



TEXAS FAIR HOUSING

Expanding Opportunities. Expanding Choice.

Fair Housing Basics

THE FAIR HOUSING ACT

The Fair Housing Act is a federal law that prohibits discrimination in housing and housing-related services based on a person's **race, color, national origin, religion, sex, familial status, or disability**. The Fair Housing Act ensures that all persons receive equal housing opportunity.

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 disability:

- 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)
- 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 on the basis of race, color, national origin, religion, sex, familial status, or disability:

- Refuse to make a mortgage loan;
- Refuse to provide information regarding loans;
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees;
- Discriminate in appraising property;
- Refuse to purchase a loan; or
- Set different terms or conditions for purchasing a loan

To threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who exercise that right.

To advertise or make any statement that indicates a limitation or preference on the basis of race, color, national origin, religion, sex, familial status, or handicap.

PROTECTIONS FOR INDIVIDUALS WITH DISABILITIES

If you or someone associated with you:

- has a physical or mental disability (including hearing, mobility, and visual impairments; chronic alcoholism; chronic mental illness; AIDS; and mental retardation) that substantially limits one or more major life activities;
- has a record of such a disability; and
- is regarded as having such a disability,

Your landlord may not:

- refuse to let you make reasonable modifications to your dwelling or common use areas, if these changes are necessary to allow 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); refuse to make reasonable accommodations in rules, policies, practices, or services, if they are necessary to allow the disabled person to use the housing.

HOUSING OPPORTUNITIES FOR FAMILIES

Unless a building or community qualifies as housing for older persons, it may not discriminate on the basis of familial status. That is, it may not discriminate against families because of the presence of one or more children under age 18 are living with:

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

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under age 18. Housing for older persons is exempt from the prohibition against familial status discrimination if the Secretary of HUD determines that:

- It is specifically designed for and occupied by elderly persons under a Federal, State, or local government program;
- It is occupied solely by persons who are 62 or older; or
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates intent to house persons who are over 55 or older.

Fair housing means you can pursue all housing opportunities without regard to your race, color, religion, sex, national origin, disability or familial status.

Questions?

Texas Department of Housing and Community Affairs
Jennifer Molinari, Fair Housing Coordinator
Phone: 512-475-2224 Toll Free: 800-525-0657
Email: jennifer.molinari@tdhca.state.tx.us Web: www.tdhca.state.tx.us

File A Complaint

Texas Workforce Commission, Civil Rights Division
Outreach Specialist: 512-463-4619 Manager: 512-463-4764
Phone: 512-463-2642 Toll Free: 888-452-4778
Web: www.twc.state.tx.us/customers/jsemp/jsempsubcrd.html





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File a Complaint

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IF YOU THINK YOUR RIGHTS HAVE BEEN VIOLATED

There are several ways to file a complaint. You can file a complaint directly with HUD via mail, email, or telephone. You can also file a complaint with the Texas Workforce Commission Civil Rights Division (TWCCRD). All complaints that are suspected to violate the state and federal Fair Housing Acts will be automatically co-filed with the Department of Housing and Urban Development (HUD). It is not necessary to file both a federal and a state complaint. You have one year after an alleged violation to file a complaint but you should file it as soon as possible.

WHAT TO TELL TWCCRD?

- Your name and address
- The name and address of the person your complaint is against (the Respondent)
- The address or other identification of the housing involved
- A short description of the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the alleged violation

WHAT HAPPENS WHEN YOU FILE A COMPLAINT?

TWCCRD will notify you when it receives your complaint. TWCCRD will also:

- Notify the alleged violator of your complaint and permit that person to submit a response
- Investigate your complaint and determine whether there is reasonable cause to believe the law had been violated

WHAT HAPPENS AFTER A COMPLAINT INVESTIGATION?

If, after investigating your complaint, the TWCCRD finds reasonable cause to believe that discrimination occurred, it will inform you. Additionally your complaint will be referred to the TWCCRD's office of General Counsel for additional action(s).

If, after investigating your complaint, the TWCCRD finds no reasonable cause to believe the law had been violated you will be notified in writing. Additionally, you will be informed of your right to file suit at your expense, in Federal or State District Court within two years of the alleged violation.

CONCILIATION

The TWCCRD will try to reach an agreement with the person your complaint is against (the Respondent). A conciliation agreement must protect both you and the public interest. If an agreement is signed the TWCCRD will take no further action on your complaint unless the TWCCRD has reasonable cause to believe that the conciliation agreement has been breached. The TWCCRD may then recommend that the Texas Attorney General file suit.

WHERE TO WRITE OR CALL?

Send a letter to the TWCCRD at:

Texas Workforce Commission
Civil Rights Division
1117 Trinity Street, Rm. 144-T
Austin, Texas 78701

Phone: 512-463-2642

Call Toll Free: 888-452-4778

IF YOU ARE DISABLED

TWCCRD also provides:

- A TTY phone for the deaf/hearing impaired users:
- 512-371-7473
- Assistance in reading and completing forms

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Protected Classes: Disability Rights in Housing

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DEFINITION OF DISABILITY

Federal laws define a person with a disability as "Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment."

