



# Basics Of Fair Housing

## Agenda:

- General Fair Housing Act Information
- Brief overview of ALSC's FHP Services
- Condemnation
- Tenant rights re habitability issues

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

# The Federal Fair Housing Act



# What is “Fair Housing”?

**Fair housing is the right of all people to be free from discrimination in the rental, sale, or financing of housing.**



**FAIR HOUSING MEANS EQUAL ACCESS**

# Federal Fair Housing Act: Protected classes

The Federal Fair Housing Act prohibits discrimination in public and private housing on the bases of:

- **RACE**
- **COLOR**
- **NATIONAL ORIGIN**
- **RELIGION**
- **SEX** (including sexual orientation & gender identity)
- **DISABILITY**
- **FAMILIAL STATUS** (Presence of children under 18, pregnant female, securing custody, and designee of custodian)

# Federal Fair Housing Act: Covered issues

**Virtually ALL housing-related transactions are covered, including:**

- Renting or buying a house, apartment, condo, or mobile home
- The terms or conditions of a rental or sale, such as rules and policies or contract terms
- Reasonable accommodations or modifications for a person with a disability
- Mortgage lending, appraisals, and insurance
- Advertising
- Design and construction (accessibility standards apply to certain multi-family dwellings built for first occupancy after March 13, 1991)

# Federal Fair Housing Act : Who must comply?

**Can include, but is not limited to, ANY PERSON AND/OR ENTITY involved in:**

- The rental or sale of a dwelling or the advertisement of a dwelling
- The design and construction of new dwellings
- Other real estate related transactions, such as mortgage lending, property/hazard insurance, zoning, and municipal services

# Federal Fair Housing Act : Who must comply?

- Property owners
- Property managers
- Property maintenance staff
- Real estate brokers or agents
- Homeowners associations
- Condominium associations
- Housing authority staff
- Housing developers & contractors
- Mortgage lenders & financial institutions
- Advertising media



# Federal Fair Housing Act: When is discrimination illegal?

Discrimination means being treated *differently* than others.

➤ Not all discrimination is illegal

➤ **Illegal discrimination** = Covered issue + Covered basis

➤ EXAMPLE: *Refusing to rent an apartment (covered issue) to someone because she is a woman (covered basis)*

# The Fair Housing Project at ALSC

ALSC's Fair Housing Project is funded by the Fair Housing Initiatives Program (FHIP) of the U.S. Department of Housing and Urban Development (HUD).



**We work to eliminate housing discrimination and to ensure equal housing opportunity for all people in Alaska through education, outreach, advocacy, and enforcement.**

# The Fair Housing Project at ALSC

## Our services include:

- **Answering fair housing questions**
- **Assistance with filing a formal complaint** with the U.S. Department of Housing and Urban Development (HUD) or other appropriate administrative or judicial bodies
- **Assistance with fair housing issues in court**, including eviction prevention or suits for injunctive relief and damages
- **Advice about how to assert your fair housing rights**
- **Providing informational materials**
- **Referrals to other organizations** that can help you with your housing needs
- **Educating the community** about fair housing laws

# Condemnation

- Municipal Ordinances 23.70.701-710.6
- Tenant's rights: Right to notice posted on property
- Tenant may have a right to appeal
- Not directly addressed by Alaska's Landlord Tenant Act
- But tenants can sue for diminution of rental value

# Habitability Issues

- What can a tenant do?
- AS 34.03.180. If landlord fails to provide essential services, tenant must give *written* notice and can repair and deduct among other remedies.
- Or tenant can file for injunctive relief and damages. AS 34.03.160(b).
- Tenant can also give notice demanding repairs and terminating tenancy in 20 days. AS 34.03.160(a).

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