



## The Fair Housing Act (1968/1974/1988)

Titles VIII-IX of the Civil Rights Act of 1968

Made it unlawful to discriminate in housing and all housing related transactions based on  
**RACE, COLOR, NATIONAL ORIGIN, and RELIGION.**

- Amended in **1974** to add **SEX** protection
- Amended in **1988** to protect families with children (**FAMILIAL STATUS**) and people with disabilities (**DISABILITY STATUS**)



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## Protected Classes Vary By Location

USA

- Race
- Skin Color
- Religion
- National origin
- Sex
- Familial status
- Disability

Ohio

- Ancestry
- Military status

Cincinnati

- natural hair types and natural hair styles commonly associated with race;
- sexual orientation and gender identity or expression;
- age;
- military status;
- marital status;
- Appalachian origin
- Source of income





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## Fair Housing Scope

Examples of Housing Covered:

- Houses
- Apartments
- Condos
- Mobile Homes
- Dorms
- Nursing homes
- Emergency shelters
- Transitional housing
- Extended stay hotels
- Subsidized Housing** → Added legal obligations

Examples of Providers Covered:

- Landlords/Property Management
- Apartment Agents/Managers
- Real Estate Agents/Brokers
- Condo Association Managers
- Condo/HOA Boards & Members
- Builders/Developers/Investors
- Maintenance/Contractors
- Lenders/Insurers/Agents
- Advertising Media/MLS

OHIO DOES NOT PROVIDE OWNER OCCUPIED EXEMPTIONS



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## (Some) Fair Housing Violations

- Refusal to rent or sell housing *based on a protected class*
- Refusal to negotiate *based on protected class*
- Setting different terms, conditions, or privileges *based on protected class*
- Falsely denying that housing is available *based on protected class*
- Showing prospects properties in certain areas or avoiding certain areas *based on a protected class* (STEERING)
- Denying any person access to, membership or participation in, any organization, facility or service in a housing-related transaction *due to a protected class*
- Advertising using language that is considered discriminatory toward *members of a protected class*

Redlining

Blockbusting




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## Fair Housing Enforcement

Fair housing complaints can be filed with administrative agencies (within one year) or in court (within two years).

**U.S. Department of Housing and Urban Development**  
[Report Housing Discrimination | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

 Filing a Charge | Ohio Civil Rights Commission




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## Housing Discrimination Data [www.nationalfairhousing.org](http://www.nationalfairhousing.org)

Complaint Data by Basis and Agency in 2024

Year	Race	Disability	Familial Status	Sex	National Origin	Color	Religion	Other	Total
NFHA Members	3,014	12,275	1,164	1,246	1,167	381	171	4,539	23,957
HUD	295	1,033	125	223	104	39	28	208	1,566
FHAPS	1,716	4,327	496	824	564	357	159	1,140	6,754
DOJ	9	10	1	11	1	0	5	7	44
<b>Total</b>	<b>5,034</b>	<b>17,645</b>	<b>1,786</b>	<b>2,304</b>	<b>1,836</b>	<b>777</b>	<b>363</b>	<b>5,894</b>	<b>32,321</b>
Percent of Total	15.58%	54.59%	5.53%	7.13%	5.68%	2.40%	1.12%	18.24%	

Note: Some reported complaints included more than one basis of discrimination. Disability status is the most frequently reported basis of discrimination in housing.



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## Retaliation

It is illegal to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise their right
- Retaliate against a person who has filed a fair housing complaint or assisted in a fair housing investigation



Adverse action taken in the six months after a complaint/investigation is presumed retaliatory.



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## RELIGION

**Housing Discrimination Based on Religious Beliefs Is Illegal**  
The Fair Housing Act makes it unlawful to discriminate in the rental or sale of housing on the basis of persons who are or perceived to be Jewish, Christian, Muslim, Sikh, Hindu, or of another religious group.



