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## FAIR HOUSING 101



Cheri Horbacz  
Southwest Fair Housing  
Council Training Center

Cheri@swfhc.com

1-888-624-4611  
520-798-1568 x11

 **WELCOME!**

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## THE FAIR HOUSING ACT

The Fair Housing Act, as amended ("FHA"), is a federal law that prohibits unlawful discrimination in all aspects of housing including, but not limited to:

rental/leasing, sales,  
mortgage lending,  
appraisals,  
advertising,  
zoning, and  
design & construction



It is enforced by HUD.

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## SOUTHWEST FAIR HOUSING COUNCIL (SWFHC)

Committed to eliminating all forms of illegal discrimination related to housing. Provides comprehensive services to achieve and preserve equal access to housing for all people thru:

- Investigating individual complaints of housing discrimination.
- Obtaining evidence to support enforcement action.
- Initiating complaints and litigation.
- Informing and advising people of their fair housing rights.
- Conducting mediations to resolve fair housing disputes.
- Conducting conferences, training programs, workshops and seminars to inform consumers, staff and professionals about housing laws.

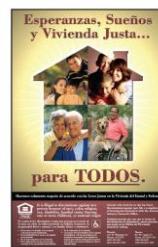
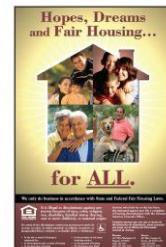
Just call me to inquire about the types and free trainings available in your area. We cover all Arizona communities.

Through our research, advocacy, enforcement, community outreach, we help more people achieve equal access to housing and we are recognized as one of the superior fair housing organizations in the nation.

Cheri Horbacz Certified Statewide Instructor  
Cheri@swfhc.com 888-624-4611 x11 520-798-1568 x11

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[HTTP://WWW.AZAG.GOV/DOCUMENT/HOPES-DREAMS-AND-FAIR-HOUSING-POSTER](http://WWW.AZAG.GOV/DOCUMENT/HOPES-DREAMS-AND-FAIR-HOUSING-POSTER)



8.5 X 11

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## DISCLAIMER

This PowerPoint presentation is an education tool and not intended to be an exhaustive review of Fair Housing rules and regulation. Materials presented should not be considered a substitute for actual statutory and regulatory language. This presentation is not intended to provide legal advice.

Please do not duplicate any slides without expressed permission of the author. Questions or comments contact:

Cheri@swfhc.com

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U. S. Department of Housing and Urban Development



We Do Business in Accordance With the Federal Fair Housing Law  
(The Fair Housing Amendments Act of 1988)

It is illegal to Discriminate Against Any Person Because of Race, Color, Religion, Sex, Handicap, Familial Status, or National Origin

<input type="checkbox"/> In the sale or rental of housing or residential lots <input type="checkbox"/> In advertising the sale or rental of housing <input type="checkbox"/> In the financing of housing	<input type="checkbox"/> In the provision of real estate brokerage services <input type="checkbox"/> In the appraisal of housing <input type="checkbox"/> Blockbusting is also illegal
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An owner who fails to or has been discriminated against may file a complaint of housing discrimination.  
1-800-669-1000 (Toll Free)  
1-800-927-9215 (TTY)

U.S. Department of Housing and Urban Development  
Assistant Secretary for Fair Housing and Equal Opportunity  
Washington, D.C. 20410

www.HUD.gov/1-800-927-9215

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**RENTALS?**

Latest version of the AZ Residential Landlord-Tenant Act = Dec. 2012

Latest version of the AZ Mobile Home Park Residential Landlord-Tenant Act = Oct. 2012



1-800-458-5842  
www.azsos.gov

Now www.Azhousing.gov

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**PROTECTED CHARACTERISTICS**

RACE  
COLOR  
\* NATIONAL ORIGIN  
RELIGION  
SEX  
FAMILIAL STATUS  
DISABILITY



Upcoming News  
(and local ordinances)

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**FAIR HOUSING ACTS:  
FEDERAL AND STATE OF ARIZONA**

The Federal and State of Arizona Fair Housing Acts are virtually identical. Both apply to dwellings and common areas. They prohibit treating people differently and adversely in any aspect of housing based on personal characteristics specifically listed in the law.

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**DISCRIMINATION BASED ON NATIONAL ORIGIN**

The Fair Housing Act prohibits discrimination based on national origin.

Discrimination is prohibited based either upon the country of an individual's birth or from where his or her ancestors originated.

## Common issues:

- Limited English proficiency
- Citizenship, legal resident, and immigration



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**EXEMPTIONS....****FH ⊖**

- Sale or rental of a single-family home
  - No Advertising/ Representation; <3 properties
- Four or fewer units when owner lives in one of the units
  - No Advertising
- Property owned and operated by religious organization or private club (for non-commercial purpose.)
- Housing for older persons
  - 100% of the community is 62 years or older, or
  - 80% of the households have at least one resident 55 years or older



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**PROTECTED CHARACTERISTICS**

RACE  
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\*SEX  
FAMILIAL STATUS  
DISABILITY



(and local ordinances)

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**SEXUAL HARASSMENT**

Definition: Unwelcome conduct that is sexual in nature which creates an offensive, hostile or intimidating environment.

