

Fair Housing

Cedar Rapids

Civil Rights Commission

Responsibilities of the Cedar Rapids Civil Rights Commission

- Enforces Cedar Rapids Municipal Code 69

Note: Cedar Rapids Municipal Code is substantially equivalent to the Federal Fair Housing Act -Title VIII of the Civil Rights Act of 1968

- Investigates cases of alleged discrimination for people belonging to a protected class in regards to:

Credit

Education

Employment

Housing

Public Accommodations

(Protected classes are listed on slide 6)

- Provides educational outreach and training to housing providers and the general public

CEDAR RAPIDS CIVIL RIGHTS COMMISSION

Has jurisdiction to investigate charges of alleged discrimination

- City of Cedar Rapids and the City of Marion
- Within the past **year** for housing
- Within the past **300 days** for credit, education, employment, or public accommodation

Important Things to Know About The Cedar Rapids Civil Rights Commission

- We are a neutral, fact-finding agency
- Our services are free of charge
- Complainants and respondents *may* hire an attorney; however, it is not required

What Is Fair Housing?

Fair Housing Means:

- All persons have the right to apply and be considered for housing for which they are qualified, in the location of their choosing

Fair Housing Law:

- Applies to all housing transactions: rentals, sales, leases, sub-leases, advertising, loans, appraisals, insurance and zoning

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

Intimidation/Retaliation on a person who filed a complaint or who has opposed a discriminatory practice.



Family Status



- The presence of children under age 18
- pregnant women
- persons seeking or sharing custody of children

For Example:

It is illegal to keep families with children on one floor or in one building

To comply: Avoid steering

National Origin

- Based upon the country of an individual's birth
- Based upon where his or her ancestors originated

For Example:

It is illegal to ask *some* applicants for proof of their legal status in this country

To comply: If you ask some applicants for proof of their legal status in this country, you must ask *all* applicants for the same proof

Gender Identity

person's actual or perceived gender regardless of the person's assigned sex at birth

- Appearance
- Expression
- Behavior
- Dress
- Mannerisms
- Speech patterns
- Social interactions

It Is Unlawful To:

- Alter the terms or conditions of a sale or rental
- Advertise any preference or limitation of prospective buyers or renters
- Represent that any dwelling is not available when it actually is
- Steer individuals toward or away from specific properties or neighborhoods
- Refuse reasonable accommodations or modifications for persons with disabilities
- Fail to comply with accessibility requirements for newly constructed multifamily dwellings

Who Must Comply?

Owners of 4 or more housing units or a person acting on their behalf including, but not limited to:

- Real Estate Brokers
- Salespersons
- Agents
- Attorneys
- Auctioneers
- Architects
- Builders
- Developers
- Home Owner Associations
- Power of Attorney
- Any person acting under court order, deed of trust, or will

Who Is Exempt From Complying With The Fair Housing Law?

- Single-Family Home Owners
- Mrs. Murphy's Rule
- Religious Organizations
- Private Clubs
- Housing for Older Persons

Exempt From Fair Housing Law:

Single-Family House

- The owner owns or has interest in no more than three (3) single-family houses at any one time
- The house is sold or rented without the services of a real estate agent or broker
- Does not advertise in violation of the Fair Housing Act

Exempt From Fair Housing Law:

Mrs. Murphy's Exemption

- The living quarters are occupied by no more than four (4) families living independently

AND

- The owner maintains or occupies one of the living quarters

*If owner-occupied dwelling has five-units or more,
exemption does NOT apply.*

Religious Organizations

Religious organizations can give a preference to persons of the same religion if:

- The housing is operated other than for a commercial purpose
- The housing is made available only to persons of the same religion **and** if the religion does not discriminate based on race, color or national origin

Exempt From Fair Housing Law:

Private Club

A private club can give preference to its members if:

- It is in fact private and not open to the public
- It provides housing that is incidental to its primary purpose
- The housing is operated other than for a commercial purpose

Exempt From Fair Housing Law:

Housing For Older Persons

- Housing solely occupied (100%) by persons 62 years of age or older
- Housing for persons 55 years of age or older, if at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older

