



Fair Housing Fact Sheet for Housing Counselors

This tool serves as a quick reference on Fair Housing topics for housing counselors. Fair housing and civil rights laws prohibit discrimination in the sale or rental of housing, including against individuals seeking mortgage or housing assistance, or in other housing related activities.

Part 1: Fair Housing Act	
Purpose of the Fair Housing Act	<p>The primary purpose of the Fair Housing Act, as amended, is to provide, within constitutional limits, fair housing throughout the United States; it protects both homebuyers and renters who belong to specific “protected classes” from discrimination.</p>
The Fair Housing Act (Title VIII of the Civil Rights Act)	<p>Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, advertising, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability.</p>
Types of Housing Covered and Exemptions	<p>The Fair Housing Act covers most types of housing in the private market and public and assisted housing, including both single family and multifamily dwellings</p> <p>The Act allows for some very limited exemptions, including:</p> <ul style="list-style-type: none"> • Owner-occupied buildings with no more than four units, • Single-family houses sold or rented by the owner without the use of an agent, • Housing operated by religious organizations that limit occupancy to members, • Housing operated by private clubs that limit occupancy to members, and • Housing for older persons that excludes families with children under 18, if the housing fits into any of the following categories: <ul style="list-style-type: none"> ○ Intended for, and solely occupied by persons aged 62 or older, or; ○ Intended for, and operated for occupancy by persons aged 55 and older (i.e. 80% of the units have at least one resident age 55 or older and facility meets certain additional requirements). <p>Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and Title IX of the Educational Amendments Act (additional fair housing laws described in Part 2 of this Fact Sheet) apply to recipients of federal financial assistance, including entities receiving funds from HUD. Title II of the Americans with Disabilities Act applies to housing provided by public entities.</p>
Specific Protections for persons with disabilities	<p>Federal fair housing and civil rights laws require housing providers to make reasonable accommodations and reasonable modifications for individuals with disabilities, when such accommodations or modifications may be necessary to afford an individual equal opportunity to use and enjoy a dwelling, including public and common use spaces.</p> <ul style="list-style-type: none"> • Reasonable Accommodation <ul style="list-style-type: none"> ○ A change, exception, or adjustment to a rule, policy, practice, or service. Any incurred costs are the responsibility of the housing provider. • Reasonable Modification <ul style="list-style-type: none"> ○ A structural change made to existing premises. Any incurred costs are the responsibility of the tenant, except in federally funded housing, in which case the costs are the responsibility of the housing provider.



Part 1: Fair Housing Act

[Prohibited Actions under the Fair Housing Act \(based on protected class\)](#)

- Refusal to rent, sell, negotiate, or otherwise make unavailable or deny a dwelling ([subsection 804\(a\) of the Act](#))
- Differential treatment in terms and conditions ([subsection 804\(b\) of the Act](#))
- Discriminatory statements/advertisements ([subsection 804\(c\) of the Act](#))
- Steering ([subsection 804\(a-c\) of the Act](#))
- False representation of availability ([subsection 804\(d\) of the Act](#))
- Retaliation ([section 818 of the Act](#))
- Harassment ([sections 804\(a\), \(b\), \(c\) and 818 of the Act](#))
- Not allowing a reasonable accommodation or reasonable modification ([subsection 804\(f\) of the Act](#))
- Failure to design and construct in a manner that is accessible ([subsection 804\(f\) of the Act](#))
- Discrimination in residential real estate-related transactions ([section 805 of the Act](#))

[Affirmatively Furthering Fair Housing \(AFFH\)](#)

The Fair Housing Act includes a mandate to AFFH (Section 808(e)(5)), which means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, AFFH means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

In **administering** programs and activities relating to housing and community development, the federal government, HUD, and its recipients must:

- Determine who lacks access to opportunity and address inequity among protected class groups
- Promote integration and reduce segregation
- Transform racially or ethnically concentrated areas of poverty into areas of opportunity

Examples of housing counseling activities that would be consistent with the obligation to AFFH include:

- Providing housing counseling or information on discriminatory housing/mortgage practices and the rights and remedies available
- Providing mobility counseling to help persons access affordable housing by identifying housing opportunities, connecting them with landlords, and assisting with housing applications
- Participate in the fair housing planning process in your service area
- Take reasonable steps to ensure persons with limited English proficiency (LEP) have meaningful access to the counseling program and activities. Distribute fair housing outreach materials at community fairs and other events

For more information on this obligation, please see [HUD's AFFH webpage](#).



Part 2: Fair Housing Regulations (Other than Fair Housing Act)

Title VI of the Civil Rights Act of 1964	Prohibits discrimination in housing and community development programs on the basis of race, color, and national origin. Title VI also requires recipients of HUD financial assistance to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency.
Title II of the Americans with Disabilities Act	Title II of the ADA prohibits discrimination on the basis of disability in all programs, services, and activities provided or made available by public entities. This includes housing operated by public housing agencies.
Section 504 of the Rehabilitation Act	Prohibits discrimination on the basis of disability in the programs and activities of recipients of HUD financial assistance, including discrimination related to reasonable accommodations, reasonable modifications, and effective communication.
Title IX of the Education Amendments Act of 1972	Prohibits quid pro quo sexual harassment and hostile environment sexual harassment. Title IX applies to recipients of federal financial assistance, including entities receiving funds from HUD.

Part 3: Complaint Process

HUD Complaint Process	<p>If a person believes their fair housing rights may have been violated, they may submit a complaint to HUD. The process may include:</p> <ul style="list-style-type: none"> • Intake of information about the alleged discrimination • Filing a Complaint • Investigation of Complaint • Resolution of Complaint through Conciliation or Voluntary Compliance • Determination of Reasonable Cause or Letter of Findings <p>There are several methods to file a complaint. They include:</p> <ul style="list-style-type: none"> • Online. English or Spanish. • Email. Download this form (also available in Arabic, Cambodian, Chinese, Korean, Russian, Somali, Spanish, and Vietnamese) and email it to your local FHEO office at the email address on this list. • Phone. Speak with an FHEO intake specialist by calling 1-800-669-9777 or 1-800-877-8339. You can also call your regional FHEO office at the phone numbers on this list. • Mail. Print out this form (also available in Arabic, Cambodian, Chinese, Korean, Russian, Somali, Spanish, and Vietnamese) and mail it to your regional FHEO office at the address on this list. • Information of filing a Fair Housing complaint in a language other than English.
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Part 4: Additional Resources

Additional Resources	<ul style="list-style-type: none"> • Fair Housing Booklet • The Fair Housing Act • History of the Fair Housing Act • Examples of the many forms of housing discrimination • Fair Housing and Related Laws • File a Fair Housing Act Complaint • File a Complaint in a Language Other Than English • HUD and DOJ Statement on Reasonable Accommodations • HUD and DOJ Statement on Reasonable Modifications • National Fair Housing Alliance • Fair Housing Accessibility First • HUD LGBTQ Webpage • HUD LEP Initiatives
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