



OVERVIEW OF FAIR HOUSING RIGHTS

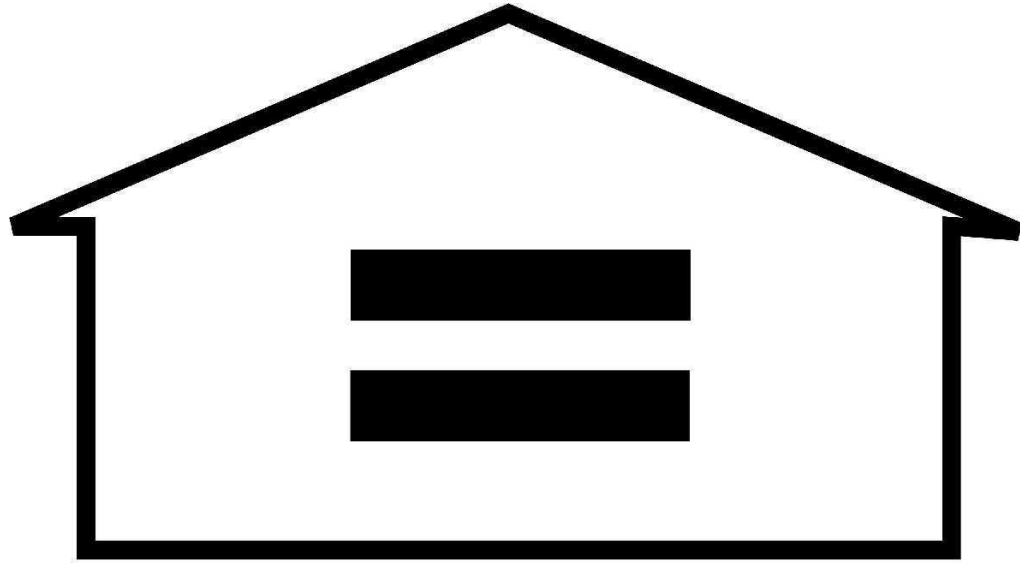
Rural Justice Project

FAIR HOUSING LAWS

Federal: The Fair Housing Act (Title VIII of the Civil Rights Act of 1968)



State: Iowa Civil Rights Act of 1965
(Iowa Code Chapter 216)



Equal Housing Opportunity

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PART I: OVERVIEW OF FAIR HOUSING LAW

WHAT IS DISCRIMINATION IN HOUSING?

When a person is treated differently in the sale or rental of housing because of membership in a protected class.



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WHO IS PROTECTED?

Race

Color

Creed

Sex

Religion

National origin

Disability

Familial Status

Sexual

Orientation

Gender identity

WHO MUST OBEY THE LAW?

- Housing providers
- Property Owners
- Management Companies
- Employees or Agents of Owner or Management Company
- Real Estate Agency, Brokers, Agents
- Architects, Builders, Designers
- Newspapers, Television



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WHAT IS A DWELLING?



- Houses
- Apartment buildings
- Retirement communities
- Homeless shelters
- College dormitories
- Group homes

WHAT IS A DISCRIMINATORY PRACTICE?

Refusal to rent or sell, or otherwise make unavailable

Example: On the phone landlord says apartment is available until you meet in person. Later you notice “for rent” ad is still posted.

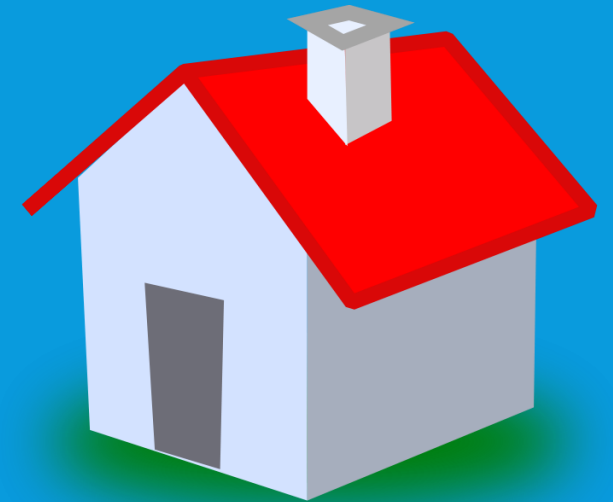


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WHAT IS A DISCRIMINATORY PRACTICE?

