



Know Your Rights: Fair Housing



“Whatever affects one directly, affects all indirectly. I can never be what I ought to be until you are what you ought to be. This is the interrelated structure of reality.”

Martin Luther King, Jr.

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The substance and findings of this 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, State, or local Government.



Who is New Jersey Citizen Action?

- ▶ NJCA is a statewide grassroots organization that fights for economic and social justice.
- ▶ We use a combination of policy work, advocacy and direct services to empower NJ workers, families and seniors.
- ▶ Our **free services** include tax preparation, first-time homebuyer counseling, foreclosure counseling, healthcare enrollment assistance, financial education and financial coaching
- ▶ Visit us on the web at www.njcitizenaction.org



Overview

- ▶ Know Your Rights
 - ▶ The Fair Housing Act
 - ▶ Housing Discrimination
 - ▶ What is a Protected Class?
 - ▶ Discriminatory Practices
 - ▶ What to do if you Suspect Discrimination
 - ▶ Resources



What is Fair Housing?

- ▶ Fair housing is the right of all people to be free from discrimination in the rental, sale or financing of housing



Fair Housing Act :

Prohibits discrimination in the renting, sale or financing of housing based on race, color, national origin, religion, familial status, sex, and disability.

Why is Fair Housing Important??

More housing choices

More educational choices

Access to more employment opportunities

Availability to healthcare

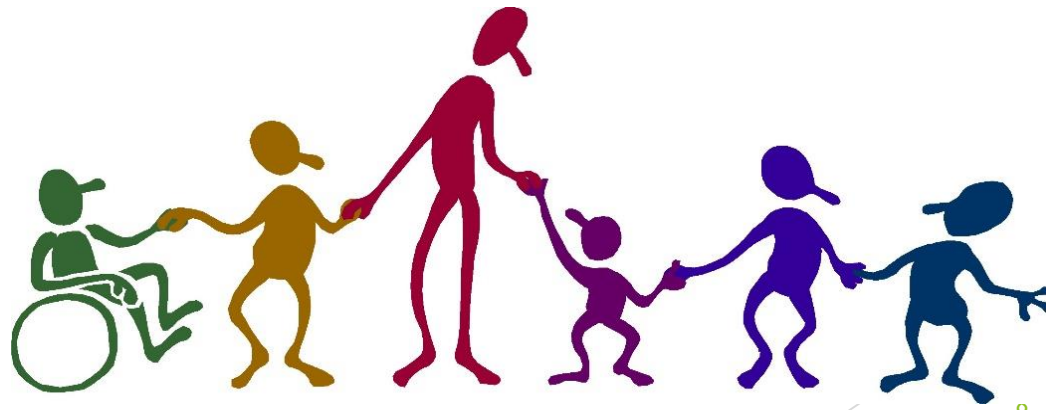
Cleaner and safer environments

Opportunities to secure public and private goods and services that are place-based networks



Protected Classes: Who's covered?

- ▶ Prohibits discrimination against a prospective homebuyer or tenant on the basis of:
 - ▶ Race
 - ▶ Color
 - ▶ National Origin
 - ▶ Religion
 - ▶ Familial Status (have children under 18 or are pregnant)
 - ▶ Sex
 - ▶ Disability



ADDITIONAL PROTECTIONS UNDER NJ LAW

In New Jersey, it is illegal to discriminate against a prospective or current buyer or tenant because of:

- Race
- Creed
- Color
- National origin
- Sex
- Gender identity or expression
- Marital status or civil union status
- Affectional or sexual orientation
- Familial Status
- Actual or perceived physical or mental disability
- Ancestry
- Nationality
- Domestic partner status
- Source of lawful income used for mortgage or rental payments



What Type of Housing is Covered?

- ▶ The Fair Housing Act covers most types of housing:
 - ▶ Apartments, houses, condos, co-ops, mobile homes, rooming houses, homeowner associations, construction sites, and transitional housing
- ▶ BUT the following types of housing are exempt:
 - ▶ Owner-occupied houses with no more than four units
 - ▶ Single-family housing sold or rented without the use of a broker
 - ▶ Certain housing operated by organizations and private clubs that limit occupancy to members



Signs of Housing Discrimination

- ▶ Housing discrimination includes blocking someone's access to housing, treating one renter or buyer differently, or denying someone the right to buy or rent a home even though they can afford the property, all because that person is a member of a group the law protects.

