



# **UNDERSTANDING FAIR HOUSING**

## **Training for Landlords, Property Managers and Realtors**

This training is designed to assist landlords, property managers and realtors in understanding Fair Housing laws and obligations including who is protected, what types of housing are covered, prohibitions, and more. HUD Fair Housing staff will also take participants through the process of how fair housing investigations are conducted.

May 26, 2022  
HUD New England Region

# Agenda

11:00 – 11:02	Welcome	Massachusetts Field Office Director Rhonda Siciliano
11:02 – 11:10	Opening Remarks	Regional Administrator Juana Matias
11:10 – 11:30	Presentation: Understanding Fair Housing	Damainique Bruce, Equal Opportunity Specialist Calvin Lescault, Equal Opportunity Specialist Korey Moscatelli, Equal Opportunity Specialist
11:30 – 11:55	Q&A	FHEO Equal Opportunity Specialists
11:55 – Noon	Closing Remarks	MA FOD Rhonda Siciliano



# FAIR HOUSING

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# OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY (FHEO)

The primary mission of FHEO is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing policies and laws.

## Region 1 Covers

- **Connecticut**
- **Maine**
- **Massachusetts**
- **New Hampshire**
- **Rhode Island**
- **Vermont**



**The Fair  
Housing Act of  
1968**

Prevents discrimination on basis of race, color, national origin, religion, sex, familial status, disability

**Title VI of the  
Civil Rights  
Act of 1964**

Prevents discrimination in federally assisted programs on basis of race, color, national origin

**Section 504 of  
the  
Rehabilitation  
Act of 1973**

Prevents discrimination in federally assisted programs on basis of disability

**The  
Americans  
with  
Disabilities Act  
of 1990**

Prevents discrimination in federally assisted facilities on basis of disability

**Section 109 of  
the Housing  
and Urban  
Development  
Act of 1974**

Prevents discrimination in federally assisted programs on basis of race, color, national origin, sex, religion

# Laws FHEO Enforces



The background features a dense field of small, 3D house models in various shades of gray. A single house with a red roof stands out prominently in the center. Overlaid on this are large, flowing, translucent ribbons in vibrant red, orange, and blue, creating a sense of movement and depth.

# BACKGROUND

The Fair Housing Act



# THE FAIR HOUSING ACT

Initially passed in 1968 to prohibit discrimination in housing or any other housing related transactions based on five protected classes.

The Act was later amended in 1988 to add two additional protected classes, disability, and familial status.

1974

1968

1988

The Fair Housing Act was amended to add sex as a basis.

