The Fair Housing Act makes it illegal to discriminate against someone because of their:

- Race
- Sex
- Religion
- Color
- Familial Status
- Sexual Orientation*
- National Origin
- Disability
- Military Status**

*Local Protection
**State Protection

The Fair Housing Center
432 N. Superior St.
Toledo, OH 43604-1416
419-243-6163
toledofhc.org

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

Creating Inclusive Communities of Opportunity
Best Practices for Housing Professionals

- Treat all applicants alike regardless of race, color, religion, national origin, sex, disability, military status,** sexual orientation,* or family status.
- Set reasonable eligibility criteria.
- Establish the same criteria and income requirements for all applicants.
- Establish the same terms and conditions (deposits, etc.) for all applicants.
- Show all available properties to all prospects.
- Never discourage applicants from applying or suggest they would be happier living elsewhere.
- Do not refuse to rent/sell to families with children unless the community qualifies for the “Housing for Older Persons” exemption under the Fair Housing Act.
- Establish a procedure for responding to requests for reasonable accommodations and modifications.
- Review all marketing materials and advertisements to ensure that there is no suggestion of a preference, limitation, or discrimination based on protected class.
- House rules should be basic and non-discriminatory.
- Keep records on all prospective residents, in addition to current and past residents.
- Train new employees about fair housing laws and how to comply with them.
- Call The Fair Housing Center, 419-243-6163, if you have questions.

*Local Protection  
**State Protection
**Fair Housing Advertising**

**Word and Phrase List**

This word and phrase list is intended as a guideline to assist in complying with local, state, and federal fair housing laws. It is not intended as a complete list of every word or phrase that could violate local, state, or federal statutes. This list is intended to educate and provide general guidance to the many businesses that create and publish real estate advertising. **This list is not intended to provide legal advice.** By nature, a general list cannot cover particular persons or situations or questions. The list is intended to make you aware of and sensitive to the important legal obligations concerning discriminatory real estate advertising. For more information please contact The Fair Housing Center.

**Not acceptable and cautionary words and phrases:**

Able bodied
No African
No Appalachian
No bexuals
No Chicanos
Colored
No crippled
Empty nesters
No gays
Not for handicap
No HIV
No Indian
Jewish
Female roommate**
Adult community
Agile
No American Indians
No blacks
No children
Congregation
No deaf
English only
Retirees
Golden agers only
Healthy only
No homosexuals
Integrated
Gender
Females only**
Adult living
No AIDS
Asian
No Blind
Chinese
Couple
No disabled

Ethnic references
No group homes
Hindu
No Hungarian
No Irish
Exclusive
Adults only
No alcohols
No retarded
Muslim
Bachelor pad
Caucassian
Near churches
Couple only
Must be employed
No families
No handicap parking
No Hispanics
No impaired
No Italian
Executive
No Latino
No lesbians
Man only**
No Login
No children
No Mexican American
Mature individuals
No mentally handicapped
No migrant workers
Landmark reference
No negro
Older person(s)
No unemployed
Parish
No physically fit
No Puerto Rican
Physically fit
School name or district
Secure
No retired
Single person
Sex sixty-two or older
community*
No Spanish speaking
No supplemental security
income
Traditional neighborhood
Two people
No wheelchairs
Woman (women) only**
Male roommate **
Mature
Mature person(s)
No mentally ill
No military
Nationality
One child
Perfect for... should not describe people
No play area
Quality neighborhood
Ideal for... should not describe people
Senior adult community*
Seniors**
Singles only
No section 8
Senior discount
White
Men only**
Mature couple
No Mexican
Membership approval
required
Mormon temple
Nanny’s room
# of persons
One person
Prefered community
Religious references
Retirement home
Secluded
Senior citizens*
Sex or gender**
Single man or woman**
No sezual orientation.* Equal housing means everyone can choose the neighborhood they live in, because where a person lives often determines their access to quality education, employment options, reliable transportation, and safe, healthy environments. When members of our community have access to housing opportunities, it increases their potential for success.

Discriminatory practices in the housing industry can have a harmful effect on our community. Policies may reinforce segregated living patterns, local economies may suffer from decreased property values and reduced population, and certain neighborhoods may be unfairly stigmatized.

Offering training to housing professionals is part of The Fair Housing Center’s commitment to providing assistance in complying with fair housing laws. By becoming informed about fair housing rights, you are better prepared to protect our neighborhoods from discriminatory practices. We look forward to working with you to create stable, inclusive communities of opportunity where everyone has the chance to prosper.

*Local Protection
**State Protection

---

**From the President & CEO**

The only thing that should affect someone’s ability to buy or rent a home is whether they can afford it, not who they are. Everyone has the right to be treated fairly when looking for a home or looking for a lender. As a housing professional, you play a critical role in ensuring everyone has equal access to housing opportunities.