Different treatment in the terms and conditions of the sale or rental of property

Example: The property manager responds to repair requests from people of other races more quickly than when you ask for repairs.



WHAT IS A DISCRIMINATORY PRACTICE?



Discriminatory
advertisements
or statements

Example: Ad says "No children
allowed."

WHAT IS A DISCRIMINATORY PRACTICE?



Refusing to make reasonable accommodation or reasonable modification for persons with disabilities.

WHAT IS A DISCRIMINATORY PRACTICE?



Discriminatory terms or practices in residential real-estate related transactions

- determining creditworthiness
- determining type of loan/terms and conditions
- servicing of loan

WHAT IS A DISCRIMINATORY PRACTICE?

Redlining

Refusing to extend home loans/insurance or offering less favorable terms to someone based on the protected class of their neighborhood

Blockbusting

Persuading owners to sell property based on fear that people of another protected class will move into the neighborhood, and reselling at a higher price.

Steering

Guiding prospective buyers/renters towards or away from certain neighborhoods based on protected class.

WHAT IS A DISCRIMINATORY PRACTICE?

Harassment

- **Quid pro quo (“this for that”)**

Example: Your landlord says you don’t have to pay next month’s rent if you go out on a date with him tonight.

- **Hostile Environment**

Example: Maintenance man calls you derogatory terms and makes obscene gestures every time you pass him and management does not take action.



WHAT IS A DISCRIMINATORY PRACTICE?

RETALIATION

It is illegal for a person to retaliate against another person because he or she has engaged in one or more of these protected activities:

- Opposed discrimination
- Obeyed anti-discrimination law
- Participated in an anti-discrimination agency proceeding



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PART II: PROTECTION FOR PERSONS WITH DISABILITIES

DISABILITY

Discrimination based on disability is prohibited in these areas:

Reasonable Modification

Reasonable Accommodation

Design and Construction

WHO IS A PERSON WITH A DISABILITY?

A person

- With a physical or mental impairment that substantially limits one or more major life activities.
- Having a record of such impairment.
- Being regarded as having such an impairment.

WHAT IS A PHYSICAL OR MENTAL IMPAIRMENT?

- Visual
- Speech
- Hearing
- Orthopedic
- Epilepsy
- Multiple Sclerosis
- Heart Diseases
- Diabetes
- Cancer
- HIV
- Emotional Illness
- Drug Addiction/Alcoholism

WHAT ARE MAJOR LIFE ACTIVITIES?

Activities “such as caring for one’s self, performing manual tasks, walking, seeking, hearing, speaking, breathing, learning and working.”

DESIGN AND CONSTRUCTION

Accessibility guidelines apply to covered multifamily dwellings designed and constructed for first occupancy since January 1, 1992.

- All ground floor units in buildings comprised of four or more dwelling units.
- All units in buildings comprised of four or more dwelling units if an elevator is present.



WHAT ARE THE REQUIREMENTS FOR ACCESSIBILITY?

- Accessible building entrance on an accessible route
- Accessible and usable public and common areas
- Doors sufficiently wide
- Accessible routes into/through dwelling unit
- Accessible light switches, electrical outlets, and thermostats
- Reinforcements in bathroom walls to accommodate grab bars
- Kitchens and bathrooms with sufficient maneuverability space

REASONABLE MODIFICATION

Reasonable modification

- A structural change
- Made to existing premises
- Occupied or to be occupied by a person with a disability
- In order to afford such person full enjoyment of the premises.



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REASONABLE ACCOMMODATION

Reasonable accommodation

- A change, exception, or adjustment
- To a rule, policy, practice, or service
- That may be necessary for a person with a disability
- To have an equal opportunity to use and enjoy a dwelling

PARKING



When a resident with a disability complains to the property manager about the lack of suitable parking or requests additional suitable spaces, the resident is requesting a reasonable accommodation.