Disability

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

- Presence of a physical or mental impairment that substantially limits one or more major life activities (Major life activities can include caring for one's self, walking, seeing, hearing, speaking, breathing, learning, and working.)
- Has a record of such an impairment
- Who is regarded as having such an impairment

Reasonable Accommodations

Changes, Exceptions or Adjustments in
Rules, Policies, Practices and Services

Reasonable Accommodation Request:

- Request must be reasonable and not impose an undue financial or administrative burden on the housing provider

Examples of Reasonable Accommodations

- A landlord waives "guest fees" and parking fees for a disabled tenant's home health care aide
- Allow more time to comply with notice to clean
- Allow changes in rules for paying rent
- Allow a service or emotional assistance/companion animal even with a "No Pets" policy in place



Pets

Animals living with an owner for the purposes of love, affection, and/or companionship

Service & Emotional Support Animals

- ***Service Animals***
Perform tasks for the benefit of an individual with a disability
- ***Emotional Support Animals***
Provide a therapeutic benefit to a person with a disability

Service Animals and Companion/Emotional Assistance Animals ARE NOT PETS!

- No pets policy can be applied
- No payment of a pet deposit, rent, or fee can be required
- No restrictions on animals based on size, breed, or weight can be enforced

Reasonable Modifications

Structural changes to existing 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
- Widen Doors
- Lever Doorknobs



Examples of Reasonable Modifications

- Install a doorbell light signal for the hearing impaired
- Relocate switches and controls
- Remove cabinets under sinks
- Make adjustments to stoves and microwave ovens



How to Respond to a Modification or Accommodation Request

- Request must come from the tenant or someone acting on the behalf of the tenant
- **Asking “What is the disability?” is not acceptable**
- You *may* ask for a statement from a doctor or a non-medical service agency (social worker) to:
 1. verify the tenant has a disability
 2. Show the relationship between requested accommodation and the disability



- 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 (for example wheelchair ramp, lever doorknobs) and not that of the prospective tenants or buyers

Advertising



- Housing advertisements should state ***no discriminatory preference or limitation*** relating to any protected classes
- If living space is shared, it is acceptable to advertise for roommates of a particular gender
- Ensure that any pictures used in the ad reflects the diversity of the community

Examples of Unlawful Housing Discrimination

- Refusing to rent to a family with children
- Requiring individuals with disabilities to pay higher security deposits
- Requiring credit checks only on Latino applicants
- Building a large, new apartment building with no accessible units
- Suggesting a tenant can pay for back rent to put off eviction with sexual favors

Responsibilities of Potential Buyer or Renter

- Purchasers and renters must qualify for property
- Meet application requirements
- Pay rent when due
- Obey rules and policies
- Do not disturb other residents
- Do not abuse property

Responsibilities of Housing Providers

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

- *Legal*
- *Non-Discriminatory*
- *Consistently Applied*

Legal Remedies for complainants of alleged housing discrimination

- File a complaint with Cedar Rapids Civil Rights Commission (1 year)
- File a complaint with HUD (1 year)
- File a civil lawsuit (2 years)

Fair Housing Best Practices

- Have a written Fair Housing policy
- Publicize your commitment to Fair Housing in your office, in your advertising, and to sellers and buyers
- Require Fair Housing training for ***all*** of your employees
- Have a corrective action policy
- Review your compliance procedures on a regular basis to respond to changes in the law or new Fair Housing issues

Fair Housing Best Practices

- Treat all current/prospective buyers and renters equally
- Be mindful of advertisements
- Maintain records – Practice good bookkeeping
- Show all housing units that fit a client’s criteria and qualifications
- Report violations of fair housing laws
- Contact the Cedar Rapids Civil Rights Commission with questions
- Seek legal counsel ***from a lawyer who knows Fair Housing Law*** to review your policies and practices

QUESTIONS?
PLEASE CONTACT
THE CEDAR RAPIDS
CIVIL RIGHTS COMMISSION

Cedar Rapids Civil Rights Commission

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