



Fair Housing Handbook



**It's Not an Option...
It's the Law!**



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Introduction

Everyone living in the United States has the right to fair housing. The fair housing rights of the residents of Pinellas County are protected by the following local, state and federal laws:

- The Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended)
- Florida Statutes, Chapter 760
- Pinellas County Code, Chapter 70
- St. Petersburg City Code, Chapter 15
- Largo City Code, Chapter 8-23

You may also call HUD directly at (800) 669-9777.

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**EQUAL HOUSING
OPPORTUNITY**

Overview of Fair Housing

Discrimination in housing based on the following factors is prohibited:

- Race or color
- National origin
- Disability (Handicap)
- Religion
- Gender (increased protection in Pinellas County – Pinellas County Code Chapter 70)
- Familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people with custody of children under 18)
- Sexual orientation (increased protection in Pinellas County – Pinellas County Code Chapter 70)

What Housing is Covered?

The Fair Housing Act covers most housing. The Act may exempt owner-occupied buildings 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. The Act also exempts some housing for senior citizens.

The following are examples of real-life situations you may encounter when buying or renting a home, and will provide guidelines to the types of conduct that may denote a violation of The Fair Housing Act:

1. I am African-American. If I submit an application at a new complex opening in my community and the manager advises me that I do not qualify financially, but offers me availability at another complex in a less desirable neighborhood, is this a form of discrimination?

Yes, this is practiced in some areas to exclude tenants of certain racial and/or ethnic groups and is a violation of the law.

2. A. My mother, for whom I hold legal guardianship of the person and property, is being denied the right to purchase a residence in a 55 or older community because I am younger than 55. Is this a form of housing discrimination?

Yes, even if this facility is legally registered and designated as senior citizen housing, management must allow an under-55 caregiver to a disabled person and /or the legal guardian of a resident to live in the unit.

B. My mother will need to rent out our long-time family home to pay her bills and wants to rent it to people who would fit into the neighborhood. May I do this for her without violating the Fair Housing Act?

Yes, if this is a family residence and the person offering the lease is the owner and not considered an established business.

3. I am legally blind and have been assigned a service animal to assist me with day to day issues. I applied to an apartment complex in the area where I am accustomed to the surrounding and was turned down because their rules forbid pets of any type. Is this a form of discrimination against the disabled?

Yes, the landlord is required to make reasonable accommodations in the facility lease and policies to accommodate persons with medically documented disabilities, including allowing disabled persons to have animals at no cost.

4. I live in a very nice apartment complex occupied mostly by adults. The sign at the swimming pool advises “No children under 12 allowed without adult” and “No children under 2 allowed.” My granddaughter is 10 and stays with me during the summer. I would like her to be free to use the pool. Are these signs legal?

No. An attempt to enforce such rules would be a violation of the Fair Housing Act.



What is Prohibited by the Fair Housing Act?

In the Sale or Rental of Housing, no one subject to the Fair Housing Act may:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Publish discriminatory statements
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions, or privileges for the sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- Engage in blockbusting (Persuading others to sell or rent, or not to sell or rent, based on discriminatory reasons and for profit)
- Deny anyone access to or membership in a facility or service (such as 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 disability (handicap):

- 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
- Set different terms or conditions for purchasing a loan

In addition, it is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or disability (handicap). This prohibition against discriminatory advertising applies to single family and owner occupied housing otherwise exempt from the Fair Housing Act.

Additional Protection if You Have a Disability

If you or someone associated with you:

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

Your Landlord Must...

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

Example: A building with a no pet(s) policy must allow a visually impaired tenant to keep a guide dog, or an emotionally handicapped child to have a companion animal.

Example: An apartment complex that offers tenant's ample, unassigned parking must honor a request from a mobility impaired tenant for a reserved space near her apartment to assure that she can have access to her apartment.

Note: 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.