Housing discrimination comes in many forms, and can sometimes be subtle

Signs of Housing Discrimination:

- ▶ Refusal to sell, rent, or show available housing
- ▶ Requiring different terms and conditions for identical dwellings, i.e. charging higher rent, security deposit for different tenants
- ▶ Being told that the dwelling isn't right for you or your family
- ▶ Being told that housing isn't available in apartment with "For Rent" sign
- ▶ Housing advertisements that say "no kids" "adults only" or "no pets"
- ▶ Harassment, intimidation or sexual harassment
- ▶ Offering non-standard and unfavorable terms in the purchase of a home or property insurance
- ▶ Terms of availability change between a phone contact & in-person visit
- ▶ Being steered to racially segregated neighborhoods during home search
- ▶ Excessive or inappropriate questioning upon requesting information about a dwelling
- ▶ Refusal to make a reasonable accommodation or allow a modification to make the dwelling accessible for a person with a disability

Reasonable Accommodation -A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service this includes public and common use spaces

Example:

- Adjusting a rent payment schedule to accommodate when an individual receives income assistance
- Permitting an applicant to submit a housing application via a different means
- Permitting an assistance animal in a "no pets" building (request to waive a pet deposit, fee, or other rule as to an assistance animal- applies to service animal or emotional support animal)

Reasonable Modification- is a structural change made to existing premises the structural changes can be to the interior and exterior of dwellings and to common and public use areas. Refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises

Example:

- Lowering the entry threshold of a unit
- Installing of grab bars in a bathroom
- Installing of a ramp into a building