**Religious Discrimination in Action:**

- Refusing to rent to people based on their religious attire, such as hijabs or turbans
- Repeatedly yelling antisemitic slurs or painting a swastika on a Jewish tenant's door
- When screening tenants, the landlord asks for identification documents only from Muslim applicants



In some cases, religious organizations can give preference to members in housing owned by the organization.



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## FAMILIAL STATUS

Includes:

- Families with a child or children under the age of 18
- Pregnant women
- Adult(s) with legal custody of children (or seeking custody)
- Adoption/foster care



Housing for Older Persons Act (HOPA) allows certain exclusions for 55+ and 62+ communities

Examples:

- Occupancy limits that over-reach
- Discriminatory Terms and Conditions
- Steering



Affirmative Marketing is permitted!



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## NATIONAL ORIGIN

**Defining 'National Origin'**  
National origin is defined by a person's birthplace, language, customs, or family heritage. People cannot be denied housing or face different standards based on their name, accent, appearance, or participation in customs associated with any nationality.

**Immigration Status**  
A person's immigration status does not affect his or her fair housing rights.

**Identification**  
Landlords are allowed to request identification and conduct inquiries to determine whether a potential renter meets the criteria for rental, as long as the same procedure is applied to all potential renters. Even if SSNs are ordinarily used as part of the applicant screening process, alternative documents must be accepted.

**FAIR HOUSING: NATIONAL ORIGIN DISCRIMINATION**

**This can look like...**

- Requiring a higher security deposit or a co-signer for someone who is not a citizen
- Making comments about not wanting to rent to a particular ethnic group because they don't like the smell of their cooking or something else associated with their culture
- Refusing to rent to persons whose primary language is other than English or because their English is difficult to understand

**This can also look like...**

- Threatening to report a tenant to U.S. Immigration and Customs Enforcement (ICE) if they report housing discrimination
- Steering prospective buyers, or renters to or away from certain neighborhoods because of their ancestry
- Requiring that all applicants have a SSN or additional identification documents from a person based on their national origin.





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## SEX-BASED DISCRIMINATION

**Sexual orientation and gender identity/expression** protections fall under the "sex" protection umbrella for non-conformity to gender norms (or location specific laws)

**Sexual Harassment**

- Quid Pro Quo ("This for that")
- Hostile Environment (severe or pervasive)



**Survivors of Domestic Violence Protections**  
Violence Against Women Act (VAWA) was reauthorized, amended, and strengthened in 2022

- Existing protections for survivors of domestic violence, dating violence, sexual assault, and stalking (regardless of sex, sexual orientation, or gender identity) remain
- VAWA includes protections for survivors who are applying for or residing in covered housing programs.




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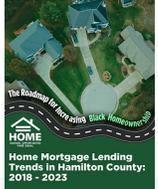
## RACE-BASED DISCRIMINATION

Racial Bias persists in:

- Appraisal bias
- Lending bias
- Eviction bias
- Tenant Screening

**Who is most at risk of eviction?**

Low-income women, especially poor women of color, have a high risk of eviction. Research has shown domestic violence victims and families with children are also at particularly high risk for eviction.



A Black family says they 'whitewashed' their home to get a higher appraisal. They're not the only ones




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# Disability Rights in Housing



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## Disability Relevant Federal Laws

- Section 504** of the Rehabilitation Act of 1973
  - Prohibits discrimination based on disability in any program or activity receiving federal funds
- Fair Housing Act (FHA)** 1968/1974/1988
  - Prohibits housing discrimination on the basis of race, color, religion, national origin, sex, familial status or disability.
- Americans with Disabilities Act (ADA)** of 1990
  - Prohibits discrimination against people with disabilities in employment, state and local government services, public transit, businesses open to public, and telecommunications.




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## What is a “disability” under Fair Housing?

