

Fair Housing Act and Reasonable Accommodation Tip Sheet



Housing is a Human and Civil Right

Because housing is a human right, refugees and other newcomers to the United States [hereafter “newcomers”] deserve to live in a community of their choice free from discrimination. Safe, stable, and affordable housing is not a luxury, but a necessity. Unfortunately, some newcomers cannot secure safe, stable, affordable housing due to discriminatory practices. This tip sheet is offered to all U.S. rental market stakeholders to help everyone understand the Fair Housing Act of 1968 (FHA) and the protections and rights newcomers have under this law.

Fair Housing Act (FHA)

What is the FHA? The FHA codifies federal law prohibiting discriminatory housing practices based on a person’s race, color, national origin, religion, sex, disability, age, or familial status. The Housing and Urban Development (HUD) overview page can help those interested learn more about the FHA and additional resources available to understand the Act and laws fully.

Why is the FHA Important? The FHA ensures that a person in a protected class (as cited above) is not discriminated against in housing transactions, i.e., buying, renting, lease terms, and lease renewal. Newcomers can be discriminated against if they are not educated about the FHA and their rights under it and related laws.

Equal Credit Opportunity Act (ECOA)

What is the ECOA? This act makes it unlawful for any housing provider to discriminate against an individual in any aspect of a credit application based on race, color, religion, national origin, sex, marital status, age, or because income is from any public assistance program, including newcomer rent subsidies.

Why is the ECOA Important? This law ensures that a person receiving public assistance is not discriminated against during the housing application process. When newcomers know their rights under the ECOA, as with the FHA, they can assert themselves in the application process when presenting alternative income.

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Discrimination and Protected Classes

Despite the FHA, housing discrimination exists. These are some of the ways it happens:

RACE | When any housing provider refuses to rent to, or steers, a newcomer to a neighborhood or building with renters of the same racial background.

NATIONAL ORIGIN | When a housing provider refuses to rent to a newcomer based on ethnicity OR renting only to certain ethnicities.

GENDER | When a housing provider refuses to rent to a person on the basis of gender identity.

RACE | When any housing provider refuses to rent to, or steers, a newcomer to a neighborhood or building with renters of the same racial background.

SEXUAL ORIENTATION | When a housing provider refuses to rent to an applicant due to their sexual orientation.

SEXUAL MISCONDUCT | When a housing provider offers to lower the rent in exchange for sexual favors or threatens to evict them from the unit if sexual favors are not given.

RELIGION | When a housing provider refuses to rent to a newcomer or steers the person towards or away from a property based on stated or perceived religion, or on a question about proximity to a mosque, synagogue, or church. Housing providers also cannot prohibit or discourage religious decorations inside a rental house or apartment.

COLOR | When a housing provider refuses to rent to a non-white applicant. Or known to rent to a lighter-versus a darker-skin newcomer.

DISABILITY | When a landlord or housing provider refuses to allow a potential tenant to have a service animal or tries to charge a pet deposit for a service animal, or only shows ground-floor apartments to a person with a physical disability, or refuses to honor a [reasonable accommodation](#) request.

FAMILY STATUS | When a housing provider designates a specific building, floor, or unit as child-free, or tries to charge a higher rent or deposit because a newcomer has children.

DOMESTIC VIOLENCE EXPERIENCE | When a housing provider refuses to rent to, or tries to evict, a newcomer because they are or have been a victim of domestic violence.

Discrimination and Protected Classes

Landlords and housing providers can discriminate against newcomers as well. Here are some examples:

- By refusing to rent to a newcomer based solely on their immigration status
- In refusing to rent an available house or apartment of a newcomer's choice when they otherwise qualify
- By misleading a newcomer about the availability of a rental unit or property
- In putting terms or conditions in a lease that other tenants do not have; and
- By coercing or intimidating a newcomer from exercising their fair housing rights based solely on their immigration status.

Housing discrimination is illegal, and if newcomers face discrimination, they have the legal right to file a fair housing complaint.

When can a complaint be filed?

