



FAIR HOUSING FOR HOMEBUYERS

Prepared by:
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www.piedmonthousingalliance.org





Piedmont Housing Alliance is a regional non-profit organization dedicated to improving the lives of low and moderate income families and individuals by creating affordable housing and community development opportunities throughout Virginia's Thomas Jefferson Planning District. Piedmont Housing Alliance's programs include Fair Housing, Comprehensive Housing Counseling, Housing and Community Development Loans, and Housing and Neighborhood Development Projects. For more information, visit www.piedmonthousingalliance.org.



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Fair Housing For Homebuyers

This booklet is designed to inform homebuyers about their rights under the Fair Housing Act and related laws. The Fair Housing Act is a civil rights law that protects us from housing discrimination based on race, color, religion, national origin, sex, familial status, and disability. As a homebuyer, you must not be denied housing or treated differently because of race, color, religion, national origin, sex (gender), familial status (presence of children under 18 in the family), or disability (physical and mental). The Virginia Fair Housing Law is a similar law that also protects us based on elderliness (55 and older). Although this booklet focuses on home purchase, the Fair Housing Act applies to rental, sales, financing and advertising of housing. The law is broad in terms of the people who are protected, the property that is covered (virtually all residential property, public and private), the activity that is prohibited, and the remedies available.

Buying a home can be both an exciting and confusing process. The expectation is that you will be treated well by sellers, real estate agents, lenders, and insurance companies. However, you should be aware of your rights, so you can protect yourself from illegal housing discrimination if it does happen to you. HUD estimates that there are millions of instances of housing discrimination each year, but only a very small percentage are detected and reported. What should you look out for? How can you prepare to be a successful homebuyer? *Read on.*



Look Out For

“Sorry, we just took our house off the market.” or “Deed restrictions don’t allow me to sell to someone like you.”

Homeowners generally have the right to sell their home to the person of their choice. However, it is illegal housing discrimination to refuse to sell to someone because of their race, color, religion, national origin, sex, familial status, or disability. For example, it would be a violation of fair housing laws for a home seller to take their house off the market to avoid selling it to a family of a different race or national origin. Any deed restrictions or community rules that limit residents based on race, color, religion, national origin, sex, familial status, or disability are illegal and invalid.

“I don’t think you’d be comfortable in that neighborhood.”

You should have the choice of all available homes that you are interested in and qualify for, without regard to the race, color, religion, national origin, sex, familial status, or disability of you or the people in the neighborhoods. It would be illegal housing discrimination for a real estate agent to steer you towards or away from certain neighborhoods based on this type of demographic information. That is why real estate agents do not answer questions about this type of demographic information.



“We don’t make loans in that neighborhood.”

Fair housing laws apply to home loans as well, to ensure equal housing lending. If you are told that a lender does not make loans in the neighborhood where you are buying, ask why. It is illegal housing discrimination to refuse to make a loan to someone (or charge them more for the loan) because of their race, color, religion, national origin, sex, familial status, or disability or because of the demographics of the neighborhood where they are purchasing. “Redlining” is a practice of excluding whole areas from service based on the racial or ethnic makeup of the areas – it is a violation of fair housing laws. On the other hand, it is also a violation to prey upon areas, based on the race (or other protected characteristic) of the residents, with predatory or abusive loans that take advantage of the borrower.

“We don’t insure homes in that neighborhood.”

Fair housing laws also apply to homeowners insurance. As with home loans, it is illegal housing discrimination to refuse to sell insurance to someone because of their race, color, religion, national origin, sex, familial status, or disability or because of the demographics of the neighborhood where they are purchasing. It would also be illegal to charge a higher premium based on those reasons. Other insurance company policies that have a discriminatory effect include restricting coverage based on a minimum property value or a maximum age of the home.



Successful Homebuyer Tips

Work with an agent who understands and is committed to fair housing. Be an informed consumer – explain what you want and ask questions; research for the best loan and insurance options. If you suspect housing discrimination, report it.



Successful Real Estate Agent Tips

To ensure compliance with fair housing laws, attend quality fair housing trainings, develop and implement equal professional service policies, refuse to work with sellers who may discriminate, and report any discrimination in the home purchase process (sales, lending, insurance). Remember, fair housing laws protect you, too.





Fair Housing – The Law

The Fair Housing Act (42 U.S.C. 3601) prohibits discrimination in the sale, rental, financing, and advertising of housing. Under the Fair Housing Act it is illegal, on the bases of race, color, religion, national origin, sex, familial status, and disability, to:

- Refuse to rent or sell housing;
- Refuse to negotiate for housing;
- Set different terms, conditions or privileges for the sale or rental of housing;
- Impose different sales prices or rental charges;
- Use different qualification criteria or applications, or sale or rental standards or procedures such as income requirements, application fees, credit analysis, etc.;
- Use different provisions in leases or contracts of sale, such as those relating to rental charges, security deposits, terms of lease, down payment, and closing requirements;
- Evict tenants;
- Discriminate in the provision of services or facilities in connection with sales or rentals;
- Fail to perform or delay performing maintenance or repairs;
- Deny or limit the use of privileges, services, or facilities associated with housing;
- Impose different rules;
- Engage in sexual harassment;
- Discourage someone from inspecting, purchasing, or renting;
- Assign someone to a particular section of a building, neighborhood, or development;

- Unreasonably restrict the number of people per bedroom;
- Make statements that indicate a preference or limitation or discrimination;
- Select media or locations for advertising that deny particular segments of the housing market information about housing opportunities;
- Represent that a dwelling is not available when the dwelling is in fact available;
- Limit information or provide false information about housing opportunities;
- Deny or make different terms or conditions for a mortgage, home loan, insurance, or other “real estate-related transaction”;
- Discriminate against persons with disabilities, which includes refusing to make reasonable accommodations, refusing to allow reasonable modifications, and failing to make new construction accessible;
- Threaten, coerce, or intimidate anyone exercising a fair housing right or assisting others in exercising those rights.

Anyone who believes that they have been injured by a discriminatory housing practice has the right to file an administrative complaint (with HUD or the Virginia Fair Housing Office), not later than one year after the occurrence or termination of the alleged discriminatory housing practice, or to file a civil action in an appropriate U.S. District Court, not later than two years after the occurrence or termination of the alleged discriminatory housing practice. Available remedies may include monetary compensation and/or affirmative relief to counteract the discrimination.





Resources

For more information on your fair housing rights, contact Piedmont Housing Alliance's Fair Housing Program at **434-817-2436**; **www.piedmonthousingalliance.org**.

Piedmont Housing Alliance provides fair housing education, outreach, advocacy, and support services in the City of Charlottesville and the counties of Albemarle, Fluvanna, Louisa, Greene, and Nelson. Our goal is to raise awareness and promote compliance with fair housing laws. Our services include handling complaints and questions and offering fair housing trainings. If you believe your fair housing rights have been violated, if you have questions about fair housing compliance, or if you are interested in scheduling a fair housing training, contact PHA's Fair Housing Program.

Other fair housing resources include: the Virginia Fair Housing Office, **888-551-3247** or **www.fairhousing.vipnet.org**; Housing Opportunities Made Equal, **804-354-0641** or **www.phonehome.org**; and the U.S. Department of Housing and Urban Development (HUD), **www.hud.gov**.

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