



# “Protecting Your Business”

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## Legal Resources

### F.H.A.

### Fair Housing Act

The F.H.A. prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18) and handicap (disability).

### WHAT TYPES OF HOUSING DISCRIMINATION ARE ILLEGAL?

The federal Fair Housing Act and Fair Housing Amendments Act (42 U.S. Code §§ 3601, 3619, 3631) prohibit landlords from choosing tenants on the basis of a group characteristic such as:

- RACE
- RELIGION
- ETHNIC BACKGROUND OR NATIONAL ORIGIN
- SEX
- AGE
- THE FACT THAT THE PROSPECTIVE TENANT HAS CHILDREN (except in certain designated senior housing), OR
- A MENTAL OR PHYSICAL DISABILITY



In addition, some state and local laws prohibit discrimination based on a person's marital status or sexual orientation.

On the other hand, landlords are allowed to select tenants using criteria that are based on valid business reasons, such as requiring a minimum income or positive references from previous landlords, as long as these standards are applied equally to all tenants.

Please review the full version of the F.H.A. at: [www.backgroudresources.com](http://www.backgroudresources.com) or contact the U.S. Department of housing and Urban Development at: [www.hud.gov](http://www.hud.gov) Phone: 202-708-1112.

### WHAT ARE EXAMPLES OF HOUSING DISCRIMINATION?

The Fair Housing Act and Amendments prohibit landlords from taking any of the following actions based on race, religion or any other protected category:

- ♦ ADVERTISING OR MAKING ANY STATEMENT THAT INDICATES A PREFERENCE BASED ON GROUP CHARACTERISTIC, SUCH AS SKIN COLOR.
- ♦ FALSELY DENYING THAT A RENTAL UNIT IS AVAILABLE.
- ♦ SETTING MORE RESTRICTIVE STANDARDS, SUCH AS HIGHER INCOME, FOR CERTAIN TENANTS.
- ♦ REFUSING TO RENT TO MEMBER OF CERTAIN GROUPS.
- ♦ REFUSING TO ACCOMMODATE THE NEEDS OF DISABLED TENANTS, SUCH AS ALLOWING A GUIDE DOG, HEARING DOG OR SERVICE DOG.
- ♦ SETTING DIFFERENT TERMS FOR SOME TENANTS, SUCH AS ADOPTING AN INCONSISTENT POLICY OF RESPONDING TO LATE RENT PAYMENTS.
- ♦ TERMINATING A TENANCY FOR A DISCRIMINATORY REASON.