



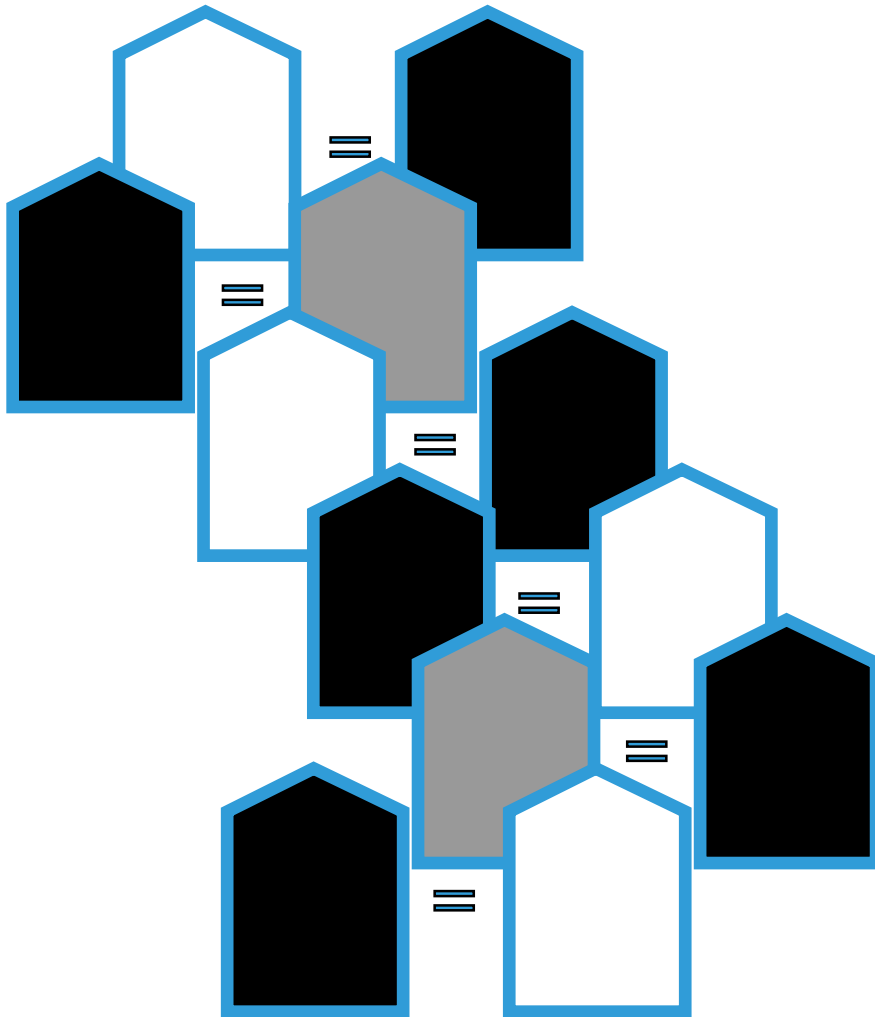
United States  
Department of  
Agriculture

# Fair Housing

It's Your Right

Rural Development

Civil Rights Staff  
Program Compliance



Fair Housing: It's Your Right

PA-1568

Revised October 1999

## The Fair Housing Act

The Fair Housing Act prohibits discrimination in housing based on:

- Race or color
- National origin
- Religion
- Sex
- Familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under age 18)
- Disability

## What Housing Is Covered

The Fair Housing Act covers all housing programs administered by USDA's Rural Housing Service (RHS), in addition to certain housing-related projects financed through the Community Facilities loan program provided by USDA's Rural Business-Cooperative Service (RBS).

## What Is Prohibited

In the Sale and Rental of Housing:

No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or disability:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Fail to perform or delay maintenance or repairs of sale or rental dwellings
- Set different terms, conditions or privileges for sale or rental of housing
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- For profit, persuade owners to sell or rent (block-busting) or

- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In Mortgage Lending:

No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or disability:

- Refuse to make a loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a home.

