

WHAT IS HOUSING DISCRIMINATION?

🕒 45 MINUTES

Why Does Housing Matter? (10 minutes)

Do You Think It's Housing Discrimination? (15 minutes)

What Is the Law on Housing Discrimination? (15 minutes)

Summary (5 minutes)

BACKGROUND AND REFERENCES

This lesson is from Street Law, Inc. a nonprofit education organization dedicated to teaching about law, democracy, and human rights. Street Law offers lessons designed for young people in schools and in community settings. For more than 30 years, teachers, school resource officers, teen parent educators, juvenile justice educators, and civic leaders have relied on Street Law for lesson plans and training to help them teach law, delinquency and crime prevention, and youth advocacy. To learn more about Street Law and its flagship textbook *Street Law: A Course in Practical Law, 7th Edition*, please go to: www.streetlaw.org.

OUTCOMES

As a result of this session, participants will be able to:

- Discuss why housing is important.
- Differentiate between fair and unfair reasons to reject a tenant.
- Locate resources to address housing discrimination.
- Defend a position and give a rationale.

HANDOUTS (IN ENGLISH AND SPANISH)

1. The Federal Fair Housing Act
2. Where to Go For More Information

RESOURCE PEOPLE

Invite a resource person from a local Housing Authority, a local landlord, an attorney, or a housing advocate to assist with the lesson. Send a copy of this lesson when confirming the date and location of the class. When he or she has received a copy of the lesson, discuss:

- how you will work together to teach it, particularly which parts of the lesson will draw most on the expertise of the community resource person
- which materials, if any, he or she should bring
- the ages of the students you will be co-teaching

PREPARING TO TEACH

Before you teach this lesson,

- Copy **Handouts**.
- Post the session outcomes.
- Bring in paper and crayons or markers.
- Prepare two signs – “FAIR” and “UNFAIR”— and post spaced apart along a wall.
- Review the resources listed in **Handout 2, Where to Go For More Information**. If possible, add local community resource to this page before you copy it for students.

REMINDER

(Assuming you are not a lawyer,) tell participants upfront that you are not a lawyer and *cannot* give legal advice. Focus on teaching the general legal concepts, developing life skills, and directing participants to community and legal resources in the event they have a specific need.

WEB RESOURCES

Fair Housing: Visit www.fairhousing.org for links to fair housing resources.

ABOUT THE LAYOUT AND GRAPHICS

At the end of this lesson plan, you will find copies of the student handouts that you are free to reproduce to teach this lesson. On one side, the material is in English and the other side contains the same information in Spanish.

The text of the student handouts can also be found within the instructor's lesson plan. This version is shaded gray to make it easier for the instructor to follow the handouts in the sequence of the lesson plan.

There are also three icons used throughout the lesson plan.



Have the RESOURCE PEOPLE help you with this part of the lesson.



ADAPT law, procedure, and/or community resources for your area.



This is a TEACHING TIP.

WHY DOES HOUSING MATTER? (10 MINUTES)**1**

Distribute paper and markers or crayons and have participants draw whatever comes to mind when you they think about their ideal home and neighborhood. Allow about five minutes.

2

Have participants share their pictures as a way of discussing why housing matters. For instance, many of the pictures will share similarities such as location near transportation, good schools, safe parks, etc.

3

Ask participants to think about how they would feel if they could not get the housing that they desired and to keep that feeling in mind throughout this session.

DO YOU THINK IT'S HOUSING DISCRIMINATION? (15 MINUTES)

1

If a community resource person has joined you to co-teach this lesson, introduce him or her at this time.

Post two signs – “Fair” and “Unfair”—at opposite ends of the room to form a “living” continuum.



TIP: Leave enough space between the signs so that participants can stand and move around during the activity.

2

Inform participants that in a moment they will have a chance to decide what are “fair” versus “unfair” reasons for rejecting a tenant. Ask five to seven volunteers to come to the front of the classroom.

