

# Get the Facts on Fair Housing



**EQUAL HOUSING  
OPPORTUNITY**

*Cumberland County  
Community Development  
is an Equal Opportunity Lender*

*Funding has been provided by the  
U.S. Department of Housing and  
Urban Development*

# The Fair Housing Act

The purpose of the fair housing act is to protect a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination. The Fair Housing Act is intended to allow everyone equal access to housing.

The Fair Housing Act prohibits discrimination in housing on the basis of:

- Race or color
- National origin
- Religion
- Sex
- Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18)
- Handicap (Disability)

## What Housing Is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied dwellings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

# What is Prohibited?

In the sale and rental of housing, no one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing;
- Refuse to negotiate for housing;
- Make housing unavailable;
- Deny a dwelling;
- Set different terms, conditions or privileges for sale or rental of a dwelling;
- Provide different housing services or facilities;
- Falsely deny that housing is available for inspection, sale or rental;
- For profit, persuade owners to sell or rent (blockbusting); or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In Mortgage Lending, no one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to make a mortgage loan;
- Fail to provide information regarding loans;
- Impose different terms or conditions on a loan, such as different interest rates, points, fees; or
- Set different terms or conditions for securing a loan.

# Protection For Persons With Disabilities

If you or someone you know has a physical or mental disability that substantially limits one or more major life activities; has a record of such a disability; or, is regarded as having such a disability...

## Your landlord may not:

- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing.
- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)

Example: A building with a “no pets” policy must allow a visually impaired tenant to keep a guide dog.

Example: An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to assure adequate access to the apartment.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

# Housing Opportunities for Families

The Fair Housing Act prohibits discrimination against persons with children unless the building or community qualifies as housing for older adults. It is illegal to discriminate against families in which one or more children under 18 live with:

- A parent;
  - A person who has legal custody of the child or children;
- or
- The designee of the parent or legal custodian, with the parent or custodian's written permission.



# Questions & Answers

**Q:** Can a person other than the seller or landlord be guilty of violating the Fair Housing Act?

**A:** Anyone involved in the real estate transaction that discriminates based on a protected category has violated the Fair Housing Act. For example, a local banker informs a real estate agent that if the agent allows anyone else with kids to move into the neighborhood, the bank will not do business with the agent or the agent's customers.

**Q:** Does an owner have to rent or sell to a person just because he or she is in a protected category?

**A:** No. Owners may rent or sell to whomever they choose as long as their decisions are not based on the fact that a would-be tenant or buyer is a member of a protected category. If someone from a protected category becomes a tenant, the owner may hold that tenant to the same standard of performance and behavior as everyone else.

**Q:** If a landlord has available units, which are equipped for the handicapped, does a handicapped person have to take one of those units?

**A:** No. A landlord can advise a handicapped person of the availability of specially equipped units, but the handicapped person must be allowed to choose from any of the units that are available.

**Q:** Can an owner or agent segregate families with children from other tenants?

**A:** No. A member of a protected category may not be assigned to a particular section of a community, neighborhood or development, or to a particular floor of a building, because of being a member of a particular category.

# Questions & Answers

**Q:** May a real estate agent discriminate at the direction of the owner?

**A:** No. Even if a real estate agent has no discriminatory intent, the agent is in violation of the Fair Housing Act when discrimination against persons from one of the protected categories occurs at the direction of the owner or lessor. Likewise, an agent is in violation if he or she knows that members of protected categories may be unlawfully rejected by the owner or lessor.

**Q:** Can a real estate agent answer questions about the characteristics of a neighborhood if the questions concern one of the protected categories?

**A:** No.

**Q:** Can a landlord or agent limit the number of children allowed in a bedroom, or prohibit the sharing of bedrooms by children of the opposite sex?

**A:** No. Although a landlord may set “occupancy standards” for the number of people that will be allowed to live in a unit, the standards should not be based on the age or sex of the individuals. [ Note: The Fair Housing Act does not limit the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of persons permitted to occupy a housing unit.]



**If you feel that you have experienced  
discrimination in obtaining equal  
access to housing you should contact:**

The Fayetteville-  
Cumberland Human  
Relations Department  
at  
433 Hay Street  
Fayetteville, NC 28301

910-433-1696

Cumberland County  
Community Development  
Department  
at  
245 Person Street  
Fayetteville, NC 28301

910-323-6112

**Human Relations Dept Website:**

[www.ci.fayetteville.nc.us/  
fayettevillecumberland\\_human\\_relations/](http://www.ci.fayetteville.nc.us/fayettevillecumberland_human_relations/)

**Community Development Website:**

[www.co.cumberland.nc.us/community\\_dev.aspx](http://www.co.cumberland.nc.us/community_dev.aspx)