**Race**

**Color**

**National Origin**

**Religion**

**Familial Status**

**Disability**

**Sex**

## **PROTECTED CLASSES**

# Some of the many ways to discriminate.

Failure to Rent

Refusal to Sell

Terms and  
Conditions

Discriminatory  
Advertisements  
and Statements

Reasonable  
Accommodation  
Refusal

Reasonable  
Modification  
Refusal

Design and  
Construction

Lending /  
Brokerage  
Discrimination

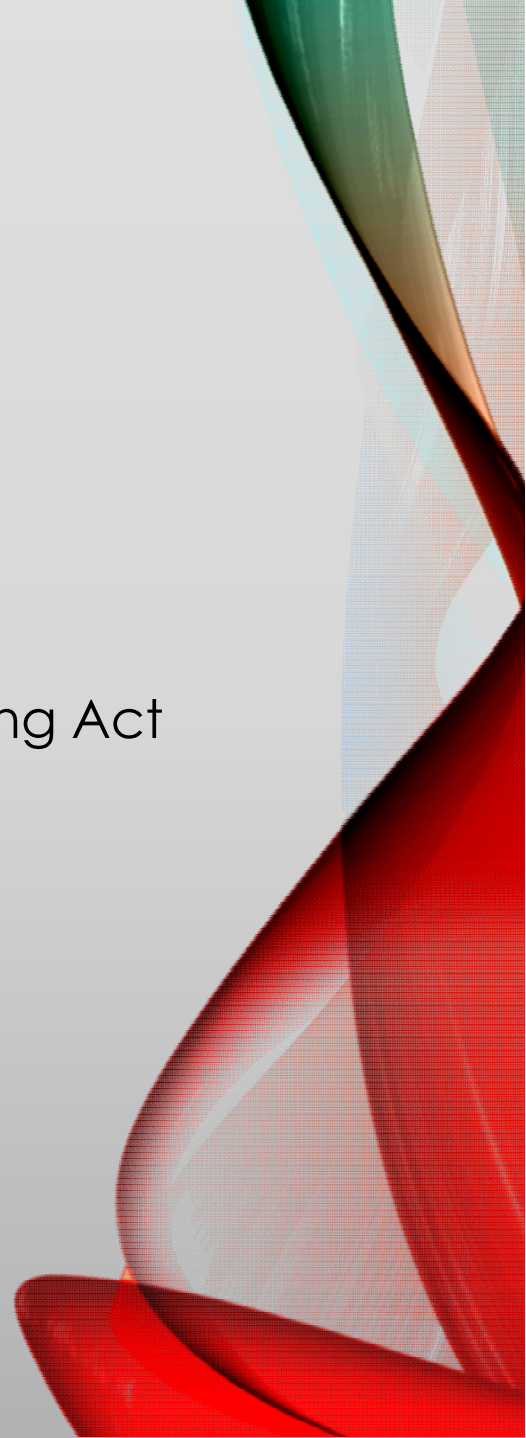
Steering /  
Redlining

Retaliation



# SEX DISCRIMINATION

The Fair Housing Act



Business

# HUD expands fair housing protections for transgender people

Agency becomes the first to follow President Biden's executive order to ensure civil rights protections include gender identity and sexual orientation

