



Fair Housing for Advocates

Continuum of Care

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Fair Housing Council of Oregon

- **Statewide Civil Rights organization**
- **Proactively promote housing justice equity and inclusion**
- **Education and enforcement of Fair Housing Law**





Fair Housing Laws

- Civil rights laws promoting “equal access” to housing
- Makes it illegal for housing providers to **discriminate** against certain groups
- Different than landlord-tenant law



Fair Housing Discrimination

Treating a person differently in any housing transaction because that person is a member of a **“protected class”**



Federal Protected Classes

- **Race**
- **Color**
- **National Origin**
- **Religion**
- **Sex**
 - Includes DV survivors
 - Sexual Orientation
 - Gender Identity
- **Familial Status (families with children)**
- **Disability**



Oregon Protected Classes

- **Marital Status**
- **Source of Income**
 - Section 8
 - Agency rent payments
 - TANF, SSI, SSDI*
- **Sexual Orientation and Gender Identity**
- **Local protected classes**



Who Must Comply?



- **Owners/Landlords**
- **Housing Authorities**
- **Property Managers**
- **Maintenance Staff**
- **Homeowners' Assns.**
- **Real Estate Agents**
- **Mortgage Lenders and Financial Institutions**
- **Insurers**
- **Neighbors**
- **Jurisdictions**
- **Advertising Media**



Fair Housing Laws Apply to Dwellings

- **Houses**
- **Apartments (regardless of the # of units)**
- **Condos and floating homes**
- **Mobile homes**
- **Retirement housing, assisted living, etc.**
- **Nonprofit housing and shelters**
- **Possibly motel rooms**

Limitations of Fair Housing



When is it legal for a landlord to treat one applicant or tenant differently than another?



It is legal for a landlord to treat some applicants differently...

Applicants with problem histories:

- **Rental references**
- **Criminal backgrounds**
- **Credit histories**
- **Insufficient incomes**

Should have consistent criteria and procedures and should review applications in chronological order.

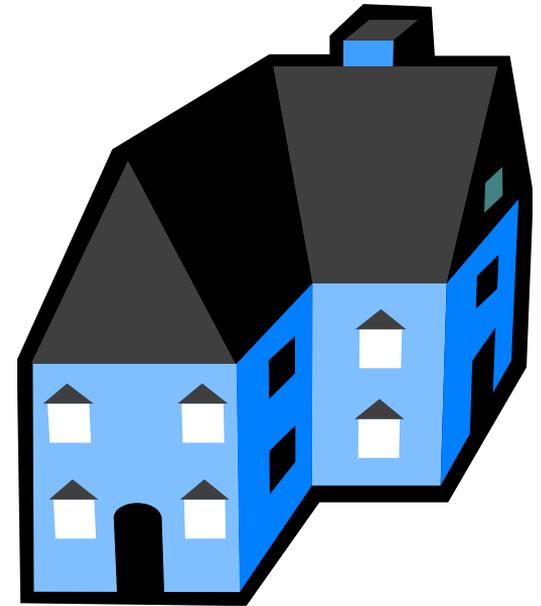
If landlords make exceptions to criteria, it is advisable have a clear policy outlining why. (ex. Completed tenant education)



It is Legal for a landlord to treat some tenants differently...

Residents who violate their rental agreement:

- **Don't pay their rent on time**
- **Disturb the neighbors**
- **Damage the property**
- **Involved in illegal activities**

