

Fair Housing

The Fair Housing Act

Fair Housing laws are designed to protect your right to seek housing anywhere you can afford to live. The Fair Housing Act is enforced by the U.S. Department of Housing and Urban Development (HUD). The Federal Fair Housing Act and Chapter 4112 of the Ohio Revised Code specifically make it illegal to discriminate in housing or dwelling related transactions. The National Fair Housing Act of 1968 (Title VIII of the Civil Rights Act of 1968), was amended to broaden protection through the Fair Housing Amendments Act of 1988 which became effective in March 12, 1989. The Federal Fair Housing Act, and Chapter 4112 of the Ohio Revised Code address the discrimination in housing on the basis of:

- Ancestry (Ohio Law) – Refers to an individual's line of descent or lineage;
- Color – Refers to a person's complexion or skin tone;
- Disability – Refers to a person's physical or mental disability;
- Familial Status – Refers to children under the age of 18 living with parents or legal custodians; pregnant women; and people securing custody of children under 18;
- National origin – Refers to the country in which a person was born, or from which the person's ancestors came;
- Race – Refers to a family, tribe, or group of people coming from the same common ancestors;
- Religion – Refers to all aspects of religious belief, observance, and practice;
- Sex – Refers to either the male or female gender;
- Military status (Ohio Law) – Refers to a person's status in "service in the uniformed services".

Legal Discriminatory Practices

The Fair Housing Act also prohibits discrimination in mortgage lending, the sale or rental of real estate, and insurance coverage. There are many illegal discriminatory practices. However, you have the right to:

- *Seek housing anywhere you can afford to live*
- *Inspect any apartment or house that is offered for rent or for sale*
- *Be offered the same information, financial and insurance terms, and courtesy as everyone else*

Violations

The following are examples of violations of the Fair Housing Act:

- *Refusal to rent, sell, negotiate for housing, or otherwise make housing unavailable to certain people*
- *Setting different terms, conditions, or privileges for the sale or rental of a dwelling*
- *Denying anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing*
- *Imposing different terms or conditions on a loan or insurance policy*
- *Refusal to allow a tenant to make reasonable modifications to his/her dwelling or a common use area, at the tenant's expense, if modification is necessary for a person with disabilities to use the housing (Where reasonable, the landlord may require the tenant to restore to its original condition when he/she moves out)*
- *Refusal to make accommodations in rules, policies, practices, or services necessary for a person with disabilities to use the housing (for example, an exception to a "no pets" policy, for a tenant with a service/companion animal)*

Subtle Discrimination

If you are looking for an apartment and were told "we don't want your kind in this neighborhood," you might rightfully feel that you had been discriminated against.

However, subtle discrimination may also exist and is more difficult to recognize. For example:

- *You call to inquire about an apartment advertised in the newspaper and are told that it is still available. However, when you immediately go to see the apartment, you are told it has been rented;*

- *You are told by the manager of an apartment complex that there are no units available for families with children and that there is a long waiting list. However, you happen to notice a few days later that there is an apartment advertised for rent in the same complex;*
 - *While showing you a home, the real estate agent spends a great deal of time emphasizing the problems and limitations of the residence.*
- All of these may be a subtle form of discrimination, and you may have the basis for filing a complaint.*

How & Where To File

If you feel that you have been discriminated against while trying to buy or rent, first call 937-440-8121 and ask for the Fair Housing Officer.

When filing a complaint, you will need to provide the following information:

- *Your name, address, and telephone number;*
- *The name, address, and telephone number of the person or firm being charged with housing discrimination;*
- *The date when the alleged act occurred;*
- *State the basis for discrimination (race, color, sex, marital status, religion, national origin, or handicap);*
- *State clearly all details which caused you to file the complaint;*
- *The full name and exact position or title of all individuals mentioned;*
- *The name, address, and telephone number of any witness able to support your charge.*

What Happens After You File?

The first step is an investigation of your complaint. If there appears to be a basis for action, an attempt will be made to conciliate the complaint. This means that it may be possible to negotiate an agreement acceptable to both parties.

If conciliation is not possible, further legal action may be necessary to remedy the discriminatory conduct. Regardless of the action taken, however, you have the right to file a complaint with the Ohio Civil Rights Commission and with the U.S. Dept. of Housing and Urban Development.

Please call one of organizations below if you have been a victim of housing discrimination:

Darke County Fair Housing (Darke County Board of Commissioners)

520 South Broadway
Greenville, OH 45331
(937) 547-7368

Ohio Civil Rights Commission Dayton Region

800 Miami Valley Tower
40 W. Fourth Street
Dayton, OH 45402
(937) 285-6500
1-888-278-7101

U.S. Dept. of Housing & Urban Development

Region V HUD
Fair Housing & Equal Opportunity
(FHEO)
626 W. Jackson Blvd.
Chicago, IL 60606-5760
1-800-669-9777 Complaint Line

You do not need an attorney to file a housing discrimination complaint. However, if you wish legal advice and are income eligible, you can contact Legal Aid of Western Ohio, Inc. at (866) 837-8847.