

50th Anniversary of the Fair Housing Act

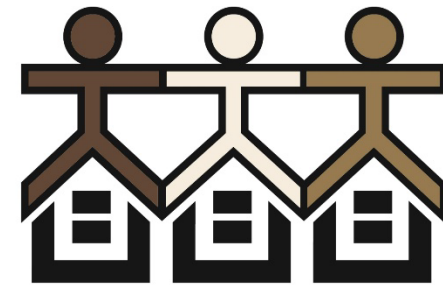
What is Fair Housing?

Presented by:
Long Island Housing Services, Inc.

LIFairHousing.org/li50fha

*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

Title VIII
of the
Civil Rights
Act of 1968

Long Island
celebrates the



50th Anniversary
of the
Fair Housing Act

The Fair Housing Act:

In 1968, within a week after the assassination of Rev. Dr. Martin Luther King, the Fair Housing Act was passed.

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.*

***Discrimination:** Denial of equal treatment and opportunity

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



What is Fair Housing?

Fair housing laws ensure equal access and mandate that people have equal housing opportunities and not be subjected to discrimination based upon legally protected categories.

Who is protected
under the Fair
Housing laws?

**FAIR
HOUSING
laws
exist on
3 levels:**

- **U.S. government**
- **New York State**
- **County**

It is against *Federal* (U.S. Government) Fair Housing Law to discriminate in housing because of a person's:

- Race
- Color
- National Origin
- Religion
- Disability
- Familial Status
- Sex including Sexual Orientation and Gender Identity



In **NEW YORK** state, it is **also** against the law to discriminate in housing because of a person's:

- Marital status
- Sexual orientation
- Gender Identity
- Gender Expression
- Source of Income*
- Military Status
- Age (over 18)
- Creed
- Arrest**
- Domestic Violence Victim



*Source of income includes public assistance, Section 8, SSD, SSI, and court-ordered child support.

** Arrest includes favorably resolved arrest, an adjournment in contemplation of dismissal (ACOD), and a sealed conviction record, or a youthful offender adjudication.

In addition to Federal protections on the basis of Race, Color, National Origin, Religion, Sex, Disability, and Familial Status.

In **SUFFOLK** County, it is also against the law to discriminate in housing because of a person's:

- **Group Identity***
- **Veteran Status**

**Group Identity includes actual or perceived:*

- Age (over 18)
- Gender
- Alienage or Citizenship Status
- Sexual Orientation
- Military Status

In addition to **Federal** (Race, Color, National Origin, Religion, Sex, Disability, and Familial Status)and **New York State** (Marital Status, Sexual Orientation, Gender Identity, Gender Expression, Age (over 18), Military Status, Creed) protections.

Nassau County has the same protections covered under Federal and State laws.

In **NASSAU** County, it is also against the law to discriminate in housing because of a person's:

- **Ethnicity**
- **Veteran Status**
- **First Responder Status**

In addition to **Federal** (Race, Color, National Origin, Religion, Sex, Disability, and Familial Status)and **New York State** (Marital Status, Sexual Orientation, Gender Identity, Gender Expression, Age (over 18), Military Status, Creed) protections.

Familial Status Protections

Familial Status includes:

- Someone with 1 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



Familial Status Protections

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

Sexual Harassment under the Fair Housing Act

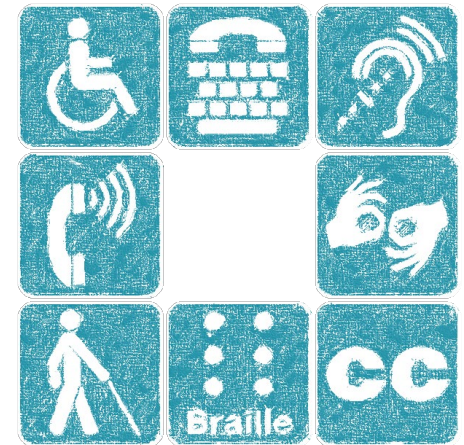
Discrimination based on sex includes a protection against sexual harassment:

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

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

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



Disability

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?”

