

# FAIR HOUSING

**YOUR RIGHTS  
AND  
RESPONSIBILITIES**

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**UTAH LABOR COMMISSION**

**Antidiscrimination  
&  
Labor Division**

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## Introduction

**One of many advantages of living in the United States is the right to freely choose where you want to live.**

Under Utah and Federal Fair Housing Acts, Utahns have the right to select housing without discrimination based on race, color, national origin, religion, sex, familial status (families with children under 18), or disability. Additionally, under the Utah Fair Housing Act, Utah's residents also have the right to select housing regardless of their **source of income** (for example, if you receive state, local or federal government assistance, including housing vouchers).

Your Fair Housing rights are being violated when the following occurs if it is based on your race, color, national origin, religion, sex, familial status, disability, or source of income:

- You are prevented from viewing or renting an apartment.
- You are prevented from viewing or purchasing a home.
- A landlord refuses to allow you, a person with a disability, to make reasonable accommodations to your dwelling.
- A real estate professional (landlord, mortgage company, real estate agent, property manager, etc.) sets different terms, conditions or privileges for sale or rental.
- You are prevented from applying for or securing a home loan, or the loan terms are different for you than for someone not of your race, color, national origin, religion, etc.

The Utah Fair Housing Act covers most housing and housing-related services (for example, rental units, and lending institutions) except for:

- A building with four or fewer units, occupied by the owner.
- A single-family house sold or rented without the use of a realtor; the owner does not own or have any interest in more than four (under State law), or more than three (under federal law), single-family homes at any one time.
- Housing operated by organizations and private clubs that limit occupancy to members, such as fraternities, sororities, or organizations that provide housing for their employees or members.

### **A NOTE ABOUT ADVERTISEMENTS:**

*Discriminatory advertisements or statements indicating a preference based on race, color, national origin, religion, sex, familial status, disability, or source of income are prohibited in all situations, including exempt housing. If you see or hear such statements, they may be a violation of fair housing laws.*

## UNDERSTANDING DISCRIMINATION VS. UNFAIR TREATMENT

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Generally, unless there are statements directly indicating a decision was made for a discriminatory reason, the Division will look at how other people were treated.

Remember, you have to be able to provide specific information and/or examples of how you think your treatment has been different than the treatment given to other residents or prospective tenants in a similar situation.

- Our office frequently receives complaints of property owners refusing to rent to families with several children, stating that because of government occupancy standards, the property owner can't rent a two-bedroom apartment to families with more than two children.

If this happens to you, call your local health department or other agency that enforces building codes to find out whether or not there is such an occupancy standard. If there is no occupancy standard, or the property owner has a specific limitation on the number of children, your fair housing rights may have been violated.

- Another frequent form of discrimination involves individuals who receive government-assisted housing (Section 8) being told that the property owner won't rent to people who receive housing assistance, or to welfare recipients, because it is too hard to collect the money, or they don't want to enter into the housing authority contracts.
- In other cases, the discrimination might be blatant, such as asking about your religious affiliation and refusing to rent to you based on that criterion.
- A more subtle example of discrimination involves being told on the telephone that an apartment is available, only to be told that the apartment is no longer available when the landlord discovers that you are an interracial couple.
- Other types of discrimination involve condo associations, such as refusing to rent to a younger couple or family with young children, because the condo association had decided to unlawfully designate their condo property as housing for older people. There are specific guidelines outlined by the Department of Housing and Urban Development, which must be followed in order to designate residences as housing for older people. See additional information under the section: "**Housing for older persons.**"

Whether blatant or subtle, discrimination is illegal. By reporting possible instances of discrimination to us, you will help our office identify and enforce the Fair Housing laws.

## **BUYING A HOME, REAL ESTATE AND LENDING TRANSACTIONS**

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If you are someone who is interested in selling or buying a home, you should be aware of other types of discrimination.

Under current Fair Housing laws, anyone involved in a real estate transaction such as lenders, licensed brokers, real estate professionals or home owners selling a single-family home and assisted by a real estate professional are prohibited from discriminating against anyone based on that individual's race, color, national origin (including limited English ability), religion, sex, familial status (families with children under 18), or disability.