Accessibility Requirements for New Buildings

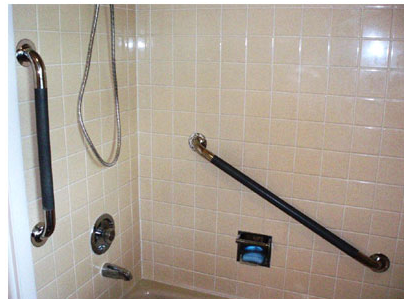
In buildings that are ready for first occupancy after March 13, 1991, and have an elevator or four or more units:

- Public and common areas must be accessible to persons with disabilities
- Doors and hallways must be wide enough for wheelchairs

All units must have:

- An accessible route into and through the unit
- Accessible light switches, electrical outlets, thermostats, and other environmental controls
- Reinforced bathroom walls to allow later installation of grab bars and
- Kitchen and bathrooms that can be used by people in wheelchair

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units.





The following standards apply to all covered multifamily dwellings built for first occupancy after March 13, 1991:

- An accessible building entrance on an accessible route;
- Public and common areas must be accessible to persons with disabilities;
- Doors and hallways must be wide enough for wheelchairs;
- An accessible route into and through the unit;
- Accessible light switches, electrical outlets, thermostats and other environmental controls;
- Reinforced bathroom walls to allow later installation of grab bars; and
- Kitchens and bathrooms that can be used by people in wheelchairs.

These requirements for new buildings do not replace any more stringent standards in State or local law.

Housing Opportunities for Families

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not 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.

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

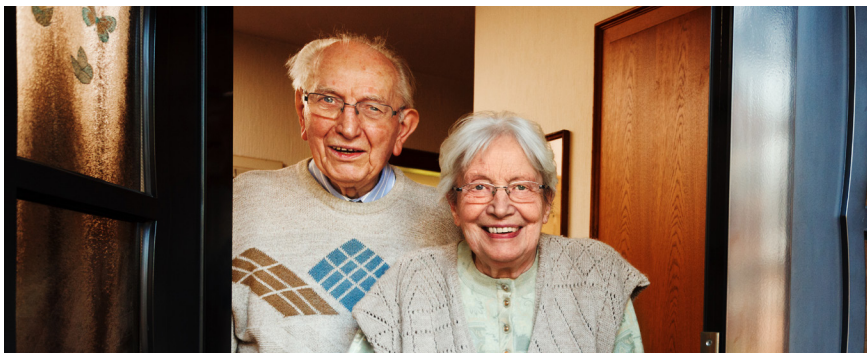
Example: A landlord may not refuse to rent a two bedroom home or apartment to a family with three children.

Example: A landlord may not refuse to rent an apartment near the swimming pool to a family with young children.

Exemption - Housing for Older Persons Is Exempt from the Prohibition Against Familial Status Information If:

The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State, or local government program; and 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 published policy statement that demonstrates an intent to house persons who are 55 or older, and complies with the rules issued by HUD for verification of occupancy.

A transition period permits residents on or before September 13, 1988 to continue living in the housing, regardless of their age, without interfering with the exemption.



If You Think Your Rights Have Been Violated:

Housing discrimination is not only illegal; it also contradicts the very principles of freedom and opportunity we treasure as Americans. Gulfcoast Legal Services, Inc., Pinellas County Office of Human Rights, and HUD are ready to help with a possible housing discrimination problem.

If you think your rights have been violated, contact Gulfcoast Legal Services. You have up to one year after an alleged violation to file a complaint, but you should do it as soon as possible.



Our office hours are 9:00 a.m. to 5:00 p.m. Monday through Friday. Our Fair Housing staff will speak with you in person or by telephone and will assist you in filing a complaint with the appropriate city, county and state agency, including the Florida Commission on Human Relations.

Pinellas Office

501 1st Ave N, Suite 420
St. Petersburg, FL 33701
727-821-0726

Manatee Office

1112 Manatee Ave E, 2nd Floor
Bradenton, FL 34208
941-746-6151

Wimauma Office

*next to Beth-El Ministries
18238 US-301S
Wimauma, FL 33598
727-821-0726

Lealman Office

5175 45th Street North, Room 216
Lealman, FL 33714
727-821-0726

Sarasota Office

4242 S Tamiami Trail
Venice, FL 34293
800-230-5920

What to Tell Us

- Your name and address
- The name and address of the person against whom you are complaining.
- 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 event
- Names and addresses of any witnesses to the alleged violation.

