

21st Annual Land Use Conference

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Fair Housing and Inclusive Communities



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The Fair Housing Act

- 42 U.S.C. §3601, *et seq.*: Federal law that prohibits discrimination in the sale or rental of housing
- Title VIII of the Civil Rights Act of 1968
- [Signed by President Johnson –April 11, 1968; amended 1974, 1988.

Protected Classes

- Race
- Color: skin tone or color
- National Origin: country of birth or country of ancestors
- Familial Status: one or more individuals under the age of 18 living with a parent or guardian • Also includes someone who is pregnant or about to obtain custody of a minor

Protected Classes

- Religion
- Sex
- Disability: a physical or mental impairment which *substantially limits one or more major life activities* Includes being regarded as having a disability and non-disabled persons who are associated with a disabled individual. [Can include individuals recovering from addiction]

Prohibitions

- Refuse to rent or sell or to otherwise make unavailable.
- Discriminatory terms/ conditions/ privileges of sale or rental of a dwelling, or *in the provision of services*.
- Misrepresent that a dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available.
- Discriminatory terms in real estate-related transactions.
- Inducing a person to sell or rent because of the types of individuals that may enter the neighborhood.

Disability –prohibited acts

- Refuse to grant a **reasonable accommodation** under a policy or regulation.
 - a. Only unreasonable if a change or exception creates an undue financial or administrative burden; or
 - b. Fundamentally alters the nature of the provider's operations.
- Refuse to grant a **reasonable modification**. Housing Authorities deal with this issue routinely.
- Other requirements.

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