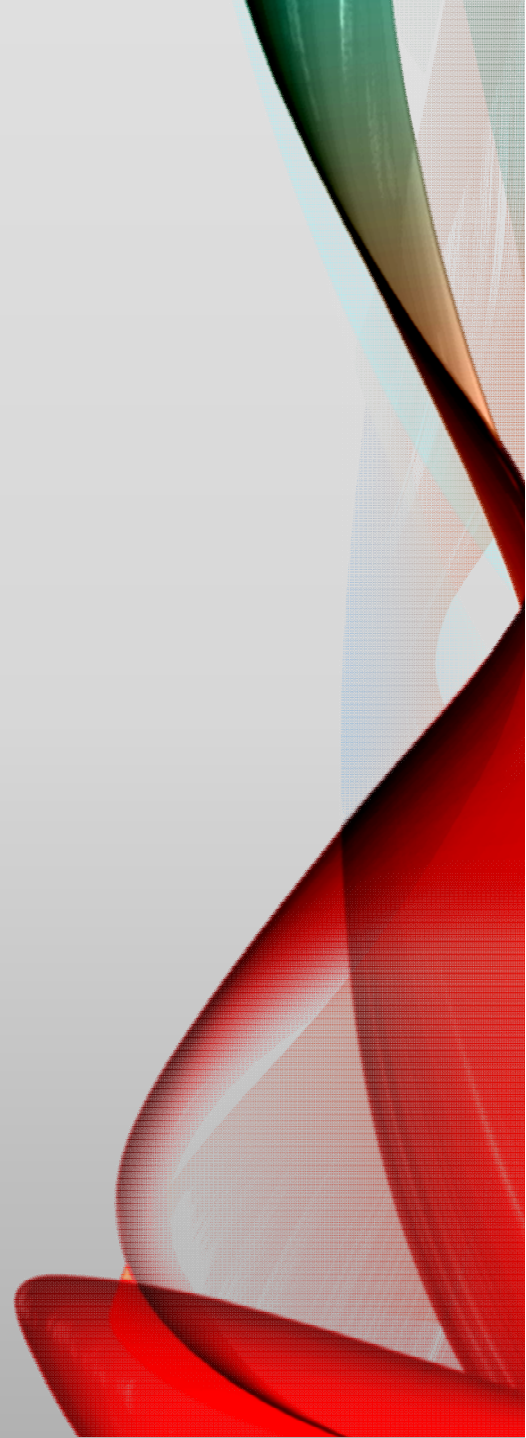


COVID-19  
ANTIBODY  
TREATMENTS



# SEXUAL HARASSMENT

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# WHAT IS SEXUAL HARASSMENT?

Sexual harassment in housing is a form of sex discrimination prohibited by the Fair Housing Act. Sex discrimination is also prohibited by other federal laws, such as Section 109 of the Housing and Community Development Act of 1974 and Title IX of Education Amendments of 1972. There are two main types of sexual harassment: (1) quid pro quo sexual harassment; and (2) hostile environment sexual harassment.

# Types of Sexual Harassment

## Quid Pro Quo

Quid pro quo harassment occurs when a housing provider requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining or maintaining housing or housing-related services. For example:

A landlord tells an applicant he won't rent her an apartment unless she has sex with him.

A property manager evicts a tenant after she refuses to perform sexual acts.

A maintenance man refuses to make repairs unless a tenant gives him nude photos of herself.

## Hostile Environment

Hostile environment harassment occurs when a housing provider subjects a person to severe or pervasive unwelcome sexual conduct that interferes with the sale, rental, availability, or terms, conditions, or privileges of housing or housing-related services, including financing. For example:

A landlord subjects a tenant to severe or pervasive unwelcome touching, kissing, or groping.

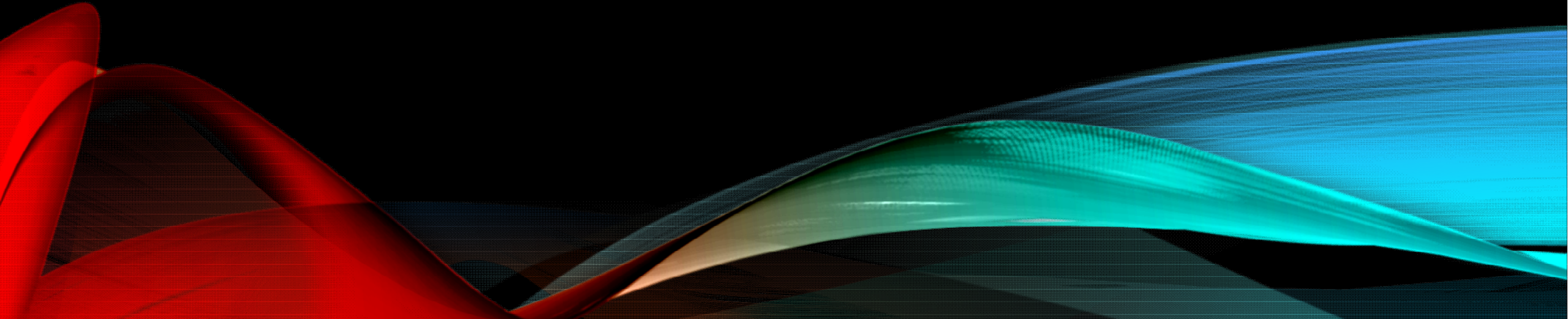
A property manager makes severe or pervasive unwelcome, lewd comments about a tenant's body.

A maintenance man sends a tenant severe or pervasive unwelcome, sexually suggestive texts and enters her apartment without invitation or permission.