The Fair Housing Act defines disability as:

- 1) a physical or mental impairment which substantially limits one or more major life activities\*
- 2) a record of having such an impairment, or
- 3) being regarded as having such an impairment (which includes people associated with or residing with a person meeting this definition)



*Current illegal use of controlled substances is excluded.*

*\*Major life activities include but are not limited to: caring for oneself, performing manual/mental tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, etc.*



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## National Disability Statistics

More than **1 in 4** (28.7%) adults in the United States have some type of disability

Disability Type	Percentage
COGNITION (Serious difficulty understanding, remembering, or making decisions)	13.9%
MOBILITY (Serious difficulty walking or moving around)	12.2%
INDEPENDENT LIVING (Difficulty using everyday items)	7.7%
HEARING (Difficulty of normal hearing)	6.2%
VISION (Serious or more difficulty seeing)	5.5%
SELF-CARE (Difficulty dressing, eating, etc.)	3.6%

Disability Impacts All of Us Infographic | Disability and Health | CDC



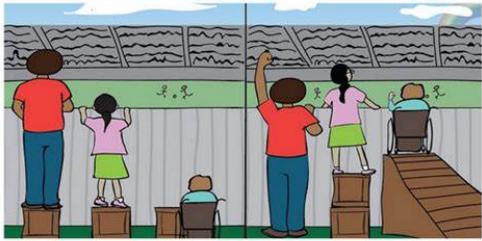
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## Disability Rights in Housing

- The Fair Housing Act makes it **unlawful to refuse to make reasonable accommodations** when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas.
- In addition, the Fair Housing Act **prohibits a housing provider from refusing to permit, at the expense of the person with a disability, reasonable modifications** of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.



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Equality      Equity



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## Modifications

Modifications are structural changes 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 interiors, exteriors, common and public use areas
- In private housing the landlord must allow but tenant pays for the modification. (If federally funded, housing provider pays.)
- **Examples:** ramps, wider doorways, grab bars, walk-in shower, carpet removal, lower counters

Multifamily housing built after March 1991 must incorporate certain FHA Design & Construction requirements.



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## Accommodations

[HUD DOJ Joint Statement on Accommodations](#)

Changes in rules, policies, practices or services so that a person with a disability has an equal opportunity to use and enjoy a dwelling.

**Common Reasonable Accommodations:**

- Assigned parking spaces
- Copies of notices sent to caregiver
- Additional time to move
- Changes in due dates to match disability income
- Assistance Animals (additional training available)
- Live-in Aides



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## The Accommodation / Modification Request Process

### Making the Request

- Tenant is responsible for making the request
- Requests can be made verbally or in writing (encourage written)
- Requests can be made at any point of tenancy and more than one accommodation can be requested.

### Proof of Disability

- After request is made, the housing provider can ask for documentation connecting the disability to the person's request if that connection is not apparent.
- If disability is obvious, requesting additional documentation before approving the request may be unlawful.



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## The Accommodation / Modification Request Process

### Documentation

- When the disability and/or connection to the requested accommodation is not apparent, documentation may be requested.
- This documentation often comes in the form of a letter from a medical, social services, or mental health professional with personal knowledge of the individual and their disability-related needs.
- The letter is not required to disclose diagnosis, nature, or extent of disability. It only needs to state that the request is related to the disability and is necessary for the full use and enjoyment of the dwelling.



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### Sample Verification Letter from Medical Professional:

[On Official Letterhead]

[Date]

Re: Reasonable Accommodation/Modification for [Patient Name and Address]

To Whom It May Concern:

[Patient Name] is a patient in my care. I am writing because my patient is an individual with a disability as defined by the Fair Housing Act. Due to [his/her/their] disability, [he/she/they] requires the following accommodation or modification:  
 Examples: Permission to have an assistance animal despite a no pet policy, a reserved, accessible parking space near the entrance to their unit, carpet removal to better manage asthma, etc.

This patient's disability affects their ability to [identify major life activity affected by the disability]. The request presented above is necessary because of their disability to fully use and enjoy their housing. Your prompt review and written approval of this request is appreciated.

Sincerely,

[Name]  
 [Title]  
 [Contact Info]

Examples of who may provide letter include:

- Doctor
- Nurse
- Physician's assistant (PA)
- Therapist
- Case manager
- Social worker
- Counselors
- School Staff

Any professional (i.e., adheres to a code of ethics) who can confirm the disability and need for RA/RM.