Disability

Providing Documentation of a Disability

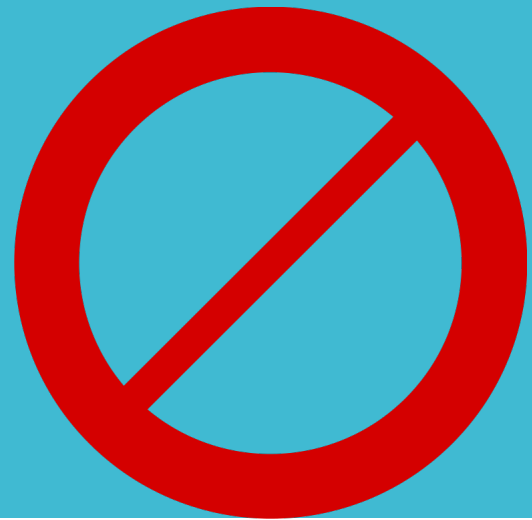
If your disability is obvious to others, you should **NOT** be required to provide documentation.

Otherwise you can:

- 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

What types of
housing
discrimination
are prohibited?

Prohibited practices



- refusal to rent or sell
- refusal to negotiate
- making housing unavailable

Prohibited practices



- denying a dwelling
- falsely denying housing availability for inspection, rental or sale

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, religion or disability are moving into the neighborhood.

Steering

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

Prohibited practices



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

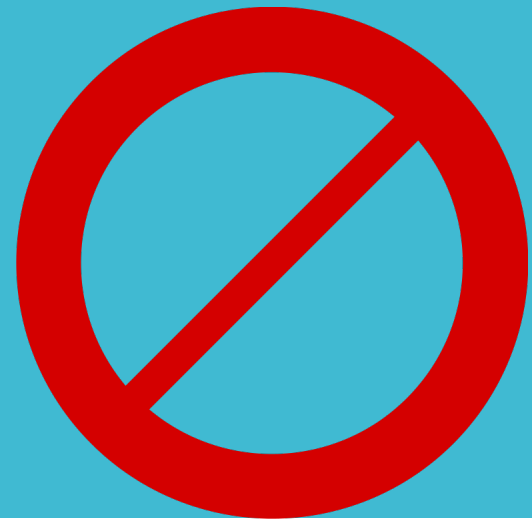


Refusal to make reasonable accommodations

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

Example: 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.

Prohibited practices



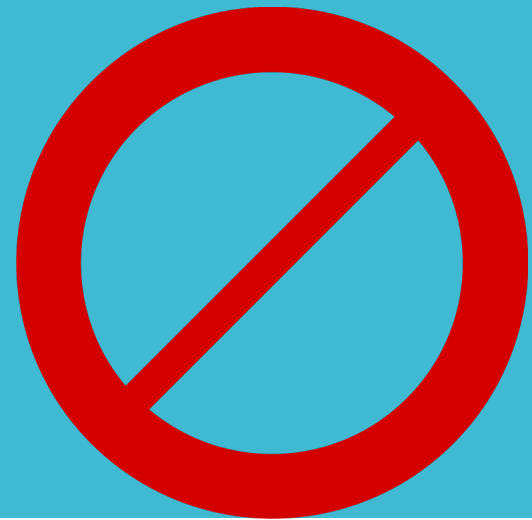
Refusing to allow for reasonable modifications

...to properties when such modifications to structures are required by a person with a disability to allow them full use and access to a rental unit or common area, at the expense of the person with a disability

Example: 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.

*Note- In 2010, New York State Human Rights Law was modified to recognize that modifications are accommodations. It also placed the expense on providers for modifications to common and public use space

Prohibited practices



Examples: Unlawful advertising discrimination: verbal, printed, or graphic

"no children"

"mature persons"

"suitable for singles only"

"Christians Only"

"English Speakers Only"

"Ideal for a couple"

"Must have employment income"

"No Section 8"

"No Programs"

Logos that represent a particular race or religion,
e.g. pictures featuring only White tenants.