A complaint can be filed with HUD **within a year** after the discrimination has occurred. A complaint can be filed with a federal court **within two years** after the discrimination has occurred.

Preparing to File a Complaint:

ONE: Document meetings and phone calls with the landlord or housing provider.

TWO: Keep detailed records about everything said: questions, answers, outcomes.

THREE: Save copies of applications, signed leases, deposit and rent payment receipts, and other documents, if any, that suggest or proved discrimination.

FOUR: Collect written statements from witnesses, if any, with full names, signatures, dates and contact information.

FIVE: Find out if the landlord or housing provider is requesting different information, documents, and fees from different groups or tenants.

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How to File a Complaint

Newcomers can file a housing charge (complaint) of discrimination in several ways:

With a phone call to:

- HUD at (800) 669-9777
- A Federal Housing and Equal Opportunity (FHEO) specialist at 1-800-669-9777 or TTY: 1-800-877-8339
- A regional FHEO office at the phone numbers on [this list](#)
- Their local [Fair Housing Partner Agency](#)

Online:

- Filing a complaint with FHEO in [English](#) or [Spanish](#)

With an email to:

- ComplaintsOffice05@hud.org
- Their [regional FHEO](#) office, with [this form](#) completed and attached (the form is also available in [Arabic](#), [Cambodian](#), [Chinese](#), [Korean](#), [Russian](#), [Somali](#), [Spanish](#) and [Vietnamese](#)).

By U.S. Mail:

- Printing and completing [this form](#) (also available in [Arabic](#), [Cambodian](#), [Chinese](#), [Korean](#), [Russian](#), [Somali](#), [Spanish](#) and [Vietnamese](#)) and mailing it to their [regional FHEO](#) office.

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Reasonable Accommodation

What is reasonable accommodation?

Reasonable Accommodation is a protection of the Fair Housing Act that gives people with disabilities the right to request modification, within reason, in rules, policies, practices, services, and physical amenities, e.g., wide doors, safety bars in bathrooms, that allow them total use of a rental property.

Who can request reasonable accommodation?

Any person with a physical or mental impairment that substantially limits their major life activities.

Who pays for reasonable accommodation or modification?

Under the FHA, once an accommodation is deemed reasonable, a housing provider is responsible to pay the costs of the change unless it is an undue financial and administrative burden as determined by the specific circumstances and relevant decision-making authority.

Examples of reasonable accommodation:

- Assigning an accessible parking space for a tenant with mobility challenges
- Permitting a tenant to move to a ground floor unit due to mobility impairment
- Adjusting rent payments to align with income disability assistance payment dates
- Adding grab bars in bathrooms or allowing a tenant with impaired manual dexterity to replace locks or door handles with adaptations
- Allowing a newcomer to have a live-in-aide; or permit a service animal in a No Pets building for a tenant who needs it for physical and emotional support

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Requesting Reasonable Housing Accommodation

If a newcomer needs reasonable accommodation, it may be requested verbally or in writing. But a written request is best for documentation. Newcomers can refer to the [HUD reasonable accommodation template letter](#) for guidance. Housing providers will typically respond to the request within 10 business days, though timelines do vary.

Can a reasonable accommodation request be denied? Yes, requests can be denied under these circumstances:

- The request was not on behalf of the newcomer with the disability.
- There is no disability-related need for the accommodation or modification.
- The modification imposes an undue financial and administrative burden on the housing provider (as determined by the Fair Housing Act), or it will fundamentally alter the nature of the housing provider's program.

If a newcomer with a disability believes a reasonable accommodation request has been wrongfully denied, they can file a complaint by:

- Contacting a local Fair Housing partner agency for help disputing the denial
- Calling toll-free to 1-800-669-9777 or TTY 1-800-927-9275
- Completing an online complaint form at www.hud.gov
- Mailing a completed complaint form or letter:

Office of Fair Housing and Equal Opportunity, Department of Housing & Urban Development
451 Seventh Street, SW Room 5204
Washington, DC 20410