



**IS THIS
LEGAL?**
(SEE INSIDE)



A GUIDE TO PROTECTING YOUR HOUSING RIGHTS



CITY OF RICHMOND
OFFICE OF THE MAYOR



Dear City Resident:

Shelter is one of our most fundamental needs. The city of Richmond realizes the importance of quality and affordable housing in order to create safe and stable neighborhoods and ensure economic vitality throughout the Richmond region.

The city has been partnering with Housing Opportunities Made Equal (HOME) for more than 30 years to ensure equal access to housing for all people in Richmond. HOME is sending you this *Guide To Protecting Your Housing Rights* brochure with the hopes you will never need the important information enclosed, but knowing that knowledge is power if the situation should arise. HOME can help you identify and stop illegal actions you may experience in your search for housing.

I encourage you to thoroughly read this guide and keep it as a resource in case you or someone you know finds themselves facing housing discrimination. By having the information in advance, you can make informed decisions about your legal rights.

Sincerely,


Dwight C. Jones
Mayor

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If you feel you've been treated unfairly with your housing, please contact HOME at 804.354.0641 or fairhousing@phonehome.org



**HOUSING DISCRIMINATION IS RARELY
THIS OBVIOUS. BUT IT'S JUST AS REAL
AND JUST AS ILLEGAL.**

Here are some examples of housing discrimination

- The rent or deposit cited is higher than advertised.
- Refusing to rent to a person using a wheelchair for fear a unit may be damaged.
- Being forced to endure sexually explicit comments by a landlord or staff or being propositioned for sex in exchange for rent, a deposit or to cease an eviction.
- The manager says the unit has already been rented but the sign or ad is still posted.
- Rules are enforced or repairs are performed for some tenants or residents but not others.
- An ad is published that says “no children” or posting ads online saying “no minorities” or a sign in the yard saying “Hispanics need not apply”.
- A homeowner’s association refusing to allow someone using a walker to install a ramp into their home at their expense.
- Limiting the number or ages of children in a complex or confining them to a specific building or floor.
- You are told, “Since you use a wheelchair, you need additional insurance coverage.”
- A real estate agent steering minority homeowners to sections of town where other minorities live or telling white homeowners they may not be welcome in some neighborhoods.
- Charging additional rent or deposits because someone with a mental disability needs a service animal.
- Charging different fees or rates on a loan just because someone is African American.
- Building a brand new multi-family building which is not accessible to people with disabilities.
- Requiring Muslims to pay for criminal background checks but not requiring that of other religions, races or nationalities.



What is Fair Housing?

What is Fair Housing?

Who is covered?

The Virginia and federal fair housing laws provide protection to groups of persons based on certain characteristics. A group sharing a protected characteristic is described as a 'protected basis'. Together, Virginia and federal fair housing laws prohibit discrimination in housing-related transactions (rental, sales, lending, insurance, zoning) based on the protected classes of:



Race (*any race*)

Color (*any color*)

Religion (*any religion or no religion*)

National origin (*any nationality*)

Sex (*gender*)

Familial status (*presence of children under 18 in the family or pregnant women*)

Handicap (*disability*)

Elderliness (*55 years or older, covered in Virginia state law only*)

This means that people cannot be discriminated against or treated differently in a housing transaction just because of their membership in one of these protected groups. Each of us is a member of several protected classes, and fair housing laws apply to and assist us all!

What is a housing-related transaction?

A housing related transaction is any of the arrangements we make to secure and maintain our homes and living environments.

- Residential rentals or sales
- Property appraisals
- Residential mortgage financing (purchase loans, refinancing, home improvement loans, equity lines)
- Homeowner's or renter's insurance
- Terms and conditions of residential occupancy (maintenance, use of facilities, termination, accommodations for those with disabilities, etc.)

What type of housing is covered?

Any housing that is available for non-transient, residential use is covered:

- Apartments
- Condos
- Single-family homes
- Mobile homes or lots
- Manufactured housing
- Timeshares
- Dormitories
- Vacant land for residential use
- Shelters
- Residential hotels

Virginia and federal fair housing laws cover most housing situations. In some circumstances, the laws exempt owner-occupied buildings with no more than 4 units and single-family housing sold or rented without the use of a broker from major portions of the law.

Protection for renters in a foreclosed property

Over the last few years, many tenants have been caught unaware that the properties they are renting are in foreclosure and been given little, if any, notice to vacate. Fortunately, there is now some protection for renters in these situations.

Tenants with less than 90 days left on lease:

Entitled to 90 days' notice before the new owner can file an eviction action in court. This includes verbal or written leases.

Tenants with leases with more than 90 days left on lease:

Have a right to stay in the unit until end of lease.

EXCEPTION: Lease may be terminated on 90 days' notice by a purchaser who will occupy the unit as his or her primary residence.

Housing Choice Voucher Holders (Section 8):

Do not vacate the property prior to the foreclosure sale. You need to work with the housing authority to make sure you are not violating your voucher terms by leaving the property early. The new owner is subject to the tenant's Section 8 lease and to the Section 8 Housing Assistance Payment (HAP) contract with the housing authority.

EXCEPTION: If the new owner will occupy as primary residence, the new owner can terminate with 90 days' notice.

What is HOME?

Housing Opportunities Made Equal of Virginia, Inc. (HOME) is a private, nonprofit fair housing organization founded in 1971. HOME serves Virginia with a mission of ensuring equal access to housing for all people. To meet this mission, HOME's fair housing staff work under federal and Virginia fair housing laws to address instances of discrimination in housing and to assist victims with their rights. HOME will also provide technical assistance to landlords, advertisers, and real estate professionals to educate housing providers on fair housing laws so they do not unknowingly discriminate.

HOME also assists with foreclosure counseling, downpayment assistance, homebuyer education and public policy.

How can HOME help me?

HOME can help review a situation objectively to see whether it appears that unlawful discrimination has occurred. If the facts suggest that unlawful discrimination has occurred, HOME can assist in gathering any evidence and help determine appropriate next steps. Among the options that may be available are:

- Filing a formal, administrative complaint with the Virginia Fair Housing Office or the U.S. Department of Housing and Urban Development (HUD)
- Negotiating a satisfactory resolution between the alleged victim and the individual or entity against whom the complaint is filed
- Filing a lawsuit in state or federal court

HOME assists its clients as they navigate the fair housing complaint process to ensure that clients understand their options, and help them weigh the risks and benefits of those options.

**HOME is here in Richmond
and never charges a fee to help you!**

Housing Opportunities Made Equal of Virginia, Inc.
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www.phoneHOME.org

In late 2010, HOME will be moving to
626 E. Broad Street, Suite 400, Richmond, VA 23219

Please note that the information contained in this booklet is not legal advice. For legal advice, please consult an attorney.

Alternate formats of this publication are available upon request for those with disabilities.



**CHOOSING WHERE YOU LIVE
SHOULD BE YOUR CHOICE**

KNOW YOUR HOUSING RIGHTS!



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