The Fair Housing Act protects an individual's rights in regards to all real estate transactions, such as buying or selling a home. Below are some examples of situations, involving questionable conduct:

- Someone trying to buy a house in a specific neighborhood who is told by the real estate salesperson that "you may be more comfortable in a different neighborhood where there are more people like you."
- The real estate agent keeps showing you homes for sale only in a certain neighborhood, because they make assumptions about what you can afford or where you should live based on your race or ethnicity.
- A single family home owner refusing to sell to a prospective buyer because of that individual's race.

These are all examples of possible discrimination. If you have questions about your specific situation, you may call our office and speak with one of our intake officers for additional information.

## **PREDATORY LENDING**

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If lending institutions apply different criteria to prospective home buyers based on their race, color, sex, national origin (limited use of English), disability, religion, or familial status (families with children under 18), they could be practicing discrimination.

One of the more recent issues that the housing industry is facing is known as ***Predatory Lending***.

Most prospective home buyers take the time to educate themselves about home ownership, but fewer take the time to shop around and compare terms of the various home loans and programs available to them. This may be due to the fact that buying a home is a complex process; buyers are often uncomfortable with the lending process and complex terminology is difficult even for the most savvy buyers to understand. Some buyers may face additional challenges due to limited English, or disabilities.

Whatever the reason, an increasing number of individuals and families find themselves being victimized, forced to rely on verbal agreements (that change while signing the actual contract), or any number of questionable lending practices, only to enter into loan agreements that eventually render the homebuyer unable to pay their home mortgages.

As a result, the housing industry has seen a surge in the number of subprime home foreclosures, which are the inevitable result of the number of reckless and unaffordable loans being made. These types of loans, for the most part, target minorities, people with disabilities and the elderly.

“While the subprime lending market offers credit to high-risk borrowers at higher interest rates and fees, some lenders have capitalized on this extension of credit by steering vulnerable individuals, often on the basis of the borrower’s race, ethnicity, age or gender, to take loans whose terms they cannot possibly repay.”

J. McCarthy, “Foreclosure, Predatory Mortgage and Payday Lending in America’s Cities.”

- Some examples of predatory lending are cases where individuals have been targeted because of their membership in a protected class, and are given higher rates for a house loan because of their inability to understand the terms of the contract, perhaps due to a limited ability to understand English.

“The National Fair Housing Alliance estimates that nearly four million violations occur annually against African-Americans, Latinos, Native Americans, and Asian Pacific Islanders alone. Millions more violations are committed against people in all of the seven protected classes.

NFHA Board Chair, Jim McCarthy testifying before Congress on March, 21. 2007.

If you or someone you know has been a victim of predatory lending practices, contact our office immediately for more information.

## UNDERSTANDING DISCRIMINATION AGAINST FAMILIES, OCCUPANCY STANDARDS AND HOUSING FOR OLDER PERSONS

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The 1988 amendments to the Federal Fair Housing Act ("FHA") added families with children as a protected class. (Fair Housing laws refer to this as "familial status" or "parental status".) Families with children include households that have one or more children under the age of 18, pregnant women, and adults who intend to take custody of a child in the near future. Fair Housing laws make it illegal to refuse to rent or sell to a family because they have children. Similarly, it is illegal to subject families with children to different terms and conditions of tenancy, harsher rules, or restrictions on the use of common areas.

An exception under the FHA allows a housing community/facility to refuse to rent to families with children if their tenants are 55 and older, or 62 and older, and certain conditions are met.

When advertising an available unit, words or phrases such as "*adult community*" or "*perfect for mature professionals*" may reflect a preference for tenants with no children. Telling families that they might prefer to rent the complex down the street where there is a play area on-site or a location away from heavy traffic may also be discrimination. Never assume you know what a family is looking for in a rental.

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### **Are occupancy standards legal?**

The Fair Housing laws allow housing providers to establish reasonable limits on the number of occupants allowed in each unit. A housing provider does not need an occupancy standard, but if one is established, it must be reasonable. When a housing provider limits the number of occupants in a unit, it impacts families with children more severely than households without children. Under the Fair Housing laws, housing providers can set reasonable occupancy standards that are based on legitimate business needs. However, the adverse effect of occupancy standards on families with children requires that you justify the use of such standards. Every complaint filed by a family with children involving occupancy standards is reviewed on a case-by-case basis because each case presents a unique set of facts.

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## **Housing for Older Persons**

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The Housing for Older Persons Act (HOPA) was signed into law on December 28, 1995, amending the FHA. Under the FHA, as amended, a community that qualifies for the housing for older persons exemption can refuse to rent or sell to families with children, provided it meets certain requirements.

