

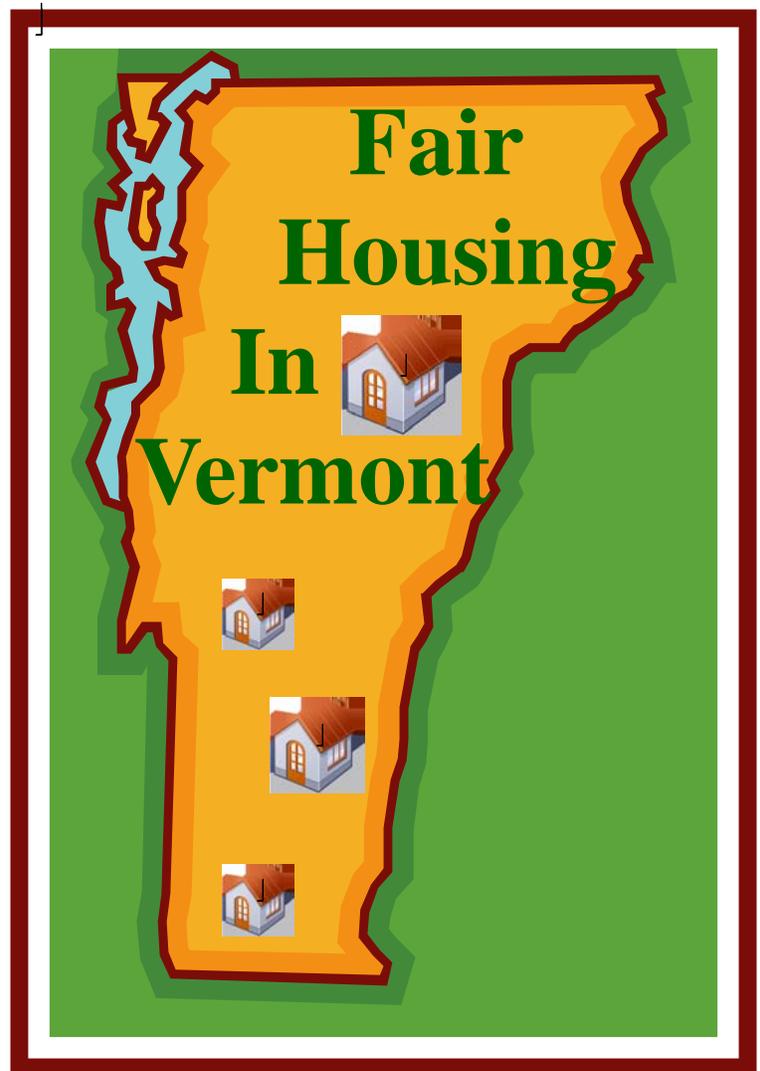
This handbook was created by the CVOEO Fair Housing Project with funding from the US Department of Housing and Urban Development.

Since 1995, FHP has been working to end housing discrimination in Vermont through education and outreach of fair housing laws.



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**A Handbook
About Illegal
Housing
Discrimination
For Consumers
And Housing
Providers**



“CVOEO Fair Housing Project’s responsibility is to assist you to recognize housing discrimination by informing you about your rights, helping you understand your rights and showing you how to stand up for your rights.”



**I think I’m being discriminated against—
What do I do?**

Contact one of the agencies below to file a complaint:

Vermont Human Rights Commission
(802) 828-2480 (Voice/TDD)
1-800-416-2010

Vermont Legal Aid—Fair Housing Council
1-800-889-2047
www.vtlegalaid.org

HUD Fair Housing and Equal Opportunity
1-800-245-2691 (general info)
1-800-669-9777 (complaint hotline)

Self Help Techniques for Addressing Housing Discrimination

~Keep good records

~Educate the landlord:

Raise your concerns with the housing provider and state that you believe what he or she is telling you is against the law. In some situations, the landlord or housing manager is unaware of the requirements of the fair housing laws and believes he or she can still exclude minor children or people who are unmarried, for example. Occasionally, a polite discussion can help you get the housing. It is helpful to bring a reliable witness with you when you have this conversation.

Suggestions for housing providers and managers to avoid charges of housing discrimination

~Know the law

~Use a formal application process

~Use objective and reasonable criteria

~Be consistent

~Be aware of your own stereotypes and prejudices

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What is Fair Housing?

Fair housing is the right to equal opportunity in housing.



Fair housing is your right to choose where you live, and the right to rent or buy an apartment or house free from discrimination.

Discrimination

There are all kinds of ways that people discriminate. Fair housing laws recognize that people sometimes make decisions and limit other people's opportunity because they are making assumptions about them based on what they look like, what kind of accent they have, because they are poor, receive food stamps or because they have children. People who are looking for a place to live should only be judged on their qualifications (ability to pay, rental history etc...) not on the color of their skin for example.

“DO’S”—Questions that are relevant to eligibility and can be asked:

The ability to meet the requirements of tenancy

Whether the applicant is qualified for a unit for persons with disabilities or is eligible for a priority due to disability

Whether the applicant is currently using illegal drugs.

Whether the applicant has ever been convicted of the illegal manufacture or distribution of controlled substances.