# DISABILITY DISCRIMINATION

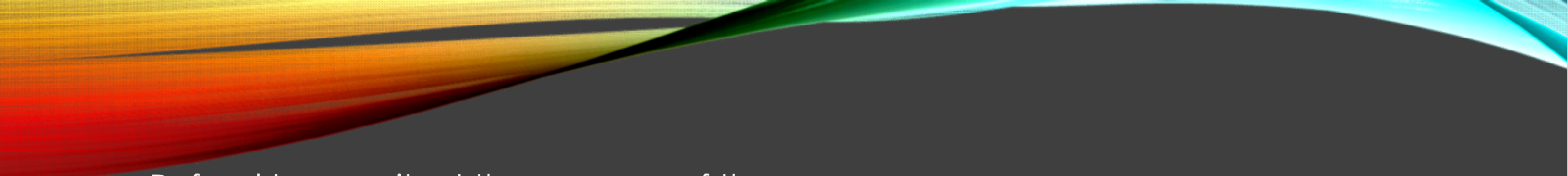
The Fair Housing Act





# DISABILITY

1. A physical or mental impairment which substantially limits one or more of such person's major life activities.
2. A record of having such an impairment, or
3. Being regarded as having such an impairment.

- 
- Refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises if such modifications will allow full enjoyment of the premises.
  - In the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear expected.
  - Refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person equal opportunity to use and enjoy a dwelling; or

## DISABILITY DISCRIMINATION UNDER THE FAIR HOUSING ACT





## ...ACCOMMODATIONS AND MODIFICATIONS

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Request for a reasonable accommodation or modification can be made at any time during the tenancy.

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There must be an identifiable relationship or nexus between the requested accommodation or modification and the disability.

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Requests can be made verbally or in writing

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The accommodation or modification must be “reasonable”.

## ...ACCOMMODATIONS

- If a disability is obvious, but the housing provider can't establish an identifiable relationship between the request and disability, the housing provider may request additional information regarding the disability.

**Example:** A person that utilizes a wheelchair makes a request for a service animal. The additional documentation establishes that the service animal will act as an emotional support animal.

# DOCUMENTATION

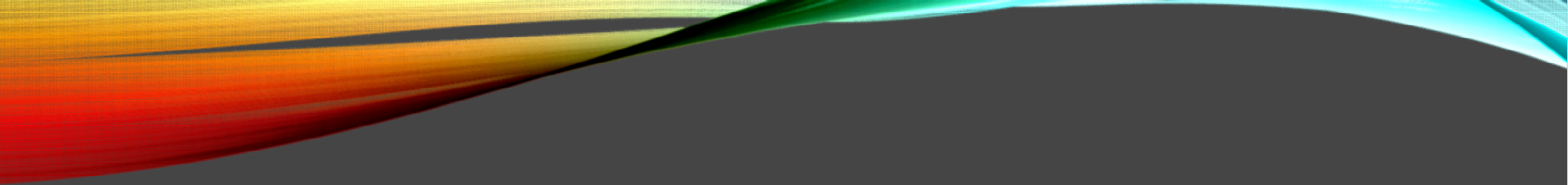
- If a disability is not obvious, what kinds of information may a housing provider request from the person with a disability in support of a requested accommodation or modification?
  - (1) Individual must meet definition of the Act definition
  - (2) Explain or describe requested accommodation/modification
  - (3) Must demonstrate the nexus between the request and the disability



## ...MODIFICATIONS

The Fair Housing Act provides that while the housing provider must permit the modification, the tenant is responsible for paying the cost of the modification.





# REASONABLE MODIFICATIONS UNDER THE FAIR HOUSING ACT

- A structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.
- Include structural changes to both interiors and exteriors of dwellings and to common and public use areas.

# ...MODIFICATIONS

- If the disability is obvious, the housing provider may not request any additional information about the person's disability.

**Example:** A person with a mobility impairment that utilizes a motorized scooter requests a ramp to be installed at the entrance of the apartment building.

