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 CONTACT US AT
High Plains Fair Housing Center or contact HUD:

1-800-669-9777
1-800-927-9275 (TTY)
www.HUD.gov/fairhousing

YOUR FAIR HOUSING RIGHTS

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Find us at:
www.highplainsfhc.org

High Plains Fair Housing Center
P.O. Box 5222
Grand Forks, ND 58201
info@highplainsfhc.org

www.highplainsfhc.org
701-792-2878
866-380-2738

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**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.