

About SWFHC

The Southwest Fair Housing Council is a non-profit agency funded by HUD, the Arizona Department of Housing, and the CDBG program.

SWFHC provides a variety of free education and enforcement services including:

- Investigating individual housing discrimination complaints.
- Obtaining evidence to support enforcement action by public agencies conducting legal or administrative actions.
- Initiating fair housing complaints and litigation.
- Informing and advising community residents of their fair housing rights through training and special events.
- Conducting trainings to inform housing professionals about fair housing laws.
- Assisting businesses, neighborhood groups, agencies, and units of government in the development of fair housing goals, plans, strategies, and actions.
- Providing information and referrals for persons and families with housing needs

For more information, contact SWFHC:

177 N. Church Ave, Suite 1104
Tucson, AZ 85701
(520) 798-1568

323 W Roosevelt St, Suite 100B
Phoenix, AZ 85003
(602) 252-3423

Toll-free: (888) 624-4611
TTY: (520) 670-0233

Fair Housing Rights

With the enactment of the Fair Housing Act in 1968, fair housing rights became federal law. The Act, as amended by Congress in 1988, prohibits discrimination based upon the race, color, religion, sex, national origin, handicap, or familial status (children) of those seeking housing.

In Arizona, state fair housing laws are equivalent to federal law. In some communities, local housing ordinances make it illegal to deny housing based on age, marital status, sexual orientation, or other characteristics.

These fair housing laws protect the right of each home seeker to equal opportunity in the purchase, sale, rental, leasing, financing, insuring, and advertising of housing.

To file a complaint, contact SWFHC.

You can also file a complaint with the following:

US Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
(800) 347-3739

Arizona Attorney General's Office
Tucson: (520) 628-6500
Phoenix: (602) 542-5263

City of Phoenix
Equal Opportunity Department
Compliance and Enforcement
(602) 262-7486



Southwest Fair Housing Council



Fair housing: It's the law!

www.swfhc.com

(888) 624-4611

Se habla español

Housing Discrimination Still Exists

Despite a wide range of housing opportunities throughout Arizona, the doors of homes, apartments, mobile homes, and condominiums are closed to many because of illegal discrimination. Complaints to and testing by fair housing organizations in Arizona indicate that discrimination is a common practice, frequently undetected by home seekers who are unlawfully denied access to housing.

If You Think You Have Been Discriminated Against

1. Record the experiences. Write down the names of individuals, companies, addresses, phone numbers, dates, times, and witnesses.
2. Make notes of conversations or incidents that might indicate discrimination.
3. Keep copies of advertising, letters, or other relevant information.
4. If you know a person of the opposite sex, or a different race or culture who received a different answer than you, make note of their name and address.
5. **Contact the Southwest Fair Housing Council.**



Signs of Housing Discrimination

- Refusing to sell, rent, or show available housing.
- Only showing housing in areas where other minorities live.
- Harassment or intimidation.
- Housing advertisements with discriminatory statements or displaying no minorities in group scenes.
- Differing terms for identical dwellings.
- Extensive questioning prior to offering or providing information about the availability of housing.
- Being told the dwelling is not appropriate for your family.
- Terms of availability change between phone contact and your visit.
- You are not contacted after the acceptance of your application.
- House or apartment has an "available" sign but you are told it is not available.
- Refusing to make reasonable accommodation or allow a modification to make the dwelling accessible for a person with a disability.
- Refusing to finance the purchase of a home or to write property insurance, or offering non-standard and unfavorable terms.

Free Fair Housing Orientation & Refresher Workshops And/or Fair Housing Continuing Education Credits (CEs) for Housing Industry Professionals at Your Site and in Your Community

The Southwest Fair Housing Council is pleased to work with communities to offer scheduled FREE fair housing trainings STATEWIDE for all newly-hired employees, administrators, managers, leasing agents, clerical support, nurses, health care aides, maintenance, case managers and social service agency staff. Trainings are also appropriate as an annual fair housing refresher.

Also offered STATEWIDE are continuing education credits, CE's for housing industry professionals by an ADRE certified instructor. Minimum 2 week notice required. Contact for details.

It is recommended that Fair Housing classes are taken at a minimum annually.

Email: Training@swfhc.com

Toll Free: 888-624-4611

TTY: 520-670-0233

Trainings & Events already scheduled can be found at

www.swfhc.com

Fair Housing Basics Overview

1. Background

- 1866 Civil Rights Act
- 1964 Civil Rights Act
- 1968 Civil Rights Act
- 1973 Rehabilitation Act
- 1988 FHA, Amended
- 1990 Americans With Disabilities
- 1990 Act AZ Fair Housing Act
- Local ordinances

2. Protected Classes

- Race
- Color
- National Origin
- Religion
- Sex
- Disability, and
- Familial Status

3. Eight prohibited practices

1. Refusing to rent or sell or to negotiate for the rental or sale of a dwelling
2. Subjecting persons to different terms, conditions, and privileges in services and facilities
3. Restricting or limiting housing choice by word or conduct
4. Otherwise make housing unavailable
5. Lending, insurance, brokerage services, coding
6. Misrepresenting the availability of a dwelling
7. Making, printing, or publishing discriminatory advertisements, statements, and notices
8. Discriminating on the basis of disability

Notes

What is Housing Discrimination?

