

Fair Housing- It's not an Option. It's the Law

Housing discrimination is illegal. But research conducted by the National Fair Housing Alliance reveals that:

Housing discrimination persists nationwide and is severely underreported.

The U.S. Department of Housing and Urban Development (HUD) estimates that more than two million instances of housing discrimination occur annually, but in the year 2001, fewer than 24,000 complaints (1%) were filed.

Complaint volumes are highest among African-Americans, people with disabilities, and families with children.

Together, these complaints comprise the majority of all reported housing discrimination complaints.

Housing discrimination is least reported among Hispanics, Asians, and women who are sexually harassed in housing.

While studies conducted in California and Texas reveal that Hispanics are discriminated against as much as 70 percent of the time in their search for housing, this is not reflected in the level of reported complaints.

Housing discrimination affects people of all races, ethnicities, national origins and religions. Women, people with disabilities and families with children may also face barriers to their fair housing rights. These stories portray the human faces of housing discrimination - a diverse group of people who confronted discrimination and fought back against it by sharing their stories and filing complaints to end illegal practices.

Kids Need Not Apply

When Ana Ramirez began looking for an apartment in Toledo, Ohio, she saw a newspaper listing for an affordable two-bedroom condo available immediately. It seemed like the perfect place for Ana and her daughter. Ana phoned the rental office, and listened with growing excitement as the woman on the phone described the terrific features of the condo. Anticipation turned to dismay when the woman told her that children were not allowed in the complex. Because she works for the Toledo Fair Housing Center, Ana knew that the "no kids" policy was illegal. The center began a testing investigation that deployed individuals posing as renters to call the realtor and record the conversations. The realtor mentioned the "no kids" policy to all the testers, even acknowledging the policy was illegal. Ana filed a formal complaint to ensure that no other families would become victims of the unlawful "no kids" policy. Facing the judge's promise of a stiff punishment, the rental company is negotiating a settlement.

Evicting Black Tenants

Joseph Ngangum had lived in his apartment building in Takoma Park, Maryland for more than three years when the complex was purchased by a new management company. All of the building's residents were Black. Shortly after the purchase, the building owner evicted all of the tenants except one, who was permitted to live in the basement and limited to building access from a side entrance. The landlord's excuse: massive renovations, leading to increased rent. The Black residents, including Joseph, were forced out despite their requests to stay and willingness to pay higher rent. The so-called "massive" renovations were completed within a week, and White tenants promptly moved into the vacated apartments. Joseph's local fair housing center determined that other buildings owned by the same company demonstrated the same pattern - all White tenants except for a single Black tenant living in the basement and using a side entrance. Joseph's experience made him feel that Black people do not have the same right to a home as Whites. Appalled by the behavior of the building owner, Joseph filed a complaint to halt the owner's illegal practices.

No Pets - Including Guide Dogs

Linda Gagne and her husband, Alfred, were searching for a new apartment in San Jose, California. Linda is blind, and relies on her guide dog, Wyoming, to get around. After finding a promising listing in the paper, they made an appointment to see the building. Showed the apartment, the Gagnes were pleased by the amenities, the nice neighborhood, the park nearby for walking Wyoming, and the close proximity of a bus stop. Linda and Alfred made an appointment to apply for the apartment, and went to the building owner's home. The first thing out of the owner's mouth when she opened her door to the Ganges and Wyoming was "I said no pets. If I let you have one, everyone will want one." Despite the Gagnes explanation that Wyoming was a service animal, the owner refused to budge. She allowed them to complete an application, but had no intention of renting to the Gagnes. Despite Linda's efforts to make her understand, the apartment owner did not accept that Wyoming, not simply a dog, gives Linda the service of sight. This was not the first time Linda and Wyoming had experienced discrimination. But unlike the exclusion from a restaurant or department store, Linda points out that you can't just choose to go live someplace else. The Gagnes filed a complaint in federal court to make sure other blind people would not be victimized, and won a settlement from the building owner.

Linguistic Profiling

James Johnson was looking for an affordable apartment in San Francisco with enough room for his two daughters. He saw a promising building with a "For Rent" sign out front, and left several messages for the landlord indicating his interest. He never received a call back. Suspecting that he was the victim of discrimination because his voice "sounded Black," James asked a friend who "sounds White" to call the landlord. The friend's call was returned within a few hours. His suspicions confirmed, James reported the incident to his local fair housing center. The center had Black and White testers phone the landlord. The White testers' calls were returned, and the Black testers' calls were ignored. James sued the landlord to protect other renters and homebuyers from what amounted to racial voice profiling.

Interracial Discrimination

Lisa Lincoln and her partner Don Weaver made arrangements to view a two-bedroom apartment in New Orleans. When the apartment owner arrived and saw the couple, he got out of his car and began walking in the other direction. Lisa followed him and identified herself to the owner who indicated the apartment had been rented. Lisa is Japanese-American and Don is African-American. They had a gut feeling that the owner had lied to them. Lisa asked a White coworker to call about the apartment. The owner told the coworker that it was available. Subsequent Black testers were told the apartment had been rented; White testers were offered opportunities to see the same apartment. With the help of their fair housing center, Lisa and Don filed a lawsuit and were awarded over \$100,000 in damages. The couple acknowledges that the enforcement process was rigorous, but they hope their positive outcome will encourage other victims of housing discrimination to stand up for their rights.

FAIR HOUSING LAWS

There are many laws that provide relief for victims of housing discrimination. Rights and remedies can be found in federal laws, as well as laws in the state where you live.

Here's some basic information about how the Fair Housing Act works.

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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.

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.

Additional Protection if You Have a Disability

If you or someone associated with you:

- Has 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
- Has 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.

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 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.

Source: www.hud.gov/fairhousing and www.fairhousinglaw.org