The Fair Housing Act protects individuals from being discriminated against in the sale, rental, financing, or insuring of housing based on their race, color, national origin, sex, religion, familial status, disability, military status,** or sexual orientation.* Equal housing means everyone can choose the neighborhood they live in, because where a person lives often determines their access to quality education, employment options, reliable transportation, and safe, healthy environments. When members of our community have access to housing opportunities, it increases their potential for success.

**State Protection**
The Fair Housing Center

Vision
The Fair Housing Center will be a leading visible force in preventing and correcting discriminatory practices.

Mission
The Fair Housing Center is a non-profit civil rights agency dedicated to the elimination of housing discrimination, the promotion of housing choice and the creation of inclusive communities of opportunity. To achieve our mission, the Center engages in education and outreach, housing counseling, advocacy for anti-discriminatory housing policies, research and investigation and enforcement actions.

VALUES

Responsibility
Accountability
Integrity
Community
Diversity
Excellence
Service

Fair Housing and Home Building

Under the Fair Housing Act, newly constructed multi-family dwellings built after March 13, 1991 must be fully accessible, to enable persons with disabilities the opportunity to fully use and enjoy their home.

Seven Basic Design and Construction Requirements:

1. An accessible building entrance on an accessible route.
2. Accessible public and common use areas.
3. Usable doors (for a person in a wheelchair).
4. Accessible route into and through a dwelling unit.
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
6. Reinforced walls in bathrooms for later installation of grab bars.
7. Usable kitchens and bathrooms.
History of
The Fair Housing Center

In 1975, The Fair Housing Center was founded on the principles of community, tolerance, and justice. It was a commitment to these principles that ignited the Women of the Old West End neighborhood association, League of Women Voters, and several other concerned citizens and community groups to establish an organization that would combat discriminatory housing practices.

For over 40 years, the Center has carried out its mission through the investigation of over 11,500 complaints, resulting in awards of over $30 million for victims of discrimination. During this time, the Center has also demonstrated a talent for setting national precedents in the enforcement of fair housing laws and expanding housing opportunities for millions of Americans.

The Center conducts multiple educational outreach programs, provides housing and foreclosure prevention counseling services, advocates for the rights of victims, and investigates and litigates allegations of housing discrimination. The Center’s staff is one of the best in the country, and their achievements have been recognized at the local, state, and national levels.

Members of the Center’s staff have given presentations at conferences sponsored by the U.S. Department of Housing and Urban Development, the Ohio Civil Rights Commission, the Ohio Fair Housing Congress, the Federal Reserve Bank, the Center for Community Change, the Alliance of Allied Insurers, the National Association of REALTORS®, the Ohio Housing Finance Agency, and the National Fair Housing Alliance.

Staff members have been invited by the Senate’s Bank and Lending Committee as well as the House of Representatives’ Committee on Banking, Finance and Urban Affairs to testify concerning issues of equal housing opportunity, including lending and insurance discrimination. Additionally, staff members serve in local, state, and national committees.

Special Considerations

- Persons who are hearing-impaired may utilize an interpreting service, and it is a reasonable accommodation to communicate with them using this method.
- Linguistic profiling occurs when a person’s manner of speaking, dialect, or accent are used to infer certain characteristics about them, such as their race, national origin, or religion. When communicating via telephone, be sure not to make judgments about a person’s qualifications or deny them housing based on assumptions you make when speaking to them.
- A home seeker with limited English proficiency or a heavy accent cannot be denied housing just because communication may be difficult. Make every reasonable effort to guide them through the process. Be aware of community resources that can provide translation services. If your business is located in an area with many foreign language speakers, it may be helpful to have your materials available in alternative languages.
- Asking for proof of legal status is acceptable only if it is required for all applicants. It is considered discriminatory to request this information only if someone has an accent or looks foreign.
- It may be difficult for a legal immigrant to produce the typical documentation required as part of the screening process. Alternative documents or information may be available to determine if someone would be able to pay rent and follow the rules.
Federal Fair Housing Laws

Civil Rights Act of 1866
“All Citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.”

Title VIII-Civil Rights Act of 1968
Section 804: It shall be unlawful...
(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, natural origin, or sex.
(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, religion, natural origin, or sex.
(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, or sex or an intention to make any such preference, limitation, or discrimination.
(d) To represent to any person because of race, color, religion, national origin, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhoods of a person or persons of a particular race, color, religion, national origin, or sex.

Lending Do’s and Don’ts

DO
- Consider reliable income, even if it is a non-traditional source of income. This includes public assistance, part-time employment, Social Security, pensions, alimony, child support, and disability or military-related benefits. You may require proof that this income is received consistently.
- Accept someone other than a spouse as a co-signer if a co-signer is needed. If they own the property with their spouse, he or she may be asked to sign documents that permit them to mortgage the property.