In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

DISABILITY RIGHTS IN PRIVATE AND PUBLIC HOUSING

Regardless of whether you live in private or public housing, Federal laws provide the following rights to persons with disabilities:

- **Prohibits discrimination against persons with disabilities.** It is unlawful for a housing provider to refuse to rent or sell to a person simply because of a disability. A housing provider may not impose different application or qualification criteria, rental fees or sales prices, and rental or sales terms or conditions than those required of or provided to persons who are not disabled.
- **Requires housing providers to make reasonable accommodations for persons with disabilities.** A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. A housing provider should do everything s/he can to assist, but s/he is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden. Reasonable accommodations may be necessary at all stages of the housing process, including application, tenancy, or to prevent eviction.

- **Requires housing providers to allow persons with disabilities to make reasonable modifications.** A reasonable modification is a structural modification that is made to allow persons with disabilities the full enjoyment of the housing and related facilities.

Reasonable modifications are usually made at the resident's expense unless the property is required to comply with Section 504 of the Rehabilitation Act. Federally assisted housing providers may be required to pay for the modification if it does not amount to an undue financial and administrative burden.

- **Requires that new covered multifamily housing be designed and constructed to be accessible.** Multifamily housing built for first occupancy after March 13, 1991 must meet with the following design and construction requirements of the Fair Housing Act:
 - Accessible Public and Common-Use Areas
 - Exterior doors and hallways that are wide enough for wheel chairs

In addition, all ground floor units, and all units in buildings with that have an elevator and four or more units must have:

- Accessible Entrance on an Accessible Route
- Accessible Route Into and Through the Dwelling Unit
- Accessible Light Switches, Electrical Outlets, Thermostats, and Environmental Controls
- Reinforced Walls in Bathrooms
- Usable Kitchens and Bathrooms

If a building with four or more units has no elevator, these standards apply to ground floor units. These requirements do not replace any more stringent standards in State or local law.

PEOPLE WITH DISABILITIES IN FEDERALLY ASSISTED HOUSING

Federal law makes it illegal for an otherwise qualified individual with a disability to be excluded, solely because of his or her disability, from programs receiving federal financial assistance.

ZONING AND LAND USE

It is unlawful for local governments to utilize land use and zoning policies to keep disabled persons from locating to their area.

THE AMERICANS WITH DISABILITIES ACT (ADA)

Title II of the ADA prohibits discrimination based on disability in programs, services, and activities undertaken by public entities. This includes housing when the housing is provided or made available by a public entity. For example, housing covered by Title II of the ADA includes public housing authorities that meet the ADA definition of "public entity," and housing operated by States or units of local government.

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Protected Classes: National Origin, Race, Color, and Familial Status

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NATIONAL ORIGIN

What Does "National Origin" Protection Mean?

National origin refers to birthplace, ancestry, language, and/or customs. It is illegal for a landlord to deny housing or treat someone differently in a housing transaction because:

- Of a person's name, appearance, accent, or participation in customs associated with a nationality.
- The landlord incorrectly perceives the person as being associated with a particular nationality.
- The person associates with people of a particular national origin.

What Recourse Do Residents Have if Others Harass Them Because of their National Origin?

If both parties are associated with the same housing provider (i.e., the landlord rents to both parties), the housing provider has a legal responsibility to protect residents from being harassed based on their national origin, just as with any other protected class. If a housing consumer is harassed because of his/her national origin and the landlord is aware of this harassment, the landlord has the responsibility to intervene. All residents have the legal right to peaceful enjoyment of their homes. Continued harassment could be grounds for evicting the offending resident.

Do Fair Housing Laws Apply to US Citizens Only?

Anyone living in the United States has fair housing protections. If someone is living in the US illegally, they still have the right to file a fair housing complaint.

WHAT DO THE TERMS "COLOR" AND "RACE" MEAN?

Color refers to a person's skin color. Race refers to a group of people united or classified together based on a common history, nationality or geography. It includes all races, not just members of a racial minority. Racial groups include American Indian or Alaska Native, Asian, Native Hawaiian or Pacific Islander, Black or African American, and White. Bi-racial designations are also recognized.

FAMILIAL STATUS

Housing Opportunities for Families

Unless a building or community qualifies as housing for older persons, it may not discriminate on the basis of familial status. That is, it may not discriminate against families because of the presence of one or more children under age 18 are living with:

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

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under age 18.

Housing for older persons is exempt from the prohibition against familial status discrimination if any of the following apply:

- It is specifically designed for and occupied by elderly persons under a Federal, State, or local government program
- It is occupied solely by persons who are 62 or older
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates an intent to house persons who are 55 or older

Only the Secretary of HUD can make the determination that the property is specifically designed for occupancy by elderly persons under a Federal, State or local government program.

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