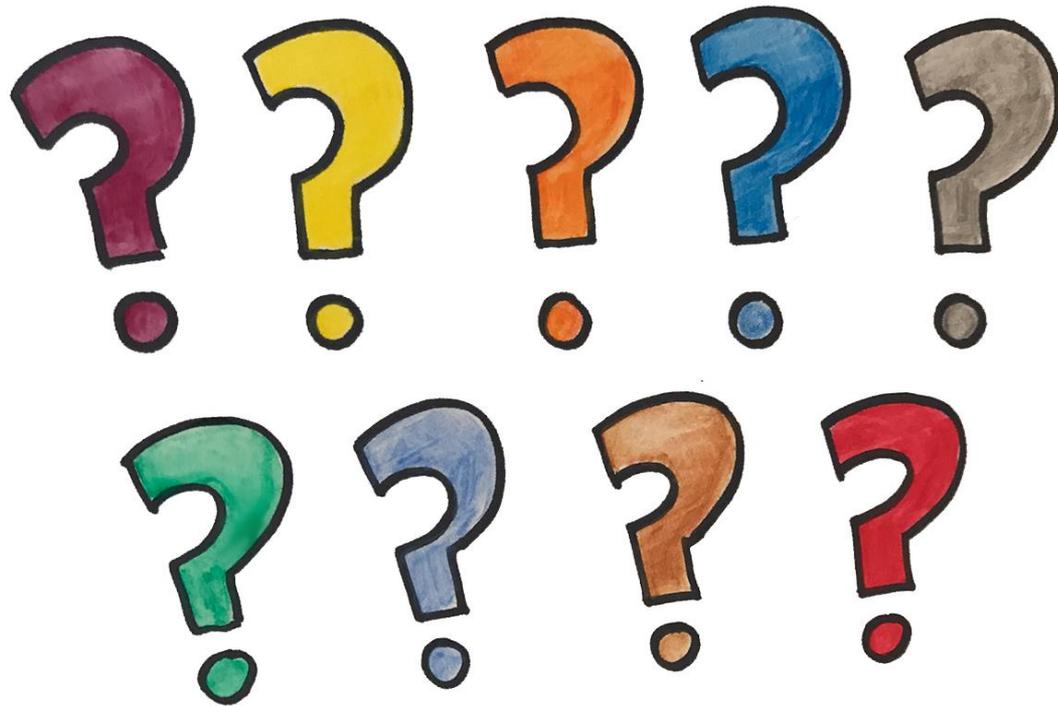


Landlords need to have consistent rules and procedures!



Possible Signs of Fair Housing Discrimination: **“Red Flags”**

- Refusing to rent, sell, or finance
- Giving out false or inconsistent information
- Linguistic profiling
- Discriminatory advertising
- Applying different policies, rules, and procedures
- Discriminating against residents with protected class guests
- Harassing, intimidating, threatening, or coercing (Sexual or neighbor on neighbor harassment)
- Retaliation, termination notices, evictions





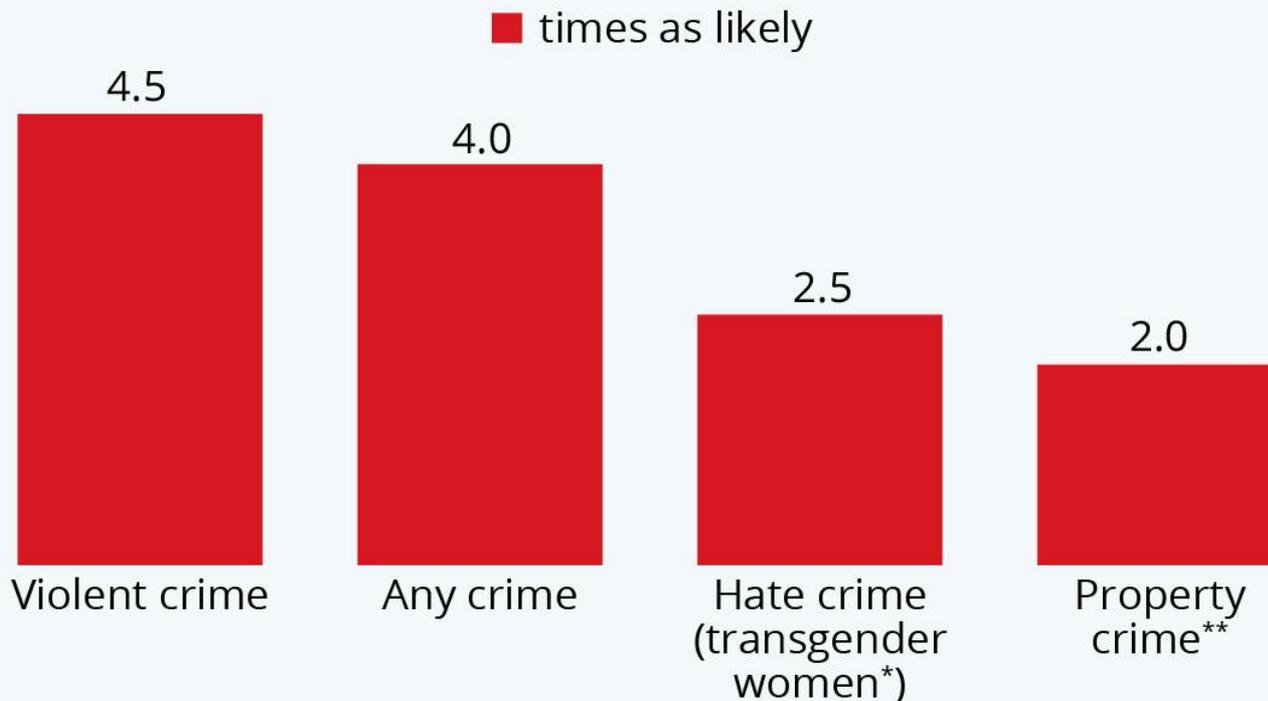
One in Ten Discriminatory Acts Reported

- People don't know their fair housing rights
- Fear of landlord retaliation
- Fear of being reported to ICE
- Other priorities/crises to attend to
- Keep an eye out for red flags