FAQs

Say it with me!



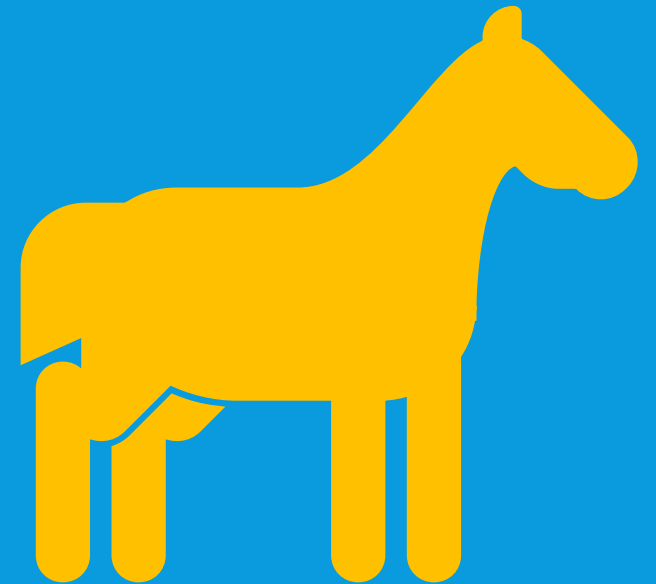
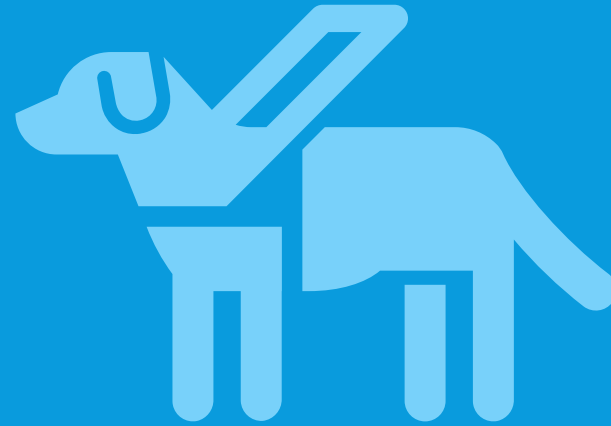
An animal that gives assistance is
an assistance animal, right?

Service Animals
(dogs & mini-horses)

Emotional Support Animals
(any animal)



A dog or miniature horse
individually trained
to do work or perform tasks
for people with disabilities



An animal your health care provider determines can help you cope with your disability by providing emotional support.



ASSISTANCE ANIMALS

Definition of Assistance Animals

Works, performs tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities.

Assistance animals are not pets.

ASSISTANCE ANIMALS

Examples

- Guiding individual who is blind.
- Alerting individual who is deaf.
- Providing companionship to person with depression.
 - Alerting person to impending seizures.
 - Providing emotional support to PTSD survivor.

ASSISTANCE ANIMALS

To establish the need of an assistance animal:

- Does the person have a disability?
 - Does the person have a disability-related need for the assistance animal?

ASSISTANCE ANIMALS



Statements from medical providers

- Doctors
- Physician assistants
- Psychiatrists
- Psychologists
- Social workers

SERVICE ANIMAL OR EMOTIONAL SUPPORT ANIMAL?



COMPARISON

	Service Animal	Emotional Support Animal	Therapy Animal	Pet
Species Restrictions	✓	✗	?	?
Required Training	✓	✗	✓	✗
Required Certification or Registry	✓	✗	?	✗
Fair Housing Rights	✓	✓	?	?
Additional Fee or Deposit Allowed	✗	✗	✓	✗



It Depends



REASONABLE RESTRICTIONS

Local Law Compliance

Rabies, License,
Species Restrictions

Safety

Vicious Animals
Poisonous (to Humans)
Animals

Unique Restrictions

No large fish tanks on upper
floors
No unaltered males & females
together

Some Pet Rules May Apply

Pick-up Pet Waste
Noise Nuisances

REASONABLE RESTRICTIONS?