3

Explain to volunteers that you will read selected statements and that they should stand at the position on the continuum –between “fair” and “unfair”—that best represents their viewpoints.

4

For each statement below, read the first sentence and have participants take a position on the continuum. Ask a few participants to explain why they are standing where they are standing. Then read the *follow-up statements* and add your own as needed. Explain that participants can change their positions in response to the opinions expressed by other participants. Allow participants to shift their positions to reflect any change in their opinions.



TIP: Feel free to select and modify statements and questions as needed for your participants and so that the activity can be completed in 15 minutes. You might want to ask for a new group of volunteers as the activity progresses.

- A landlord who is an avid gardener rejects a tenant because the tenant's family has six kids, and children of the previous tenants ruined the garden.

What if these six children are all avid gardeners? What if the children are teenagers? What if the children love to play outside? What if the six children are all boys?

- A female landlord rejects a male tenant because she rents just a few rooms in her home and wants only female tenants.

What if the landlord rents only two rooms? What if the landlord rents ten rooms? What if there is a shortage of housing for single men? What if the landlord were once raped by a man?

- A landlord rejects a tenant because of the tenant's race.

What if the landlord were the same race as the tenant? What if the landlord rejected the tenant because she wanted tenants of her own race in order to have positive role models for her children? What if the landlord belongs to a hate group that targets people of the tenant's race?

- A landlord who rents several apartments rejects a tenant who uses a wheelchair because it would cost too much money to put in an entrance ramp.

What if the landlord worries that the other tenants will feel uncomfortable with someone in a wheelchair? What if the tenant offers to pay for the ramp? What if the landlord feels the ramp will make the building unattractive?

- A landlord rejects a tenant because of unfavorable references due to previous evictions.

What if the tenant were evicted for non-payment of rent? What if the tenant is now a millionaire? What if the tenant were evicted for fighting? What if the tenant were evicted for trashing the previous apartment?

- A landlord rejects a Latino family because he hears from real estate agents that the neighborhood is “about to turn” –going to be ruined –if more Latinos move into the neighborhood.

What if the landlord is Latino? What if the landlord offers another unit in a different neighborhood? What if the landlord thinks the family will not feel welcomed here?

5

Now that participants have grappled with when it is “fair” or “unfair” to discriminate against a tenant, have them complete the following strands and record answers on the flip chart, board, or transparency. (You will come back to this later in the lesson.)

Fair reasons to reject a tenant include. . .	Unfair reasons to reject a tenant include . . .
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6

Post the session outcomes and discuss them.

WHAT IS THE LAW ON HOUSING DISCRIMINATION? (15 MINUTES)

1

Pass out **Handout 1, The Federal Fair Housing Act of 1968** and have a volunteer read it.

Handout 1

THE FEDERAL FAIR HOUSING ACT (excerpt)

(Title VIII of the Civil Rights Act of 1968, as Amended by the Housing and Community Development Act of 1974)

If a landlord rents four or more private or public units:

IT IS ILLEGAL TO DISCRIMINATE AGAINST ANY PERSON BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

- In the sale or rental of housing or residential lots
- In advertising the sale or rental of housing
- In the financing of housing
- In the provision of real estate brokerage services

The Act was amended in 1988 to protect persons with disabilities and families with children under the age of 18 from discrimination.

2

Modify the list on the flip chart, board, or transparency to reflect what the law protects.

For example:

Fair Reasons to Reject a Tenant (Legal)	Unfair Reasons to Reject a Tenant (Illegal)
<ul style="list-style-type: none"> • <i>Bad Credit</i> • <i>Unfavorable References</i> • <i>Person does not make enough money to pay the rent</i> 	<ul style="list-style-type: none"> • <i>Race/color (these terms in the Fair Housing Act are basically the same thing)</i> • <i>The country where the person came from</i>