Three types of housing qualify under HOPA:

1. HUD Secretary designated elderly housing;
2. Housing for residents who are 62 or older, whether private or assisted; or
3. Housing intended and operated for occupancy by residents who are 55 years of age or older.

For 55 or older housing, the following criteria must be met:

- At least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;
- The owner or management of the housing facility/community must publish and adhere to policies and procedures that demonstrate an intent to operate as 55 or older housing; and
- The facility/community complies with rules issued by the HUD Secretary for verification of the age of the occupants through reliable surveys and affidavits.

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### **How can I show my intent to operate as a 55 or older property?**

It should be clear to anyone driving by, calling about, or living at the property that the property is a 55 or older property.

- Any signage or printed material should include HOPA language stating that it is a "55+ Community" or an "Age 55 or Older Housing Community" or similar language.
- When you advertise or describe your property to prospective residents, make sure they know that, under the Fair Housing Act, the property is intended for occupancy by at least one person age 55 or older per unit. Avoid using phrases such as "adult living" or "adult community" or telling prospective residents that it is an "adult only" property.
- Make sure lease provisions, rules, regulations and any written materials referring to the property indicate that it is a 55 or older property.

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### **How do I calculate the 80% occupancy requirement?**

When calculating the 80% occupancy requirement, housing providers do not need to include units occupied by employees of the property who are under 55 years old, unoccupied units, and units that

have been continuously occupied by the same household since September 13, 1988, and which do not contain at least one person over the age of 55.

Once 80% of the units are occupied by at least one person 55 or older, persons under the age of 55 may occupy the remaining 20% of units.

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### **How does the age verification process work?**

HOPA requires that a housing facility/community compile a list of occupants and verify the ages of the occupants. Therefore, a procedure for age verification should be developed and followed. A variety of documents are considered reliable as age verification documentation, including a birth certificate, a driver's license or a passport. HUD's rule implementing HOPA has a list of various documents and other methods for verifying age.

The community should re-survey its lists of residents every two years to ensure that the 80% requirement is met. A community's failure to survey, or re-survey residents, in accordance with its age verification procedures could jeopardize the community's status as 55 or older housing. The housing community/facility would be required to produce these occupancy/age verification surveys if a discrimination complaint was filed alleging, for example, that families with children were barred from renting.

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### **Can I have rules at my 55 or older property that say children under 18 are not allowed in certain common areas at certain times?**

Yes. If a 55 or older property qualifies under HOPA, restrictions on the use of amenities to children under 18 who are guests of the property residents are allowed. Generally, once a property is exempt from familial status protections under HOPA, it is exempt for all purposes and would be able to have such restrictions apply to its tenants.

***\*\* However, if the property is a project-based Section 8 elderly or elderly/disabled property, housing providers may not exclude otherwise eligible elderly families with children.***

# THE AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMODATIONS

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## Disability Laws That Apply To Housing

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**Fair Housing Act:** The Federal and Utah Fair Housing Acts prohibit housing providers from discriminating against people because of their disability or the disability of anyone associated with them, and from treating people less favorably than others because of their disabilities.

These laws also require housing providers "*to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person(s) equal opportunity to use and enjoy a dwelling.*" In addition, these laws require that housing providers allow tenants to make reasonable modifications to units and common spaces in a dwelling. Finally, these laws include accessibility design and construction requirements for covered multifamily housing.

**Section 504 of the Rehabilitation Act of 1973:** Section 504 prohibits discrimination based on disability in any housing, program or activity receiving federal financial assistance.

**Americans with Disabilities Act:** In most cases, the ADA does not apply to residential housing. However, **Title III** of the ADA covers public and common use areas at housing developments when these areas are open to the general public (such as a rental office) or when they are available for use by the general public (such as a community room that you rent to non-tenants).

**Title II** of the ADA prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing authorities, housing assistance and housing referrals.

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## Reasonable Accommodation

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People with disabilities may have special needs due to their disabilities, so in some cases, simply treating an individual with a disability the same as others may not ensure that they have an equal opportunity to use and enjoy a dwelling.

A "reasonable accommodation" is a change, adaptation or modification to a policy, program or service, which will allow a person with a disability to use and enjoy a dwelling, including public and common use spaces.

Examples of reasonable accommodations may include providing rental materials in alternate formats such as large print, providing a reserved accessible parking space near a tenant's apartment, or allowing a tenant to have a service animal in a "no pets" building. Remember that if a service animal is requested as a reasonable accommodation, charging additional deposits for such service animal is against Fair Housing laws.

