

Fair Housing:

Presented by:

**Long Island
Housing Services, Inc.**



**Long Island
Housing Services'
Mission:**

Elimination of unlawful
housing discrimination
and promotion of
decent and
affordable housing
through advocacy and
education

LIHS gratefully
acknowledges the support
of the U.S. Dept. of
Housing and Urban
Development Fair Housing
Initiatives Program

Fair housing laws give all persons in protected classes the right to live wherever they can afford to live.

What is Fair Housing?



What is Fair Housing?

Fair housing means that all people have the right to live in the housing of their choice that they can afford free from discrimination*. Fair housing laws ensure equal access and mandate that people have equal housing opportunities and not be subjected to discrimination based upon certain protected categories in the law.

It is U.S. policy and law to promote equitable housing choice and eliminate segregation.

***Discrimination-Denial of Equal Treatment and Opportunity**

Fair Housing Laws



Federal Laws:

Fair Housing Act

- Title VIII of the Civil Rights Act of 1968

Fair Housing Amendments Act

- Passed in 1988
- Added provisions related to familial status and disability

Who is protected
under the Federal Fair
Housing Act ?

It is against the Federal Fair Housing Act to discriminate because of a person's:

- Race
- Color
- National Origin
- Religion
- Sex (added in 1974)
- Disability (added in 1988)
- Familial Status (added in 1988)

But discrimination based these factors is
NOT covered by the Federal Fair Housing Act:

- Marital Status
- Sexual Orientation
- Source of Income
- Domestic Violence Victim
- Criminal History, including Sexual Offenders and Juvenile Offenders
- Non-recovering users of illegal substances

Do You Still Like Me?

Fair Housing PSA



State and Local Fair Housing Laws

**New York State
Human Rights Law:**

N.Y. Executive Law Section 290 et seq.

**Nassau County Human
Rights Law – Local Law:**

9-2006 eff.1-07

**Suffolk County
Human Rights Law:**

Local Law No. 58-2014 eff. 1-21-15



What
additional
protections
are under
State and Local
Fair Housing Laws



In addition to the federal categories...

New York
State law

Prohibits discrimination based on: marital status, age (over 18), sexual orientation, military status, and creed.

Nassau and
Suffolk BOTH

Prohibit discrimination based on source of income (as well as New York State categories listed above).

Suffolk
County law

Prohibits discrimination based on alienage or citizenship status, veteran status, and status as a victim of domestic violence.

What

discriminatory

practices

are prohibited

?

Prohibited practices

- refusal to rent or sell
 - refusal to negotiate
- making housing unavailable
 - denying a dwelling
- setting different terms, conditions or privileges for rental or sale of a dwelling (some exemptions apply)
 - different services or facilities
- falsely denying housing availability for inspection, rental or sale
 - unlawful blockbusting/steering
- denying access to or membership in a facility or service
- advertising discrimination - verbal, printed and graphic
 - refusal to accommodate; refusal to allow/make modifications
- coercion, intimidation, interference/harassment - retaliation – aiding and abetting

Examples of Unlawful Terms and Conditions

- Providing different services or facilities
- Denying access to or membership in a facility or service, such as a multiple listing service, related to the sale or rental of housing
- Applying different standards and rules related to eviction, attempted eviction or non-renewal of a lease
- Treating tenants differently in relation to repairs, lease violation notices and late fees
- Otherwise make housing unavailable or deny housing

Examples of Discrimination:

“I don’t think it’s safe for you to live here because of your disability”

“Perfect retirement home”

“Wouldn’t you be more comfortable somewhere else?”

Statements

“I don’t rent to families with children;” “I won’t rent a one-bedroom apartment to mother and child;” “I don’t rent to blacks, Hispanics, etc.;" “I don’t want foreigners living in my complex;” “It’s not safe for young children because there are stairs;” “No Programs accepted”

Advertisements

“no children;” “mature persons;” “singles only;” “restrictive” “integrated” “private” “must have employment income” Logos that represent a particular race or religion; pictures featuring only whites tenants; etc.

