



75 College Avenue, 4th Floor  
Rochester, NY 14607

## **Federal, State, and Local Fair Housing Laws prohibit Discrimination in housing because of a Person's:**

- Race or Color
- National Origin
- Religion
- Sex
- Familial Status
- Disability
- Age
- Marital Status
- Sexual Orientation
- Military Status
- Victims of Domestic or Dating Violence

## **Prohibited Practices When Renting or Selling**

- Refuse to rent or sell a house or apartment
- Deny that a house or apartment is available when it is
- Set different conditions or privileges for sale or rental
- Provide different services or facilities
- Advertise or make any statement that indicates Preferences based on race, color, national origin, Religion, sex, familial status, disability, age, Marital status, sexual orientation, or military status

## **Additional Protection If You Have A Disability...**

You have protection under the Fair Housing Amendments Act if you or someone in your family has a physical or mental disability including:

- Hearing
- Mobility
- Visual impairments
- Mental retardation
- Recovering alcoholic
- Chronic mental illness
- AIDS or AIDS related complex

A tenant has a right to make reasonable modifications to the apartment or common areas at their own expense.

The landlord must allow these modifications, but is not responsible for paying for them. It is the tenant's responsibility to return the apartment to its original condition when moving out. A landlord must also make reasonable exceptions to the building rules, such as allowing a utility dog when pets are otherwise not permitted.

## **How Does the Fair Housing Act Protect Families With Children?**

Fair Housing laws give families with children under age 18 specific protection from discrimination in housing.

"Families with children under 18" include:

- Children living with legal custodians or an adult designated to care for the children
- Pregnant women
- People in the process of securing custody of children, such as adoption

In addition to other protections provided by the federal Fair Housing Act it is illegal to:

- Refuse to rent or sell a home or apartment to a family because they have children
- Require an additional security deposit or fee for families with children that is not required of other residents of the apartment, condominium, mobile home park, etc.
- Segregate families with children to certain areas of a housing complex, mobile home park, etc.
- Limit the use of the housing complex's pools, elevators and other services to adults only, although reasonable safety rules are permissible

- Evict a family after a baby is born or adopted unless legal occupancy requirements are violated

## When Can Families With Children Be Excluded From Housing?

Fair Housing laws allow “housing for older persons” to exclude families with children.

“Housing for older persons” is strictly defined:

- All the people living in the housing complex, including both spouses, must be 62 and over or
- 80% of all the units in a complex must be occupied by at least one person age 55 or older; or
- The housing has been funded “for older persons” by the state or federal government

## How Do Fair Housing Laws Protect Against Discrimination Based Upon Your Sex?

The law says that sellers, landlords, homeowners’ associations, real estate agents, etc. may not decide where you will be able to live based on gender.

In addition to the general protection provided by the Fair Housing Act, it is illegal to:

- Rent, sell or negotiate for housing with women on a different basis than men
- Require, directly or by implication, sexual favors in exchange for housing or real estate related transactions
- Sexually harass home or apartment purchasers or tenants

## Specific to Mortgages

If you’re buying a home, when it comes time to arrange your Mortgage it is against the law for a lender to:

- Refuse to take your mortgage application
- Fail to provide information about loans
- Set different terms on the loan, such as higher Interest rate or extra fees
- Discriminate in appraising a property’s value



**Discrimination base on race, color, religion, national origin, sex, familial status, disability, age, marital status, sexual orientation, military status, or victim of domestic or dating violence is illegal.**

Tenants, Homeowners, and Landlords with Fair Housing Questions

– call (585) 546-3700

Or contact us at:

[thc@pathstone.org](mailto:thc@pathstone.org)