Forms: Verbal, written, physical, nonverbal, visual

Two types:

- Quid pro quo** – from of sexual harassment where someone demands sexual favors in return for things like lower rent, a place to live etc.
- Hostile environment** – harasser(s) make the home place unpleasant with sexual advances.

--Harassment is judged by how the conduct feels to the target and what is offensive to the ordinary person.

--Even though many harassers feel that their behavior is funny, flattering, or harmless, their conduct is illegal if it unreasonably interferes with the tenant's use and enjoyment of their home.

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## FAMILIAL STATUS: OCCUPANCY STANDARDS

HUD guidance – generally 2 +1.

ALTA ARA 33-1317 states subsection F – 'an occupancy limitation of 2 persons per bedroom residing in a dwelling/unit shall be presumed reasonable for this state".



to limit the number of persons who can reside in a unit



Specify gender which reside in each room

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## PROTECTED CHARACTERISTICS

RACE  
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DISABILITY  
  
(and local ordinances)



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## PROTECTED CHARACTERISTICS

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\*(& local ordinances)



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## FAMILIAL STATUS



- Applies to households w/children under 18 yrs of age, unless property is "housing for older persons"
  - Includes –Persons with legal custody of child or children
  - Designee of the parent or legal custodian
  - Pregnant women and anyone securing legal custody of child(ren)
- Rules that are age-neutral and serve a health or safety purpose are generally OK
- Age Restrictive Rules:
  - Absolute prohibitions, Adult supervision, Hours of access restrictions
- Courts look for the least restrictive option

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## PROTECTED CHARACTERISTICS

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(& local ordinances)



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### DISABILITY

What constitutes a "disability"?

Three Prong definition:

1. Physical, sensory or mental condition that substantially limits one or more major life functions.
2. Having a record of such an impairment;
3. Being regarded as having such an impairment.

Reasonable Modification:

A change to the physical environment (dwelling or common area)  
Multifamily housing – March 13, 1991 -new builds handicap accessible  
Conditions:  
Tenant/Resident pays  
Work person-like manner  
Restoration

Reasonable Accommodation:

A change to practices, procedures or policies  
Generally cost-neutral

Accommodation / Modification Requests include 2 parts..... Verification & Connection

### WHEN GET A REQUEST FOR MODIFICATION OR ACCOMMODATION:

- ❖ Take a Breath
- ❖ Review & Evaluate
- ❖ Respond to every request
- ❖ If denial, is there something else that would meet the needs of the resident?
- ❖ Engage in the interactive process to determine how best to meet the needs.
- ❖ Law is clear that unreasonable delay can be deemed as a failure to make the requested accommodation

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### Reasonable Accommodations Requests

**Two Parts**

**#1**  
**VERIFICATION**  
(FROM KNOWLEDGABLE SOURCE)



**#2**  
**CONNECTION**  
(IT IS RELATED TO THE DISABILITY)

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### WHICH SHOULD BE CHARGED A PET DEPOSIT?

<ul style="list-style-type: none"> <li>❖ Service Animal</li> <li>❖ Assistive Animal</li> <li>❖ Companion Animal</li> <li>❖ Therapy Animal</li> <li>❖ Supportive Animal</li> </ul>	<ul style="list-style-type: none"> <li>❖ Therapeutic Animal</li> <li>❖ Comfort Animal</li> <li>❖ Stray Animal</li> <li>❖ Cat named Kick</li> <li>❖ Emotional Support Animal</li> </ul>
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### REASONABLE ACCOMMODATION REQUESTS

VERIFICATION & CONNECTION

**The law is:**

- ❖ tenant must request the accommodation
- ❖ show that their disability makes it necessary

**Landlord must grant the request,**

- ❖ unless it is too difficult or expensive (called an "undue burden") or
- ❖ it would be completely outside the normal course of business (called a "fundamental alteration").

WORK TOWARDS RESOLUTION THAT IS ACCEPTABLE TO BOTH

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### PET & "TOOL" POLICY

"Tools" – are not Pets





**NOTICE**  
**No Pets**  
Service animals specifically trained to aid a disabled person are allowed to enter

**Pets Welcome**



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**PET & "TOOL" POLICY**

<p><b>Sample Pet Policy</b></p> <ul style="list-style-type: none"> <li>• No smoking Dogs over 25 pds</li> <li>• 2 Pet limit</li> <li>• Non refundable Pet fee per animal is \$50</li> <li>• Must provide the name and address of a pet caretaker</li> <li>• Pet – a domesticated animal of a species that is commonly kept as a household pet in the community</li> </ul>	<p><b>Sample All Animal Rules</b></p> <ul style="list-style-type: none"> <li>• Must carry &amp; use a "pooper scooper" and disposable plastic bag any time the animals are outside</li> <li>• All animals required to have proper id, licenses &amp; vaccinations</li> <li>• Assistive Animal – an animal which provides assistance, service, or support to a person with disabilities and which is needed as a reasonable accommodation</li> </ul>
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**EIGHT PROHIBITED PRACTICES**