Harassment

Sexual (gender), racial, ethnic, religious, disability or familial status harassment by the owner, employees of owner, the management company, employees of the management company, etc., and other tenants

Prohibited Practices

Refusal to make reasonable accommodations

...in rules, policies, practices, or services when such accommodations may be necessary for tenants with disabilities to have equal opportunity, full use and enjoyment of a dwelling

Refusing to allow for reasonable modifications

...to properties when such modifications are required by tenants with disabilities to allow them full use and access to a rental unit

*Note- In 2010 NYSHRL provision was modified to recognize that modifications are accommodations

Prohibited Practices

Blockbusting

Persuade owners to sell or rent for profit by telling them that persons of a particular race, color, national origin, sex, familial status or disability are moving into the neighborhood

Steering

Directing prospective home buyers or tenants to neighborhoods or buildings based on their protected category

Redlining

Unwillingness to lend to applicants or borrowers in particular neighborhoods or geographic regions

Reverse Redlining

Targeting people in certain geographic areas for disadvantageous or abusive loan terms and conditions

Prohibited
Practices
for
Financing,
Brokerage,
and Appraisal
Services

- Refusing to make a mortgage loan
 - Refusing to provide information regarding loans
- Setting different terms or conditions of financing
 - Refusing to purchase a loan
 - Denying access to brokerage services

Prohibited Practices



Retaliation

Coercion, intimidation, threats and interference

- Against persons who have exercised their Fair Housing rights and
- Against persons who have acted as a witness or aided others to exercise their Fair Housing rights

What
types of housing
are covered
by the federal
Fair Housing Act ?

Housing covered by the federal Fair Housing Act

- **Single Family homes** owned by private persons when a **real estate broker** and/or **discriminatory advertising** is used to sell or rent the home
- **Single Family homes not owned by private persons** (for example, owned by corporations or partnerships) even if a broker is not used to sell or rent the home
- **Multifamily dwellings with 5 or more units**, including rooming houses
- **Multifamily dwellings** with four or fewer units, if the **owner does not live** in one of the units.*

* *NYSHRL covers three or more units*

Other types of dwellings covered under the Fair Housing Act

- Group Homes
- Nursing Homes
- Assisted Living Facilities
- Residential Hotels
- Dormitories
- Condos and Cooperatives
- Manufactured and Mobile Homes



Familial Status Protections

Familial Status includes:

- Someone with one or more children under the age of 18
- A pregnant woman
- Foster parents and adoptive parents
- Someone who has custody or guardianship of a child

The Fair Housing Act makes it illegal to:

- Require an additional security deposit
- Segregate families with children (e.g. only downstairs units)
- Limit or restrict the use of the housing complex's pool, elevators, common areas, etc.
- Evict a family after a baby is born or adopted

When can families with children be excluded from housing?

- **The Fair Housing Act allows “Housing for Older Persons” to exclude families with children. Housing for Older persons is strictly defined:**
 - The housing meets the criteria set by HUD
 - 80% of all units must be occupied by at least one person aged 55 or older
 - Currently on LI, some Town Codes may restrict senior developments to require 100% of the units for occupants 55 and older
- **“Housing for Elderly Persons” is exempt from age and familial status provisions:**
 - All people living in the housing complex, including both spouses, must be aged 62 or older (complex may allow people with disabilities under 62 years of age as a reasonable accommodation; OR
 - The housing has been funded by the State or Federal government for older persons

Sexual Harassment under the Fair Housing Act

Discrimination based on sex includes a protection against sexual harassment:

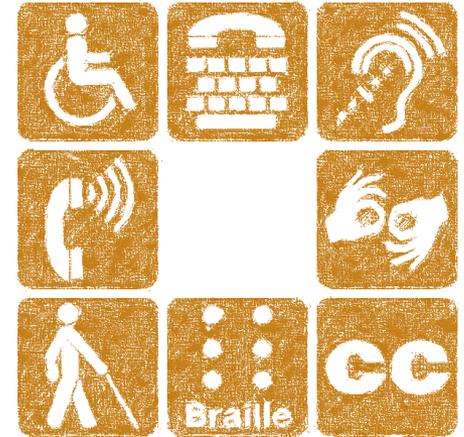
- Deliberate or repeated unwelcome comments
- Gestures or physical contact that create a hostile environment

Ex: Asking for sexual favors in exchange for an apartment, in lieu of rent, offers of reduced rent or extra amenities, etc.

Disability

Who is Disabled?

“Disability” means a person who has a physical or mental impairment that substantially limits one or more major life activities.



One can have either a history of the impairment or can be viewed by others as having an impairment.

Disability

Major Life Activities include:

- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working
- Caring for your daily needs



Providing Documentation of a Disability

Generally, a landlord may NOT ask:

- “Do you have a disability?”
- “How severe is your disability?”
- “May I have permission to see your medical records?”
 - “Do you take medications?”
 - “Why do you receive SSI?”

Providing Documentation of a Disability

If your disability is obvious to others, you should NOT be required to provide documentation.