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### **Who Is A Qualified Person With A Disability?**

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Under Fair Housing laws, the definition of disability includes people who have a physical or mental impairment that substantially limits one, or major life activities. It also includes those who do not currently have an impairment but have a record or history of one.

These laws also protect people if they have no disability, but others regard or perceive them as being disabled, and treat them negatively because of that perception.

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### **Who is not considered to have a disability?**

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The following people are not considered to have a disability under Fair Housing laws:

- Current illegal drug users
- Anyone with a conviction for the illegal manufacture or distribution of a controlled substance
- Anyone whose tenancy would constitute a direct threat to the health or safety of others
- Anyone whose tenancy would result in substantial physical damage to the property of others

To establish direct threat, a housing provider needs recent, objective evidence of behavior that puts others at risk of harm. Also note that, in some circumstances, even someone who may be considered a direct threat or who has caused substantial property damage may request a reasonable accommodation during the eviction process by presenting information that he or she has taken steps to prevent future harm. The housing provider has a duty to consider the reasonable accommodation before taking action.

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### **Welcoming People with Disabilities**

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#### **Can I market my accessible units to people with disabilities?**

Under the Fair Housing laws, you may affirmatively market your available accessible units to people with disabilities. Advertising that a unit is accessible is not only legal under the Fair Housing laws, it is

encouraged. The fair housing agencies receive frequent calls from apartment managers asking how they can fill their accessible units. Contact your local fair housing agency for a list of resources to assist you in marketing your available accessible units.

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### **What questions can prospective tenants be asked about disabilities?**

Generally, housing providers should only ask a person with a disability questions that are asked of all applicants or tenants. It's okay to ask questions such as:

- Can you pay the rent?
- Do you have references regarding your tenant history?
- Will you comply with the rules?
- Do you have a criminal history?
- Are you currently using illegal drugs?
- Have you been convicted of the illegal manufacture or distribution of a controlled substance?

If your housing is designed or designated for people with disabilities, you can ask every applicant if he or she qualifies for the housing.

Also, if a potential tenant is requesting a reasonable accommodation, a landlord can request verification of the person's need for the requested accommodation.

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### **What questions should I avoid?**

You should not ask the following questions:

- Do you have a disability?
- What is your disability?
- Do you take medication?
- How severe is your disability?
- Why are you getting SSI?
- Can I see your medical records?
- Have you ever been hospitalized for mental illness?
- Have you ever been in drug or alcohol rehab?
- Are you capable of living independently?

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### **What other ways can people with disabilities feel welcome?**

Some disabilities are obvious and some are not, so let all applicants and tenants know that you will

provide reasonable accommodations upon request. You may want to include notices in your pre-printed application materials and in your tenant rules that state your willingness to provide reasonable accommodations.

Develop a reasonable accommodations/modifications policy to distribute to your tenants. Train your staff on how to respond to reasonable accommodation requests in a timely and professional manner.



**NOTE: An excellent source of information for frequently asked questions and sample policies is the website for the U.S. Department of Housing and Urban Development (HUD) at:**

[www.hud.gov/offices/fheo/library/huddojstatement.pdf](http://www.hud.gov/offices/fheo/library/huddojstatement.pdf)

Finally, make sure that your complex meets the accessibility standards under the state and federal Fair Housing laws. For older buildings, make sure that your complex has an accessible leasing office and an accessible route from public transportation to your leasing office.

## RESPONSIBILITIES AND RIGHTS FOR PROPERTY OWNERS AND LENDERS

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A property owner or lending institution may:

- ✓ Make legitimate inquiries as to whether or not a potential renter will be a responsible tenant.
- ✓ Ask for references, verify income, and check credit ratings.
- ✓ Verify the prospective renter's income and ability to pay.
- ✓ Treat all applicants equally. Examine policies and application forms to ensure fairness and non-discriminatory practices.
- ✓ Allow persons with physical disabilities to make alterations to the rental property at renter's expense.
- ✓ Advertise in a non-discriminatory manner. Avoid making statements that indicate any limitations or preferences.

