

# Discrimination & Fair-Housing Rights

**Housing discrimination** in the sale, financing, or rental of housing and/or housing related services is unlawful if it is based upon:

- Race (any race)
- Color (any color)
- Religion
- National origin (any nationality)
- Gender (sex; includes gender identity), sexual orientation
- Disability (handicap)
- Familial status (presence of children under 18 in the family, women who are pregnant, adults attempting to secure custody of children)
- Source of income
- Military status
- Age

Any person involved in a housing transaction is responsible to follow and uphold the fair-housing laws. This includes owners of property, on-site managers, rental agents, mortgage lenders, real estate brokers, agents, and appraisers.

It is also a violation of the fair-housing laws for neighbors or other members of the community to harass or otherwise imply that residents are unwelcome because

of their status within a protected class. Providers who do not ensure a safe living environment may also be liable. As a housing provider, it is imperative to establish a program to ensure equal opportunity for all.

Fair housing is protected by the federal Fair Housing Act, Virginia Fair Housing Law (Chapter 5.1), and Norfolk City Code (Chapter 45).

## What can fair-housing discrimination look like?

### Housing Discrimination (all groups)

- Publishing an advertisement that indicates a limitation or preference based on status within a protected class
- Applying different qualification criteria for different applicants, including different sale or rental standards
- Falsely claiming a house or unit is not available for inspection, purchase, or rental
- Persuading owners to sell or rent their property for profit (block busting)
- Denying housing based on arrest records
- Imposing blanket bans on anyone with a criminal record
- Conducting background checks inconsistently (i.e., performing them on some people and not others based on stereotypes or fear)

### Race

- Requiring credit checks only on African American applicants
- Requiring criminal record checks for American Indians only

### Color

- Denying a lease or mortgage because of skin color
- Steering people of color towards specific neighborhoods that are known for high crime rates, poorer access to schools, or other negative characteristics

### Religion

- Putting terms in the lease that restrict the ability of a tenant to practice a particular religion
- Refusing, as a lender, to approve a loan for a house or apartment because the buyer intends to use it as a residence for members of a specific religion

### National Origin

- Refusing to rent or sell to someone based on their national origin
- Imposing different terms or conditions on people of different nationalities
- Basing a housing decision on the assumptions about someone's abilities or character (based on their ethnicity)

### Gender or Sexual Orientation

- Using gender identity or sexual orientation as a basis to determine a borrower's eligibility for FHA insured mortgage
- Inquiring about the gender identity or sexual orientation of an applicant or occupant of a dwelling

### Disability

- Building a large apartment building with no accessible units
- Requiring a pet deposit for a documented service animal
- Denying requests for reasonable accommodations without justification of an undue burden
- Applying a no-pets policy or refusing to make an exception from a no-pets policy in the case of a tenant with an emotional-support animal.

### Familial Status

- Restricting families with children to certain buildings or floors
- Evicting a tenant following the birth or adoption of a child
- Requiring loan requirements on a mortgage because a woman may be pregnant
- Requiring households with children or teenagers to pay higher rent or security deposits than residents without children
- Not allowing individuals under eighteen to use neighborhood facilities such as pools or clubhouses that adults are permitted to use

### Source of Income or Funds

- Refusing to accept Housing Choice Vouchers or any other housing assistance or subsidy as a form of housing payment
- Imposing a higher threshold for qualifying income for the sale or rental of a unit based on the applicant's source of funds for payment
- Inflating the rental price for those using HCVs.
- Publishing advertisements that express a preference or limitation for certain sources of funds
- Refusing, as a lender or landlord, a source of funds on an application because of the duration of the assistance (i.e., temporary income or benefit)
- Calculating ability to pay on the full cost of rent, rather than only the tenant's portion of the rent, if subsidized

### Military Status

- Imposing additional terms to a lease because of an individual's military status (i.e., active duty)
- Requiring service members to pay higher security deposits
- Refusing housing opportunities to someone because of their military service record

### Age

- Discriminating against seniors by not renting to them or applying different rules to their tenancy than they would to anyone else

## Best fair-housing standards and practices

- Establish internal policies and guidelines that indicate that your organization provides equal opportunity housing and does not discriminate based upon the protected classes including race, color, religion, gender, national origin, familial status, disability, age, sex, sexual orientation, or source of funds as prohibited by fair-housing laws.

- Ensure all employees and agents understand organizational policies on fair housing and that they maintain a knowledge of fair-housing laws.
- Provide consistent quality of treatment.
- Train staff on how to respond to reasonable accommodation requests, whether verbal or written.

## Contacts

FOR HELP OR QUESTIONS ON FAIR-HOUSING RIGHTS

### City of Norfolk

Phone: 757-664-RENT (7368)

Email: [rentready@norfolk.gov](mailto:rentready@norfolk.gov) • [www.norfolk.gov/5307/Fair-Housing](http://www.norfolk.gov/5307/Fair-Housing)

### Virginia Fair Housing Office

Phone: 888-551-FAIR (3247)

Email: [fairhousing@dpor.virginia.gov](mailto:fairhousing@dpor.virginia.gov) • [www.dpor.virginia.gov/FairHousing](http://www.dpor.virginia.gov/FairHousing)

### HUD Regional Office for Fair Housing and Equal Opportunity

Phone: 1-888-799-2085

Email: [ComplaintsOffice03@hud.gov](mailto:ComplaintsOffice03@hud.gov)

[www.hud.gov/i\\_want\\_to/file\\_a\\_fair\\_housing\\_discrimination\\_complaint](http://www.hud.gov/i_want_to/file_a_fair_housing_discrimination_complaint)