# EXAMPLES

## Accommodations

Service animal

Live-in-aides

Unit transfer

Re-certification via mail

Interpreter/Reader

## Modifications

Widening doors

Installing ramps

Installing grab bars

HI smoke detector

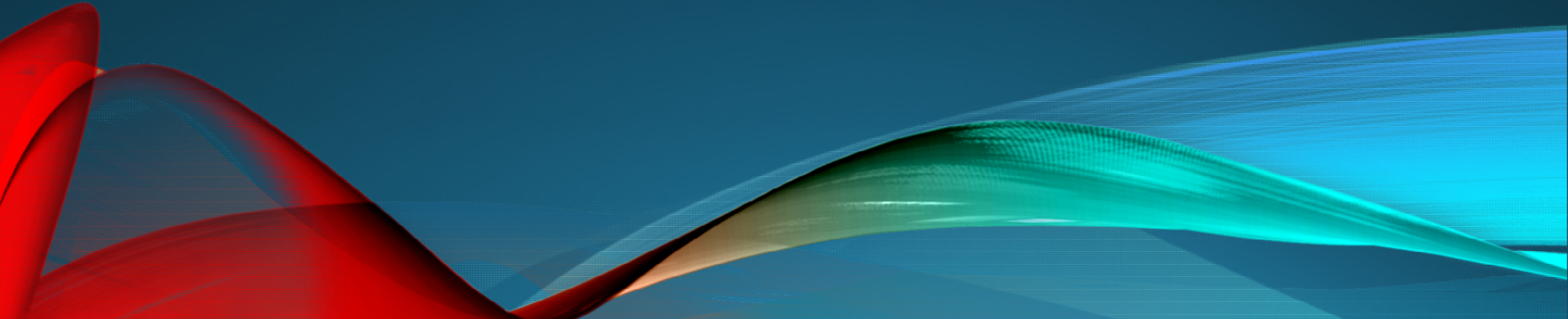
Lowering of cabinets

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- In conjunction with the **design and construction** for multi family dwellings for first occupancy and a failure to design and construct those dwellings in such a manner that--
    - public and common areas are accessible to and usable by disabled persons;
    - All doors designed for ingress and within unit are wide enough to allow mobility by disabled persons in wheelchairs; and
    - All premises must contain features of adaptive designs.

## DISABILITY DISCRIMINATION UNDER THE FAIR HOUSING ACT



# APPRAISAL BIAS



# PAVE: INTERAGENCY TASK FORCE ON PROPERTY APPRAISAL AND VALUATION EQUITY

Led by Secretary Fudge

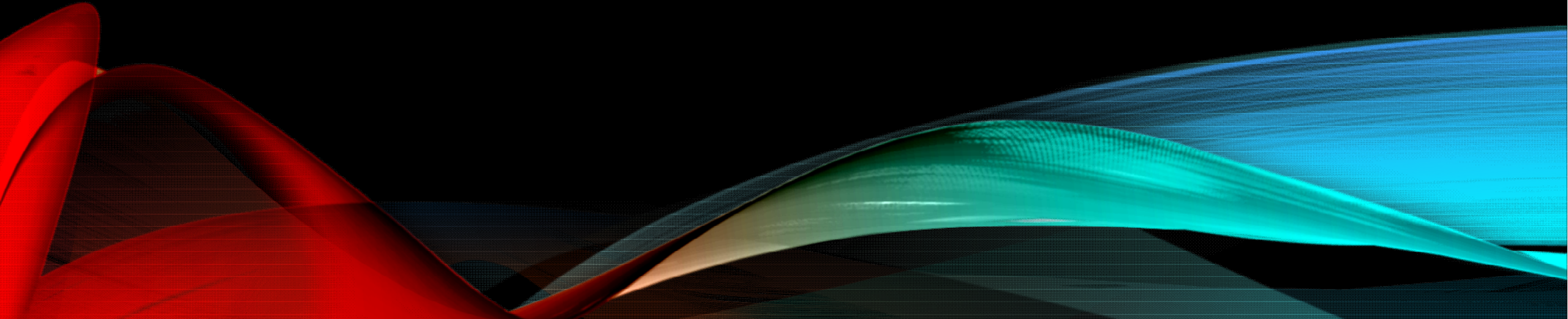
A coordinated team of 13 federal agencies, developed a transformative set of recommendations to root out racial and ethnic bias in home valuations.