**Questions? Concerns?**  
 Contact HOME  
 2400 Reading Road, Suite 118  
 Cincinnati, OH 45202  
[www.homeinc.org](http://www.homeinc.org)  
 513-721-HOME(4663)



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## Denying RA/RM Requests

**DENIED**

A housing provider can legally deny a request for a reasonable accommodation or reasonable modification when one of the following is true:

- The tenant/resident does not have a disability, or the disability is not apparent and documentation is not provided.
- The request is unrelated to the person's disability.
- The request creates an undue financial and administrative burden.
- The request is a fundamental alternation to provision of housing.
- The request poses a direct threat to the health and safety of others.

Any denial of a disability-related request requires an "interactive process" between the housing provider and tenant. (Can't just say "no" or ignore)



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## The Housing Provider...

**CANNOT ask questions about the nature or extent of a person's disability** (beyond verification that a disability exists that causes a need for the accommodation).

- Cannot require disclosure of exact diagnosis
- Cannot ask for medical records or require a **specific "form"**
- Cannot ask how long a person has been disabled or how long it will last

**Charge fees for reasonable accommodations**

- Cannot charge a deposit, fee, or other related service charge for an assistance animal
- Cannot charge for assigned parking related to disability
- Cannot charge a fee for breaking a lease if unit is no longer appropriate due to disability




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## Pet or Assistance Animal?

[Assistance Animals | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.hud.gov/US/DepartmentofHousingandUrbanDevelopment(HUD))

If the person doesn't have a disability, it's a **PET**.

*Individuals with a disability may request to keep an assistance animal as a reasonable accommodation to a housing provider's pet restrictions.*

HUD uses the general term **ASSISTANCE ANIMAL** which includes both **SERVICE** and **SUPPORT** animals for people with disabilities.

- **A service animal** is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (ADA definition)
- **Support animals** are other trained or untrained animals that do work, perform tasks, aid, and/or provide therapeutic emotional support for individuals with disabilities.



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## Parking Accommodations

Reserved parking spots for residents with disabilities have repeatedly been upheld when challenged in court.

FAQs for Discussion:

- What if there are already accessible spots available on a first come basis?
- What if they don't have an official placard or sticker from the BMV?
- What about senior living or retirement communities?





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## Live-In Aides

A live-in aide may be a reasonable accommodation for tenants with disabilities that require full-time support.

The live-in aide is NOT considered an occupant, so they are NOT responsible on the lease and their income is NOT factored into any rental subsidies.

Family members CAN be considered live-in aides as long as the sole purpose of them moving in is to render care to the tenant.




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## Special Consideration: Nuisance Ordinances

- Some municipalities have nuisance (or crime-free) ordinances that may be implemented/enforced in a way that violates the Fair Housing Act.
- Often implemented in a way that has a discriminatory effect on victims of domestic violence, people with disabilities, or elderly individuals who have a need for more frequent emergency services than the general population.
- Please refer folks to HOME if they are threatened or fined for requesting assistance from emergency services.



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## Referrals to HOME

513-721-4663  
[www.homecincy.org](http://www.homecincy.org)

- HOME serves the greater Cincinnati area
- Our services are FREE to the public
- Any Landlord/Tenant Issues (whether they need information or mediation)
- Any person experiencing discrimination based on protected class (even if it's just a feeling – we can investigate)
- Any person threatened with eviction (or fined) for emergency calls to the residence when those calls are related to disability, domestic violence, or other protected class
- Any person needing help with disability accommodation or modification requests



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## Fair Housing Reminders

- Fair Housing is THE LAW
  - Supersedes any company policies, CC&Rs, bylaws, board resolutions, insurance riders, municipal code, etc.
- Everyone present in the United States is protected by the Fair Housing Act
- Fair Housing involves both EQUALITY and EQUITY
- If it feels wrong, it probably is; **Contact HOME.**



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