Fair Housing
Cedar Rapids Civil Rights Commission
December 2019

Protected Classes
- Age (18 and older)
- Color
- Creed
- Familial Status
- Gender Identity
- Marital Status
- Mental Disability
- National Origin
- Physical Disability
- Race
- Religion
- Sex
- Sexual Orientation
- Association with a person in a protected class
- Intimidation/Retaliation
Defining Fair Housing

- All persons have the right to apply and be considered for housing for which they are qualified, in the location of their choosing
- Applies to all housing transactions: rentals, sales, leases, sub-leases, advertising, loans, appraisals, insurance, and zoning

Includes

- Homeless shelters
- Nursing homes / hospice
- Rehab group homes
- Time shares
- Co-Op apartment buildings
- HOAs
- Seasonal facilities
- Mobile homes / trailer parks
Does Not Include

- Hotels / Motels (Typically)
- Bed & Breakfasts
- Jails

Other Exemptions

- Single family homes if the owner does not own more than three such homes at any one time.
- Dwelling consisting of no more than four units for living if the owner occupies one unit.
- Elderly housing
  - All 62 years old or older
  - 80% 55 years old or older
Other Exemptions Cont.

• Religious organizations & Private clubs
  • If lodging is not for commercial use
  • Incidental or not the primary purpose
  • Organization itself is not discriminatory

Other Exemptions Cont.

• Convictions for manufacture or distribution of controlled substances
• Prohibits disability discrimination in zoning (specifically “group” homes)
• “Reasonable” occupancy standards are not familial discrimination
  • No definition in CR
The Ordinance

Based on someone’s protected class or association with a person of a protected class, it is unlawful to:

• Alter the terms or conditions of a sale or rental
• Make, print, or publish any notice, statement, or advertisement that indicates any preference or limitation of prospective buyers or renters
• Represent to someone that any dwelling is not available when it actually is

The Ordinance Cont.

Based on someone’s protected class or association with a person of a protected class, it is unlawful to:

• Steer individuals toward or away from specific properties or neighborhoods
• Refuse reasonable accommodations for persons with disabilities
• Fail to comply with accessibility requirements for newly constructed multifamily dwellings
Examples of Housing Discrimination

• Refusing to sell/rent to a family with children
• Requiring credit/background checks only on applicants of one specific race
• Requiring detailed medical documentation to prove a disability
• Attempting to induce a person to sell a dwelling because of prospective entry to the neighborhood or persons from a protected class

Complaints in housing are commonly based on race and disability, with national origin becoming a rising issue.

Disability

One of the following sets of criteria must be met to qualify as a person with a disability:

Any person who:

• has a physical or mental impairment that substantially limits one or more major life activities

  or

• has a record of such impairment

  or

• is regarded as having such an impairment
Reasonable Accommodations

Changes at the expense of the landlord in rules, policies, practices, and services that are necessary to permit a person with a disability to use and enjoy the unit.

How to handle an accommodation request:
1. The tenant, or someone acting on behalf of the tenant, must request the accommodation
2. The request must be reasonable
3. The request must not impose an undue financial & administrative burden on the housing provider

Examples of Reasonable Accommodations
• Allow changes in rules for paying rent
• Permit more “clutter” and/or allow more time to comply with notice to clean
• A landlord permits a tenant with a mobility impairment to move from a third-floor unit to a first-floor unit
• Allow a service or emotional support animal, even with a “No Pets” policy
Examples of Reasonable Accommodations

• A landlord provides an accessible parking space to a tenant with a physical disability
• If a tenant needs oral reminders to pay the rent, the landlord agrees to call or visit to remind the tenant before each month’s rent is due
• Tenants’ or owners’ association meeting, usually held in an inaccessible building, is moved to a building with a ramp

Pets vs. Assistance Animals

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<th>Pets</th>
<th>Service &amp; Support Animals</th>
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| Animals living with an owner for the purposes of love, affection, and/or company | • **Service Animals** – perform tasks for the benefit of an individual with a disability  
• **Support Animals** – provide a therapeutic benefit to a person with a disability |
Service and Support Animals

Are Not Pets!

These animals are not subject to:
• Pet policies
• Payment of pet deposit
• Pet rent/fees
• Prohibitions on animals based on type, number, size, breed, or weight (insurance)
• Requirement to have identifying documents or vest

A landlord may reasonably ask the tenant:
• Pick up animal waste
• For proof of vaccinations (as required by local ordinance/law)
• Have the animal under control (barking/leash)

Service and Support Animals

If the disability is not obvious, a housing provider can request documentation for the disability.

A housing provider may deny a request for service and/or support animal if the person fails to provide documentation indicating:
• The person has a disability and/or
• The person has a disability related need for the animal

The Iowa Civil Rights Commission has developed a form to assist in determining the answers to the above questions. (www.state.ia.us/government/crc). Persons may also use any format permitted by state or federal law.
Iowa State Code 216.8B(4)

A person who knowingly denies or interferes with the right of a person with a disability under this section is, upon conviction, guilty of a simple misdemeanor.

An unreasonable delay may constitute a denial (case law).

Reasonable Accommodations

“No” is generally not an option for an accommodation request.

The housing provider must engage in an interactive process.

If no is the answer, the housing provider should be prepared to defend the unreasonable financial hardship and undue burden.
Reasonable Modifications (Structural Changes)

Modifications of existing premises, at the expense of the person with a disability, to allow the person full enjoyment of the premises

- The housing provider may ask for assurances that the work will be done properly and according to code
- The housing provider may require the change be undone for the next tenant or require a separate deposit to cover the cost of the restoration

Examples of Reasonable Modifications

Newly constructed dwellings should already be compliant with accessibility standards.

- Entrance ramp(s)
- Grab bars in bathroom
- Widened doors
- Lever door handles
Advertising (No exemptions)

- Housing advertisements should state *no discriminatory preference or limitation* relating to any protected class
- Advertisements containing descriptions of accessibility features are lawful (i.e. wheelchair ramp, lever door handles)
- Advertisements should ensure any pictures included reflect the diversity of the community

Advertising

- Includes newspaper ads, bulletin boards, shoppers, newsletters, websites, brochures, word of mouth, etc.
- Both the publisher and the advertiser can be held liable for discriminatory housing advertising
- The key is to describe the attributes of the property, not of the prospects you think would like it
Sexual Harassment

• The U.S. Department of Housing & Urban Development (HUD) and the U.S. Department of Justice (DOJ) have emphasized the importance of enforcement regarding sexual harassment in housing

• Housing providers are liable for:
  • Themselves
  • Their employees
  • Vendors
  • Other tenants

Responsibilities of Housing Providers

Selection procedures and treatment of *ALL* applicants, buyers, and renters must be:

• Legal
• Non-Discriminatory
• Consistently applied
Responsibilities of Renter

- Must qualify for housing
- Must follow lease terms/conditions
- Must not disturb others
- Must not damage property
- Must pay rent when due
- Must control service/support animal

Questions?

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