To discriminate is to **make a distinction in favor of or against a person on the basis of the group, class, or category** to which the person belongs **rather than** according to merit.

Fair Housing is a legal right that applies to most types of housing and protects certain classes of individuals from discrimination in the sale and rental of housing, real estate brokerage and lending, municipal services and other housing related services.

What is Unlawful Housing Discrimination According to the FHA?

Passed in 1968, Fair Housing Act (FHA) clearly defines what is unlawful discrimination.

The 7 protected classes specifically covered: **Race, Color, National Origin, Religion, Gender/Sex, Familial Status & Disability (Handicap).**

Fair housing is the right to choose housing free from unlawful discrimination based upon one or more of those protected characteristics, **and** to enjoy the benefits of that housing.

The FHA requirements do not end once housing is chosen. It also applies to others beyond housing providers.

The Fair Housing Act 42 U.S.C. Sec. 3601 et. seq

The Fair Housing Act, as amended ("FHAA"), is a federal law that prohibits unlawful discrimination in all aspects of housing including, but not limited to:
rental/leasing, sales, mortgage lending, appraisals, design & construction, advertising, zoning, and housing related services.

Fair Housing applies to both dwellings and common areas.

The purpose of the Fair Housing law is to protect every American's fundamental right to fair housing—the choices of where to live and whether to own a home and the services connected to that housing, for instance—regardless of membership in one of the 7 protected classes.

The FHA Covers Both Intentional Acts of Discrimination AND Acts of "de facto" or Unintentional Discrimination. (existing in fact, although not necessarily intended or legal).

Unintentional Discrimination can occur even though the rules or policies in place doesn't necessarily have a discriminatory effect.

Theories of Fair Housing



Disparate Treatment

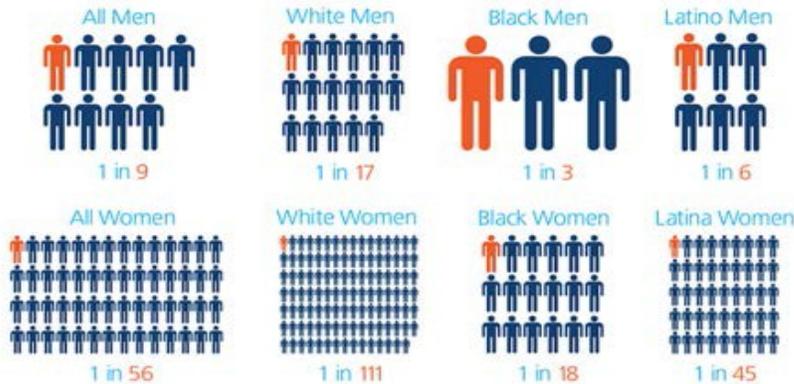
- 7 protected classes
- Requires proof of intent

Disparate Impact

- Rules, policies, practices – Neutral on its face but when applied....



Lifetime Likelihood of Imprisonment



Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Washington, D.C.: Bureau of Justice Statistics



HUD Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions April 4, 2016

This guidelines spell out how HUD will evaluate fair housing complaints in cases where a community refuses to rent or renew a lease based on an individual's criminal history.

The bottom line: It's **not illegal** to conduct criminal background checks when screening applicants;

- it's how you do it—and what you do with the results—that can trigger fair housing trouble.

No More Blanket or VERY Restrictive Bans

- Nature of the Conviction
- When the Criminal Activity Occurred
- Individualized Assessment



Disability Highlights

What constitutes a “disability”?

1. Physical, sensory or mental condition that substantially limits one or more major life functions.
2. Having a record of such an impairment; or
3. Being regarded as having such impairment.

Reasonable Modification:

A change to the physical environment (dwelling or common area)

Conditions:

Tenant/Resident pays – depending on the type of property/funding

Work person-like manner

Restoration

Reasonable Accommodation:

A change to practices, procedures or policies

Generally cost-neutral

First Prong:

Person with a physical or mental impairment that substantially limits one or more major life activities.

Second Prong:

A person with a record of having a disability

Third Prong:

“Regarded as” having an impairment

Reasonable Requests – Two Parts

Verification & Connection --Health Care Provider – Nature of the disability & how the request is connected to the disability.

What is Reasonable?

