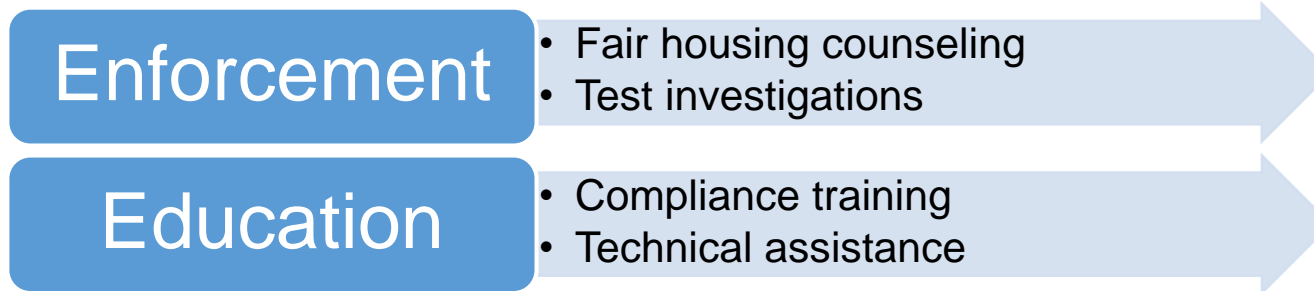




- Formerly, Fair Housing Council of Suburban Philadelphia
- Est. 1956 – We are leading the effort to eliminate housing discrimination in Pennsylvania through education, advocacy and enforcement of fair housing laws



- Testing, investigation and enforcement services available in Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties
- Education and technical assistance services available in communities throughout Pennsylvania



Federal Fair Housing Act

Title VIII of the Civil Rights Act of 1968, as amended in 1988, known as the Fair Housing Act (FHA), makes it unlawful to discriminate against individuals in housing transactions based on:

Race
Color
Religion
National Origin

Sex
Disability
Familial Status*

** Familial status means the presence of children under 18 in a household, pregnant women or anyone adopting or securing legal custody of a child.*



Federal Fair Housing Act

It is against the law, because of a protected class, to:

- Refuse to rent housing
- Refuse to negotiate for housing
- Make housing unavailable or deny housing is available
- Set different terms, conditions or privileges for the sale or rental of housing
- Advertise in a discriminatory way
- Threaten, coerce or intimidate anyone exercising their fair housing rights or assisting others in exercising those rights

Protected classes:

Race
Color
Religion
National Origin
Sex
Disability
Familial Status



Who Must Abide by Fair Housing Laws?

Landlords
Property Managers
Owners
Non Profit Housing
Subsidized Housing
Portfolio Managers
Maintenance Crews and
Contractors
Housing Industry Trade
Associations
Property Owners and
Sellers

Sales Agents and
Brokerage Offices
Listing Services
Builders and Developers
Condo and Homeowner
Associations
Mortgage Lenders and
Appraisers

Home Insurance
Companies
Long Term Care Facilities
Governmental Jurisdictions
Employees of housing
providers
Neighbors
Basically Everyone!



Other Laws and Rules

- PA Human Relations Act – illegal to discriminate based on age (40 and over) – also users, handlers, and trainers of assistance animals have protection.
- Approximately 50 municipalities in PA have local ordinances which prohibit discrimination based on sexual orientation and gender identity.
- National Association of Realtors® Code of Ethics prohibits Realtors® from discriminating based on sexual orientation
- HUD's Equal Access Rule prohibits HUD funded housing programs from discriminating based on sexual orientation, gender identity or marital status

Fair Housing Act Exemptions

- Owner occupied buildings with four or less rental units (federal law)
In PA – owner occupied buildings with TWO or less rental units.
- For Sale By Owner - single family housing sold or rented without the use of a broker if the private individual owner does not own more than three such single family homes at one time
- Housing operated by religious organizations and private clubs may limit occupancy to members
- No exemption for discriminatory statements and/or advertising



DISABILITY DEFINED

A physical or mental impairment that substantially limits one or more of a person's major life activities.