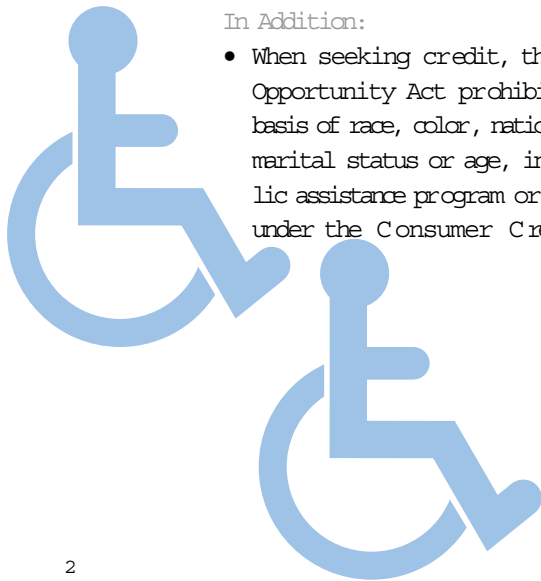
In Addition:

It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or disability. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

In Addition:

- When seeking credit, the Equal Credit Opportunity Act prohibits discrimination on the basis of race, color, national origin, religion, sex, marital status or age, income derived from a public assistance program or any right exercised under the Consumer Credit Protection Act.



## Additional Protection If You Have a Disability

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If you or someone associated with you:

- Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life actions
- Have a record of such a disability or
- Are regarded as having such a disability



Owners and/or managers may not:

- Refuse to let you make reasonable modifications to your dwelling, at your expense, if necessary for the person with a disability to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move).
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the person with a disability to use the housing.

In Addition:

- It shall be unlawful for any person to refuse to permit, at the expense of a person with a disability, reasonable modifications of existing premises, occupied or to be occupied by a person with a disability, if the proposed modifications may be necessary to afford the person full enjoyment of the premises of a dwelling.
- A Rural Housing Service (RHS) borrower receiving assistance for multi-family rental housing projects constructed prior to June 11, 1982, shall assure that its facilities comply with the program accessibility requirements if a qualified person with a disability applies for admission.
- If requested by an applicant or resident with disabilities, the provider will permit a dwelling unit to be accessible at the tenant's expense.

Example: A building with a "no pets" policy must allow a visually impaired tenant to keep a guide dog.

Example: An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near his/her apartment if necessary to assure that he/she can have access to his/her apartment.

Housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

#### Requirements for New Buildings:

In buildings that were ready for first occupancy after March 13, 1991, and have an elevator and four or more units:

- Public and common areas must be accessible to persons with disabilities.
- Doors and hallways must be wide enough for wheelchairs.
- All units must have:
  - An accessible route into and through the unit
  - Accessible light switches, electrical outlets, thermostats and other environmental controls
  - Reinforced bathroom walls to allow later installation of grab bars and
  - Kitchens and bathrooms that can be used by people in wheelchairs.
- New Construction: RHS borrowers receiving assistance for multifamily rental housing projects constructed after June 11, 1982, shall construct at least five (5) percent of the units in the project, or one unit, whichever is greater, to be accessible or adaptable for physically handicapped persons.

This requirement may be modified if a borrower shows through a market survey that a different percentage of accessible or adaptable units is appropriate for a particular project or service area.

If a building with four or more units has no elevator and was ready for first occupancy after March 13, 1991, these standards apply to ground floor units.

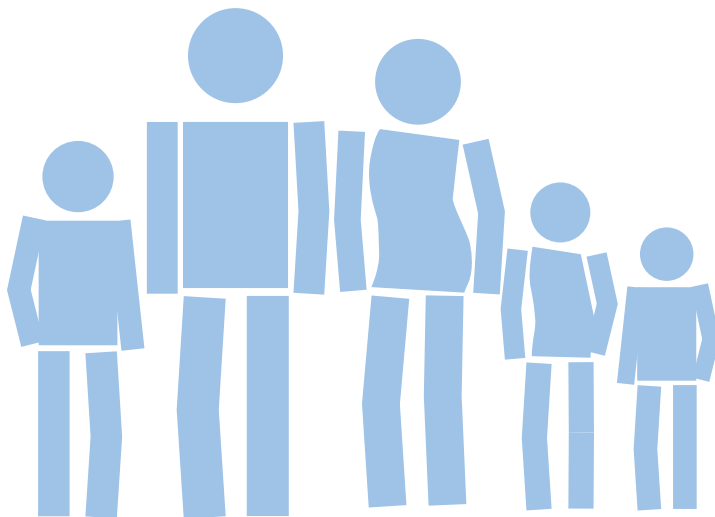
These requirements for new buildings do not replace any more stringent standards in State or local law or exclude conditions of 504 of the Rehabilitation Act of 1973.

### Housing Opportunities for Families

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under age 18 live with:

- A parent
- A person who has legal custody of the child or children or
- The designee of the parent or legal custodian, with the parent or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under age 18.



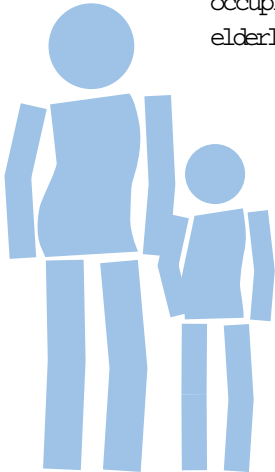
Exemption:

Housing for older persons is exempt from the prohibition against familial status discrimination if:

- The U.S. Department of Housing and Urban Development (HUD) Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State or local government program or
- It is occupied solely by persons who are 62 or older or
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units; has significant services and facilities for older persons; and adheres to a published policy statement that demonstrates an intent to house persons who are 55 or older. This requirement for significant services and facilities is waived if providing them is not practicable and the housing is necessary to provide important housing opportunities for older persons.

A transition period permits residents on or before September 13, 1988, to continue living in the housing, regardless of their age, without interfering with the exemption.

The RHS' elderly housing program has received an exemption from the Secretary of HUD under Option #1. This exception is valid for as long as the units are occupied by persons defined by the program as elderly.





## If You Think Your Rights Have Been Violated

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- Any person or any specific class of people who believe they have been subjected to discrimination prohibited by this subpart may file a written complaint with the Secretary of Agriculture or with the Administrator, Rural Housing Service (RHS), Stop 0780, Washington, DC 20250-0780, Attention: Civil Rights Staff (CRS). People who complain of discrimination orally to Agency employees will be advised of their rights to file a written complaint.
- The State Civil Rights Coordinator/Manager (SCRC/Ms) will be notified of any oral complaints received. The SCRC/Ms will assist individuals who are unable to make a written complaint to file a formal complaint.
- Discrimination complaints raised during the appeals process should be forwarded to the Administrator, RHS, Stop 0780, Washington, DC 20250-0780, Attention: Director, CRS. RHS will take the action necessary to complete the appeals process as part of the complainant's file.
- Correspondence received by RHS National Office program divisions containing allegations of discrimination, i.e., race, color, national origin, sex, or any other prohibited basis contained in this part, shall be forwarded to the Director, CRS, for handling through appropriate channels.
- If a discrimination complaint results from a servicing action, some servicing actions—such as the granting of payment assistance, deferrals, or moratoriums—may continue. RHS shall take no further action until after consultation with the Director, CRS, or the complaint has been resolved.

What to Tell:

- Your name and address
- The basis of your complaint (race, color, national origin, etc.)
- The name and address of the person your complaint is against (the respondent)
- The address or other identification of the housing involved
- A short description of the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) of the alleged violation

Where to Send Formal Complaint:

Fill out the HUD Housing Discrimination complaint form attached or write a letter and send it to one of the following:

- 1 Secretary of Agriculture
- 2 USDA Director  
Office of Operations  
Room 1575-S  
1400 Independence Ave.  
Washington, DC 20250
- 3 Administrator, RHS  
Attention: Director, CRS  
Stop 0703  
14th St. & Independence Avenue, SW  
Washington, DC 20250-0703; or
- 4 Office of Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban  
Development  
Washington, DC 20410; or
- 5 Any HUD Regional Office.

Whom to Call:

Please call the Director, CRS, in Washington, DC, at (202) 692-0097.

If You Are Hearing or Visually Impaired:

- The TDD phone number for the hearing impaired is (202) 720-8372 in Washington, DC.

- Also every State office has TDD phone lines; consult with your local phone service or the Federal Directory of TDD numbers.
- Interpreters are available for translation into sign language.
- Tapes and braille materials are provided.
- Assistance with reading and completing forms is given by RHS personnel.

#### Who May File Complaints

Any aggrieved person may file a complaint no later than 1 year after an alleged discriminatory housing practice has occurred. The complaint may be filed with the assistance of an authorized representative of the aggrieved person, including any organization acting on behalf of an aggrieved person.

All complaints must be filed in writing, signed and affirmed by the aggrieved person, and include the following statement: "I declare under penalty of perjury that the foregoing is true and correct." As stated earlier, the SCRS/MS will assist individuals who are unable to make a written complaint to file a formal complaint.

#### What Happens When You File a Complaint

All housing complaints received by RHS will be forwarded to the Department's Civil Rights Office and to HUD.

A respondent may file an answer to a complaint prior to its final resolution. The answer can be addressed to the Director, CR Office of Operations, USDA, Washington, DC 20250. The respondent may use any defense that would be available to him/her in a court of law.

#### Action by RHS

- RHS will forward the complaint to the Department for handling. An investigation and adjudication inquiry will be initiated into the complaint and all information gathered sent to the

Department for resolution within 100 days. RHS will notify HUD of the complaints received involving housing discrimination, and submit a copy of each complaint with the notice.

- RHS' Civil Rights Staff may initiate a compliance review concurrently with the investigation of a discrimination complaint under other appropriate civil rights authorities (Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or any other rules and regulations issued under this section). Any other Federal, State, or local agency may request that the information be made available to them. However, steps must be taken to ensure the confidentiality of any informant or complainant desiring to protect their identity.
- If, after the investigation has been completed and the Department's Civil Rights Office renders a finding of discrimination, relief will be to the extent allowable under statutes and regulations.