**A property owner or lending institution may not:**

- ✘ Discriminate against a potential renter on the basis of that person’s race, color, sex, national origin, disability, religion, or familial status (families with children under 18).
- ✘ Refuse to rent to a person because they are receiving government financial assistance, including housing vouchers.
- ✘ Set different terms, conditions, or privileges for the sale or rental of a dwelling based on the applicant’s race, color, sex, national origin, disability, religion, or familial status (families with children under 18);
  - For example, requiring different amounts for a deposit or for the monthly rent from persons of a different national origin or because they have children.
- ✘ Falsely deny that housing is available for inspection, sale, or rental based on any of the above discriminatory factors.
- ✘ Discriminate when appraising a property.
- ✘ Retaliate against anyone who is exercising their right to fair housing, or who is assisting someone else in exercising those rights.

## **BEST PRACTICES AND RECOMMENDATIONS**

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There are many simple rules that show your support for Fair Housing. By implementing some simple guidelines, you may avoid misunderstandings and communicate your support of Fair Housing rules, and ensure a fair and successful business practice.

**Recommended Best Practices:**

1. Review your vacancy advertisements and all media and information brochures to ensure that the language used is appropriate and does not give the impression of not welcoming people with disabilities or others protected under Fair Housing. For example:
  - Avoid using phrases such as “exclusive” when it comes to describing a desirable community. To individuals with disabilities or members of other protected classes, this may be equivalent of “people not like us”.
  - Avoid using religious landmarks such as: “Near St. John church.”

- Avoid phrases that imply you don't welcome families with children. For example: "Adult Community," and/or "Perfect for Bachelor."
- 2. If you use pictures of human models in your brochures, ensure that they represent diverse communities and groups.
- 3. Establish a daily internal system, in which your staff is frequently updated regarding vacancy information and terms of leasing and special offers, in order to provide consistent and updated information to ALL your prospective tenants.
- 4. Ensure your screening criterion is always applied consistently to every one.
- 5. Provide frequent training and updates for your staff. (See Education & Outreach section for resources.)
- 6. Avoid making assumptions about a person's ability (or disability) or economic status, unless this is based on factual information.
- 7. Develop and update your policies and procedures. Make sure to include a consistent system which includes updated forms, and a process for reviewing and processing reasonable requests for an accommodation.
- 8. Display fair housing posters and equal opportunity in all appropriate and visible areas of your office, and as an integral part of all of your literature.

## **FILING A CHARGE and ADMINISTRATIVE PROCESS**

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**If you believe you have been discriminated against, you may want to document the occurrence(s) in the following ways:**

- Write down statements made during meetings, and phone calls with the landlord, property manager, real estate agent, loan officer, or insurance agent.
- Include the above person's name, title (if you know it), where the encounter took place (on the phone, at their office, at their property, etc.), and the date and time of each occurrence.
- The address of the property.
- Save all receipts, applications, business cards, or other documents received during your meetings.

**To file your complaint of housing discrimination, complete the following five steps:**

1. Call or visit our office directly to speak with one of our Intake Officers. You do not need an appointment and you do not need to appear in person. If you call our office, we will obtain all relevant information from you over the phone to complete your complaint. You can also obtain a copy of the form from our website at [www.laborcommission.utah.gov](http://www.laborcommission.utah.gov).
2. Once your complaint has been completed, we will send it back to you to be notarized based on the information you provided to us by phone.
3. Submit the signed and notarized form to the Utah Antidiscrimination & Labor Division (UALD) Office. You can also do this by mailing the form or bringing it in person to us.
4. We will assign a complaint number to your claim of discrimination, which creates a case file for you.
5. After the signed and notarized complaint form has been received by our office and a case number assigned to it, we will send a copy of the complaint to you (*the Complainant*) and to the party you are charging with discrimination (*the Respondent*).

**Remember:**

- ✓ There is no cost associated with filing a charge with our office and you do not need a lawyer.
- ✓ If you need a special accommodation or an interpreter, please provide us with at least a few days in advance to make arrangements.
- ✓ Be aware that in an effort to provide you with better service, our administrative process may change from time to time. Check with our office to ensure that you have updated information on the best way to file your charge with our office.

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**Deadlines for Filing a Charge of Discrimination**

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**If you decide to file a claim of housing discrimination, you need to be aware of the following statutes of limitations:**

- **Utah Law** - To file under Utah Law, you must file your charge within 180 days of the alleged discrimination. Use the form provided in this brochure to register your complaint.
- **Federal law** - To file under federal law, you must file within one year. Our office can provide you with the U.S. Department of Housing and Urban Development (HUD) form.

