

# FAIR HOUSING

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**[www.kcmo.gov/city-hall/housing](http://www.kcmo.gov/city-hall/housing)**



**PLEASE  
RESPECT THE  
PRESENTATION**

**The information shared in this course is an overview of the Federal Fair Housing Act and should not be used as legal advice.**

**For legal advice, contact your company attorney who is familiar with Fair Housing.**

# ENFORCEMENT AGENCY

[www.hud.gov](http://www.hud.gov)

**U.S. Department of Housing and  
Urban Development**

**913.551.6958 or 800.743.5323**





**COMMUNITY DEVELOPMENT  
CORPORATIONS**



**REALTORS**



**NEWSPAPER PUBLISHERS**



**NONPROFIT LEGAL SERVICE**



**PROPERTY MAINTENANCE  
WORKERS**



**INSURANCE AGENCIES**



**HOME ASSOCIATIONS**



**REAL ESTATE INVESTORS**



**HOME BUILDERS**



**DISABILITY RIGHTS  
ORGANIZATIONS**



**CITY STAFF**



**CONDOMINIUM BOARDS**



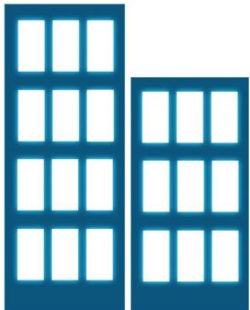
**CONSUMER PROTECTION**



**BANKS/LENDERS**



**HOUSING INSPECTORS**



**PROPERTY MANAGERS**



**ARCHITECTURE FIRMS**



**NONPROFIT HOUSING  
COUNSELING GROUPS**



**LOCAL, STATE AND  
FEDERAL AGENCIES**



**CO-OP BOARDS**

# **WHO SHOULD ATTEND THIS TRAINING?**



FAIR HOUSING MAKES US STRONGER

Presented by:

NATIONAL ASSOCIATION *of* REALTORS





# Housing and Community Development

Goal: create 5,000 affordable units in the next five years and serving residents across income levels, the below measures will close affordability gaps in housing, generate new forms of transitional services within housing communities, rehabilitate homes & revitalize neighborhoods, and create additional funding streams for development:

## Housing Dept. cont.

- Build Housing
- Rehabilitate Landbank properties and transitioning them into deed restricted affordable housing properties
- Commit resources to the Affordable Housing Trust Fund
- Utilize technology to streamline processes
- Create a low-no interest loan product for additional development opportunities
- Administer the Section 3 Program

# KCMO Refers Housing Allegations to HUD:

As specified in **Section 38.131 – 38.137 of City Ordinance #130041**, governing the City of Kansas City, Missouri prohibits discrimination in employment, housing and public accommodations on the basis of race, color, national origin, sex, disability, religion, sexual orientation, or gender identity, age (employment), familial status (housing) and marital status (housing).....





Fair Housing Act – Title  
VIII of 1968 Civil Rights  
Act Amended in 1988  
3601 – 3619 42 USC

## FEDERAL - Civil Rights Fair Housing Enforcement Civil Rights Statutes

- Fair Housing Act of 1968, as amended in the Fair Housing Amendments Act of 1988
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973, Low Income Housing/Federal Dollars involved/Homeless programs
- Americans with Disabilities Act of 1990 (Amended 2010/2011)



# Protected Categories

3601 – 3619 42 USC

# The Federal Fair Housing Act Prohibits Discrimination in Housing because of:

1. Race
  2. Color
  3. Religion
  4. Sex (includes sexual harassment)
  5. National Origin
  6. Familial Status
  7. Disability (Handicap/person with disabilities)
- Other - Under KCMO Ordinance (sexual orientation and gender identity)*

## What types of Housing do Fair Housing Laws Cover?

- ◉ Single Family House
- ◉ Triplex
- ◉ Townhouse
- ◉ Hotel
- ◉ Duplex
- ◉ Condominium
- ◉ Motel
- ◉ Timeshares
- ◉ College Dormitories
- ◉ Group Homes
- ◉ Vacant Land
- ◉ Mobile Homes
- ◉ Apartment Buildings
- ◉ Design and Construction of Homes
- ◉ Senior Living Facilities
- ◉ Any Structure Designed to House People



# Activities Prohibited

UNDER THE LAW



## Activities Prohibited UNDER THE LAW

- ◉ Refuse to sell or rent after making of a bona fide offer, or refuse to negotiate or otherwise make available based on membership in a protected category.
- ◉ Discriminate in the terms, condition or privileges of sale or rental of a dwelling, or in the provision of services, based on membership in a protected category.
- ◉ Make, print or publish any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination.