Otherwise you can:

- Show your SSI or SSDI check or award statement
- Show a copy of your current handicapped parking tag
- Provide a statement from a doctor, therapist, case manager, peer support group, etc.
- You should not need to provide copies of your medical records

Special Provisions for Disability

The Fair Housing laws contain special provisions to allow access and full use and enjoyment of housing:

Reasonable Accommodation

- Landlord may be obligated to allow changes, exceptions, waivers or adjustments to rules, policies, practices, or services if necessary to allow full use, access, and enjoyment of housing

Reasonable Modification

- Landlord may be obligated to permit, at the expense of the person with a disability, to make structural changes to existing premises, occupied or to be occupied by a person with a disability (interior of the dwelling and to public and common use areas)
- In 2010, NYSHRL [Section 296.18 (2) was amended to place the expense on providers for modifications to common and public use space

Examples:

Reasonable Accommodation:

Because of a vision impairment, a tenant requests permission to have a guide dog with her in her apartment. The housing provider has a no-pets policy. This is a request for a reasonable accommodation, and the housing provider must grant the accommodation.

Reasonable Modification:

Because of a mobility disability, a tenant wants to install grab bars in the bathroom. This is a reasonable modification and must be permitted at the tenant's expense.

How do we
overcome
fair housing
challenges ?

Fair Housing Strategies

- Education
- Enforcement

How Do You Protect Your Fair Housing Rights?

Anyone who believes he or she has been discriminated against can file a complaint.

If you want to discuss options, or obtain help from a professional Fair Housing advocate...

Contact Long Island Housing Services:

(631) 567-5111

info@LIFairHousing.org

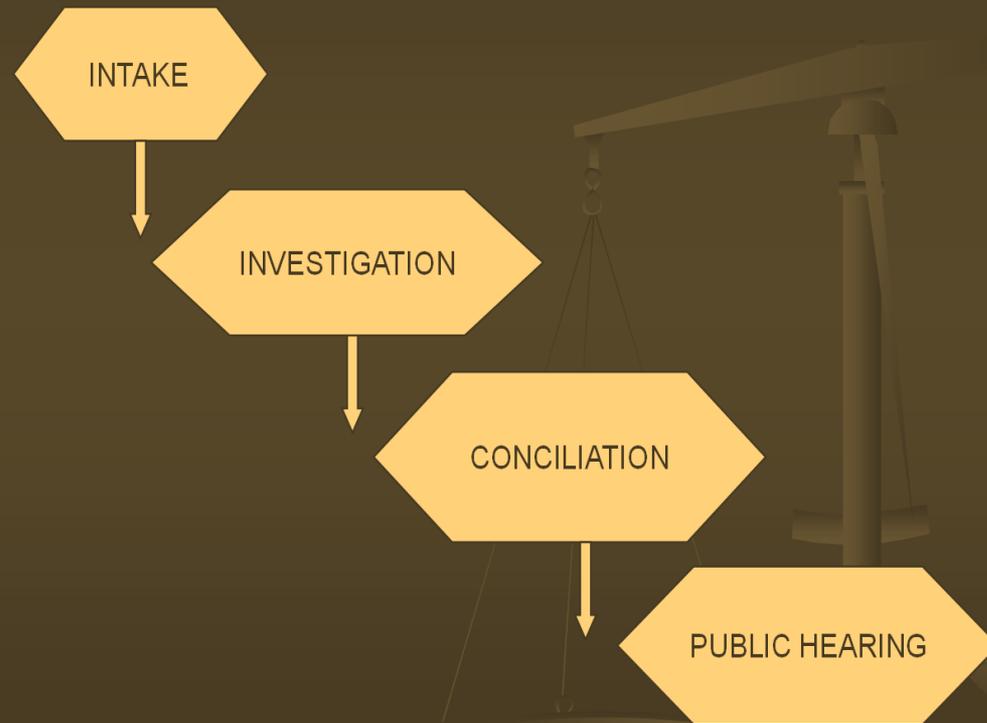
Administrative Complaint= 1 year*

Federal Court = 2 years

*The following screen relates to administrative complaints, not judicial complaints filed in Federal District Court or NYS Supreme Court

Protecting Your Fair Housing Rights

Flow Chart of the Complaint Process



Call Long Island Housing Services:

516-292-0400 or 631-567-5111

info@LIFairHousing.org

Federal

U.S. Department of
Housing and Urban Development
New York FHEO Office
26 Federal Plaza, Room 3532
New York, NY 10278-0068

State

N.Y. State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, NY 10458

Nassau County

Nassau County Commission on Human
Rights
240 Old County Road
Mineola, NY 11501

Suffolk County

Suffolk County
Human Rights Commission
100 Veterans Memorial Highway Suite #1
Hauppauge, NY 11788