Transgender People More Often Targeted in Crimes

Increased likelihood of U.S. transgender people becoming victims of a crime compared to cisgender people



Based on a 2017-18 survey

* compared to cisgender women ** on a household level

Source: Williams Institute at UCLA School of Law





Brief History of LGBTQIA+ Housing Discrimination

- **2007: Oregon Equality Act** banned discrimination in employment, housing, and public accommodations based on sexual orientation or gender identity
- **2017: Fed. Court** rules lesbian couple in CO could not be denied housing
- **2020: Bostock v. Clayton City**
 - Supreme Court ruling that Title VII's prohibition against sex discrimination includes sexual orientation and gender identity



Biden Admin. Update

- **Feb. 11, 2021 *HUD Directive***
 - Interprets FHA to bar discrimination on the basis of sexual orientation and gender identity.
 - FHA sex discrimination provisions are comparable to Title VII of the Civil Rights Act, barring sex discrimination in the workplace.
 - Bostock v Clayton County

HUD Directive

- **HUD will accept and investigate all complaints of sex discrimination, including discrimination because of gender identity or sexual orientation.**
- **Will enforce FHA against instances of such discrimination.**



HUD Directive

- **State and local jurisdictions funded by HUD's Fair Housing Assistance Program (FHAP) that enforce the Fair Housing Act through their HUD-certified substantially equivalent laws will be required to administer those laws to prohibit discrimination because of gender identity and sexual orientation.**

HUD Directive

- **Organizations and agencies that receive grants through the Department's Fair Housing Initiative Program (FHIP) must carry out their funded activities to also prevent and combat discrimination because of sexual orientation and gender identity.**

Under the FHA and HUD's Equal Access Rule...

- 1. It is prohibited for any landlord or housing provider to discriminate against LGBTQ persons because of their actual or perceived sexual orientation or gender identity**
- 2. It is unlawful for a landlord or housing provider of a covered dwelling to deny housing because of actual or perceived HIV/AIDS status**
- 3. It is prohibited for a lender to deny a HUD-insured mortgage to any qualified applicant based on their actual or perceived sexual orientation, gender identity, or marital status.**
- 4. HUD-funded homeless providers must place clients in a shelter or facility that corresponds to the gender with which the person identifies, AND ensure policies do not isolate or segregate clients based upon gender identity.**

HUD Examples of Discrimination

- A housing provider refuses to rent a house to a same sex couple because of their “family composition,” which is comprised of two individuals of the same sex, rather than two individuals of the opposite sex.
- A tenant is evicted after the housing provider discovers the tenant has dated persons of the same sex and identifies as bisexual.
- A building manager refuses to authorize repairs to a tenant’s unit after observing the tenant’s teenage daughter holding hands with her girlfriend. The manager explained that he does not agree with the teenager’s “homosexual lifestyle” and that the tenant will need to make the repairs himself.
- The leasing manager at a 55+ community rejected a male tenant’s request to add his same-sex partner to his lease stating, in writing, that the community only accepts married couples in unions between “one man and one woman.”

Beware Microaggressions

- **Subtle discriminatory comments rooted in bias that can be hurtful to historically marginalized folks, no matter the speaker's intention**

Asking invasive personal questions

Using a deadname

"Who is the boy/girl?"

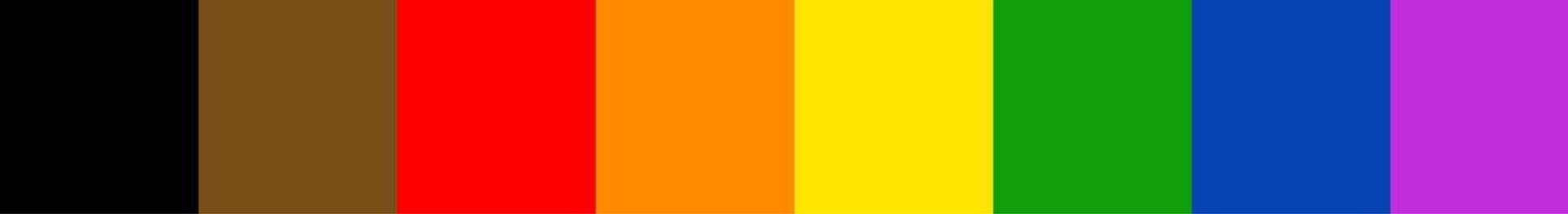
Misgendering or misusing pronouns

"But you don't look xyz..."

Beware of Neutral Sounding Policies with “Disparate Impact”

- **E.g. No applicants/residents can work at ‘IT Squad Data Center’**
 - **Where that business happens to have a predominantly LGBTQIA+ workforce.**





Best Practices

- **Use the language a person uses for themselves**
- **Avoid unnecessary and violative questions**
- **Treat all individuals with respect**
- **Take time to learn!**



How Fair Housing Laws are Enforced

- **Most commonly, FHCO is contacted first**
 - 2,000 contacts a year
 - Resolve 70% of fair housing issues through advocacy
 - Speak English, Spanish, use Language Bank
 - No income requirements
 - We can help file a complaint with HUD or the Oregon Civil Rights Division (BOLI)
- **Investigation**
 - Did discrimination occur?
 - Investigation tools
 - Is it a dwelling?
- **Enforcers can include BOLI, HUD, State Attorney General's office, US Dept. of Justice and/or an attorney (LASO, civil rights, etc.)**
- **Outcomes**





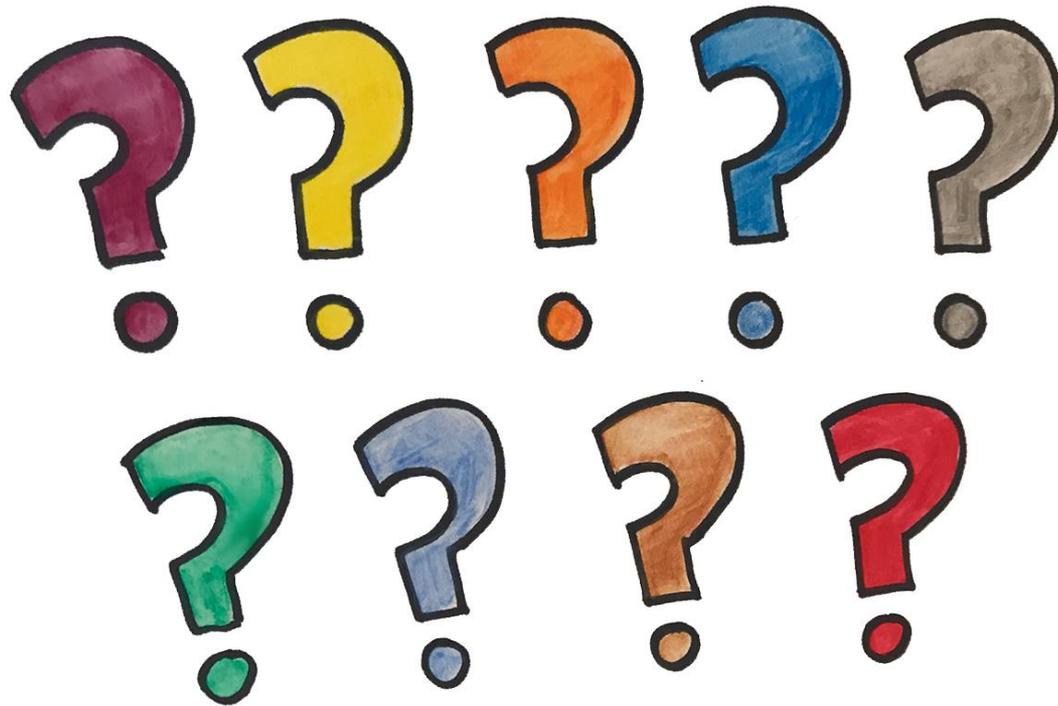
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Evaluation, please!





Would You Like to Help Uncover Housing Discrimination?

Learn how to become a
Fair Housing Tester

(503) 223-8197, ext. 104





Contact the Fair Housing Council of Oregon for More Information

Fair Housing Hotline

www.FHCO.org - Report Housing Discrimination Button

Inquiry@fhco.org

Housing Provider Hotline

www.FHCO.org

HousingProvider@fhco.org