Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act, forbids discrimination based on race, color, religion or national origin in the sale, rental or financing of housing. In 1974, discrimination on the basis of sex was added. In 1988 Congress passed the Fair Housing Amendments Act that added people with mental and physical disabilities and families with children to the list of people protected by the Act.

The amended law requires many public and private owners, developers and operators of housing to change any policies and practices that exclude people with disabilities. Also, any new multi-family housing built to be occupied for the first time after March 13, 1991 must be architecturally accessible.

The 1988 amendments also created a stronger enforcement system, making it easier to file a complaint and to remedy discriminatory housing practices.

Chapter 27 of the Montgomery County Code, extends the above protection to persons on the bases of their ancestry, source of income, sexual orientation, age and family responsibilities.

Contact:
Montgomery County
Office of Human Rights
(240) 777-8450
U.S. Department of Housing and Urban Development
1-(800) 669-9777
Maryland Real Estate Commission
(410) 333-6230
Maryland Commission on Human Relations
(410) 767-8600
Who is protected by Fair Housing Laws?

Fair Housing Laws provides protection from housing discrimination for housing applicants, tenants and buyers with any kind of disability. Whether it is a hearing or vision impairment, mental illness, physical disability, mental retardation, AIDS or HIV infection, epilepsy, cerebral palsy or any condition which substantially limits one or more major life activities.

If you use a walker or a wheelchair, or have an assistive animal or a personal-care attendant, these laws protect you against housing discrimination. You’re also covered if you have a record of having a mental or physical disability or if you are regarded as having a mental or physical disability.

Who must comply?

Property owners, landlords, housing managers, real estate agents, brokerage service agencies and lending institutions must comply. The Fair Housing Laws cover both privately owned housing and housing subsidized by federal funds, such as low-income public housing.

Multi-family housing constructed for first occupancy after March 13, 1991 must comply with guidelines that make the complex adaptable for persons with disabilities. If the complex does not have an elevator, all first floor units must be adaptable. If there is an elevator, then all units on all floors must be built in compliance with the guidelines.

Adaptable features include an accessible route from the parking to the entrance to the unit; an accessible entrance into the unit; maneuvering space throughout the unit; light switches, electric plugs and environmental controls at specified heights; usable space in the kitchen and bathroom, and reinforcements in the bathroom walls for addition of grab bars.

In addition, tenants must be able to access areas of public use, such as the rental office, laundry facilities, mail boxes, and recreational facilities.

Can you be asked about your disability?

NO! No matter why they’re asked, questions about your disability are prohibited by the Fair Housing Laws. A landlord, property manager, seller or lender may not use an application form that asks if you have or have had a mental or physical disability or that seeks information about the nature or severity of your disability. You may not be asked to provide your medical records or to sign a document allowing others to see them.

What questions can you be asked?

As long as all applicants are asked the same questions, a landlord can ask for information to show that you can meet the same obligations as any other tenant, with or without a disability.

For example you can be asked:

- Questions about financial information to show if you can pay the rent or mortgage.
- For references about your history as a tenant.
- If you are willing to comply with the building’s rules about such things as sanitation and no smoking in common areas.

If you qualify for housing designated for people with a specific disability
- If you are currently using drugs illegally.
- If you have been convicted of the illegal manufacture or distribution of a controlled substance.

Remember, the landlord can only ask you these questions if they are asked of all applicants. Asking these questions only of a person who has a disability violates the Fair Housing Laws!