The requested accommodation must be reasonable:

- *Does not impose an undue financial and administrative burden on housing provider
- *Does not fundamentally alter the nature of the housing providers’ operation
- *The determination is made on a case by case basis

When get a request:

- Take a Breath
- Review & Evaluate
- Respond to every request
- If denial, is there something else that would meet the needs of the resident?
- Engage in the interactive process to determine how best to meet the needs.
- Law is clear that unreasonable delay can be deemed as a failure to make the requested accommodation

Southwest Fair Housing Council
177 N. Church Ave. 1104
Tucson, AZ 85701
520-798-1568 or 888-624-4611
TTY: 520-670-0233

FAIR HOUSING – AN OVERVIEW

The Federal Fair Housing Act (FHA) was born in the Civil Rights Act of 1968. It was last amended in 1988 (FHAA). The Federal and the State of Arizona Fair Housing Acts are virtually identical in who and what they cover. Both Acts address housing discrimination.

The FHAA applies to any housing-related activity (e.g. renting/leasing, buying/selling, financing, insuring, advertising, building) pertaining to dwellings and common areas. It prohibits discrimination (treating people differently and adversely) against individuals based on their race, color, national origin, religion, sex, disability or familial status (presence of a child under 18). Some local municipalities have added to the list of protected classes.

Four types of properties/transactions are exempt under the Acts. They include: 1) rental/sale of a single-family home; 2) rental of properties with four or fewer units when the owner lives in one of the units; 3) rental/sale of properties owned and operated by religious organizations or private clubs; and 4) housing for older persons. *Note – these exemptions have substantial conditions attached.*

Essentially, there are eight prohibited practices contained in the Acts. It is unlawful to:

- 1) refuse to rent or sell or to negotiate for the rental or sale of a dwelling;
- 2) subject persons to different terms, conditions, or privileges;
- 3) limit housing choice by word or conduct;
- 4) “otherwise make housing unavailable” ...;
- 5) misrepresent the availability of a dwelling;
- 6) make, print or publish notices, ads or statements that indicate a preference or limitation;
- 7) discriminate on the basis of disability (see below);
- 8) retaliate

Relative to disabilities, the law requires that housing providers address requests for *reasonable modification* and/or *reasonable accommodation* from disabled residents/tenants. The housing provider has the right to ask for written verification of the need from a health provider.

Additional fair housing resources:
ARIZONA ATTORNEY GENERAL’S OFFICE
520-628-6500 (Tucson)
602-542-5263 (Phoenix)
U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT
800-347-3739 (San Francisco Enforcement Center)



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THE FAIR HOUSING ACT AND DISABILITIES

The Federal Fair Housing Act (FHA) was passed as Title VIII of the Civil Rights Act of 1968. The Act was last amended (FHAA) in 1988. Presently, the FHAA applies to dwellings and common areas and prohibits discrimination in any aspect of housing (including renting/leasing, buying/selling, financing, insuring, advertising, etc.) based on race, color, national origin, religion, sex, **disability** and familial status (child under 18). The Arizona Fair Housing Act is essentially the same as the Federal Act - the same practices are prohibited and the same classes are protected.

As to disabilities, the Act(s) not only prohibit discrimination against persons with disabilities, but also require that housing providers address requests for **reasonable modification** and/or **reasonable accommodation** from disabled residents. Multi-unit housing (e.g. apartments and condos) built and occupied after March 1991 must also meet the design and construction requirements of the FHAA.

First, however, the definition of disability as per the law: A disability is defined as *a physical or mental condition that substantially limits one or more major life functions*. A limitation is considered *substantial* in light of its expected duration and its severity. A major life function would include walking, seeing, hearing, breathing, working, interacting with others, and the like.

The FHAA requires that housing providers address requests for **reasonable modification** from a disabled applicant/resident. A modification is a change to the physical environment (e.g. widening the doorway, installing grab bars, lowering the environmental controls, etc.). Generally, the resident bears the cost of the modification. The modification must be done in a “workman-like manner” and must be returned, at the resident’s cost, to its original condition if the modification would interfere with a subsequent resident’s enjoyment of the dwelling or premises. The FHAA also requires that housing providers address requests for **reasonable accommodation** from a disabled applicant/resident. An accommodation is simply a change to the way the provider does business or an adjustment to the providers’ policies, practices or procedures (e.g. waiving a “no pets” policy for a disabled person with an assistive animal or designating special parking for a disabled resident).

The housing provider has a right to request a written *Verification of Need* from the resident’s health provider, e.g. physician or therapist. A housing provider may not require actual medical records by way of verification.

For more information, contact:
SOUTHWEST FAIR HOUSING COUNCIL
1-888-624-4611
1-520-798-1568
ARIZONA CENTER FOR DISAB. LAW
520-327-9547 Tucson
602- 274-6287 Phoenix