## Activities Prohibited UNDER THE LAW

- ◉ Represent that a dwelling is not available for inspection, sale or rental when the dwelling is available.
- ◉ Blockbusting- for profit, attempt to induce a person to sell or rent a dwelling by misrepresentation regarding the entry or prospective entry of person of a particular race, religion, national origin, etc.

# Activities Prohibited UNDER THE LAW

## Disability Discrimination

- Discrimination in sale or rental
- Discrimination in terms and conditions
- Refuse to permit, at the expense of the person with a disability, reasonable modification of the existing premises if such modifications may be necessary to afford such full enjoyment of the premises
- Refuse to make reasonable accommodations in rules, policies, practices or services where such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling

## Activities Prohibited UNDER THE LAW

- Residential real estate transactions
- Discrimination in the provisions of professional opportunities in real estate by restricting membership in the association necessary for success
- Coerce, intimidate or threaten



# Harassment

# Sexual Harassment

- ◉ Unwelcome conduct of a sexual nature
- ◉ Quid pro quo—accept unwelcome sexual advances in exchange for something else.
- ◉ Hostile housing/work environment—unreasonably interferes with use and enjoyment of premises (severity and pervasiveness).






# Racial Harassment to Incite Racial Hatred

The targeting of an individual because of their race or ethnicity. The harassment may include words, deeds, and actions that are specifically designed to make the target feel degraded due to their race or ethnicity.



# Domestic Violence

The targeting of an individual because of the actions of their abusers. The Violence Against Women Act (VAWA) was passed to protect women from being evicted or other adverse housing actions because they are a victim of domestic violence.

The background of the slide features a close-up, slightly blurred image of an American flag draped over a wooden surface. A circular object, possibly a metal lid or a small drum, is visible on the wood. A prominent graphic element consists of two parallel diagonal lines, one light blue and one grey, crossing the center of the image.

# Who is Not Covered/ Exemptions

## Who is Not Covered/ Exemptions

- ◉ “For sale by Owner”- Single family homes sold/rented by owner who does not own more than 3 single family homes at one time if no real estate agent is used and if no advertisement is used.
- ◉ “Mrs. Murphy rule”, Dwellings with not more than 4 units, if the owner resides in the dwelling.

# Who is Not Covered/ Exemptions

- ◉ Housing owned or operated by religious organizations for religious purposes (but only discrimination on the basis of religion exempt)
- ◉ Non-commercial housing by private clubs
- ◉ Other
  - Government sponsored housing
  - Housing for person 62 or older
  - Housing for person 55 and older



# Familial Status



## Familial Status

- Also known as family status, this applies to Persons under the age of 18 living with:
  - A parent or Legal Custodian
  - The Designee of a parent or custodian with written person
- Pregnant Women
- Persons in the process of securing legal custody



# Disability, NOT Handicapped

# Disability, NOT Handicapped

- ◉ Individuals who have a physical/mental impairment that substantially limits one or more major life activities.
- ◉ Major life activities are everyday things such as walking, talking, seeing, hearing, learning, working, breathing, performing manual task, and caring for one's self.
- ◉ Physical impairments include, limited vision or hearing, limited mobility (including people who use a wheel chair, canes, walkers), infectious diseases (including HIV/AIDS), and other serious illnesses.

(cont.)

## Disability, NOT Handicapped

- ◉ Mental impairments include mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- ◉ Have a records of impairment such as a history of a disability or misclassification as having a disability.

**OR**

- ◉ Regarded as having an impairment. (Someone treats the person as if they have an impairment whether or not the person actually does).



# Right to Reasonable Accommodations

Right to Reasonable  
ACCOMMODATIONS

It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services when such an accommodation may be necessary to afford a resident with the opportunity to use and enjoy a dwelling unit or common areas.



