

Fair Housing—It's the Law

*What you need to know about
fair housing law in Mississippi*



Fair Housing Act

The Fair Housing Act protects citizens from housing discrimination on the basis of race, color, national origin, religion, gender, familial status or disability. Federal laws prohibit discrimination and encourages individuals to learn more about their fair housing rights and to report any violation of their rights.



It is a violation of the Fair Housing Act to

- threaten, coerce, intimidate or interfere with anyone exercising a fair housing right.
- make, print or publish any statement in connection with the sale or rental of a dwelling that indicates a preference, limitation or discrimination.
- refuse to provide homeowners insurance coverage or discriminate in the terms and conditions.

Discrimination can occur

- in the rental or sale of housing.
- in the denial of home mortgage loan applications.
- in the denial of reasonable accommodation of rental properties for people with disabilities.
- in the denial of housing to families with children.

Rental and Sale of Housing

If you are in the process of renting or purchasing an apartment or house, certain actions cannot be taken against you because of your race, color, national origin, religion, gender, familial status or disability. A landlord or seller cannot

- refuse to rent or sell housing.
- refuse to negotiate for housing.
- refuse to provide rental repair and maintenance.
- set different terms, conditions or privileges for the rental or sale of housing.
- provide different housing services or facilities.
- falsely deny that housing is available for inspection, sale or rent.
- deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the rental or sale of housing.

Mortgage Lending

If you are in the process of purchasing housing, a potential lender cannot

- refuse to make a mortgage loan
- refuse to provide information regarding loans
- impose different terms or conditions on a loan
- discriminate in appraising property
- refuse to purchase a loan
- set different terms or conditions for purchasing a loan based on your race, color, national origin, religion, gender, familial status or disability.

Reasonable Accommodation for Disabilities

If you or someone residing with you has a physical or mental disability including hearing, mobility and visual impairments, cancer, chronic mental illness, AIDS, AIDS Related Complex or a developmental disability that substantially limits one or more major life activities, your landlord cannot

- refuse to let you make reasonable modifications to your housing or common use areas, at your expense, if necessary for you to fully use the housing. (The landlord can require you to restore the property to its original condition at your expense when you move.)
- refuse to make reasonable accommodations in rules, policies, practices or services if necessary for a person with a disability to use the housing on an equal basis with a person without a disability.
- make inquiries into your disability beyond documentation of a connection between your disability and the requested accommodation or modification.

It is important for you to know your fair housing rights and what is prohibited under fair housing laws.

Families with Children

If you are the parent, a person who has legal custody (including guardianship) or are the designee of a parent or legal custodian living in a household with one or more children under 18 years of age, you are covered by familial status protection. This protection also extends to pregnant women and any person in the process of securing legal custody of a minor child, including adoptive or foster parents. The Fair Housing Act specifically exempts some senior housing facilities from liability for familial status discrimination, allowing them to legally refuse to rent or sell housing to families, but the facility or community must qualify for this elderly housing exemption.

TRUE OR FALSE

The Facts About Fair Housing

The Fair Housing Act prohibits unmarried couples from buying a home together. FALSE

The Fair Housing Act prohibits discrimination in housing that is based on race, color, national origin, religion, sex, familial status or disability.

The Fair Housing Act applies only in those states that do not have state fair housing laws. FALSE

The Fair Housing Act is federal law that applies in all states.

If a buyer asks about the racial composition of a neighborhood, a real estate agent should answer the buyer's question. FALSE

It violates the Fair Housing Act to encourage, participate in or engage in any activity that would subject a person to discrimination based on race, color, national origin, religion, sex, familial status or disability. The agent should refer the homebuyer to public information services such as the library or local municipal offices to research the question for themselves.

In selling my home, I may include a preference for ethnic groups in my advertisement to sell my home? FALSE

It is illegal to advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or disability.

There are exceptions to the discriminatory advertising prohibition. TRUE

Under federal Fair Housing law, the prohibition on discriminatory advertisements applies to all situations except the following:

Shared Housing Exemption - If you are advertising a shared housing unit, in which tenants will be sharing a bathroom, kitchen or other common area, you may express a preference based upon gender only.

Private Club and Religious Exemptions - A religious community or private club whose membership is not restricted based upon race, color or national origin may restrict tenancy only to its members in a property that it owns and may advertise to that effect.

