



## What Is Fair Housing?

Fair housing is the right to choose housing free from unlawful discrimination. Federal, state and local fair housing laws protect people from discrimination in housing transactions such as rentals, sales, lending, and insurance.

### **It ensures access for everyone.**

Fair housing is the key to all people having the roof they want over their heads. It guarantees that regardless of your age, race, religion, family situation, or level of ability, you have the right to choose the housing that's best for your needs—with no outside preferences or stereotypes being imposed.

### **It encourages neighborhoods to put out their welcome mat.**

Fair housing practices help people understand what it means to be a welcoming and vibrant neighborhood. The ideas, connections, and sense of pride that are found in diverse and open neighborhoods make a real difference, especially in the midst of tough economic times.

### **It enhances our community's curb appeal.**

Equal access to housing goes hand in hand with quality of life. Fair housing plants seeds for economic development, talent retention, and more in our community. When people feel welcomed, they make themselves at home, invest their resources back into the community, and in turn make it an appealing place for diverse and talented people to come.

## Who Is Protected by Fair Housing Laws?

Fair housing laws protect all individuals seeking housing, including renters, homebuyers, persons obtaining a mortgage or homeowners insurance, and others. The federal Fair Housing Act prohibits discrimination in housing because of the following "protected classes":

- Race
- Color
- Religion
- National origin
- Gender
- Disability or
- Familial status (presence of children under the age of 18 and pregnancy).

Also, the Pennsylvania Human Relations Act extends the protections afforded by the Fair Housing Act, and further prohibits discrimination in housing because of:

- Age or
- Ancestry.

## **What Housing Is Covered by Fair Housing Laws?**

Fair housing laws cover most housing, including apartments, single-family homes, condominiums, manufactured homes, and others. In some circumstances, the laws exempt owner-occupied buildings with no more than two/four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

## **Which Housing Providers are Subject to Fair Housing Laws?**

- Real estate operators, brokers, and agents
- Multiple listing services/real estate related organizations
- Builders, contractors, and developers
- Owners of building lots
- Condominium associations
- Homeowners advertising and selling their homes
- Savings & Loans associations, banks, mortgage brokers, other financial institutions and appraisers
- Owners of investment properties
- Rental managers/leasing agents
- Advertising media, advertising agencies and marketing companies
- Insurance companies who sell homeowners or renters insurance

## **What Is Prohibited?**

In the sale and rental of housing, no one may take any of the following actions based on a protected class:

- Refuse to rent or sell housing,
- Refuse to negotiate for housing,
- Make housing unavailable,
- Deny a dwelling,
- Set different terms, conditions or privileges for sale or rental of a dwelling,
- Provide different housing services or facilities,
- Falsely deny that housing is available for inspection, sale, or rental,
- For profit, persuade owners to sell or rent (blockbusting), or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In mortgage lending, no one may take any of the following actions based on a protected class:

- Refuse to make a mortgage loan,
- Refuse to provide information regarding loans,

- Impose different terms or conditions on a loan, such as different interest rates, points, or fees,
- Discriminate in appraising property,
- Refuse to purchase a loan, or
- Set different terms or conditions for purchasing a loan.

In addition, it is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right, or
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

## **Fair Housing Protections for People with Disabilities**

If you or someone in your family:

- Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability

Your housing provider may not:

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing.

Example: A building with a "no pets" policy must allow a visually impaired tenant to keep a guide dog.

Example: An apartment complex that offers tenants unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to assure that she can have access to her apartment.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

## **Fair Housing Laws**

Fair housing rights are assured by federal, state and local fair housing laws. These laws prohibit housing discrimination on the basis of specific "protected classes", which include race, color, religion, national origin, gender, familial status, disability, marital status, and age, among others protected by local laws. In particular, the federal Fair Housing Act, the

Pennsylvania Human Relations Act, and local fair housing ordinances provide the basis for fair housing protection. See below for more information on these and other fair housing laws.

**To view the full text of the law, click on the title.**

## **Federal Laws**

### **Civil Rights Act of 1866** (Reconstruction Act)

**Overview:** Enacted April 9, 1866, the Civil Rights Act of 1866 prohibits all racial discrimination in the sale or rental of property. It granted citizenship and the same rights enjoyed by white citizens to all male persons in the United States "without distinction of race or color, or previous condition of slavery or involuntary servitude."

**Protected classes:** race and color

### **Fair Housing Act (Title VIII of the Civil Rights Act of 1968 as amended by Fair Housing Amendments Act)**

**Overview:** Enacted on April 11, 1968, and amended in 1988, the federal Fair Housing Act provides the basis for fair housing rights and enforcement throughout the United States. The Act also provides for accessibility requirements for covered multi-family housing built for first occupancy after March 13, 1991.

**Protected classes:** race, color, religion, national origin, gender, familial status and disability

### **Section 504 of the Rehabilitation Act**

**Overview:** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes public housing authorities, government run housing programs, public university housing, etc. [Learn more.](#)

**Protected class:** disability

### **Housing for Older Persons Act**

**Overview:** Effective May 3, 1999, HUD's final rule implementing the Housing for Older Persons Act of 1995 (HOPA) outlines the requirements for qualification for the housing for persons who are 55 years of age or older portion of the "housing for older persons" exemption established in the Fair Housing Act. This exemption applies to the familial status provisions of the Fair Housing Act, but does not exempt the housing from the other provisions of the law.

## **Pennsylvania Fair Housing Law**

### **Pennsylvania Human Relations Act**

**Overview:** Prohibiting certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin by employers, employment agencies, labor organizations and others as herein defined; creating the Pennsylvania Human Relations

Commission in the Governor's Office; defining its functions, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement and imposing penalties defining "advertisement" and "advertiser"; and providing for certain forms of advertisement, for limitations and for civil penalties.

**Protected classes (for housing):** race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals