



Fair Housing

Generally, a landlord may rent or refuse to rent for any reason at all, as long as it is not a reason prohibited by law. However, there are exceptions to this general rule. The Fair Housing Law prohibits denials and refusals to rent if you are a member of what is called a “protected class.”

What are the protected classes covered by the Fair Housing Law?

No one may be denied housing due to:

- Race or color.
- Religion.
- National origin.
- Sex.
- Sexual harassment.
- Family status (having children under 18, or being a pregnant female).
- Age (55 or older).
- Disability or handicap. Being handicapped includes, but is not limited to, psychological disorders, emotional and mental illnesses, learning disabilities, and drug addiction and alcoholism.
- Sexual orientation.
- Gender identity.

What are some classes not covered by the Fair Housing Law?

Several groups are not protected under either the state or federal fair housing law. For example, students and smokers are not protected. Income status, poor credit, criminal background, unmarried couples, and those under age 55 are also not protected groups.

What is Source of Funds discrimination?

Prospective tenants and home buyers cannot be denied housing based on the source of their funds (e.g. housing agency, voucher). This protection applies against landlords with 5 or more properties. However, funds must be approved within 15 days of the request by the tenant/home buyer.

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Leslie Dodson, Esq., 217 East Third Street, Farmville, VA 23901, is responsible for the contents of this publication.

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What housing does the Fair Housing Law cover?

Virginia's Fair Housing Law not only applies to rentals, but also applies to home sales, home financing, homeowners & rental insurance, and advertising about rentals & homes for sale.

Housing providers may use occupancy standards, but should allow at least two people per bedroom. Housing providers should also not dictate in which bedrooms younger children of different genders sleep, as this is a parental matter. Nor should a housing provider dictate on what floor families with children should live on. Again this is a parental matter.

What are the rules about access for the handicapped?

If you are renting an apartment built after March 13, 1991, it must be wheelchair accessible. If the apartment is older or is a single family dwelling, you can ask that the building be modified, and the landlord may not deny this request. However, you must pay for the changes yourself.

In addition, if a landlord knows or suspects you have a disability and you violate your lease, the landlord may not automatically try to evict you. Instead, the landlord first must ask you if there is an accommodation that you can make that would alleviate or modify the behavior that caused the lease violation.

What should I do if I am in a protected class and am discriminated against?

If you have been subjected to illegal housing discrimination, you may file a complaint with the U.S. Department of Housing and Urban Development (HUD) and/or the Virginia Fair Housing Office. The Virginia Fair Housing Office is located within the Virginia Department of Professional and Occupational Regulation (<http://www.dpor.virginia.gov/FairHousing/>).

US Dept of Housing & Urban Development

215-656-0663, ext. 89 or 888-799-2085

Virginia Fair Housing Office
804-367-8530 or 888-551-3247

What are the deadlines for making a complaint about discrimination?

You can file a complaint with HUD if you think you have been discriminated against based on one of the protected classes. Your complaint must be filed with HUD within one year of the last act of discrimination. BUT, if the discrimination was based on your disability, you have only 180 days to file your complaint. If you are still within one year of the discrimination based on disability, it couldn't hurt to file your complaint anyway. These are commonly referred to as Section 504 complaints, named for a part of the federal law that covers such things.

If you wish to file a complaint to the Virginia Fair Housing Office about any form of discrimination, you have one year to file your complaint after the discrimination happened.

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Deadlines such as these are very important in the legal system. If you miss them, you may lose your rights and remedies. You should seek legal help as early as possible.

What happens after I file a complaint?

If you file a complaint with HUD and/or the Virginia Fair Housing Office, it will be investigated. An investigator will talk with you, the other side and any witnesses, and may review documents and records. If HUD finds there's reasonable cause to believe there was discrimination, there will be an administrative hearing.

If the Fair Housing Office believes there was no discrimination, it will close the case. If the Fair Housing Office believes there was discrimination, it will try to settle the case. If the Fair Housing Office believes there was discrimination but cannot settle the case, it will refer the case to the Virginia Attorney General for further action. Both you and the other side will be told of this in writing.

After the Fair Housing Office completes its administrative process, you have 180 days to bring a civil lawsuit against the landlord/housing project, or not later than two years from the date of the act of discrimination, whichever is later.

THIS INFORMATION IS NOT LEGAL ADVICE. Legal advice is dependent upon the specific circumstances of each situation. Therefore, the information contained in this pamphlet cannot replace the advice of competent legal counsel.

Free Legal information by Web and Phone: www.vlas.org and
1-866-LegalAid (534-5243)

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