

## WHAT TYPES OF HOUSING ARE COVERED BY THE FAIR HOUSING LAWS?

The Fair Housing Act of 1968, as amended, covers "dwellings," which are structures designed or occupied as residences or land offered for sale for a residence. A "dwelling" is broadly defined and can include a homeless shelter or a summer home. The Civil Rights Act of 1866 is broader and covers all real or personal property, whether intended for residential or commercial use. However, the Civil Rights Act of 1866 prohibits only racial discrimination.

Both public and private housing is covered by the Fair Housing Act; however, there are some limited exceptions. Housing that is legitimately designed for older persons can exclude families with children. Religious organizations and private clubs may restrict non-commercial housing to their members so long as they don't discriminate on the basis of race.

The Mrs. Murphy's boarding house exemption provides that certain sections of the Fair Housing Act are not applicable to owner occupied dwellings with no more than four units. Also, the Act does not apply to the sale or rental of single family houses by the owner of three or less single family homes if the owner does not employ a real estate agent or broker, does not advertise, and has not sold other real estate in the past year. These exemptions do not apply to discrimination in financing, insurance, or advertising.

The 1866 Civil Rights Statute and some state and local laws and ordinances do not have these exceptions and may cover dwellings that are exempted under the federal statute.

Anyone who engages in an act of discrimination prohibited by the fair housing laws can be held liable. This includes owners, building manager, and leasing agents - whoever participated in the discriminatory conduct. Also, an employer or partner of a person who discriminates may be held liable. This includes real estate management companies and supervisory personnel. These companies and supervisors do not need to have personally participated in or known

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of the discrimination so long as the persons who did the discrimination were in their employment and under their direction.

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