## Reasonable ACCOMMODATIONS

A change to a rule, policy or practice

- Reading notices or hiring a 3<sup>rd</sup> party to read notices or providing notices in Braille, large print, audio tape.
- Providing a Disability parking space
- Allowing Caregivers

Allowing potential clients the opportunity to review documents before signature... This should be the norm.

## Reasonable ACCOMMODATIONS

- ◉ Allowing Service Animals
- ◉ Reading notices or providing the rental agreement, sales agreement/contracts and other notices in clear and simple terms
- ◉ Providing a reminder at the beginning of the month that the rent/mortgage is due, if requested
  - Allow rent/mortgage to be paid when the person's check arrives

# Reasonable MODIFICATIONS

## **Housing providers must:**

Make reasonable  
modifications to  
dwelling unit &  
common areas

Pay for the  
modification,  
only if they  
receive federal  
funds as part of  
the unit(s)

# Reasonable MODIFICATIONS

## Examples

Widening  
Doorways

Allowing a ramp to  
be installed

Allowing grab bars

Removing carpet  
from the floor

Allowing a door  
bell flasher

# New Construction & Accessibility

## March 13, 1991

Multi-family dwelling units designed and constructed for initial occupancy after March 13, 1991, must be designed in the following manner:

- ◉ Accessible common use area
- ◉ Doors designed to allow adequate passage (sufficiently wide for disabled persons in wheelchairs)
- ◉ Accessible route into and through the dwelling unit

# New Construction & Accessibility

## March 13, 1991

- ◉ Accessible light switches, electrical outlets, thermostats and other environmental controls
- ◉ Reinforcements in bathroom walls to allow later installation of grab bars
- ◉ Usable kitchen and bathrooms so that an individual in a wheelchair can maneuver about the space

(cont.)

# New Construction & Accessibility

## March 13, 1991

Note: Applies to Multi-family with 4 or more units. Makes 5% of the units accessible to individuals with mobility disabilities and 2% of the units should be accessible to individuals with hearing or visual disabilities.

Remember this applies to all real estate offices and the common areas.

An American flag is partially visible in the top left corner, resting on a wooden surface. A key is placed on the wooden surface, partially overlapping the flag. A large, stylized graphic element consisting of a blue and grey diagonal band with a white border runs from the top left towards the bottom right, separating the image from the text area.

# Fair Housing Advertisement



## Fair Housing Advertising

### *Discriminatory ads...*

- Reinforce the message to the public that it is acceptable to refuse to rent/sell to members of a protected class.
  - This stops home-seekers in their tracks before they ever see a home.
- Can create the impression that discrimination is legal.
- Reverse much of the education and outreach activities undertaken by fair housing organizations and HUD.

## Fair Housing Advertising

### *What is being achieved by outlawing discriminatory ads?*

- ◉ Helps promote housing integration by ensuring advertisers do not deter minority home seekers, families with children, person with disabilities, etc.
- ◉ Helps promote awareness that discriminatory housing practices are unlawful
- ◉ Prevents emotional distress on individuals who are the targets of discriminatory advertising.

## Common Advertising Mistakes

*The following are just a few examples of what constitutes discriminatory ads.*

### **Race / Color**

- stating a preference for the race of a desired applicant (e.g., "no blacks," "whites only," etc.)
- describing the race of current occupants of the complex or neighborhood (e.g., "African-American neighborhood," "most residents are Asian," "lots of Hispanic families," etc.)

## Common Advertising Mistakes

### Religion

- ◉ stating a preference for the religion of a desired applicant (e.g., "Christians only," "no Muslims," etc.)
- ◉ describing the religion of current occupants of the complex or neighborhood (e.g., "nice, Christian neighborhood," "Jewish family seeks roommate," etc.)

## Common Advertising Mistakes

### National origin

- ◉ stating a preference for a certain national origin (e.g., "no immigrants," "no foreigners," "Irish preferred," etc.)
- ◉ posted only in a language other than English
- ◉ describing the national origin of current occupants of the complex or neighborhood (e.g., "predominately Latino neighborhood," "mostly Asian residents," etc.)

## Common Advertising Mistakes

### **Handicap / Disability**

- ◉ Stating a physical or mental state preference for tenants (e.g., “no wheelchairs”, “must be able to live independently”, etc.)
- ◉ Describing the unit or environment as unable to accommodate people with disabilities (e.g., “units are not accessible”, “no pets, even service dogs”, etc.)

