

WHAT ELSE IS COVERED UNDER THE FAIR HOUSING ACT?

LENDERS, APPRAISERS AND INSURANCE COMPANIES MAY NOT DISCRIMINATE

Home mortgages and personal loans for housing-related purposes are covered. No one may do any of following because of race, color, religion, national origin, sex, disability or familial status of the applicant:

- Refuse to provide information regarding loans.
- Provide inaccurate or incomplete information.
- Refuse to make a loan to a qualified applicant.
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees unrelated to credit history.
- Discriminate in appraising property.
- Refuse to issue a homeowner's or renter's insurance policy.

It is also a violation to fail to design and construct public and private multi-family housing with four or more units in an accessible manner. This applies to buildings designed and constructed for first occupancy after March 13, 1991.



For more information or to file a housing discrimination complaint, contact your local fair housing agency or contact HUD at:

1-800-669-9777

1-800-927-9275 (TTY)

www.HUD.gov/fairhousing



Find your local fair housing agency at

www.nationalfairhousing.org

NFHA
National Fair Housing Alliance

The work that provided the basis for this publication was supported in part by funding under a grant with the U.S. Department of Housing and Urban Development. NFHA is solely responsible for the accuracy of the statements and interpretations contained in this publication.



NFHA
National Fair Housing Alliance

YOUR FAIR HOUSING RIGHTS



NFHA
National Fair Housing Alliance

HOUSING DISCRIMINATION IS ILLEGAL

The federal Fair Housing Act prohibits discrimination in housing related transactions because of race, color, religion, national origin, sex, disability or familial status. Many state and local laws also prohibit housing discrimination based on several additional protected classes.

The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies and condominium, cooperative and homeowner associations must not discriminate because of one's membership in a protected class.

Housing discrimination is against the law. One way to stop discrimination is to report it.

SOME SIGNS OF POSSIBLE DISCRIMINATION

- The availability changed between a phone contact and an in-person visit.
- The housing provider refused to sell, rent, or show available housing or charged a higher security deposit.
- Advertisements expressed a preference for singles or couples but the community does not qualify as housing for older persons.
- Families with children or persons with disabilities were limited or steered to certain buildings or to the first floor.
- The housing provider:
 - Failed or delayed to make repairs or maintain the property.
 - Limited the use of services or facilities or privileges.
 - Refused to make a reasonable accommodation or allow a reason modification for a person with a disability.

COMMONLY ASKED QUESTIONS AND ANSWERS

Must all landlords comply with the Fair Housing Act?

The Fair Housing Act covers most housing. In some circumstances, the Fair Housing Act exempts owner-occupied buildings with no more than four units. Communities that qualify for the "Housing for Older Persons" exemption under the Fair Housing Act are permitted to exclude families with children under the age of 18.

What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes a record of having such an impairment or being regarded as having such an impairment. The law also covers someone who is associated with a person with a disability.

What is a reasonable accommodation?

A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including its public and common use space. For example, reasonable accommodations include allowing an assistance animal even if there is a "no pets" policy or creating a reserved accessible parking space for a specific resident.

What is a reasonable modification?

A "reasonable modification" is a structural change made to existing premises occupied or to be occupied by a person with a disability so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas.

Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a person with a hearing impairment to install strobes. The resident is responsible for paying the cost of the modification. Tenants are obligated to restore the interior of the unit to its previous state



only where it is reasonable to do so and the housing provider has requested the restoration. Section 504 of the Rehabilitation Act of 1973 may require landlords that receive federal funds to pay for reasonable modifications.

What does "familial status" mean?

"Familial status" means the presence of children under 18 in the household. This includes pregnant women and persons in the process of adopting or securing custody of a child/children. Children include foster children and grandchildren so long as the person has legal custody or written permission.

What actions does the law prohibit?

The law prohibits actions such as denying housing, limiting access to housing, discouraging home seekers, or creating different rules, fees, or standards because of one's membership in a protected class. The Fair Housing Act also prohibits harassing, coercing, intimidating, or interfering with anyone exercising or assisting someone else with his/her fair housing rights.

Does this mean that a landlord must rent to or cannot evict anyone who is a member of a protected class?

No. A housing provider has the right to refuse rental applications or evict tenants based on objective criteria, such as credit history or bad tenant history. A housing provider should set criteria and apply them equally to each applicant and resident.

