



FAIR HOUSING FOR RENTERS

Prepared by:

Piedmont Housing Alliance's Fair Housing Program

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 Renters

This booklet is designed to inform renters 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 rental applicant or an in-place tenant, you must not be denied housing or treated differently in housing 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 rental housing, 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.

Looking for rental housing can be both an exciting and difficult process. The expectation is that you will be treated well by all housing providers. 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 renter? *Read on.*



Examples Of Illegal Housing Discrimination

Examples of illegal housing discrimination include: steering people to certain neighborhoods or areas based on their race; telling an African-American applicant that there is nothing for rent, but telling a white applicant that there is; denying a loan because of nationality; enforcing rules only against people of a certain race; telling a Mexican family they have to have more income to qualify than a non-Mexican family; refusing to deal with people of other religions; charging twice the security deposit for a person with a disability; making families with children live only in the back of the building; sexual harassment, including demanding sexual favors for rent or repairs. Also, it is illegal to threaten, harass, or intimidate someone exercising their fair housing rights.





Look Out For

“Sorry, the apartment was just rented.”

Information on apartment availability should be the same, no matter who is asking. Have you ever been told that an apartment was no longer available, but then saw the ad continue to run in the paper or heard of someone who was shown the apartment? It is illegal housing discrimination for a landlord or property manager to tell a potential renter that nothing is available when something is available, because of the person’s race, color, religion, national origin, sex, familial status, or disability.

“The rent is actually higher.” or “We charge per person.” or “You’ll have to pay extra for your wheelchair.”

Apartments should have standard rental rates, based on the characteristics of the unit, not the people living there. Charging different rental rates or security deposit amounts based on someone’s race, color, religion, national origin, sex, familial status or disability is illegal housing discrimination. This includes charging per person (because of the discriminatory impact on families with children) and charging extra fees for people with disabilities.

“Your family is too big for this house.” or “You have too many kids to rent this apartment.” or “Your children can’t share a bedroom.”

Landlords may limit the number of people in a unit, but it must be a reasonable limit. Unreasonable limits on the number of people violate fair housing laws because of the discriminatory impact on families with children. Generally, landlords should allow at least two people per bedroom (whether adults or children). And you should not be denied housing or forced into a more expensive unit because of a policy requiring boys and girls to have separate rooms.

“We’ll get to your repair request later.”

Landlords may have priorities for making repairs, but they should be related to timing and seriousness of the repair, not the person living in the unit. It is illegal housing discrimination to delay or fail to repair or maintain units because of the tenant’s race, color, religion, national origin, sex, familial status, or disability.

“How bad do you want it, honey?”

Sexual harassment in housing is illegal. It is a violation of fair housing laws to sexually harass tenants or to trade sex for repairs or lower rent.





Can I Be Discriminated Against Because I Have Children?

No - families with children (under 18 years of age) are protected from housing discrimination. Landlords cannot advertise “no children” or “adults only”. Unless exempt, landlords cannot refuse to rent to you or evict you because you have children; cannot charge you more because you have children; cannot have rules or regulations that discriminate against children; cannot limit you to certain floors, buildings, or areas.

Landlords can restrict the number of people in a unit, but must generally allow at least two people per bedroom.



How Am I Protected If I Have A Disability?

Fair housing laws protect you from housing discrimination based on you or someone you’re associated with having a physical or mental disability. Examples of protected disabilities include: mobility, visual, and hearing impairments; mental retardation, mental or emotional illness, and learning disabilities; any physiological disorder; and other diseases and conditions, including HIV, drug addiction (other than current illegal use of controlled substance), and alcoholism. Housing providers must not only treat people with disabilities fairly, but they must also provide reasonable accommodations (exceptions to rules or policies, such as allowing a guide dog in a “no pets” unit) and must allow reasonable modifications (structural changes, such as grab bars, ramp, or widened doorways).

In addition, all new multi-family housing (built for first occupancy after March 13, 1991) must meet seven basic accessibility requirements: 1) an accessible entrance on an accessible route; 2) accessible public and common use areas; 3) usable doors (32" clear); 4) accessible routes into and through the dwelling unit (36" clear); 5) accessible light switches, electrical outlets, and environmental controls; 6) reinforced walls in bathrooms; and 7) usable kitchens and bathrooms.



Successful Renter Tips

Landlords are mainly concerned with your ability to pay rent on time, take care of the property, and be a good neighbor. As a rental applicant, be prepared to present yourself as positively as possible regarding your income, credit history, housekeeping abilities, and landlord references. As an in-place tenant, be sure to read and understand your lease, follow rules and policies, and notify your landlord about any maintenance or other concerns you have. If you suspect housing discrimination, report it.



Successful Landlord Tips

To ensure compliance with fair housing laws, landlords should train their staff on fair housing, develop and implement standard qualification criteria, apply rules and policies consistently, and address any complaints quickly and seriously. Equal professional service is not just a fair housing requirement, it's good business practice.





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**.

For more information on landlord and tenant rights and responsibilities, consult the Virginia Residential Landlord and Tenant Act (VRLTA). The Virginia Department of Housing and Community Development (DHCD) publishes a handbook containing the current VRLTA; the handbook is available by calling DHCD at **804-371-7000** or online at **http://www.dhcd.virginia.gov/HomelessnessstoHomeowner ship/PDFS/Landlord_Tenant_Handbook.pdf**.

For assistance with landlord/tenant issues, contact the Central Virginia Legal Aid Society at **434-296-8851**; the Legal Aid Justice Center at **434-977-0553**; the Virginia Office of Consumer Affairs at **800-552-9963**; or an attorney.



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