## Common Advertising Mistakes

### Familial Status

- ◉ Stating a preference for families without children (e.g., “no children”, “no kids and no pets”, “single occupancy only”, etc.)
- ◉ Discouraging families with children (e.g., “ideal for working professionals”, “perfect for single or couple”, “nice, quiet, mature)

## Common Advertising Mistakes

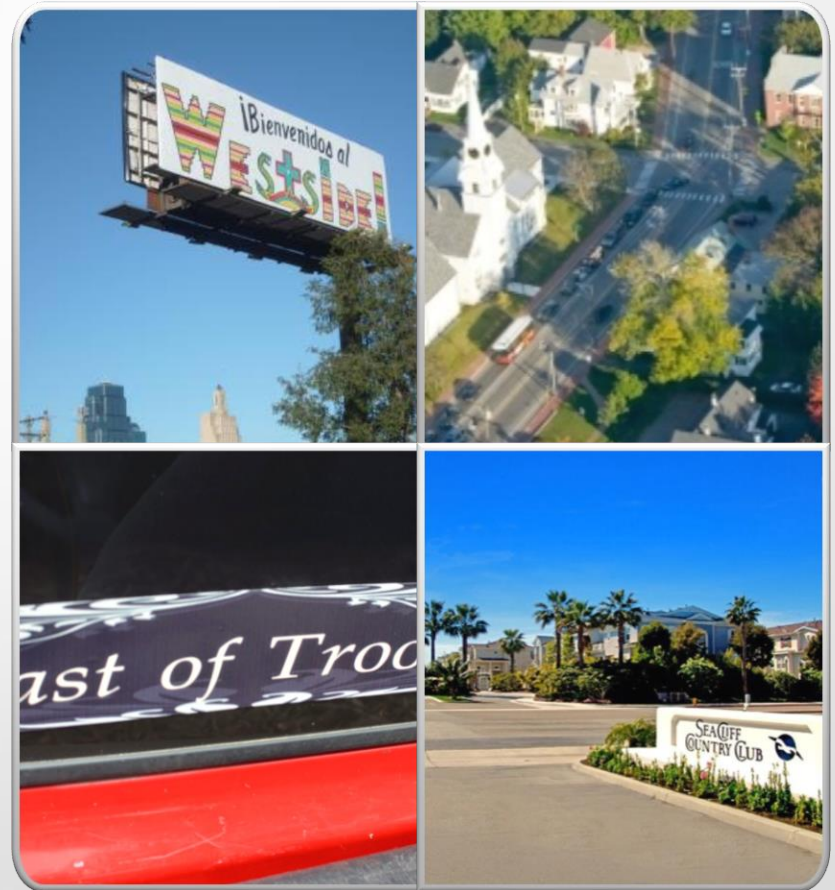
### **Sex / Gender**

- ◉ Stating a preference for one gender except in a roommate or shared housing situation (e.g., “no young men”, “female preferred”, etc.)



# Area (Advertise) Description

Names of facilities which cater to a particular racial, national origin or religious group, such as country club or private school designations, or names of facilities which are used exclusively by one sex may indicate a preference.



# Symbols or Logotypes

Symbols or logotypes which imply or suggest race, color, religion, sex, handicap, familial status, or national origin.





# Use of Human Models

Human Models in photographs, drawings, or other graphic techniques may not be used to indicate exclusiveness because of race, color, religion, sex, handicap, familial status, or national origin.

If models are used in display advertising campaigns, the models should be clearly definable as reasonable representing majority and minority groups in the metropolitan area, both sexes, and when appropriate, families with children.



# Use of Human Models

Models, if used, should portray persons in an equal social setting and indicate to the general public that the housing is open to all without regard to race, color, religion, sex, handicap, familial status, or national origin, and is not for the exclusive use of one such group.





## Use of Equal Housing Opportunity Logotype, Statement or Slogan

All advertising of residential real estate for sale, rent, or financing should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the home seeking public that the property is available to all persons regardless of race, color, religion, sex, handicap, familial status, or national origin.



**EQUAL HOUSING  
LENDER**



**EQUAL HOUSING  
LENDER**

## Use of Equal Housing Opportunity Logotype, Statement or Slogan

The choice of logotype, statement or slogan will depend on the type of media used (visual or auditory) and, in space advertising, on the size of the advertisement.