Includes people having a history of an impairment and people being perceived as having an impairment.



Disability Related Differences in Treatment

- Refusal to rent/sell to persons with disabilities
- Different terms and conditions
- Steering
- Harassment
- Asking applicants or tenants if they have a disability or about the nature and/or extent of their disability
- Disclosure of tenant's disability to another resident.



Accommodation and Modification Requests

A **reasonable accommodation** is a change in rules, policies, practices, or services that enables a person with a disability equal opportunity to use and enjoy a dwelling. Example accommodations include:

- Assistance animal with no fee – emotional support animal
- Providing lease or application in large print
- Mailing or allowing someone else to pick up housing application
- Issuing monthly reminders – rent due
- Allow termination of lease without penalty
- Accepting an alternative reference (social worker, employer) when a tenant's disability or past institutionalization means they have no rental history
- Allowing a co signor when tenant's disability payments does not qualify tenant for rental
- Permitting live-in personal care attendant
- Transfer to a more accessible unit/community
- Reserved marked handicapped parking space
- Paying rent after SSDI check is received without a late penalty



When can a tenant request a Reasonable Accommodation?

At any time including:

- During application process
- While living in the unit
- When housing provider changes a rule or policy
- In response to a housing provider's complaint or adverse action
- At an eviction hearing
- During appeal to a higher court



WHAT IS REASONABLE?

A request for an accommodation or modification is reasonable if the request:

- Does not cause an undue financial and administrative burden to the housing provider
- Does not cause a basic change in the nature of the housing program available
- Will not cause harm or damage to others
- Is technologically possible

Assistance Animals for People with Disabilities

A landlord, property manager, condominium board, or any other housing provider cannot:

- Refuse to allow someone with a disability the right to an assistance animal when it's reasonable
- Deny occupancy, or evict a person with a disability because they request an assistance animal
- Charge extra fees or deposits
- Stall or delay on responding to a request
- Require training or certification for an assistance animal





Verifying Disability and Need

If disability is obvious and need is clear – NO ADDITIONAL DOCUMENTATION

If disability is known, but need not clear – ONLY INFORMATION TO EVALUATE DISABILITY-RELATED NEED

If disability and need are not known – LANDLORD MAY REQUEST DOCUMENTATION THAT TENANT HAS A DISABILITY AND A DISABILITY-RELATED NEED

If the accommodation or modification proposed is unreasonable, is there another solution?



Common Accommodation and Modification Mistakes

- Requiring forms ALWAYS
- Being rigid with rules, policies and procedures
- Not responding timely to requests
- Not engaging in an interactive process
- Not training all employees who deal with tenants/prospective tenants
- Not being sensitive

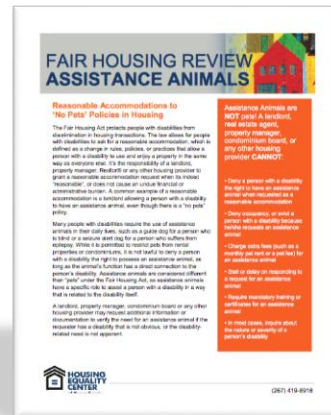
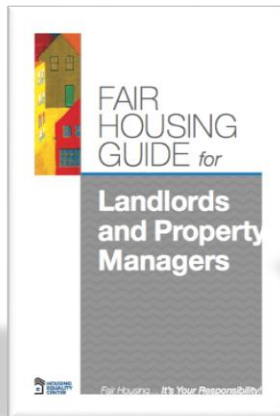


Fair Housing is
Good Business

Contact Housing Equality Center of PA for a
confidential review and assessment of specific
circumstances

(267)-419-8918 or (866)540-FAIR (3247)

equalhousing.org



- ✓ Sign up for fair housing news
- ✓ Register for an upcoming fair housing event or meeting
- ✓ Learn about fair housing laws
- ✓ Download guides, resources, fact sheets and fair housing guidance
- ✓ Request fair housing training or publications for your clients, colleagues or offices