Do's and Don'ts for Housing Providers

“DON'TS”—Questions that cannot be asked as a part of the application process:

If the applicant has a disability

About the nature and severity of the disability

Questions that would require disclosure of medical condition or history

Information about whether the applicant's friend or family has a disability

Whether the person can live independently

A Brief History....

Fair housing has been called the forgotten stepchild of civil rights. The Civil Rights Act was passed in 1964 and made race discrimination in employment, education, public accommodations and government programs illegal. Before fair housing laws were passed, racially segregated neighborhoods were created and maintained through legal real estate practices, such as designating neighborhoods as “whites only,” and steering families of color towards less desirable areas. The federal government had race-based housing loan programs that created much of the residential segregation that still exists today. After the Civil Rights Act was passed, making housing discrimination illegal was the next logical step to address the legacy of slavery and the history of government sanctioned racism in the United States. [Where you live affects so many other aspect of your life. If the goal is to create equality or equal opportunity, home is a good place to start.] The Fair Housing Act was stalled in Congress for a few years because of a lack of political will, but on April 11, 1968—seven days after Martin Luther King was assassinated--it was finally passed.

Federal Law

"Protected Categories"

The Federal Fair Housing Law is Title 8 of the Civil Rights Act and states that it is illegal to discriminate in the rental, sale or financing of housing because of the following protected categories:

Race

Color

National origin

Religion

Sex

Familial Status

Disability

Fair Housing Definition of Disability

Parties covered under the legal definition of disability:

- A person with a physical or mental impairment that substantially limits a major life activity
- A Person with a history or record of such impairment
- A Person regarded as having such an impairment
- The law protects not only people with disabilities, but people associated with them, including family, friends, and service providers

It is against the law to:

- Refuse to allow a tenant to make reasonable modifications at the tenant's own expense (if the housing receives federal funding, the owner may have to pay for the modification under Sec. 504 of the Rehabilitation Act)
- Refuse to rent or sell because a person has an attendant, or uses a wheelchair, specially trained animal or other appliance or device.

A request for accommodation can be denied if it would:

- Cause an undue financial burden or administrative burden
- Fundamentally alter the nature of the service of program

The person is not a qualified individual with a disability

Unfair Real Estate

Practices

If based on a protected category, it is unlawful for a real estate agent to:

- Show different properties
- Not show certain properties
- Steer towards specific locations or neighborhoods
- Limit the neighborhoods to consider
- Spend much less time with the home-buyer
- Require different documentation

Unfair Lending

Practices

If based on a protected category, it is unlawful for a lender to:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms of conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property

Predatory Lending

(not all predatory lending is discriminatory under fair housing law, but there is overlap—the distinction being whether the action was taken because someone is a member of a protected category)

- Aggressive and deceptive marketing
- Inappropriately steering borrowers to the sub prime market
- Making loans without full consideration of the borrower's ability to pay
- Financing excessive fees into loans
- Charging higher interest rates based on race, national origin, etc and not on borrowers credit history
- Pressuring a sale of home improvements and then financing them at high interest rates
- Engaging in property "flipping"

Vermont Law

Vermont law covers all the categories covered in Federal law, plus:

Age
Marital Status
Sexual
Orientation
Gender
Identity
Receipt of
Public
Assistance
-Resident
Income in Land
Use

What is not covered?

- ~ Criminal history/record/conviction
- ~ Smoking/smokers
- ~ Pets (exemption for companion/service animals)
- ~ Political affiliation
- ~ Having tattoos, piercings, hairstyle

What is Illegal?

The following actions, if taken because a person's protected category, are unlawful according to fair housing law:

- Refuse to rent or sell
- Refuse to consider for rental or sale
- Otherwise make unavailable or deny a dwelling
- Provide different services
- Treat people differently or subject them to harassment
- Say a dwelling is unavailable when it is, in fact, available
- Make print or publish a notice, statement or advertisement which indicates any preference, limitation or discrimination
- Coerce, intimidate, threaten or interfere with any person in housing or for filing or supporting a discrimination charge
- Discriminate in the making or purchasing of loans, or in the selling, brokering, or appraising or real estate
- Pressure people to sell their home because the neighborhood is "changing" (block busting)



Exemptions

(There are certain types of housing and situations where fair housing law does not apply. However, **race based discrimination is always unlawful** because of earlier civil rights laws passed in 1866)

Legitimate business practices

--A landlord may establish and enforce legitimate business practices necessary to protect and manage the rental property, such as the use of references

Owner occupied duplexes and triplexes

--Except in Burlington, where ordinance limits exemption to owner occupied duplexes

Refusing to rent to a person under the age of majority (18 years)

Religious organizations which own or operate non-commercial housing may give preference to people of the same religion (but may not discriminate based on other protected categories)

A landlord can enforce an occupancy limitation

--If the dwelling unit is inadequate, under applicable laws and ordinances relating to occupancy, to house all persons who intend to live there.

Housing for Older Persons Exemption:

Intended for, and solely occupied by, people who are 62 years of age and older,

or

Intended for people 55 years of age and older as long as there is at least one aged 55 or older in 80% of all the units/apartments, and:

The housing complex has significant facilities and services specifically designed to meet the physical or social needs of older people,

or

If the housing complex is necessary to provide an important housing opportunity for older people