Housing for Older Persons Exemption - Certain types of housing for elderly people are exempt from prohibitions on familial status discrimination, including the prohibitions on discriminatory advertising as it relates to familial status.

Threatening, coercing, intimidating or interfering with anyone exercising a fair housing right or assisting another with exercising a fair housing right is illegal. TRUE

The Fair Housing Act prohibits any interference with anyone exercising a fair housing right. If force is used in interfering with exercising a fair housing right, criminal charges may be brought.

Under the federal Fair Housing Act it is illegal to discriminate because a person has been convicted of illegally distributing a controlled substance. FALSE

You may choose not to rent or sell your home to a person who has ever been convicted of illegally distributing a controlled substance without violating the Fair Housing Act.

I have to build my new house with accessibility features for people with disabilities. FALSE

Newly constructed single family dwellings and multi-family dwellings with no more than four dwelling units are not subject to accessible design and construction requirements under the Fair Housing Act.

Owner-occupied buildings with no more than four dwelling units are not subject to the Fair Housing Act. TRUE

An owner-occupied building with four units or less is not subject to the Fair Housing Act. However, the prohibition against discriminatory advertising still applies.

Mortgage lenders may have different income requirements for men and women? FALSE

A mortgage lender cannot require women to have higher incomes on the assumption that they will stop working during motherhood or on any other basis.

For a multi-family housing building with four or more dwelling units that is ready for first occupancy after March 13, 1991, and has an elevator:

Public and common areas must be accessible to people with disabilities. **TRUE**

Public and common areas must have Braille address markings. **FALSE**

Doors and hallways must be wide enough for wheelchairs. **TRUE**

All units must have accessible route into and through unit. **TRUE**

All units must have windows in the back of the unit. **FALSE**

All units must have accessible light switches, electrical outlets, thermostats and other environmental controls. **TRUE**

All units must have reinforced bathroom walls to allow later installation of grab bars. **TRUE**

All units must have high-speed internet access. **FALSE**

All units must have kitchens and bathrooms that can be used by people in wheelchairs. **TRUE**

If You Think Your Fair Housing Rights Have Been Violated

The Department of Housing and Urban Development (HUD) is ready to help with any problem of housing discrimination. If you think your rights have been violated, you may fill out a Housing Discrimination Complaint Form on HUD's Web site at www.HUD.gov, write HUD a letter or call HUD. You have one year from the date of an alleged violation to file a complaint with HUD, but you should file it as soon as possible.

What to Tell HUD

- 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

Where to Write

Send a Housing Discrimination Complaint Form or a letter to the HUD regional office in Atlanta.

Fair Housing Hub
U.S. Department of Housing and Urban Development
Five Point Plaza
40 Marietta Street, 16th Floor
Atlanta, GA 30303-2806

Where to Call

Call the HUD regional office in Atlanta at this toll-free number: 1.800.440.8091.
Fax: 404.331.1021
TTY: 404.730.2654
E-mail: Complaints_office_04@hud.gov

If You Are a Person with a Disability

The HUD office in Jackson also provides a TTY phone for the hearing impaired: 601.965.4171 (This is not a toll free call.) Or you may call the toll free national TTY hotline in Washington D.C. at 1.800.927.9275.

For Other Fair Housing Law Concerns

Jackson  Mississippi Development Authority
Community Services Division
P.O. Box 849
Jackson, MS 39205-0849
601.359.3449
mississippi.org/csd

Jackson  HEED
3405 Medgar Evers Boulevard
Jackson, MS 39283
601.981.1960
www2.netdoor.com/~heed/

Hattiesburg  Mississippi Center for Legal Services
111 East Front Street
Hattiesburg, MS 39403
601.545.2950
www.mslegalservices.org

For disability related concerns  Institute for Disability Studies
The University of Southern Mississippi
3825 Ridgewood Road, Suite 729
Jackson, MS 39211
601.432.6876 | 1.866.883.4474
TTY: 1.888.671.0051
www.usm.edu/ids

U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, D.C. 20410
202.708.1112 | TTY: 202.708.1455 | www.hud.gov

This information is available in alternate formats upon request.

Developed by The University of Southern Mississippi Institute for Disability Studies



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