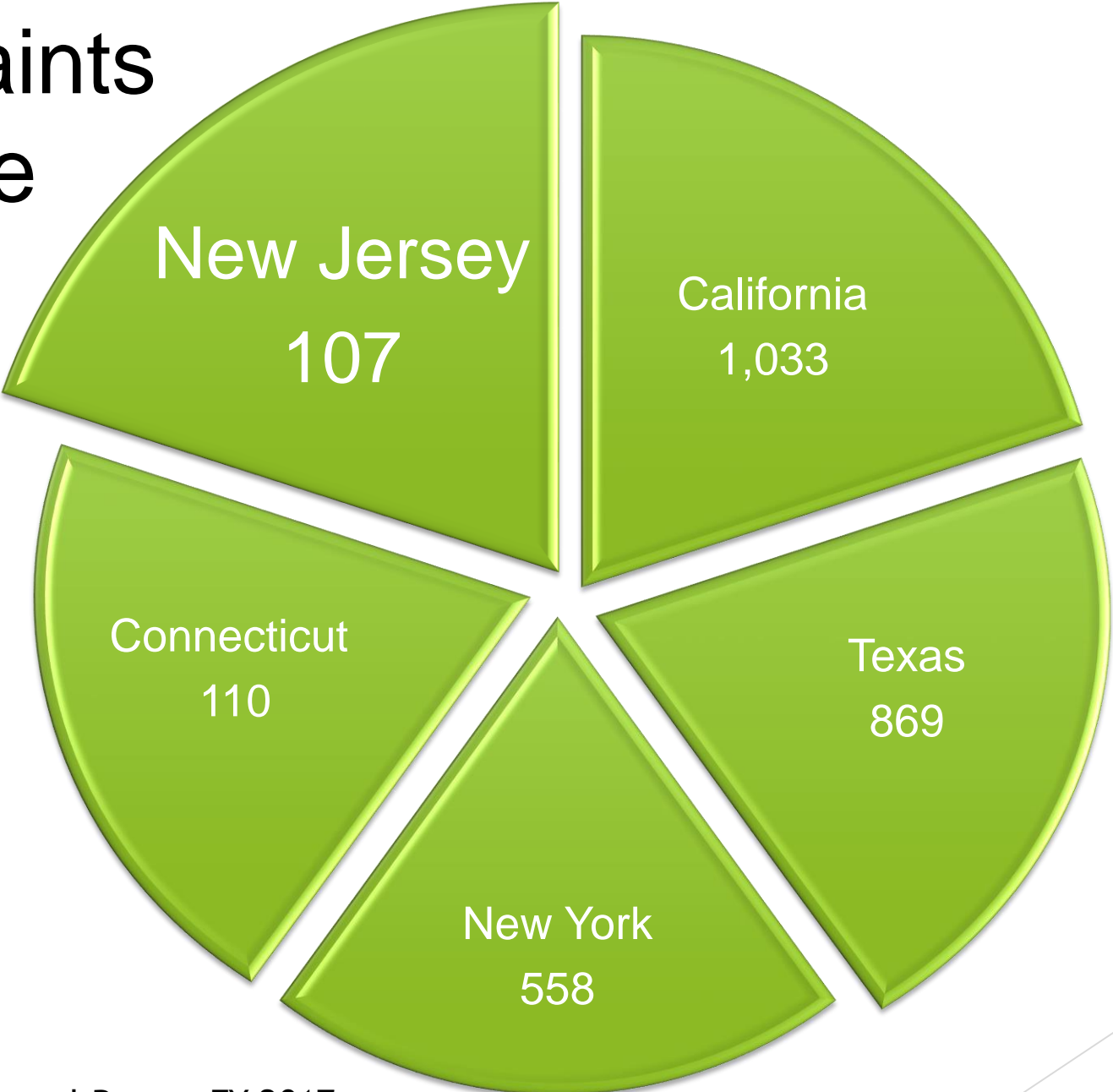


Bases of Complaints Filed

Basis of Complaint	Number of Complaints	Percentage of Complaints
Disability	4,865	59.4%
Race	2,132	26.0 %
Familial Status	871	10.6%
Retaliation	834	10.2%
National Origin	826	10.1%
Sex	800	9.8%
Religion	232	2.8%
Color	192	2.3%
Total	8,186	

Source: HUD Enforcement Management Systems (HEMS) FY 2017

Complaints by State 2017



State	Population 2017 (millions)
California	39.54
Texas	28.3
New York	19.85
New Jersey	9.06
Connecticut	3.5

Source: FHEO Annual Report FY 2017

On April 26, 2017, the NJ Division on Civil Rights on Wednesday sent more than 30 "cease and desist" letters to New Jersey landlords and property managers advertising on Craigslist.com, saying they "ran afoul of housing discrimination laws" by telling those who receive federal rental assistance they need not apply

We currently have 2 bedroom apartment for rent for \$1350

INCLUDED in rent- water, gas, trash, and sewer.

FREE PARKING

NO PETS PLEASE
NO SECTION 8

Appliances included!
Application required.**

If you have any questions or would like to schedule a showing, please contact Mario at [show contact info](#)

FAIR HOUSING NEWS AND TRENDS...

- **Discrimination against Individuals with Disabilities on SSI:**
 - The Fair Housing Act prohibits mortgage lenders from discriminating against borrowers simply because they are disabled. It does not matter why they are disabled.
 - Any borrower receiving Social Security or Social Security disability cannot be automatically disqualified, charged a higher interest rate or forced into a different loan program simply because she receives Social Security or disability income.

FAIR HOUSING LAWS PROTECT IMMIGRANTS, REFUGEES, AND PEOPLE OF ALL FAITHS

- Fair housing laws protect you regardless of your immigration status
- It is illegal for a landlord or real estate agent to ask you to identify your religion
- It is illegal for a landlord or real estate agent to ask you questions about your immigration status because of how you look, talk, or dress
- State and federal fair housing laws continue to protect you once you are in your home or apartment. (e.g., a landlord, owner, real estate agent, etc. cannot ask you to remove a head scarf, hijab, burka, habit, keffiyeh, kippah, cassock, other religious clothing or symbol)
- Harassment or threats include a housing provider doing any of the following: saying you will be deported, telling you to go back to your own country, vandalizing your home or using slurs or threats to intimidate you, or blocking access to your home or amenities

SEXUAL HARASSMENT IN HOUSING

- ▶ **Sexual harassment in housing** is a form of sex discrimination prohibited by the Fair Housing Act and other federal laws
- ▶ There are two main types of sexual harassment:
 - ❖ Quid pro quo sexual harassment; and
 - ❖ Hostile environment sexual harassment.
- ▶ **Quid Pro Quo** harassment occurs when a housing provider requires a person to submit to an unwelcome request to engage in sexual conduct as a condition of obtaining or maintaining housing or housing-related services. For example:
 - ❖ Landlord tells applicant he won't rent her an apartment unless she has sex with him.
 - ❖ Property manager evicts a tenant after she refuses to perform sexual acts.
 - ❖ Maintenance man refuses to make repairs unless tenant gives him nude photos of herself.