- **Utah and Federal Agencies** – When you file with the Utah Antidiscrimination & Labor Division Office, your case is simultaneously filed with HUD under the Federal Fair Housing laws.
- **Court System** – To file through the court system, you must file within two years of the alleged discrimination and you will need your own private attorney. If you are unable to pay for an attorney, the court will appoint one for you.

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### What happens after you file a charge?

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#### 1. Resolutions Conference:

The Resolutions Conference is a **voluntary opportunity** to resolve (or mediate) your charge of discrimination. The purpose is to bring all of the parties involved in a complaint (the complainant and respondent), together and see if the differences can be resolved with the assistance of an experienced mediator.

- The Resolutions Conference is NOT a formal hearing.
- If the parties reach a settlement, the Division will prepare a Negotiated Settlement Agreement and the case will be closed upon fulfillment of the terms agreed by both parties.

#### 2. Investigation:

If a mutual agreement on the best way to solve the charges cannot be reached by both parties, the following options are available:

- a) The complainant can choose to close the case and withdraw the charge of discrimination.
- b) The case may be forwarded to the Investigation process where an experienced investigator will be assigned the case.



**Note:** Your claim will be investigated as quickly as possible by our agency's representative. The goal is to complete the investigation within 100 days, or to notify you of the reasons for the delay.

At the end of the investigation, the Division will issue its findings and determination of whether it believes discrimination occurred. It may also make recommendation as to what damages, if any, the Respondent should pay to the Complainant. Both parties may appeal the Division's findings, and the parties may pursue the case further in court.

## WHAT IS RETALIATION?

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When filing a complaint of housing discrimination, individuals are protected from threats, coercion, intimidation, or interference from anyone while exercising their rights under the Fair Housing laws, or from acts of retaliation against those assisting them in the exercise of their fair housing rights.

**\*\* Remember, individuals exercising their fair housing rights are protected from retaliation, regardless of the validity of the charge.**

If you believe that you are experiencing acts of retaliation, document details appropriately and provide this information to our office.

## THE UTAH ANTIDISCRIMINATION & LABOR DIVISION EDUCATION AND OUTREACH PROGRAM

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The Utah Antidiscrimination & Labor Division offers training which includes a landlord certification, workshops and orientations for increasing community awareness about fair housing. Our goal is to assist everyone involved in the lending process, sale, or rental of housing properties in the State to increase their understanding of Fair Housing Law and through adequate information, prevent possible charges of discrimination.

The Education & Outreach program is dedicated to serving the needs and training requests covering the entire state of Utah, dependent on the size of your group and type of request.

Following are some of the services available through the Education & Outreach program:

- ✓ Quarterly Landlord and Leasing staff certification training.
- ✓ Training for Advocates and community organizations involved in housing issues.
- ✓ Presentations to organizations/individuals involved in real estate.
- ✓ School presentations, including Adult and ESL classes.
- ✓ Presentations to the general public including refugees, limited English speakers and religious organizations.
- ✓ Information booths and conference participation.

If you are interested in requesting a workshop or presentation for your group, please contact:

**Utah Antidiscrimination & Labor Division**  
**Education & Outreach Program**  
**(801) 530-6801**  
or visit our website at:  
[www.laborcommission.utah.gov](http://www.laborcommission.utah.gov)

## MISCELLANEOUS RESOURCES AND COMPLIANCE INFORMATION

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*Note: The following resources and publications refer users to external sources of information. Therefore the Utah Labor Commission cannot endorse or verify the accuracy of their content.*

This brochure summarizes your rights to fair housing. You may obtain more details from the following sources:

1. The Housing Assistance Council <http://www.ruralhome.org>
2. The National Fair Housing Alliance <http://www.nationalfairhousing.org/Index.htm>
3. The National Fair Housing Advocate <http://www.fairhousing.com>
4. You may also obtain a copy of the *Utah Fair Housing Act* (and rules) by accessing our website at [www.laborcommission.utah.gov](http://www.laborcommission.utah.gov) or by calling the Utah Antidiscrimination & Labor Division at (801) 530-6801 or 1-800-222-1238.
5. You may obtain a copy of the Utah Fair Housing Act and the U.S. Department of Housing and Urban Development (HUD) Regulations by calling the regional office in Denver, Colorado at (303) 672-5437 or 1-800-669-9777; or the Washington, D.C. office at (202) 708-2878.