1. Refusing to rent or sell or to negotiate for the rental or sale of a dwelling; (handyman- 8k)
2. Subjecting persons to different terms, conditions and privileges; (fees/ deposits, pita, curfew, quiet swim, i-rates)
3. Limiting housing choice by word or conduct; (property list, taxi driver, steering-attraction, avoidance)
4. Otherwise make housing unavailable; (bldgs kids, students, M&W, lending practices; HOI <50yrs)
5. Misrepresenting the availability of a dwelling; (2vs 1, steering, down grading- dump vs. by pool)
6. Making, printing or publishing discriminatory ads, notices or statements; (internet, application, flyer, verbally, ad, MLS); its about the language
7. Discriminating on the basis of disability; (ramp needed; denied by HOA)
8. Retaliation

Key- Opportunity & Equality



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**NEW ADA REGULATIONS ACCORDING TO THE DEPARTMENT OF JUSTICE**

- Recent Amendments to ADA regulations do *not* affect reasonable accommodation requests under the FHAct
- New ADA rules:
  - +Limit the definition of "service animal" in the ADA to include only dogs and miniature horses
  - +Define "service animal" to exclude emotional support animals



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**ADVERTISING – TERMS TO CONSIDER**

**OK TO USE:** Architectural descriptions

Master bedroom   Family Room   No drinking/smoking  
Seasonal rates

Single family home   In-law quarters   Kids Welcome  
Rare find   Desirable neighborhood

Applies to notices, stmts, MLS, verbal written, connected with sale or rental – examine wording in the context used



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**WWW.GUIDEHORSE.ORG**



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**ADVERTISING – TERMS TO CONSIDER**

**CAUTION:**

No Children   Christian   Adult – Living  
Perfect for Empty Nester

Active Adults   Gentleman's Farm   Golden Agers  
Sports- Minded

Perfect for Young Professionals   Couples Encouraged  
Integrated Welcomed

If You're Mental.....Keep Looking   Adult Building

\*\*Describe the property, not the people. Be inclusive, not exclusive.\*\*



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 **NEW ARIZONA LAW TITLE 36, CHAPTER 28.1 ET SEQ.**

The law states in §36-2813 that no landlord shall refuse to lease to or otherwise penalize a person solely for his status as a cardholder.

That doesn't mean landlord may not evict a person who uses medical marijuana on the premises, however.

§36-2814 specifically states that this new law does not require any establishment to allow a client or guest to use medical marijuana on that property.

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## PLANNING TO AVOID DISCRIMINATION

To avoid most kinds – 2 basic principals

- Treat people the same, by the rules
- Examine rules to make sure don't unintentionally discriminate

For those with disabilities: make special adjustments if they are needed because of disability for the person to use and enjoy housing



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 **NEW ARIZONA LAW (CONT)**

HUD's opinion-

Should landlord agrees to grant a "reasonable accommodation request" specific standards for determining when the request would be granted must be in place.

Each property owner must make a decision & put a policy in place

 I'm smokin' it

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## PREDATORY LENDING - INDICATORS

Marketing of the loan:

- Aggressive solicitations to targeted neighborhoods
- Home improvement scams
- Racial steering to high rate lenders

Sales:

- Structuring loan with payments borrower cannot afford
- Falsifying loan applications
- Forgery
- Shifting unsecured debt into mortgages
- Loans in excess of 100% LTV
- Balloon payments
- Changing terms at closing
- High interest rates
- Unwarranted insurance/fees



After closing:

- Flipping
- Daily interest for late payments
- Excessive prepayment penalties
- Failure to report good payment on borrowers' credit reports

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## DESPITE ALL THAT WE HAVE ACHIEVED.....

*in recent years, the road ahead – toward equality, opportunity, and justice for every American, regardless of identity or orientation – still stretches beyond the horizon.*

*Although we can be encouraged by the work that's underway . . . the fact remains that, across the country, far too many people suffer discrimination each and every day.*

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## RESOURCE

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Certified Statewide Instructor

1-888-624-4611 x11  
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**THANK YOU!**

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 **SETTLEMENT EXAMPLES**

- ❖ **\$35,000** – denied housing to women & her family due to race
- ❖ Occupancy standards which limited number of children in rental homes
- ❖ **\$865,000** -800 units designed & built w/o required accessible features.
- ❖ **\$39,500** – denied housing due to children with developmental disabilities
- ❖ **\$15,000 & 5 yrs. in prison** - fraudulent signed notarized mortgage related documents.
- ❖ **\$35,000** – swimming pools rules discrimination against families with children non qualified property
- ❖ **\$180,000** – screening out prospective tenants based on race and or familial status

Source: Dept of Justice