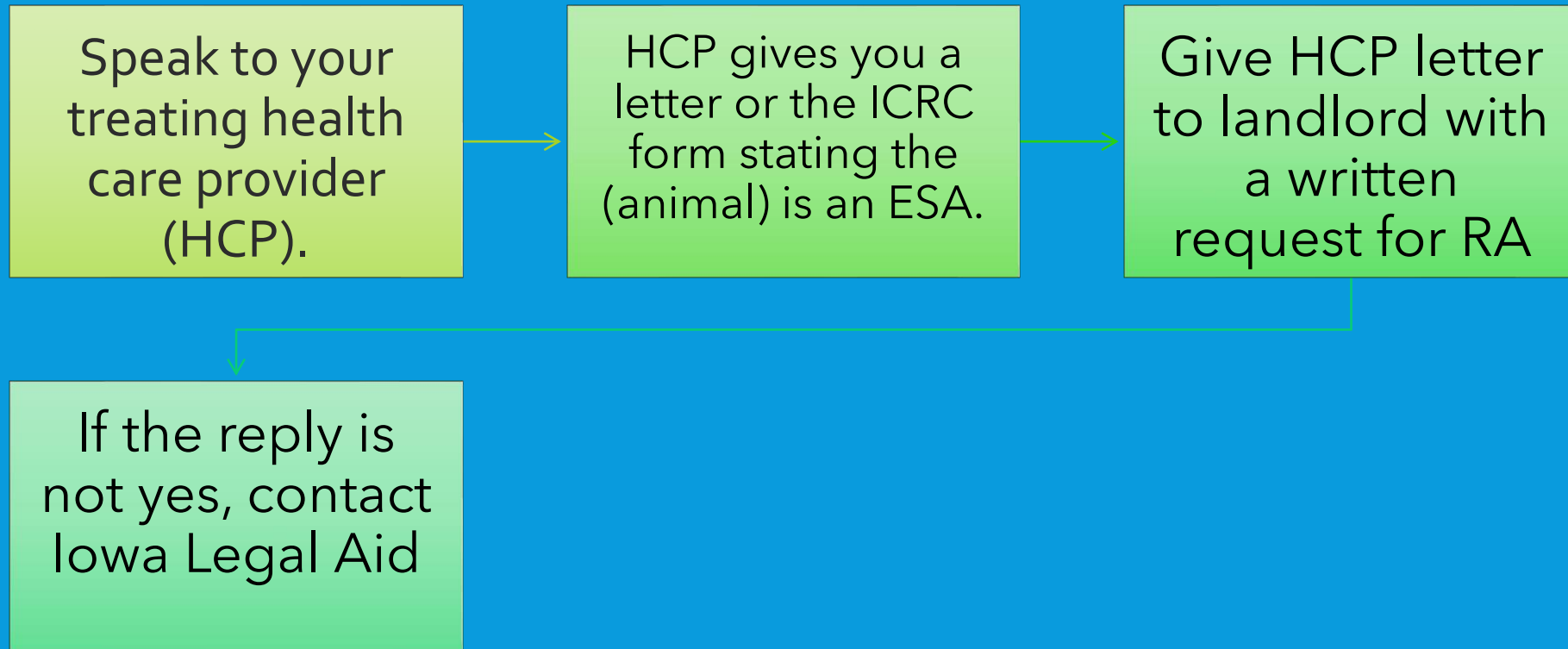
All cats must be declawed.

Emotional Support Animal must always be on a leash outside owner's unit.

All animals must be altered.

No pit-bulls or other vicious breeds.

REASONABLE ACCOMMODATION REQUEST



WHEN IS A REQUEST NOT REASONABLE?

Undue financial and administrative burden

- Cost of the requested accommodation
 - Financial resources of provider
 - Benefits of the accommodation
- Availability of alternative accommodations.