Created an Action Plan to address fighting bias in appraisals.

The plan is located at <https://pave.hud.gov/actionplan>.

# EXEMPTIONS

The Fair Housing Act





# THE FEW EXEMPTIONS

## Single-Family Home Exemption

- Not Discriminatory Advertising
- Complaint Against Owner
- Involves sale or rental of single-family home or condo
- Owner has interest in  $\leq 3$  Single-family Homes or Condos.
- Not in the Business of Selling or Renting Property
- Owner is either:
  - Most Recent Occupant
  - Not Used Exemption Within The Past 24 Months

## Owner-Occupied, Four Units or Fewer Exemption

- Not Discriminatory Advertising
- Complaint Against Owner
- Involves sale or rental of single-family home or condo
- Owner has interest in  $\leq 4$  Single-family Homes or Condos.
- Not in the Business of Selling or Renting Property
- Owner is either:
  - Most Recent Occupant
  - Not Used Exemption Within The Past 24 Months



# THE FEW EXEMPTIONS

## Religious Organization Exemption

- Religious Organization Or Non-profit Institute Controlled Or Operated By A Religious Organization
- Involves Sale Or Rental Of Property
- Sale Or Rental For Other Than Commercial Purposes.
- Complaint Based On Giving Preferences To Same Religion As The Religious Organization
- Membership In The Religion Not Restricted Based On Race, Color Or National Origin

## Private Club Exemption

- Not Open To The Public
- Lodging Is Incidental To The Primary Purpose Of Club
- Complaint Based On Preference Given To Club Member
- Provides Lodging For Other Than Commercial Purposes

# THE FEW EXEMPTIONS

## Senior Housing Exemption

State or Federal  
Program

State or Federal Program

HUD Secretary Designated

Family Status

62 or Over  
Housing

All Residents  $\geq 62$

Family Status

55 or Over  
Housing

Operated for Persons  $\geq 55$

$\geq 80\%$  occupied units at least one person  $\geq 55$

Policies and Procedures Demonstrate Intent

Occupancy Verification Requirement

Family Status



**The Fair Housing  
Act of 1968**

**Title VI of the Civil  
Rights Act of 1964**

**Section 504 of the  
Rehabilitation Act  
of 1973**

**The Americans  
with Disabilities Act  
of 1990**

**Section 109 of the  
Housing and Urban  
Development Act  
of 1974**

# Major Laws FHEO Enforces

# How To File a Complaint with HUD

## By Phone:

- National Hotline – (800) 667-9777
- Hearing Impaired – (800) 927-9275 (TTY)
- Region 1 Main Line – (617) 994-8300

## Online:

- <https://www.hud.gov/fairhousing/fileacomplaint>
- Google “FHEO Complaint” and Click the Top Link



THE END



Any Questions?

*Save the Date!*

**Date: Wednesday, June 22, 2022**  
**Time: 11:00am - Noon**



**Get The Lead Out!**  
**Celebrate Healthy Homes Month with HUD**

**Lead Safe Housing**

A training for landlords and homeowners led by HUD's Office of Lead Hazard Control and Healthy Homes.

Learn about the dangers of lead, Lead-Based Paint Disclosure Rule, and the Lead Safe Housing Rule. Learn about available funding and resources to assist with lead mitigation work in both rental and single-family homes.

**Click Here to Register**

**Contact Info: Rhonda Siciliano [Rhonda.M.Siciliano@hud.gov](mailto:Rhonda.M.Siciliano@hud.gov)**