<ul style="list-style-type: none"> • <i>Too many people for the unit size (However, this is not based on the landlord's idea of what constitutes overcrowding but on government "occupancy standards" that protect the health and safety of the community. There is much controversy over how many people should be allowed in a unit due to the shortage of safe, affordable housing.)</i> • <i>Drug conviction (for certain types of government housing).</i> 	<ul style="list-style-type: none"> • <i>Religion</i> • <i>Gender</i> • <i>Disability (In some cases, the tenant would be required to pay for a modifications and return the property to its original condition upon moving out. In newer housing with many units, some units must be accessible for people with disabilities.)</i> • <i>Presence of children (except in rare instances when it is senior living that complies with many regulations such as having medical services).</i> • <i>Many state and local laws also extend protections based on sexual orientation.</i>
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3

Have the resource person ask the participants to apply the Federal Fair Housing Act to the hypothetical situations examined in the continuum activity.

4

Check for basic understanding of the law and housing discrimination by asking:

- Is housing discrimination a problem?

Yes, where you live matters. Think about all the ways your neighborhood impacts your life from how you get to work to the people you know to the places your children can play. Often discrimination is subtle, and the only way it can be proven is through the use of testers who can compare the treatment between two tenants who are the same in every respect except for their race or religion or gender, etc.

Since 1993, the Department of Housing and Urban Development has received almost 44,000 fair housing complaints that have brought in over \$150 million dollars in court orders and judgments.¹ Throughout the nation African-Americans and Latinos frequently receive less favorable treatment (they are shown inferior units; are required to prove extra financial qualifications; are told units are no longer vacant, etc.) than whites when attempting to buy or rent property.

- What does the federal law make illegal?

¹ "President Clinton announces \$11.5 Million in Grants to Help Groups in 42 Cities Crack Down on Housing Discrimination," Press Release by the Department of Housing and Urban Development, November 25, 1998.

The law prohibits housing discrimination based on a person's race, color, sex, national origin, or religion. The act was amended in 1988 to include persons with disabilities and families with children among the categories of people protected. Many states and local governments have anti-discrimination laws that provide additional protections to groups of individuals not specifically mentioned in the federal act.



What persons are protected by your state's fair housing laws? Your locality's? Do your local fair housing laws protect more groups than the federal Fair Housing Act?

- What housing activities do you think the Fair Housing Act covers?

Generally, it covers the sale, leasing, rental, financing of housing, the provision of real estate brokerage services and insurance, as well as treatment while you are renting.

5

Ask the participants what they would do if they thought they were a victim of housing discrimination.

Options include:

- *Looking for another apartment.*
- *Picketing to protest the landlord's actions.*
- *Contacting local politicians.*
- *Calling a housing rights organization.*
- *Negotiating.*
- *Calling the Department of Housing and Urban Development office nearest them and filing a complaint.*
- *Calling the news media.*
- *Taking the case to court.*

6

Discuss remedies available under the federal act.

Under the Federal Fair Housing Act, a person who engages in housing discrimination can be ordered to:

- *Pay the victim for actual damages resulting from the discrimination including humiliation, pain, and suffering.*
- *Provide injunctive relief (an order that requires the defendant to do something like make the apartment or a similar apartment available)*

- *Pay the Federal Government a civil penalty (ranging from \$10,000 for the first offense to \$50,000 for a third violation within seven years) to protect the public interest*
- *Pay reasonable attorney's fees and costs.*

SUMMARY (5 MINUTES)

1

Have participants list three reasons why housing matters.

2

Have participants give one example of illegal and legal housing discrimination.

3

Ask participants what they would do and where they would go if they felt they had been discriminated against when trying to obtain housing.

Examples include:

- *Ignore it.*
- *File a complaint with the local HUD office.*
- *Contact a civil rights organization.*
- *Call a lawyer.*
- *Protest.*
- *Call a newspaper or the local news.*
- *Contact local politicians.*

4

Distribute **Handout 2, Where to Go for More Information.** Have the resource person discuss.

Handout 2

WHERE TO GO FOR MORE INFORMATION

Reporting Housing Discrimination: It is not always easy to prove discrimination — there are some valid reasons for turning down would-be tenants. If you believe that you have been unfairly discriminated against, you may file a complaint with a state or local agency that deals with housing discrimination or with the U.S. Department of Housing and Urban Development. The state or local agency or HUD has the power to investigate the complaints and can attempt

to solve the problem. You may also call the Fair Housing Council at 1-800-603-FAIR for additional information on what to do.

There are several legal options available including:

- (1) Filing an administrative complaint with the Department of Housing and Urban Development within one year of the housing discrimination incident. Call 1-800-669-9777.
- (2) Reporting housing discrimination with your state Human Rights or Human Relations Commission.
- (3) Filing a lawsuit in federal court for money damages. You would need a lawyer to handle this type of case. You have two years from when the incident occurs to file in federal court.

Finding Community Groups: The Fair Housing Council is an excellent resource, at 1-800-603-FAIR.

Finding a Lawyer: Try contacting your local bar association to see if they handle housing discrimination cases or if they can provide you with a list of lawyers who might.

Handout 1

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(Excerpt)

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- In the provision of real estate brokerage services

The Act was amended in 1988 to protect persons with disabilities and families with children from discrimination.

Hoja 1

LA LEY FEDERAL DE IGUALDAD DE OPORTUNIDAD EN LA VIVIENDA

(Título VIII de la Ley de Derechos Civiles del 1968, enmendada según la Ley del Desarrollo de Comunidades y Viviendas del 1974)

(extracto)

Si un arrendador alquila cuatro o más unidades de vivienda privada o pública:

ES ILLEGAL DISCRIMINAR CONTRA CUALQUIER PERSONA DEBIDO A SU RAZA, COLOR, RELIGIÓN, SEXO, U ORIGEN NACIONAL

- en la compraventa o alquiler de viviendas o residencias
- en los anuncios de la venta o alquiler de viviendas
- en el financiamiento de viviendas
- en la prestación de servicios como agente de bienes raíces

Esta Ley se enmendó en 1988 para proteger a las personas discapacitadas y a las familias con niños de discriminación.

Handout 2

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Finding Community Groups: The Fair Housing Council is an excellent resource, at 1-800-603-FAIR.

Finding a Lawyer: Try contacting your local bar association to see if they handle housing discrimination cases or if they can provide you with a list of lawyers who might.

Local resources: _____

Hoja 2

DÓNDE SE PUEDE OBTENER MÁS INFORMACIÓN

Para denunciar la discriminación en la vivienda: No siempre es fácil probar un acto de discriminación—existen algunas razones válidas para rechazar inquilinos prospectivos. Si usted cree que han discriminado contra usted injustamente, puede radicar una denuncia ante la agencia estatal o local responsable de discriminación en vivienda, o ante el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD). La agencia estatal o local o HUD tiene competencia para investigar las denuncias y puede intentar resolver el problema. También puede llamar al Fair Housing Council [el consejo sobre la equidad en la vivienda], al 1-800-603-FAIR, para obtener más información sobre qué más puede hacer.

Existen varios recursos legales, incluso:

1. Radicar una querrela administrativa con el Departamento de Vivienda y Desarrollo Urbano antes de que venza un año del incidente. Llame al 1-800-669-9777.
2. Denunciar el acto de discriminación en vivienda ante la comisión estatal de derechos humanos o relaciones humanas.
3. Entablar una demanda en el tribunal federal para cobrar daños y perjuicios. Para este tipo de caso necesita contratar un abogado. Tiene un plazo de dos años desde que ocurrió el incidente para tomar una acción en el tribunal federal.

Para encontrar grupos comunitarios: el Fair Housing Council [consejo sobre la equidad en la vivienda] es un recurso excelente, en el 1-800-603-FAIR.

Para encontrar un abogado: Póngase en contacto con el colegio de abogados local para ver si manejan casos de discriminación de vivienda o si pueden ofrecerle una lista de abogado especializados en este tipo de caso.

Recursos locales: _____