WHEN IS A REQUEST NOT REASONABLE?

Fundamentally alter
the essential nature
of the housing provider's services

Example: Asking the landlord to walk the tenant's assistance
animal

WHEN IS A REQUEST NOT REASONABLE?

Poses a direct threat to
health or safety of others

- Does specific assistance animal pose a direct threat?
- Would the specific assistance animal cause substantial damage to property of others?

ASSISTANCE ANIMALS

Other Considerations

- Individualized assessment
- Based on objective evidence about specific animal
 - No breed, size, or weight limitations.
 - No requirement for insignia

ASSISTANCE ANIMALS

What about tenant rules and regulations?

- Tenant has to follow rules of complex.
- Tenant is responsible for damage to property.

ASSISTANCE ANIMALS



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PET DEPOSITS
or PET FEES
are NOT allowed.

ASSISTANCE ANIMALS

Hypothetical 1

A housing provider has a "no pets" policy. A tenant who is deaf requests that the provider allow him to keep a dog in his unit as a reasonable accommodation. The tenant explains that the dog is an assistance animal that will alert him to several sounds, including knocks at the door, sounding of the smoke detector, the telephone ringing, and cars coming into the driveway.

ASSISTANCE ANIMALS

Hypothetical 2

A rental applicant who uses a wheelchair advises a housing provider that he wishes to keep an assistance dog in his unit even though the provider has a "no pets" policy. The applicant's disability is readily apparent but the need for an assistance animal is not obvious to the provider.

Q: Can the housing provider ask the applicant to provide information about the disability-related need for the dog?

COVID-19 AND FAIR HOUSING

The ICRA has additionally defined disability as “conditions resulting from other contagious or infectious diseases.”

The condition of having COVID-19, an infectious disease, is clearly included as a disability under the ICRA.

COVID-19 AND FAIR HOUSING

Can a new landlord or other housing provider require me to prove that I don't have COVID-19?

▪

It is illegal under both the FHA and ICRA for a housing provider to inquire into someone's actual or perceived disability, which would include a diagnosis of COVID-19.

COVID-19 AND FAIR HOUSING

Can a landlord make me move to a different unit, or otherwise treat me differently, if they think I have COVID 19?

In general, this would be a violation of the FHA or ICRA, as it involves discrimination based on an actual or perceived disability. However, this rule does not apply to nursing homes and certain other care facilities, which are governed by different law.



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QUESTIONS???

IOWA LEGAL AID'S RURAL JUSTICE PROJECT FOR OLDER IOWANS

- Free holistic legal and needs assessments
- Extended Representation
- Free disaster preparedness counseling
 - Disaster PrepWise
- Presentations to community members and/or agency partners
 - Legal Issues Faced by Older Iowans
 - Importance of Disaster Preparation and Tools
 - Common Legal Issues Faced by Disaster
- Partnering with American Red Cross, Area Agencies on Aging, Iowa Department on Aging, and Iowa Homeland Security and Emergency Management

RURAL JUSTICE PROJECT FOR OLDER IOWANS - ELIGIBILITY

- 60 and over.
- Rural zip code (as defined by ACL-provided RUCA codes).
- No income or asset limitations, though focused on individuals with greatest economic needs (generally 200 percent of Federal Poverty Level and below).

PRIORITY LEGAL ISSUES

- Medicaid, Medicare, health care directives, insurance and other health care issues.
- Social Security, SSI, VA benefits, food assistance, pensions and other income maintenance programs.
- Housing and foreclosure issues.
- Debt counseling, utility issues, home repairs and other consumer issues.
- Elder abuse.
- Advanced Directives/living wills.

RURAL JUSTICE PROJECT FOR OLDER IOWANS - DISCLAIMER

- The Rural Justice Project for Older Iowans is supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$195,393 with 75 percent funded by ACL/HHS and 25 percent funded by non-federal sources. The contents of the project are those of Iowa Legal Aid and do not necessarily represent the official views of, nor an endorsement by ACL/HHS or the U.S. Government.

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