

# FAIR HOUSING AND MULTI- FAMILY DWELLINGS

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## Fair Housing Laws

- Federal
- State
- City Ordinance

## History of the Fair Housing Act (Federal)

- ❖ Part of the Civil Rights Act of 1968
- ❖ Prohibited discrimination based on race, color, religion and national origin.
- ❖ Sex discrimination added in 1974.
- ❖ Fair Housing Amendments Act of 1988 - expanded to include:
  - disability and familial status
- ❖ 2 year statute of limitations

## The Fair Housing Amendments Act (Federal law)

Prohibits discrimination based on:

- race
- color
- religion
- national origin
- sex
- familial status
- handicap/disability --- mental or physical

## *Fair Housing Amendments Act of 1988*

These laws cover any type of residential dwelling, whether it is publicly owned or privately owned

## **Covered Dwellings**

Covered dwellings under the Fair Housing Act include:

- Rental properties
- For sale properties
- Group homes
- Nursing homes
- Assisted Living facilities
- Residential Hotels
- Dormitories

## Discriminatory Practices

- Discouraging the purchase or rental of a dwelling by exaggerating drawbacks
- Coercing, intimidating, threatening, or interfering with any person in his or her exercise or enjoyment of a dwelling or fair housing rights.
- Providing inaccurate or untrue information about the availability of dwellings for sale or rent.

## What is Familial Status?

Discrimination or less favorable treatment to families with children

Examples:

- Advertisements for “*no children*” or “*adults only*”
- Limit of one person per bedroom- effectively excludes large families

## Familial Status cont'd

It is against the law for a landlord to:

- Ask whether you have children;
- Say s/he prefers tenants who don't have children;
- Discourage from applying
  - "no place for children to play," or "this building is dangerous for children"
- Segregate tenants with children
- Create or enforce unfair rules against children
  - pool hours; rules against playing in common areas; unreasonable curfews

## Victims of Domestic Violence

- The Violence Against Women Act ("VAWA") and the Fair Housing Act provide housing protection for victims of domestic violence.
- Domestic violence is the actual or threatened physical violence directed against a tenant or member of the tenant's family by a spouse or acquaintance.
- The laws provides protection for the victim. If a tenant is threatened with eviction or is forced to honor a lease, it may be discriminatory conduct by the landlord.

## What is Disability?

- Physical or mental impairment that substantially limits one or more major life activities
- Examples: seeing, walking, climbing, standing, lifting, hearing, speaking, breathing, thinking, concentrating, interacting with others, self-care, and learning.
- Laws DO protect individuals with a history of illegal drug use who are **no longer using drugs**.

## Reasonable Accommodations

- A reasonable accommodation is a **change in the policy or practices** of a landlord or apartment complex management that is designed to allow a tenant the full enjoyment or access to his/her apartment and/or apartment complex.

### Examples:

Permission to keep a physical or psychiatric service animal – no pet fees or deposit

Allow a tenant with mobility disability an assigned parking space near her apartment when other tenants have unassigned spaces

- Unlawful discrimination for a housing provider to refuse to make reasonable accommodations

## Reasonable Accommodations

A person with a disability can request reasonable accommodations at any time during the housing application process or during a tenancy, up to and including eviction proceedings.

The housing provider doesn't have to consider reasonable accommodations if:

1. It would fundamentally alter the nature of the housing that is being offered
2. It would pose an undue financial or administrative burden to the housing provider, or
3. It would present an actual, verifiable direct threat to person or property.

### Accessibility - Units Covered by the Fair Housing Act

- The design and construction requirements apply to “covered multifamily dwellings” designed and constructed for first occupancy after **March 13, 1991**
- All dwelling units in buildings containing four or more units, with an elevator
- All ground floor units in buildings containing four or more units, without an elevator

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## Covered Unit

The Fair Housing Act does not require any renovations to existing buildings. Applies to new construction only -- after March 13, 1991.