SEXUAL HARASSMENT IN HOUSING

- ▶ **Hostile Environment** harassment occurs when a housing provider subjects a person to severe or pervasive unwelcome sexual conduct that interferes with the sale, rental, availability, or terms, conditions, or privileges of housing or housing-related services, including financing.

For Example:

- ❖ A landlord subjects a tenant to severe or pervasive unwelcome touching, kissing, or groping.
- ❖ A property manager makes severe or pervasive unwelcome, lewd comments about a tenant's body.
- ❖ A maintenance man sends a tenant severe or pervasive unwelcome, sexually suggestive texts and enters her apartment without invitation or permission.

Victims of Domestic Violence

- ▶ Bar's eviction and termination due to a tenant's status as a survivor, protects survivors of domestic violence
- ▶ Extends housing protections to survivors of sexual assault (partners also, relatives), break in contract for occupants engaging in criminal acts
- ▶ Requires each agency develop notice of rights for tenants
- ▶ Each agency must adopt a model transfer plan for use by public housing agencies, if tenants request a transfer due to imminent harm from a violent individual

Victims of Domestic Violence (cont.)

- ▶ Tenant may terminate any lease of a residential property that has been leased & used by the tenant to live
- ▶ Must present landlord with written notice (e.g., restraining order, police report, social worker report, medical report, etc.) that tenant or child faces imminent threat of physical harm if tenant remains in dwelling
- ▶ Landlord may not force tenant to waive rights & remedies
- ▶ Landlord may not evict a tenant due to partner's actions
- ▶ Landlord must maintain confidentiality of domestic violence information

What if you think you are a victim of housing discrimination?

- ▶ Must submit complaint within 1 year of when the discrimination occurred or terminated
- ▶ Contact New Jersey Citizen Action Education Fund
at (732) 246-4772 or HUD's Office of Fair Housing & Equal Opportunity
- ▶ Submit complaint
- ▶ Provide your name/address; name/address of the person you are complaining about; address of the housing; how you were discriminated against; and date of the incident

Remedies for Housing Discrimination

- ▶ Injunctive Relief
- ▶ Compensatory Damages
- ▶ Punitive Damages
- ▶ Civil Penalties
- ▶ Set Asides
- ▶ Housing
- ▶ Monitoring
- ▶ Training
- ▶ Advertising and Marketing
- ▶ Community Development
- ▶ And more





NJCA Contact Information:

- ▶ Call NJCA at (732) 246-4772 to report housing discrimination
- ▶ Visit us on the web at www.njcitizenaction.org
- ▶ To see one of NJCA's HUD-certified housing counselors or to refer a client to us, call us toll free at 1-800-NJ-OWNER (800-656-9637), OR
- ▶ Complete an application in English online at <http://njcitizenaction.org/loanapplicationenglish.html> or
- ▶ Complete an application in Spanish online at <http://njcitizenaction.org/loanapplicationspanish.html>

Note: all individuals MUST complete an application for counseling in order to speak with a counselor

HUD Contact Information:

- ▶ HUD's Office of Fair Housing & Equal Opportunity (FHEO) enforces the Fair Housing Act
- ▶ If you feel that you or someone you know may have been a victim of housing discrimination, please call FHEO on their toll-free Intake Hotline number:
 - ▶ 1(800) 669-9777 (Nationwide)
 - ▶ 1(800) 496-4294 (for New York or New Jersey)
 - ▶ TTY (800) 927-9275 (hearing impaired)
- ▶ You can also visit HUD's website at www.hud.gov
- ▶ Tenants' Right in New Jersey
<https://www.lsnj.org>

Thank You!!!