## What Happens After a Complaint Investigation?

### 1. Relief for an Aggrieved Person

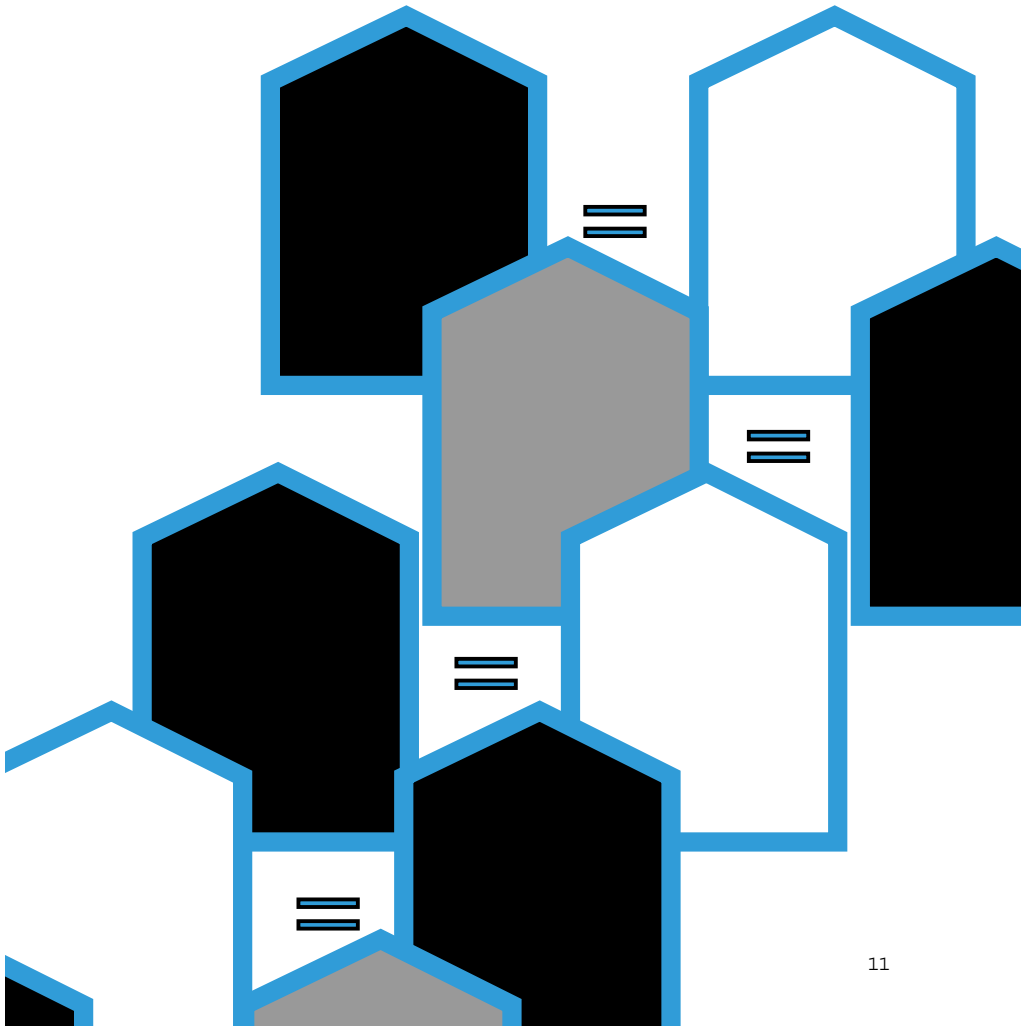
- An aggrieved person may receive monetary relief for actual and compensatory damages caused by the discrimination.
- Relief can be in the form of access to the dwelling at issue, or to a comparable dwelling, the provision of services in connection with a dwelling, or other specific relief.
- The aggrieved person may receive injunctive relief appropriate to the elimination of discriminatory housing practices affecting the aggrieved person or other persons.
- A conciliation agreement may provide for binding arbitration of the dispute. Arbitration may award appropriate relief as described in this section. The aggrieved person and the respondent may, in the conciliatory agreement, limit the types of relief that may be awarded under binding arbitration.

- However, USDA employees are not to enter into a conciliatory agreement presented by other agencies. USDA employees may be held personally liable for discrimination and cannot bind the USDA to an agreement enforced by another agency.

## 2 Provisions Sought in the Public Interest

The following types of provisions may be sought for vindication of the public interest:

- Elimination of discriminatory housing practices
- Prevention of future discriminatory housing practices
- Remedial affirmative activities to overcome discriminatory housing practices



- Reporting requirements
- Monitoring and enforcement activities

To vindicate the public interest, the Administrative Law Judge may assess the respondent a civil penalty not to exceed:

- (i) \$10,000, if the respondent has not been adjudged to have committed any prior discriminatory housing practice in any administrative hearing or civil action permitted under the Fair Housing Act or any State or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, State, or local governmental Agency.
- (ii) \$25,000, if the respondent has been adjudged to have committed one other discriminatory housing practice in any administrative hearing or civil action permitted under the Fair Housing Act or any State or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, State, or local governmental agency. In addition, the adjudication must have been made during the 5-year period preceding the date of filing charge.
- (iii) \$50,000, if the respondent has been adjudged to have committed two other discriminatory housing practices in any administrative hearing or civil action permitted under the Fair Housing Act or any State or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, State, or local governmental agency. In addition, the adjudication must have been made during the 7-year period preceding the date of filing charge.
- (iv) In a proceeding involving two or more respondents, the Administrative Law Judge may assess a civil penalty (as conditioned by this section) against each respondent who he/she determines to have been engaged in (or is about to engage in) a discriminatory housing practice.