**EQUAL HOUSING  
LENDER**

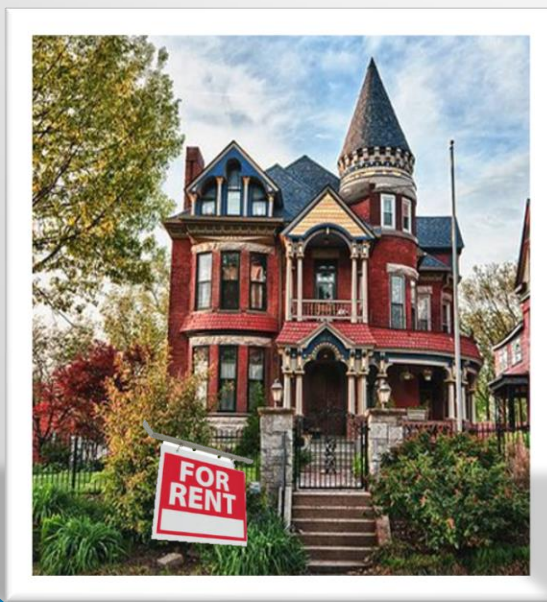


**EQUAL HOUSING  
LENDER**



# Selective use of Equal Opportunity Slogan or Logo

When placing advertisements, such selective use may involve placing the equal housing opportunity slogan or logo in advertising reaching some geographic areas, but not others, or with respect to some properties but not others.







# Investigative Process

# Complaint Intake

Any person who believes that he/she has been discriminated against by a covered entity may file a claim of discrimination with HUD.

Complaint forms are available online:

[www.hud.gov](http://www.hud.gov)

# What types of documents are presented?

Any correspondence between the Complainant/Respondent

Emails

Memos

Lease

Photos

Text messages

Receipts

Potential witnesses

Facebook

# Complaint Intake

## Intake

The Intake Analyst must establish the basis — that is, whether there is a potential violation of the Ordinance if the allegations as presented are true.

1. The housing must be located in the USA.
2. The housing owner must have at least four properties.

## Complaint Intake

3. The alleged discriminatory act must have occurred within the last **CALENDER YEAR**.
4. The complainant must be at least eighteen years of age to file a complaint. If the complainant is under the age of eighteen a parent or guardian must file on his/her behalf.
5. The complaint may not have been filed with any other civil rights agency for initial processing.

## Intake cont.

6. A basis for a complaint is established only if the allegations, if proven true, would be a violation of the civil rights ordinance.
7. Once it has been determined that the person has a basis to file a complaint the intake form has to be completed.
8. When the intake questionnaire is completed and returned a formal complaint is prepared for the complainant's signature.

## The Complaint Investigation Begins

1. After all intake procedures are completed the case is assigned to an investigator for processing.
2. The investigator will contact the complainant after receiving the file, if needed. The purpose of the contact will be to introduce the investigator, explain the process, clarify the complaint if necessary, etc.
3. The respondent's position statement – respondent's response to the allegations of the complaint - should be received **ASAP unless an extension has been granted.**


## The Complaint Investigation Begins

4. Once the investigator receives the position statement, the complainant should be contacted to schedule an interview.
5. The investigator will schedule interviews with any witnesses and conduct onsite visits and file reviews (if required) at the subject property.
6. The investigator will determine if there is sufficient evidence to conclude whether or not discrimination had occurred.



## The Complaint Investigation Begins

7. If there is a “no reasonable cause” determination – there was insufficient evidence to prove discrimination, the case is closed.
8. The HUD Director or his/her designee is required to attempt to conciliate a “reasonable cause” case and if the his/her designee cannot conciliate the case, the case will be scheduled for an administrative hearing.
9. If the case cannot be conciliated, it can go to court and/or hearing.



## Remedies for Discrimination Violations

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Actual monetary damages

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Compensations for pain and  
suffering and non-economic injury

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Attorney Fees

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Civil Penalties

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Punitive Damages

# Public Interest Remedies for Discrimination Violations

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Changes in policy, procedure, and practices to ensure no future discrimination

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Fair Housing training for all staff

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Install Fair Housing posters in common areas

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Include the Fair Housing Logo on documents

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Loss/suspension of professional credentials



# Questions