REQUEST FOR REASONABLE ACCOMMODATION/MODIFICATION

Housing providers are required to make a reasonable accommodation in their rules, policies, practices and procedures, and to allow reasonable modifications (changes to the physical structure) for individuals with disabilities. A request need not be in writing, but it is recommended that a request be made in writing so that there is a record of both the request and the date it was sent.

When considering a reasonable accommodation/modification request, a housing provider may take only the following into consideration:

- Is the individual for whom the request is made a person with a disability?
- Is the requested accommodation or modification necessary to allow the person with a disability an equal opportunity to use and enjoy a dwelling, including common areas? This is not determined by the housing provider but by the individual; however, confirmation from a qualified third party may be requested.
- Would the requested accommodation impose an undue financial and administrative burden on the housing provider? For a modification, this may only be considered if the housing provider receives federal financial assistance.
- Would the requested accommodation require a fundamental alteration in the nature of the program?

Under no circumstances may a housing provider ask about the nature or severity of the disability. Housing providers may request information about the relationship between the person's disability and the need for the requested accommodation or modification.

Providers may ask questions that clarify what it is about the rule, policy, practice or procedure that serves as a barrier or whether there are alternatives that would work for the person with a disability. This may enable providers to offer an alternative solution if the requested accommodation is an administrative and financial hardship or would fundamentally alter the nature of a provider's operations.

For more information or to file a housing discrimination complaint, contact your local fair housing agency or contact HUD at:

1-800-669-9777

1-800-927-9275 (TTY)

www.HUD.gov/fairhousing



Find your local fair housing agency at

www.nationalfairhousing.org

NFHA
National Fair Housing Alliance

The work that provided the basis for this publication was supported in part by funding under a grant with the U.S. Department of Housing and Urban Development. NFHA is solely responsible for the accuracy of the statements and interpretations contained in this publication.



NFHA
National Fair Housing Alliance

FAIR HOUSING RIGHTS OF PERSONS WITH DISABILITIES



NFHA
National Fair Housing Alliance

SOLICITUD DE UNA ADAPTACIÓN O MODIFICACIÓN RAZONABLE

Los proveedores de viviendas deben hacer una adaptación razonable en sus reglas, políticas, prácticas y procedimientos, y deben permitir modificaciones razonables (cambios en la estructura física) para individuos con discapacidades. Una solicitud no necesita hacerse por escrito, pero se recomienda que se haga por escrito para que haya un registro tanto de la solicitud como de la fecha en que fue enviada.

Al considerar una adaptación o modificación razonable, un proveedor de vivienda debe considerar solo lo siguiente:

- ¿La persona para la que se hizo la solicitud tiene una discapacidad?
- ¿Es la adaptación o modificación solicitada necesaria para permitir que la persona con discapacidad tenga igualdad de oportunidades para usar y disfrutar la vivienda, incluidas las áreas comunes? Esto no está determinado por el proveedor de la vivienda, sino por el individuo; sin embargo, es posible que se solicite la confirmación de un intermediario calificado.
- ¿La adaptación solicitada impone una carga financiera y administrativa excesiva sobre el proveedor de la vivienda? En el caso de una modificación, esto solo puede considerarse si el proveedor de la vivienda recibe asistencia financiera federal.
- ¿La adaptación solicitada exige una alteración fundamental en la naturaleza del programa?

Bajo ninguna circunstancia es posible que un proveedor de vivienda pregunte sobre la naturaleza o gravedad de la discapacidad. Es posible que los proveedores de viviendas soliciten información sobre la relación entre la discapacidad de la persona y la necesidad de contar con la adaptación o modificación solicitada.

Los proveedores pueden hacer preguntas para clarificar lo relacionado con la regla, política, práctica o procedimiento que pueda ser una barrera o si hay alternativas que podrían funcionar para la persona con discapacidad. Esto puede permitir que los proveedores ofrezcan una solución alternativa si la acomodación solicitada es una dificultad administrativa y financiera o si altera de manera fundamental la naturaleza de las operaciones del proveedor.

Para obtener más información o presentar un reclamo sobre discriminación en viviendas, comuníquese con su agencia local de vivienda justa o con HUD:

1-800-669-9777

1-800-927-9275 (TTY)

www.HUD.gov/fairhousing



Encuentre su agencia local de vivienda justa en

www.nationalfairhousing.org

NFHA
National Fair Housing Alliance

El trabajo que proporcionó la base para esta publicación fue sustentado en parte por el financiamiento de un subsidio del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos. La NFHA es la única responsable de la exactitud de las declaraciones e interpretaciones contenidas en esta publicación.