Prohibited practices



Examples: Unlawful Terms and Conditions

- 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

Prohibited Practices



Retaliation

**Coercion,
intimidation, threats
and interference**

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

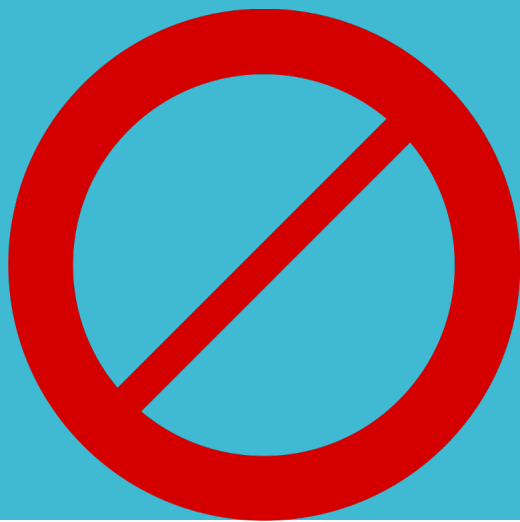
Prohibited Practices *for* Financing, Brokerage, and Appraisal Services



- 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

Examples: Discriminatory Statements:

"I don't think it's safe for you to live here because of your disability."



"I don't rent to families with children."

"I won't rent a one-bedroom apartment to parent and child."

"I don't rent to African Americans, Hispanics, Jews etc."

"I don't want foreigners living in my complex."

"It's not safe for young children because there are stairs."

"No Programs accepted."

Examples: Discriminatory Harassment:

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



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

What
types of housing
are covered
by the federal
FAIR HOUSING ACT?

Housing covered by the federal Fair Housing Act

Single Family Homes

- **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

Housing covered by the federal Fair Housing Act

Multifamily Dwellings

- Multifamily dwellings with **5 or more units**, including rooming houses
- Multifamily dwellings with **4 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

How do we
overcome
fair housing
challenges?

Fair Housing Strategies

- Education
- Advocacy
- 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, Inc.***

(631) 567-5111 ext. 375

info@LIFairHousing.org

Protecting Your Fair Housing Rights

Flow Chart of the Complaint Process



*This chart is for administrative complaints, not judicial complaints filed in Federal District Court or NYS Supreme Court.

Statute of Limitations: Administrative Complaint= 1 year and Federal Court = 2 years

Call Long Island Housing Services, Inc.

631-567-5111 ext. 375
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

https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

Nassau County

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

<https://www.nassaucountyny.gov/414/Human-Rights-Commission>

State

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

<https://dhr.ny.gov/complaint>

Suffolk County

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

<http://www.suffolkcountyny.gov/Departments/HumanRightsCommission/ComplaintProcess.aspx>

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

Fair Housing Laws

New York State Human Rights Law:

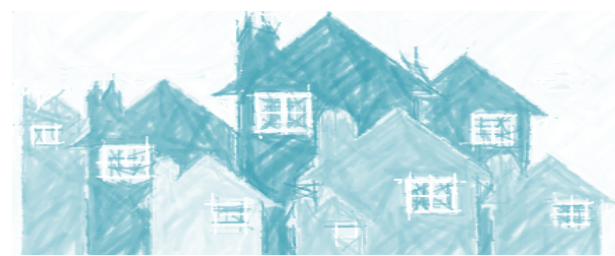
N.Y. Executive Law Section 290 et seq.

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



A green rectangular road sign with rounded corners, tilted upwards from left to right. The word "Questions" is written in large, white, sans-serif capital letters across the sign. The sign is supported by two metal poles. The background is a bright blue sky with a few wispy white clouds and a very bright sun in the upper right corner, creating a lens flare effect.

Questions

Long Island Housing Services, Inc.

631-567-5111 ext. 375
info@LIFairHousing.org

Long Island
celebrates the



50th Anniversary
of the
Fair Housing Act

LIFairHousing.org/li50fha