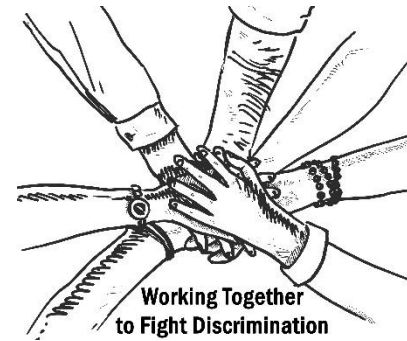


# KNOW YOUR FAIR HOUSING RIGHTS

The Fair Housing Council of South Texas is a private, non-profit dedicated to promoting fair housing in the areas of rental housing, real estate sales, mortgage lending, homeowner's insurance, home appraisals, zoning, land use, etc. The Fair Housing Council works to eliminate discriminatory housing practices based on:

- RACE
- RELIGION
- NATIONAL ORIGIN
- GENDER IDENTITY
- COLOR
- DISABILITY
- FAMILY STATUS
- SEXUAL ORIENTATION
- SEX



The Fair Housing Council's free services include:

- Complaint investigation—Our office conducts preliminary investigations of housing discrimination complaints from consumers.
- Education—Our office educates housing consumers about how to recognize and report incidents of housing discrimination.
- Advocacy—Our office helps victims of housing discrimination file administrative complaints with HUD, helps mediate disputes with housing providers, etc.

The Fair Housing Council's service area covers these South Texas counties:

- Atascosa
- Bandera
- Bexar
- Brooks
- Cameron
- Comal
- Dimmit
- Duval
- Edwards
- Frio
- Gillespie
- Gonzales
- Guadalupe
- Hidalgo
- Jim Hogg
- Jim Wells
- Karnes
- Kendall
- Kenedy
- Kerr
- Kinney
- Kleberg
- La Salle
- Live Oak
- Maverick
- McMullen
- Medina
- Nueces
- Real
- Starr
- Uvalde
- Val Verde
- Webb
- Willacy
- Wilson
- Zapata
- Zavala



Fair housing laws make it unlawful for most housing providers to take the following discriminatory actions against a person because of their race, color, national origin, religion, sex, sexual orientation, gender identity, familial status, or disability:

- Refuse to rent an apartment or sell a house to a qualified consumer
- Evict a resident who has not violated any of the lease provisions
- Restrict a resident's guest privileges or access to amenities, services, etc.
- Delay or refuse to perform repairs even though the tenant is up to date on rent
- Retaliate against a consumer for asserting their fair housing rights

Housing discrimination has far-reaching implications because a person's housing choice effects more than his or her place of residence. Access to housing impacts your level and ease of access to employment opportunities, quality education, safe parks, healthy food options, transportation options, and other public services. If you are interested in filing a fair housing complaint or just want information about your rights, please contact us. Our services are free.

**FAIR HOUSING COUNCIL OF SOUTH TEXAS**

**(210) 733-3247 • [www.fairhousingtx.org](http://www.fairhousingtx.org) • [Facebook.com/FairHousingTX](https://www.facebook.com/FairHousingTX)**

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## PEOPLE WITH DISABILITIES

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Under the Fair Housing Act (FHA), it is unlawful for most housing providers to take the following discriminatory actions:

- \* Ask a tenant or applicant if they have a disability or inquire about the nature or severity of their disability.
- \* Refuse to permit a disabled tenant, at the tenant's expense, to make reasonable structural modifications to their unit (such as installing grab bars in the bathroom) if the proposed modifications may be necessary to afford them full enjoyment of the premises due to their physical or mental disability.
- \* Refuse to make reasonable accommodations (i.e., exceptions, changes, etc.) in rules and policies, when such exceptions may be necessary to afford a disabled person an equal opportunity to use and enjoy a unit (e.g., a landlord cannot refuse to waive the pet deposit for a tenant who needs an assistance animal to help alleviate symptoms of their physical or mental disability).
- \* Fail to design and construct covered apartment complexes that were built for first occupancy after March 13, 1991, so that they comply with the FHA's accessibility requirements.

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## SEXUAL HARASSMENT

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Courts have recognized sexual harassment as a form of discrimination that violates the Fair Housing Act. Sexual harassment does not have to be motivated by sexual desire in order to violate the law. Sexual harassment could be motivated by hostility toward a particular sex, even if the harasser is the same sex. Courts recognize two types of sexual harassment:

1. Quid Pro Quo Sexual Harassment—when a housing provider or their employee conditions access to housing or services (such as repairs) based on a victim's submission to sexual conduct.
2. Hostile Environment Sexual Harassment—when a housing provider or their employee engages in sexual behavior of such severity or frequency that it alter the terms or conditions of tenancy and results in an environment that is intimidating, hostile, offensive, or otherwise significantly less desirable.

If a property owner or manager knows or should have known that an employee is sexually harassing applicants or residents, then they have the duty to take action to stop the harassment.

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## FAMILIES WITH CHILDREN

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Under the Fair Housing Act, it is unlawful for most housing providers to take the following discriminatory actions against a family with a child or children under the age of 18 years in the household:

- ☒ An apartment manager cannot issue a lease violation or an eviction notice against a family because their child made reasonable noise during reasonable hours of the day—since children have the right to make reasonable noise while playing.
- ☒ An apartment manager or Homeowners' Association (HOA) cannot require a parent to supervise their children at all times when their children are outdoors or using certain amenities like the playground, computer room, fitness center, laundry center, etc.
- ☒ An apartment manager or Homeowners' Association (HOA) cannot require a parent to supervise their children at all times when outside on the rental property or in the subdivision.
- ☒ An apartment manager cannot inform a family that their lease will not be renewed or require the family to immediately transfer to a larger apartment once a member of their household gets pregnant or once the baby is born.
- ☒ An apartment manager or Homeowners' Association (HOA) cannot impose designated play hours for children.
- ☒ An apartment manager cannot have an overly strict occupancy policy and cannot refuse to consider the age of children when determining the number of persons in a household as part of the evaluation of a family's rental application.
- ☒ An apartment manager cannot limit families with children to certain parts of the property (such as only allowing families with children to rent first floor units) because the owner or manager has concerns about children falling from stairs, windows, or balconies on higher floors, has concerns about nearby traffic, or has concerns about lead-based paint hazards on the property.