What Happens When You File a Complaint?

The agency will notify you when they receive your complaint. The agency will also:

- Notify the alleged violator (respondent) of the complaint and permit the respondent to submit an answer
- Investigate your complaint and determine whether there
- Is reasonable cause to believe the Fair Housing Act has been violated
- Notify you if the agency cannot complete an investigation within 100 days of receiving your complaint.



Conciliation

The agency will try to facilitate a conciliation between you and the respondent. A conciliation agreement must protect both you and the public interest. If an agreement is signed, no further action will be taken on your complaint. However, if there is reasonable cause to believe that a conciliation agreement is breached, the agency may recommend filing a lawsuit to enforce the agreement.

Complaint Referrals

If HUD has determined that your state or local agency has the same fair housing powers as HUD, HUD will refer your complaint to that agency for investigation and notify you of the referral. The local agency must begin work on your complaint within 90 days or HUD may take it back. Likewise, a local agency may refer your complaint to the agency with proper jurisdiction. For example, the Pinellas County Office of Human Rights processes all complaints north of Ulmerton Road, and the City of St. Petersburg's Community Affairs Department handles all complaints south of Ulmerton Road.

What If You Need Help Quickly?

If you need immediate help to stop a serious problem that is being caused by a violation of the Fair Housing Act, Gulfcoast Legal Services may be able to help you as soon as you file a complaint. We may seek a temporary or preliminary injunction or court order, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur without court intervention; and
- There is substantial evidence that a violation of the Fair Housing Act has occurred.

Example: A builder agrees to sell a house but, after learning the buyer is black, refuses to keep the agreement. If the buyer makes a complaint to Gulfcoast Legal Services, we may go to court to prevent a sale to another buyer until the complaint can be investigated.

What Happens After a Complaint is Investigated?

After investigating your complaint, if the investigative agency finds reasonable cause to believe that discrimination has occurred, we will inform you. Efforts to conciliate the issues will continue; however, if after conciliation fails, your case will be set for an administrative hearing within 120 days, unless you or the respondent wants the case to be heard in Federal District Court. Either way, there is no cost to you.

The Administrative Hearing: If your case goes to an administrative hearing the agency will provide an attorney to litigate the case on your behalf. You may intervene in the case and be represented by your own attorney if you wish. An Administrative Law Judge (ALJ) will consider evidence from you and the respondent. If the ALJ decides that discrimination occurred, the respondent can be ordered:

- To compensate you for actual damages, including humiliation, pain and suffering.
- To provide injunctive or other equitable relief, for example, to make the housing available to you.
- To pay the government a civil penalty to vindicate the public interest.
- To pay any reasonable attorney's fees and costs.

Federal District Court or State Court

If you or the respondent choose to have your case decided in Federal District Court or State Court, the agency will provide an attorney to litigate it on your behalf. Like the ALJ, the District Court can order relief, and award actual damages, attorney's fees and costs. In addition, the court can award punitive damages.

You May File Suit

You may file suit, at your expense, in Federal District Court or State Court within two years of an alleged violation. If you cannot afford an attorney, the court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

Other Tools to Combat Housing Discrimination

If there is noncompliance with the order of an Administrative Law Judge, Gulfcoast may seek temporary relief, enforcement of the order, or a restraining order in a United States Court of Appeals. A private attorney or Gulfcoast Legal Services may file a suit in a Federal District Court if there is reasonable cause to believe there is a pattern or practice of housing discrimination.

For Further Information

The purpose of this brochure is to summarize your right to fair housing. The Fair Housing Act and HUD regulations, as well as the local ordinances, contain more detail and technical information.



**If you need a copy of the local regulations, please contact
Gulfcoast Legal Services.**

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 **GULF COAST**
LEGAL SERVICES

Gulfcoast Legal Services, Inc. (GLS) is a regional non-profit organization dedicated to providing comprehensive, personal legal advocacy, counseling and education for vulnerable individuals and families.

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www.gulfcoastlegal.org/request-assistance