## Fair Housing Act- Seven Design and Construction Requirements

1. Accessible building entrance on an accessible route
2. Accessible and usable public and common use areas
3. Usable doors
4. Accessible routes into and through the covered unit
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
6. Reinforced walls in bathrooms for later installation of grab bars
7. Usable kitchens and bathrooms

## Important Measurements

- ¼" Threshold
- 32" Door Clearance
- 36" Pathway
- 30"X48" Clear Floor Space, the #1, most important measurement?
- 48" Maximum Reach in height, switches etc
- 15" Minimum reach in height outlets
- less then 60" Small kitchen
- More then 60" Big Kitchen
- 40" Minimum Clearance counter/appliances in kitchens

## Reasonable Modifications

Structural modifications can be requested by residents and applicants for properties that are not covered by the Act's design and construction requirements.

For example, in an older building - accessible ramp, widening doorways, or customizing a kitchen or bathroom.

## Who Is Liable ?

### Potential Respondents or Defendants

- Developers
- Architects
- Builders
- Engineers
- Landscape architects
- Contractors
- Corporate owners
- Successor owners
- Homeowner associations
- Others

**DESIGN AND CONSTRUCTION:  
ACCESSIBLE BUILDING ENTRANCES  
ON AN ACCESSIBLE ROUTE**



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**DESIGN AND CONSTRUCTION:  
ACCESSIBLE BUILDING ENTRANCES ON  
AN ACCESSIBLE ROUTE**



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DESIGN AND CONSTRUCTION:  
ACCESSIBLE BUILDING ENTRANCES ON AN  
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DESIGN AND CONSTRUCTION:  
ACCESSIBLE BUILDING ENTRANCES ON AN  
ACCESSIBLE ROUTE



**DESIGN AND CONSTRUCTION:  
ACCESSIBLE PUBLIC AND COMMON USE  
AREAS**



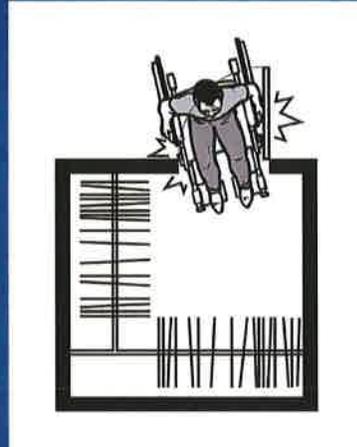
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**DESIGN AND CONSTRUCTION:  
ACCESSIBLE PUBLIC AND COMMON USE**



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**DESIGN AND CONSTRUCTION:  
USABLE DOORS**



**DESIGN AND CONSTRUCTION:  
ACCESSIBLE ROUTE  
INTO AND THROUGH UNIT**



**DESIGN AND CONSTRUCTION:  
USABLE KITCHENS AND BATHROOMS**



**Van accessible parking space**



## Parking

- 2% of the number of parking spaces that serve the dwelling units.
- Spaces must be on shortest accessible route to the accessible building entrance

## Slopes, curb cuts etc.



## Measuring a slope



## Accessible Common Use Amenities?

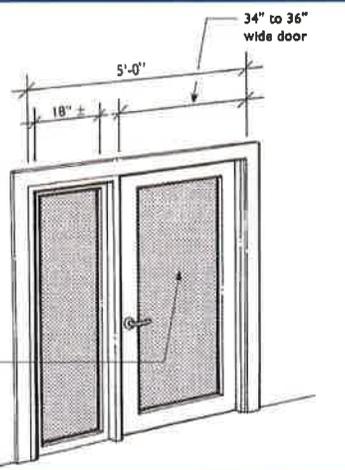


## Barrier?



## Doors

country construction may restrict the size of doors placed in exterior walls. A standard 6-foot wide door may not provide adequate light and view. A door must still be provided. A nominal clear width of 32 inches is required for a secondary exterior door. It is recommended to install a 36-inch wide door coupled with an adjacent window to provide equivalent light and view.



## Accessible Bathrooms



## VISITABILITY

- Growing trend nationwide that refers to single-family or owner-occupied housing designed in such a way that it can be lived in or visited by people who have trouble with steps or who use wheelchairs or walkers.
- Visitability differs from both full accessibility and universal design

## When is a house visitable?

- A house is visitable when it meets three basic requirements:
  - one zero-step entrance.
  - doors with 32 inches of clear passage space.
  - one bathroom on the main floor which you can get into in a wheelchair.

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