

Frequently Asked Questions about Fair Housing

Q. What is the Fair Housing Act?

A. The Fair Housing Act provides protection against the following discriminatory housing practices if they are based on race, sex, religion, color, handicap, familial status or national origin:

- Denying or refusing to rent housing
- Denying or refusing to sell housing
- Treating applicants differently for housing
- Treating residents differently in connection with terms and conditions
- Advertising a discriminatory housing preference or limitations
- Providing false information about the availability of housing
- Harassing, coercing or intimidating people from enjoying or exercising their rights under the act

"Blockbusting" for profit or persuading owners to sell or rent housing by telling them that people of a particular race, religion, etc. are moving into the area or neighborhood.

Imposing different terms for loans for purchasing, constructing, improving, repairing, or maintaining a home, or loans secured by housing

Denying use of or participation in real estate services, e.g., brokers' organizations, multiple listing services, etc.

Please visit the "Fair Housing Act" page on this site for additional resources.

Q. What are signs of housing discrimination?

A. Housing discrimination is prohibited by federal and state laws. It is illegal to deny housing to an individual on the basis of race, religion, national origin, sex, presence of children, disability, marital status, sexual orientation or any other arbitrary reason or to treat a tenant any differently than other tenants on the basis of any of the above group characteristics.

Q. How does the Fair Housing Act protect people with disabilities?

A. The Act provides protection for discriminatory housing practices if they are based on a disability. A disability is defined as any physical or mental impairment which substantially limits one or more major life activities. Individuals who have a record of impairment or have been regarded as having impairments are also covered. Impairments include mental illness, AIDS, blindness, hearing impairment, mental retardation, mobility impairment, etc.

Q. How is the Fair Housing Act enforced?

A. Under the Fair Housing Act, the Department of Justice may start a lawsuit where it has reason to believe that a person or entity is engaged in a "pattern or practice" of discrimination or where a denial of rights to a group of persons raises an issue of general public importance. Through these lawsuits, the Department can obtain money damages, both actual and punitive damages, for those individuals harmed by a defendant's discriminatory actions as well as preventing any further discriminatory conduct. The defendant may also be required to pay money penalties to the United States.

The Department of Housing and Urban Development (HUD) investigates individual cases of discrimination in housing. If HUD determines that reasonable cause exists to believe that a discriminatory housing practice has occurred, then either the complainant or the respondent (the person against whom the complaint was filed) may elect to have the case heard in federal court. In those instances, the Department of Justice will bring the case on behalf of the individual complainant.

In addition, where force or a threat of force is used to deny or interfere with fair housing rights, the Department of Justice may begin criminal proceedings.

Finally, in cases involving discrimination in home mortgage loans or home improvement loans, the Department may file suit under both the Fair Housing Act and the Equal Credit Opportunity Act.

Q. What do I do if I believe I have been the victim of illegal discrimination in housing?

A. Individuals who believe that they have been victims of an illegal housing practice should consult with local legal services regarding filing a complaint with the Department of Housing and Urban Development (HUD) or filing their own lawsuit in federal or state court. You must file the complaint within one year of the incident you believe to be housing discrimination. If you choose to file your own lawsuit in federal or state court, the Act requires that you do so within two years of the incident.

Q. What is the Area Median Income (AMI) and how do I find out what it is in my area?

A. The Area Median Income (AMI), or Median Family Income (MFI), is an estimate of how much money people make in your area. If you were able to see a list of all the incomes in your area, the median income would be the number in the middle of that list. A person's income status ("low-income," "very low-income," etc.) is based on that number and is used to determine eligibility for housing assistance. You can contact your local Public Housing Authority to get AMI in your area.

Q. What is Fair Market Rent (FMR) and how do I find out what it is in my area?

A. Fair Market Rent, or FMR, is the number used to determine how much a landlord can charge for rent in a specific area. The number itself is established by HUD. You can contact your local Public Housing Authority to get FMR in your area.

Q. What are the Fair Housing Act's requirements for housing to be accessible?

A. The Fair Housing Act requires all "covered multifamily dwellings" designed and constructed for first occupancy after March 13, 1991 to be accessible to and usable by people with disabilities. Covered multifamily dwellings are all dwelling units in buildings containing four or more units with one or more elevators, and all ground floor units in buildings containing four or more units, without an elevator.

Q. Where can I find the accessibility standards for dwelling units required to be accessible under the Fair Housing Act's design and construction requirements?

A. The Fair Housing Act requires seven basic requirements that must be met to comply with the access requirements of the Act. Those Requirements are:

Requirement 1: An accessible building entrance on an accessible route.

Requirement 2: Accessible common and public use areas.

Requirement 3: Usable doors (usable by a person in a wheelchair).

Requirement 4: Accessible route into and through the dwelling unit.

Requirement 5: Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

Requirement 6: Reinforced walls in bathrooms for later installation of grab bars.

Requirement 7: Usable kitchens and bathrooms.