## Civil Action

The aggrieved person and the respondent may choose to have charges heard in a civil action by a United States District Court. If the respondent is found to have engaged in discriminatory housing practices, the penalties have higher limits than those set by a HUD Administrative Law Judge.

If the Administrative Law Judge finds that a respondent has not engaged in discriminatory housing practices, the charge is dismissed.

### Federal District Court:

If you or the respondent choose to have your case decided in Federal District Court, the Attorney General will file a suit and litigate it on your behalf. Like the Administrative Law Judge, the Federal District Court can order relief, and award actual damages, attorney's fees and costs. In addition, the court can award punitive damages.

### You May File Suit:

You may file suit, at your expense, in Federal District Court or State Court within 2 years of an alleged violation. If you cannot afford an attorney, the court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

### Other Tools to Combat Housing Discrimination:

- If there is noncompliance with the order of an Administrative Law Judge, HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of Appeals.
- The Attorney General may file a suit in Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

USDA  
Rural Development  
State Offices

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ALABAMA

Sterling Center, Suite 601  
4121 Carmichael Rd.  
Montgomery, AL 36106-3683  
T: (334) 279-3400 F: (334) 279-3484

ALASKA

800 West Evergreen, Suite 201  
Palmer, AK 99645  
T: (907) 745-2176 F: (907) 745-5398

ARIZONA

3003 North Central Ave,  
Suite 900  
Phoenix, AZ 85012-2906  
T: (602) 280-8700 F: (602) 280-8770

ARKANSAS

700 W. Capitol  
P.O. Box 2778  
Little Rock, AR 72203  
T: (501) 301-3200 F: (501) 301-3278

CALIFORNIA

4306 G Street, Agcx 4169  
Woodland, CA 95616-4169  
T: (530) 792-5800 F: (530) 792-5837

COLORADO

655 Parfet St., Rm. E-100  
Lakewood, CO 80215  
T: (303) 236-2801 F: (303) 236-2854

DELAWARE - MARYLAND

4607 S. Dupont Hwy.  
P.O. Box 400  
Camden, DE 19934-9998  
T: (302) 697-4300 F: (302) 697-4390

FLORIDA

4440 NW 25th Place  
P.O. Box 147010  
Gainesville, FL 32614-7010  
T: (352) 338-3402 F: (352) 338-3405

GEORGIA

Stephens Federal Bldg.  
355 E. Hancock Ave.  
Athens, GA 30601-2768  
T: (706) 546-2162 F: (706) 546-2152

HAWAII

Federal Bldg., Rm. 311  
154 Waiianuenue Avenue  
Hilo, HI 96720  
T: (808) 933-3000 F: (808) 933-6901

IDAHO

9713 West Barnes Dr.  
Boise, ID 83709  
T: (208) 378-5600 F: (208) 378-5643



ILLINOIS

Illini Plaza, Suite 103  
1817 South Neil Street  
Champaign, IL 61820  
T: (217) 398-5235 F: (217) 398-5337

INDIANA

5975 Lakeside Blvd.  
Indianapolis, IN 46278  
T: (317) 290-3100 F: (317) 290-3095

IOWA

Federal Building, Rm. 873  
210 Walnut Street  
Des Moines, IA 50309  
T: (515) 284-4663 F: (515) 284-4859

KANSAS

1200 SW Executive Drive  
P.O. Box 4653  
Topeka, KS 66604  
T: (913) 271-2700 F: (913) 271-2708

KENTUCKY

Suite 200  
771 Corporate Drive  
Lexington, KY 40503  
T: (606) 224-7300 F: (606) 224-7340

LOUISIANA

3727 Government Street  
Alexandria, LA 71302  
T: (318) 473-7920 F: (318) 473-7829

MAINE

444 Stillwater Ave., Suite 2  
P.O. Box 405  
Bangor, ME 04402-0405  
T: (207) 990-9106 F: (207) 990-9165

MASS/RI/CONN

451 West Street  
Amherst, MA 01002  
T: (413) 253-4300 F: (413) 253-4347

MICHIGAN

3001 Coolidge Rd, Suite 200  
East Lansing, MI 48823  
T: (517) 337-6635 F: (517) 337-6913

MINNESOTA

410 AgriBank Bldg.  
375 Jackson Street  
St. Paul, MN 55101  
T: (651) 602-7800 F: (651) 602-7824

MISSISSIPPI

Federal Building, Suite 831  
100 W. Capitol Street  
Jackson, MS 39269  
T: (601) 965-4316 F: (601) 965-5384

