

# The Basics of the Federal Fair Housing Act

## Treating All Renters Equally

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Everyone who applies for housing has the right to be treated the same. The Fair Housing Act was created with the goal of advising landlords, lenders, buyers and renters of the housing practices that could be considered discrimination. Learn seven basics of The Fair Housing Law.

### 1. What Is the Federal Fair Housing Act?

The Fair Housing Act is a law that was created to put an end to discriminatory practices in any activities related to housing. The Act was created with the belief that every person has the right to rent a home, [purchase a home](#) or get a mortgage on a home without being afraid of discrimination due to their membership in a certain class of people.

### 2. When Was the Fair Housing Law Created?

Attempts at fair housing in America have been around since the mid-1800s, but it was not until the Civil Rights movement of the 1960s that any real change took place. The Rumford Fair Housing Act of 1963 and the Civil Rights Act of 1964 were two of the first attempts to address discrimination. The real groundbreaking legislation, however, was the Fair Housing Act of 1968 which was established one week after the assassination of Martin Luther King Jr.

### 3. Protected Classes

The seven classes protected under the Federal Fair Housing Act are:

1. Color
2. Disability
3. [Familial Status](#) (having children under 18 in a household, including pregnant women)
4. National Origin

5. Race
6. Religion
7. Sex

#### 4. Three-Part Goal of Fair Housing

The Federal Fair Housing Act has a three part goal:

- *In Home Renting and Selling:*
  - To end discrimination against the protected classes in any of the following ways:
    - Refusing to rent housing, sell housing or negotiate for housing.
    - Making housing unavailable or lying about the availability of housing.
    - Denying housing.
    - Establishing different terms or conditions in home selling or renting.
    - Providing different housing accommodations or amenities.
    - [Blockbusting](#).
    - Denying participation in housing related services (such as a [Multiple Listing Service](#)).
- *In Mortgage Lending:*
  - To end discrimination against the protected classes in any of the following ways:
    - Refusing to make or purchase a mortgage loan.
    - Setting different terms or conditions on the loan, such as interest rates or fees.
    - Setting different requirements for purchasing a loan.
    - Refusing to make information about the loan available.
    - Discriminatory practices in property appraising.
- *It Is Also Illegal To:*
  - Make discriminatory statements or [advertise your property](#) indicating a preference for a person with a certain background or excluding a protected class. This applies to those who are otherwise exempt from the Fair Housing Act, such as owner-occupied four unit homes.
    - Threaten or interfere with anyone's fair housing rights.

#### 5. Does Everyone Have to Follow Fair Housing Law?

In certain cases, the following groups may be exempt from following Fair Housing:

- Single family homes that are rented or sold without using a broker.
- [Owner-occupied](#) homes with no more than four units.
- Members-only private clubs or organizations.

## 6. Who Enforces the Fair Housing Act?

[HUD](#) (the Department of Housing and Urban Development) is responsible for enforcing the Fair Housing Act.

They enforce the Act in two ways:

1. *Fair Housing Testers*- HUD hires people to pose as renters or home buyers to see if discriminatory practices are being used. As a landlord, you need to be careful what you say in person, on the phone and in rental ads.
2. *Investigate Discrimination Claims*- Individuals who feel their fair housing rights have been violated under the Fair Housing Act can file a discrimination claim with HUD. HUD will investigate the claim, determine if there is any merit to it and decide if further legal action is necessary.

## 7. Tips to Avoid Being Accused of Housing Discrimination

- Assume everyone works for HUD or is trying to accuse you of discrimination. Be extremely careful with what you say in person, on the phone and in your rental ads.
- You must adhere to the terms of the Fair Housing Act, but you can rule out tenants based on other criteria. You can legally deny a tenant based on poor credit, inability to pay rent or other information found when you [run a credit check](#) on them.
- Be consistent in [screening tenants](#). Have the same [qualifying standards](#) for every tenant. Go through the exact same practices for each [prospective tenant](#) who applies to rent your property. Require the same information, documents, referrals and fees.
- Treat everyone with respect and dignity.

Follow the Federal Laws, but Know Your State and Local Laws Too

Many states have additional protected classes, such as sexual orientation, age, and student status. Check your local and state fair housing laws to make sure you are following them in addition to the federal law.