DON’T
- Discourage someone from applying for a mortgage or reject someone’s application because of their protected class.
- Impose different terms or conditions on a loan, like higher interest rate or larger down payment, based on someone’s protected class.
- Discourage a person from buying because of the racial make-up of the neighborhood where they want to live or ask their plans for having a family, although you can ask questions about expenses related to their dependents.
- Require a co-signer if they meet the requirements.
Fair Housing Defined

Fair housing means freedom of housing choice—the right and ability to choose where one wants to live. All persons should have equal access to housing opportunities.

Housing discrimination is defined as any attempt to prohibit or limit a person’s housing choice because they are a member of a protected class.

All facets of the housing market are covered, including lending, appraisal, insurance, rental, sales, and marketing.
Tips for Housing Professionals

It’s important to understand how the fair housing laws impact your policies and daily practices. By becoming familiar with the following guidelines, you can maintain compliance with the law and help to ensure all individuals have equal access to housing opportunities.

Advertising
Advertising is commonly used to publicize available rental properties, homes for sale, or to market loan products. While advertisements may describe the attributes or amenities of the property or loan product, they should avoid describing the type of person who should live in the property or obtain the loan. Fair housing logos or language should be included. Photographs need to be carefully considered, and included only after consulting with an attorney.

Steering
Steering occurs when a landlord or real estate agent attempts to direct a home seeker to a particular area based on their protected class. In the rental market, this includes directing particular tenants towards one section of the apartment complex. In real estate sales, this includes only showing homes in certain neighborhoods based on the race or ethnicity of the residents. Discouraging someone from living in a particular area by exaggerating drawbacks or failing to mention amenities can also be considered steering. To avoid steering, it’s best to show all available properties to all home seekers. Allow the home seeker to make decisions about which properties should be viewed, or if the property is a good fit for them. In addition, housing professionals should only present facts about the property, not about the residents or neighbors. Home seekers will often inquire about the neighborhood, or ask for information about schools, crime, or demographics, but you should direct them to reliable resources such as the local school district, police, or Census Bureau to obtain this information.

Pet Policies and Assistance Animals

A person with a disability may use an assistance animal to help perform daily tasks or provide emotional support, thereby enabling them to function more fully and enjoy their home. Assistance animals are not pets, and may require an adjustment to your standard pet policy.

- Assistance animals should be considered similar to any other medical device – such as a wheelchair or medication – that provides treatment or support to a person with a disability.
- Create, distribute, and train all staff on the policy for handling assistance animals.
- Pet deposits and fees do not apply.
- Restrictions on size, breed, or type of animal do not apply.
- No special training or certification is required for an assistance animal.
- The tenant can request a reasonable accommodation for an assistance animal.
- Verification of the disability or need for the assistance animal can be requested if this information is not known or obvious.
- You can require that the tenant properly supervise and clean up after the animal.
- Assistance animals should not disturb or pose a threat to other tenants.
- Tenants may be required to pay for any damage caused by the assistance animal (outside of normal wear and tear).
Special Considerations for Tenants with Disabilities

The Fair Housing Act provides protection for persons with disabilities, which includes anyone with a physical or mental condition that significantly limits a major life activity such as walking, seeing, hearing, speaking, breathing, learning, and working. In order for a person with a disability to fully use and enjoy their home, they may require changes to an apartment or house.

Reasonable Accommodations
A reasonable accommodation is a change, exception, or adjustment to rule, policy, practice, or service. Examples include allowing an assistance animal when there is a “no pets” policy, or creating a reserved parking space.

Reasonable Modifications
A reasonable modification is a structural change made to the unit or premises. Examples include installation of ramps or grab bars, widening doorways, or lowering countertops. The resident typically absorbs the cost of a reasonable modification, unless the landlord receives federal funding. The landlord may require that the work be performed in a professional manner, and in some cases the resident may be obligated to pay for removal of the modification after they move out.

Tips for handling Reasonable Accommodations or Modifications
• Don’t make assumptions about a person’s disability or needs. Allow them to make a request if a special arrangement is needed.
• Create, distribute, and train all staff on the policy for handling reasonable accommodations and modifications.
• Do not inquire about the nature or severity of a person’s disability.
• Requests may occur at any point during the application process or tenancy, and they may be submitted orally or in writing.
• A request should be made by or on behalf of a person with a disability. Information may be required to verify the disability and need for the accommodation, but only if this information is not known or obvious.
• A request is considered reasonable as long as it does not pose an undue financial and administrative burden on the housing provider, or result in a fundamental alteration of the housing provider’s operations.
• If you deny a request because it is not reasonable, you should discuss alternative options with the tenant to reach a solution that is suitable to both parties.