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### Compliance Information:

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To obtain copies of posters in various languages, brochures, and other related information that you can print and post in your place of business, visit the following link:

<http://www.hud.gov/offices/fheo/promotingfh/leptranslated.cfm#posters>

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## Sample Policies For Reasonable Accommodation And Service Animal Policy:

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Sample Forms and Procedure - This is a sample request for a reasonable accommodation  
<http://www.housingrights.com/pdfs/Requestforreasonalbeaccommodation-modification.pdf>

Sample Policy: Reasonable Accommodations for People with Disabilities:  
<http://www.metrokc.gov/dias/ocre/sample3.pdf>

Sample Policy: Service Animals  
<http://www.metrokc.gov/dias/ocre/sample2.pdf>

Section 8 made simple:  
[http://www.tacinc.org/index/admin/index/\\_uploads/docs/Sect8.2ndEd.pdf](http://www.tacinc.org/index/admin/index/_uploads/docs/Sect8.2ndEd.pdf)

## FREQUENTLY ASKED QUESTIONS

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1. Can a landlord turn you down for a rental or for a home mortgage because you receive some sort of government assistance, including section 8 housing assistance?

**No.** The source of your income is not a reason to turn you down. This includes whether you receive some form of government assistance, including housing subsidies. But, if you don't make enough money to afford the rental or to buy the house, the landlord has the right to turn your application down.

2. Is it true that the disabled person, must pay for improvements (like a ramp) that make the housing unit accessible?

**Yes.** The renter must pay for the improvements to the interior of the residence (depending on when the apartment complex was built), and under some circumstances, the landlord may request that you remove them when you leave.

3. Can a landlord turn you down if you're a person with very bad credit?

**Yes.** As long as the same screening criteria is used for EVERYONE equally.

4. Are occupancy restrictions legal?

**Yes.** Any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling are not limited by the Fair Housing Act. When setting an occupancy standard, you should define the occupancy limit in terms of number of occupants. Specific limitations on the number of children are in violation of the Fair Housing Act.

4. Can a landlord turn down your application or make you move if you have children?

**No.** It is illegal to refuse to rent to you or to make you move if you have children. However, if your apartment is too small for the size of your family based on building codes, they can turn you down.

5. Can a property owner/manager set a higher deposit for families with children based upon wear and tear that may occur to the apartment?

**No.** A property owner/manager cannot set a higher deposit for families with children. The deposit must be set consistent with what would be imposed if the apartment were rented to persons without children.

6. Can a property owner/manager restrict families with children from renting second and third level apartments?

**No.** A property owner cannot restrict a family with children from renting apartments based upon the location of that unit. Individuals should be given an equal opportunity to rent available housing regardless of their race, color, sex, national origin, disability, religion, familial status, or source of income.

7. Can a landlord deny your rental application or charge you a higher deposit in order to rent to you, because you do not have a valid social security number?

**Yes.** The landlord or property manager has the right to turn down your application if you do not have a valid social security number, as long as verifying social security number information is a standard required of ALL applicants. Also, remember that it is illegal to charge you a higher deposit as a condition of your rental, just because you do not have a valid social security number.

8. Can a "no pets" policy in an apartment building also apply to seeing eye dogs?

**No.** A service animal must be accommodated in any housing situation. Also be aware that additional deposits applicable to pet policies do not apply to service animals.

9. Can you be denied rental of an apartment because you don't speak English?

**No.** It is illegal to be turned down just because you don't speak English or have limited English skills. But other issues such as inadequate income, poor credit, and poor job or rental history can be used as a reason to deny your application, provided this is used as the basis for screening all applicants equally.

10. Can a real estate agent "steer" you to a neighborhood where other people like yourself live rather than show you houses everywhere in the community?

**No.** This might be discrimination if it is based on a number of factors including race, national origin, language or even religion.

11. Is there a pre-certification process for meeting the Housing for Older Persons exemption?

**No.** Neither HUD nor the Division pre-certifies housing as exempt under the Housing for Older Person's exemption.

12. Can a property owner/manager ask a potential renter for credit history?

**Yes.** A property owner/manager may legitimately ask an applicant for verification of credit history, so long as this criteria is applied to all applicants regardless that individual's race, color, sex, national origin, disability, religion, familial status or source of income.

13. Can property owner/manager ask whether or not a potential renter has a past felony record?

**Yes.** Again, so long as the criteria is applied consistently to all applicants regardless of that individual's race, color, sex, national origin, disability, religion, familial status, or source of income.

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