

# Fair Housing Laws: Your Rights and Housing Discrimination



## What types of housing discrimination are renters protected from?

The federal Fair Housing Act and Fair Housing Amendments Act (42 U.S. Code §§ 3601-3619, 3631) prohibit landlords from choosing tenants on the basis of a group characteristic such as:

- race
- religion
- ethnic background or national origin
- sex
- familial status, including having children or being pregnant (except in certain designated senior housing), or
- a mental or physical disability.

In addition, some state and local laws prohibit discrimination based on a person's marital status, age, or sexual orientation.

Landlords can always select tenants using criteria that are based on valid business reasons, such as requiring a minimum income or positive references from previous landlords, or prohibit smoking or pets, as long as these standards are applied equally to all tenants.

## What can a landlord NOT do, based on illegal discrimination?

- 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)
- Deny anyone access to or membership in a facility or service related to the sale or rental of housing.
- Advertise indicating a preference based on group characteristic, such as skin color
- Set more restrictive standards, such as higher income, for certain tenants
- Refuse to reasonably accommodate the needs of disabled tenants, such as allowing a guide dog, hearing dog, or service animal
- Set different terms for some tenants, such as adopting an inconsistent policy of responding to late rent payments
- Terminate tenancy for a discriminatory reason

## If You or Someone You Know:

- € 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 CANNOT:

- 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.*



## How File a Discrimination Complaint

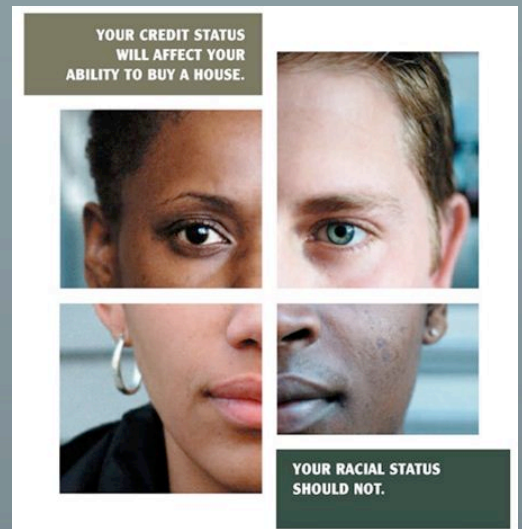
A tenant who thinks that a landlord has broken a federal fair housing law should contact a local office of the **U.S. Department of Housing and Urban Development (HUD)**, the agency that enforces the Fair Housing Act, or check the HUD website at [www.hud.gov](http://www.hud.gov) (A tenant must file the complaint within one year of the alleged discriminatory act).

HUD will provide a complaint form (tenants can fill the form out online) and will investigate and decide whether there is reasonable cause to believe that the fair housing law has been broken. If the answer is "yes," HUD will typically appoint a mediator to negotiate with the landlord and reach a settlement (called a "conciliation"). If a settlement is later broken, HUD will recommend that the Attorney General file a lawsuit.

If the discrimination is a violation of a state fair housing law, **the tenant may file a complaint with the state agency in charge of enforcing the law.**

Also, instead of filing a complaint with HUD or a state agency, **tenants may file lawsuits directly in federal or state court.**

If a state or federal court or housing agency finds that discrimination has taken place, a tenant may be awarded damages, including any higher rent paid as a result of being turned down, an order directing the landlord to offer the rental to the tenant, and compensation for humiliation or emotional distress.



**Discrimination takes several forms.** It may be explicit ("No children allowed") or subtle ("A quiet, adult community"). Either way, if the effect is to discriminate against a protected group, it is illegal.

- "We don't rent to your kind."
- "You're just not the kind of person we want here."
- "Only five people can rent a three-bedroom apartment under our rules."
- "Congratulations on the new baby. But since you're in a one-bedroom apartment, you'll need to move into a two-bedroom unit."
- "I'm sorry, but we'll have to charge a pet deposit for your guide dog."
- "We have a separate waiting list for people in wheelchairs."
- "Families with children can only live in buildings near the back of the complex."

If you feel like you are being discriminated against due to your race, color, national origin, religion, sex, disability (mental or physical), or familial status, you can call the **Office of Fair Housing and Equal Opportunity at 1-800-669-9777.**



Source Information:  
Austin Tenants' Council  
<http://www.housing-rights.org>

City of Waco  
Housing & Community Development Services  
<http://www.waco-texas.com/housing.asp>