Screening/Applications
The criteria used to determine whether a person is qualified to rent or purchase a home should be objective and applied consistently to all home seekers. It’s a good idea to have a written policy that contains this criteria, and it may also include occupancy guidelines, availability policy, and an outline of the application process. In order to determine if someone is a qualified applicant, questions may be asked regarding income, employment history, credit, criminal history, and rental history. The only factors that should be considered are whether the applicant can afford the property and not pose a direct threat to other residents or the property. It’s also important to offer the same terms and conditions to all applicants, which includes deposits or fees, lease terms, and access to amenities.

Occupancy Standards
The federal government views a two-person-per-bedroom occupancy standard as acceptable in most situations. However, depending on how the property is laid out or the size of living spaces, this figure may change. Once the occupancy standard for a property is determined, it should be included in the written policy and applied consistently. Consult your local health department for guidance in determining this figure for your property, and you can also refer to the HUD Keating Memo for further information.

Apartment Rules
It is acceptable for landlords to have a set of basic and nondiscriminatory “house rules” for all residents to follow. Rules must be enforced uniformly for all residents, and records regarding rule violations need to be kept. All details need to be included in the records, such as the time, date, and manner of the violation, how the landlord became aware, and what actions were taken to enforce the rule. Access to common areas (pool, gym, laundry room) should not be restricted for certain residents, such as children or persons with disabilities.
Harassment
Any negative treatment or actions taken because of a tenant’s protected class can be considered harassment, which includes verbal or written comments, threats, or destruction of property. Sexual harassment involves unwelcome sexual advances or requests, or offers to exchange services (rent, repairs, etc) for sexual favors. Housing providers are responsible for the behavior of their employees and agents, and it is recommended that an anti-harassment policy be created, distributed, and enforced. Tenant on tenant harassment should also be taken seriously, and any behavior that violates the resident code of conduct should be documented and appropriately addressed. Respond in a timely manner, consistently enforce the policy, and involve law enforcement or other resources when necessary.

Record Keeping
Housing providers should keep records on all current, past, and prospective residents. A log should be used to track anyone who inquires about available properties, and updated records should be kept regarding availability. All applications should be retained, even if they were rejected or withdrawn. Contact an attorney for guidance on how long to keep records and what type of records to keep.

Training
All employees and agents of a housing provider are required to comply with the fair housing laws, including maintenance and office staff. Owners and landlords can be held responsible for the actions of their employees. Fair housing training should be provided for all employees and incorporated into the training process for new employees. Policies should be documented and communicated to all employees, and may need to be reviewed on a regular basis.

Eviction
Residents may be evicted for legitimate reasons, such as failing to uphold their tenant obligations. A housing provider’s rules should be nondiscriminatory and enforced equally among all residents. Documentation is essential during the eviction process, and may include: warning letters/eviction notice; written complaints by third party; written logs kept by management; police record; and photographs. Files should be consistently maintained for all residents.

Commonly Asked Questions and Answers
Q: What is the definition of a disability?
A: Any physical or mental condition which substantially limits one or more major life activities, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. It also includes having a record of such an impairment or regarding someone as having such an impairment.

Q: May the house provider ask for details or proof that a person is disabled?
A: The housing provider may ask for verification of a person’s disability if it is not obvious or otherwise known, and may also verify that any request is related to that disability. If requested, the individual may provide a written statement from a licensed medical or social service professional or other third party stating that the applicant/resident qualifies as an individual with a disability. The housing provider may not ask the person with a disability or the certifying professional about the nature or severity of the individual’s disability.

Q: What is familial status?
A: “Familial status” means the presence of children under 18 in the household. This includes pregnant women and anyone in the process of adopting or securing custody of a child/children. Children include foster children and grandchildren as long as the person has legal custody or written permission.

Q: Are all housing providers required to allow families with children?
A: Communities that qualify for the “Housing for Older Persons” exemption under the Fair Housing Act are permitted to have age restrictions if they meet certain requirements. In housing for persons 62 or older, every resident must be 62 or older, and in housing for persons age 55 or older, 80% of the units must have at least one person age 55 or older. The community must meet other requirements, including completing surveys and advertising itself as a HOPA community.

Q: How selective may a landlord/housing provider be of prospective tenants?
A: Landlords and housing providers can be very selective, as long as they use the same set of criteria for all prospective tenants. What you can’t do is choose or exclude renters on the basis of the person’s race, sex, national origin, religion, color, familial status (having children), military status,** sexual orientation,* or disability.

Q: What kinds of criteria may a landlord/housing provider use?
A: Financial criteria can be used to assure the tenant will be able to pay the rent. Housing providers can also require that tenants don’t disturb other residents or damage the property. A background or credit check may be conducted, and information about rental history and references may be requested.

Q: I’ve had a bad experience with “certain types of people.” Do I have to rent to them again?
A: You must judge each applicant on his/her merit. You cannot exclude a group of people because of previous experiences with some individuals.

*Local Protection  **State Protection