MISSOURI

601 Business Loop 70 West  
Parkade Center, Suite 235  
Columbia, MO 65203  
T: (573) 876-0976 F: (573) 876-0977

MONTANA

Unit 1, Suite B  
900 Technology Blvd.  
Bozeman, MT 59715  
T: (406) 585-2580 F: (406) 585-2565

NEBRASKA

Federal Bldg., Rm. 308  
100 Centennial Mall N  
Lincoln, NE 68508  
T: (402) 437-5551 F: (402) 437-5408

NEVADA

1390 South Curry St.  
Carson City, NV 89703-5405  
T: (702) 887-1222 F: (702) 885-0841

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Tarnsfield Plaza, Suite 22  
790 Woodlane Road  
Mt. Holly, NJ 08060  
T: (609) 265-3600 F: (609) 265-3651

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Albuquerque, NM 87109  
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OKLAHOMA

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Stillwater, OK 74074-2654  
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OREGON

101 SW Main Street  
Suite 1410  
Portland, OR 97204-2333  
T: (503) 414-3305 F: (503) 414-3385

PENNSYLVANIA

1 Credit Union Place  
Suite 330  
Harrisburg, PA 17110-2996  
T: (717) 237-2184 F: (717) 237-2191

PUERTO RICO

New San Juan Office Bldg, Rm. 501  
159 Carlos E. Chardon Street  
Hato Rey, PR 00918-5481  
T: (809) 766-5095 F: (809) 766-5844

VERMONT/NH/VI

City Center, 3rd Floor  
89 Main Street  
Montpelier, VT 05602  
T: (802) 828-6002 F: (802) 828-6018

SOUTH CAROLINA

Strom Thurmond Federal Bldg.  
1835 Assembly Street, Rm. 1007  
Columbia, SC 29201  
T: (803) 765-5163 F: (803) 765-5633

VIRGINIA

Culpeper Building, Suite 238  
1606 Santa Rosa Road  
Richmond, VA 23229  
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Huron, SD 57350  
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Olympia, WA 98512-5715  
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T: (615) 783-1300 F: (615) 783-1301

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75 High Street  
P.O. Box 678  
Morgantown, WV 26505  
T: (304) 291-4791 F: (304) 291-4032

TEXAS

Federal Building, Suite 102  
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Temple, TX 76501  
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Stevens Point, WI 54481  
T: (715) 345-7600 F: (715) 345-7669

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125 South State Street  
Salt Lake City, UT 84138  
T: (801) 524-4063 F: (801) 524-4406

WYOMING

100 East B  
Federal Bldg., Room 1005  
P.O. Box 820  
Casper, WY 82602  
T: (307) 261-6300 F: (307) 261-6327

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## U.S. Department of Agriculture

Rural Business-Cooperative Service

Stop 3250

Washington, D.C. 20250-3250

Rural Business-Cooperative Service (RBS) provides research, management, and educational assistance to cooperatives to strengthen the economic position of farmers and other rural residents. It works directly with cooperative leaders and Federal and State agencies to improve organization, leadership, and operation of cooperatives and to give guidance to further development.

The cooperative segment of RBS (1) helps farmers and other rural residents develop cooperatives to obtain supplies and services at lower cost and to get better prices for products they sell; (2) advises rural residents on developing existing resources through cooperative action to enhance rural living; (3) helps cooperatives improve services and operating efficiency; (4) informs members, directors, employees, and the public on how cooperatives work and benefit their members and their communities; and (5) encourages international cooperative programs. RBS also publishes research and educational materials and issues Rural Cooperatives magazine.

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The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

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