NFHA
National Fair Housing Alliance

DERECHOS DE VIVIENDA JUSTA DE PERSONAS CON DISCAPACIDADES



NFHA
National Fair Housing Alliance



LA DISCRIMINACIÓN DE VIVIENDA ES ILEGAL

La Ley Federal de Vivienda Justa prohíbe discriminación en transacciones relacionadas con la vivienda por motivos de raza, color, origen nacional, sexo, discapacidad o situación familiar. Muchas leyes estatales y locales también prohíben la discriminación en cuanto a la vivienda en base a numerosas clases adicionales protegidas.

La Ley de Vivienda Justa aplica a una variedad amplia de transacciones sobre viviendas, lo que incluye alquileres, ventas, hipotecas de casas, valoraciones y seguros por parte de propietarios de viviendas. Los propietarios, agentes inmobiliarios, prestamistas, compañías de seguros y condominios, cooperativas y asociaciones de propietarios de viviendas no deben discriminar debido a que una persona pertenezca a una clase protegida.

La discriminación de vivienda es contraria a la ley. La única manera de detener la discriminación es reportándola.



PREGUNTAS Y RESPUESTAS FRECUENTES

¿Cuál es la definición de discapacidad?

Una discapacidad es un impedimento físico o mental que limita sustancialmente una o más de las actividades de mayor importancia en la vida, tales como cuidarse a sí mismo, realizar tareas manuales, caminar, ver, oír, hablar, respirar, aprender y trabajar. También se incluye tener un registro de dicho impedimento o referirse a alguien como si tuviera ese impedimento cuando no es así.

¿Los proveedores de vivienda pueden negarse a alquilarme la vivienda porque creen que no estaré seguro o que no puedo cuidarme a mí mismo?

No. La única excepción, que aplica a todos los solicitantes, es en el caso de que la tenencia de un individuo implique una amenaza directa a la salud o seguridad de otros o pudiera ocasionar algún daño físico sustancial a la propiedad de otros y no haya ningún tipo de adaptación razonable que pueda reducir de manera significativa o eliminar la amenaza.

¿Qué es una adaptación razonable?

Los proveedores de viviendas deben permitir las adaptaciones razonables que los residentes soliciten. Una "adaptación razonable" es un cambio, excepción o ajuste a una regla, política, práctica o servicio que puede ser necesaria para que una persona con una discapacidad tenga igualdad de oportunidades para usar y disfrutar de una vivienda. Por ejemplo, adaptaciones razonables el permitir animales asistente, aunque existan políticas de "prohibición de mascotas", o crear un espacio de estacionamiento accesible reservado para un residente específico.

Una solicitud de adaptación razonable puede denegarse en el caso de que el proveer la adaptación imponga una carga financiera y administrativa excesiva sobre el proveedor de la vivienda o altere la naturaleza de las operaciones del proveedor,

que se determinan con base en cada caso particular. Cuando un proveedor de vivienda rechaza una adaptación solicitada porque no es razonable, el proveedor debe discutir con el solicitante si hay una adaptación alternativa que podría abordar de manera efectiva las necesidades relacionadas con la discapacidad del solicitante.

¿Qué es una modificación razonable?

Los proveedores de viviendas deben permitir las modificaciones razonables que los residentes soliciten. Una "modificación razonable" es un cambio estructural que se realiza a instalaciones existentes que estén ocupadas o que vayan a ser ocupadas por una persona con discapacidad, para que pueda usar y disfrutar enteramente de las instalaciones. Las modificaciones razonables pueden incluir cambios estructurales a los interiores o exteriores de viviendas y a las áreas comunes y de uso público. El residente paga el costo de la modificación. Algunos ejemplos de modificaciones razonables incluyen el instalar barras de agarre o rampas, bajar espacios de mostradores y permitir a inquilinos que sufran de sordera o dificultades auditivas instalar luces estroboscópicas. Es posible que la Sección 504 de la Ley de Rehabilitación de 1973 exija que los propietarios que reciben fondos federales paguen las modificaciones razonables.

¿Es posible que el proveedor de la vivienda pida detalles o prueba de que tengo una discapacidad?

