Act, as amended by Congress in 1988 prohibits discrimination based upon the race, color, religion, sex, disability, familial status, or national origin of those seeking housing.

In Arizona, state fair housing laws are equivalent to federal law. In some communities, local housing ordinances make it illegal to deny housing based on age, marital status, or sexual orientation. These fair housing laws protect the right of each home seeker and provides equal opportunity in the purchase, sale, rental, leasing, financing, insuring, and advertising of housing.

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.

HOUSING DISCRIMINATION STILL EXISTS

Despite a wide range of housing opportunities throughout Arizona, the doors of homes, apartments, mobile homes, and condominiums are closed to many because of illegal discrimination. Complaints to and testing by fair housing organizations in Arizona indicate that discrimination is a common practice, frequently undetected by home seekers who are unlawfully denied access to housing. You have the right to expect that housing will be available to you without discrimination or other limitations based on race, color, religion, sex, disability, familial status, or national origin.

SIGNS OF HOUSING DISCRIMINATION

- Refusing to sell, rent, or show available housing.
- Only showing housing in areas where other minorities live.
- Harassment or intimidation.
- Housing advertisements with discriminatory statements or displaying no minorities in group scenes.
- Differing terms for identical dwellings.
- Extensive questioning prior to offering or providing information about the availability of housing.
- Being told the dwellings is not appropriate for your family.
- Terms of availability change between phone contact and your visit.
- You are not contacted after the acceptance of your application.
- House or apartment has an “available” sign but you are told it is not available.
- Refusing to make reasonable accommodation or allow a modification to make the dwelling accessible for a person with a disability.
- Refusing to finance the purchase of a home or to write property insurance, or offering non-standard and unfavorable terms.

SECTION 504

Section 504 prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency.

With respect to housing, a housing provider may not:

- Deny or refuse to sell or rent to a person with a disability.
- Impose application or qualification criteria that is different than those required of or provided to persons who are not disabled.
- Impose rental fees or sales prices, and rental or sale terms or conditions that are different than those required of or provided to persons who are not disabled.
- Require persons with disabilities to live only on certain floors
- Deny those with disabilities access to recreational or other public and common use facilities.
- Charge a higher security deposit to a person that uses a wheelchair

AMERICANS WITH DISABILITIES ACT (ADA)

Title II

Covers activities of public entities (state and local governments). It requires public entities to make both new and existing housing facilities accessible to persons with disabilities. Housing covered by Title II of the ADA includes, for example, public housing authorities that meet the ADA definition of “public entity,” and housing operated by States or local government, such as housing on a state university campus.

Title III

Requires that public and common use areas at housing developments are accessible.