Es posible que el proveedor de la vivienda pida una verificación de la discapacidad de una persona, si no es obvia o conocida de alguna otra manera por el proveedor de la vivienda, y que verifique que la solicitud esté relacionada con esa discapacidad. Si se solicita, el individuo puede proporcionar un comunicado escrito de un médico con licencia o un profesional de servicio social o de otro intermediario que manifieste que el solicitante o residente califica como individuo con una discapacidad. **El proveedor de la vivienda no puede preguntar a la persona con discapacidad, o al profesional que certifique, sobre la naturaleza o gravedad de la discapacidad del individuo.**

LOS PRESTAMISTAS TAMPOCO PUEDEN DISCRIMINAR

A continuación encontrará ejemplo de cosas que un prestamista no puede hacer porque usted sea una persona con una discapacidad:

- Negarse a reunirse con usted porque usted solicita un intérprete de lenguaje de señas o necesita alguna otra adaptación razonable, tal como reunirse en un lugar que sea accesible en silla de ruedas.
- Exigirle documentación médica o exigir que demuestre que su ingreso por discapacidad continuará durante un período de tiempo especificado, como por ejemplo durante tres años.

- Cobrarle una tasa de interés o tarifas más altas.
- No contar todas sus fuentes de ingreso, incluido cualquier ingreso por discapacidad.
- Ubicarlo en un estándar de calificación más alto o exigirle un puntaje de crédito mayor.
- Exigirle que realice un pago inicial mayor o que pague más en costos de cierre.
- Evaluar la propiedad de manera diferente porque tiene características como luces estroboscópicas o rampas.



HOUSING DISCRIMINATION IS ILLEGAL

The federal Fair Housing Act prohibits discrimination in housing-related transactions because of race, color, religion, national origin, sex, disability or familial status. Many state and local laws also prohibit housing discrimination based on several additional protected classes.

The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative and homeowners' associations must not discriminate because of one's membership in a protected class.

Housing discrimination is against the law. The only way to stop discrimination is to report it.



COMMONLY ASKED QUESTIONS AND ANSWERS

What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes having a record of such an impairment or regarding someone as having such an impairment when they do not.

May housing providers refuse to rent to me because they believe I will not be safe or cannot take care of myself?

No. The only exception, which applies to all applicants, is if an individual's tenancy poses a direct threat to the health or safety of others or would result in substantial physical damage to the property of others *and* a reasonable accommodation cannot significantly reduce or eliminate the threat.

What is a reasonable accommodation?

Housing providers must permit reasonable accommodations requested by residents. A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. For example, reasonable accommodations include allowing an assistance animal even if there is a "no pets" policy or creating a reserved accessible parking space for a specific resident.

A request for a reasonable accommodation may be denied if providing the accommodation would impose an undue financial and administrative burden on the housing provider or would

fundamentally alter the nature of the provider's operations, determined on a case-by-case basis. When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs.

What is a reasonable modification?

Housing providers must permit reasonable modifications requested by residents. A "reasonable modification" is a structural change made to existing premises occupied or to be occupied by a person with a disability, so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas. The resident pays the cost of the modification. Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a deaf or hard of hearing tenant to install strobes. Section 504 of the Rehabilitation Act of 1973 may require landlords that receive federal funds to pay for reasonable modifications.

May the housing provider ask for details or proof that I am disabled?

The housing provider may ask for verification of a person's disability, if it is not obvious or otherwise known to the housing provider, and may verify that a request is related to that disability. If requested, the individual may provide a written statement from a licensed medical or social service professional or other third party stating that the applicant/resident qualifies as an individual with a disability. **The housing provider may not ask the person with a disability or the certifying professional about the nature or severity of the individual's disability.**

LENDERS ALSO MAY NOT DISCRIMINATE

These are examples of things a lender may not do because you are a person with a disability:

- Refuse to meet with you because you request a sign language interpreter or need some other reasonable accommodation, such as meeting in a wheelchair-accessible location.
- Require medical documentation from you or require that you prove that your disability income will continue for a specified period of time, such as three years.

- Charge you a higher interest rate or fees.
- Fail to count all your sources of income, including any disability income.
- Hold you to a higher qualification standard or require a higher credit score.
- Require that you make a larger down payment or pay more in closing costs.
- Appraise the property differently because it has features such as strobes or ramps.