

# The Virginia Fair Housing Office



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## What is the Virginia Fair Housing Office?

The Virginia Fair Housing Office is the administrative arm of the Real Estate and Fair Housing Boards that investigates housing discrimination complaints under the Virginia Fair Housing Law.

Being part of a protected class under this law is not the only factor for determining if the alleged discrimination took place.

## Fair Housing Is Your Right Not A Privilege!

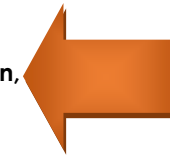
**KNOWLEDGE IS KEY!**

# VIRGINIA FAIR HOUSING LAW

§ 36-96.1. (Effective 7/1/2020)

It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of

- race,
- color,
- religion,
- national origin,
- sex,
- elderliness,
- familial status,
- disability,
- **Source of Funds,**
- **Sexual Orientation,**
- **Gender Identity,**
- **Veteran Status,**



and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and insured. This law shall be deemed an exercise of the police power of the Commonwealth of Virginia for the protection of the people of the Commonwealth.



# WHO SHOULD KNOW THE FAIR HOUSING LAW?

- Real Estate Agents & Brokers
- Engineers
- Builders
- Property Owners
- Landlords
- Property Managers
- Maintenance Staff
- Architects
- Leasing Agents
- Public Housing Authority
- Housing Related Grant Recipients
- Insurance Companies
- Mortgage Companies
- Advertising Agents
- Manufactured Housing Providers
- Homeowners Associations & Common Interest Communities
- General Public

**“FREE” QUARTERLY FAIR HOUSING SEMINARS AVAILABLE IN VARIOUS AREAS AROUND THE STATE.**



Information on opportunities to attend a seminar offered by the Virginia Fair Housing Office and other training providers, can be found by clicking on the following link:

[http://www.dpor.virginia.gov/FairHousing/VFHO\\_Class\\_Schedule/](http://www.dpor.virginia.gov/FairHousing/VFHO_Class_Schedule/)

## PROTECTED CLASSES UNDER THE VIRGINIA FAIR HOUSING LAW

### WHAT IS A "PROTECTED CLASS"?

The term "**protected class**" is an Anti-Discrimination term that is used in state and federal law. It refers to a group of people who share a common characteristic and need protection from discrimination and harassment.

### THE PROTECTED CLASSES UNDER THE VIRGINIA FAIR HOUSING LAW

Under Virginia's Fair Housing Law, there are eight protected classes. They are as follows: Race, color, national origin, religion, sex, familial status, disability, elderliness, **source of funds, sexual orientation, gender identity and veteran status**. The following is a description of each protected class and the percentage of complaints received:

#### DISABILITY

The use of an individual's mental or physical disability as the sole basis for denying housing is a prohibited practice under the fair housing law.



Service horse trained to assist blind persons. Visit [www.guidehorse.org](http://www.guidehorse.org) for more information.

#### RACE/COLOR

An individual denied housing based on his/her race or color, has protection of the fair housing law from such

discrimination.

#### FAMILIAL STATUS

Families with children, whether adopted, in case of foster or adoptive parents, single parents, grandparents, expectant mothers or anyone with legal custody of a minor, who otherwise qualify for housing, are protected from housing discrimination.

#### SEX

The fair housing law prohibits housing providers from using an individual's gender as a basis for qualifying for housing.

#### NATIONAL ORIGIN

A person's place of birthplace or the place of origin of his or her ancestors has no bearing on whether or not they qualify for housing.

#### RELIGION

Denying a person the right to housing because they do not share the housing provider's religion or the person is not religious is illegal.

#### ELDERLINESS

Senior or elderly housing is legal and so is the protection that elderly individuals 55 and older, to live wherever they are able to qualify. Elderly housing is from familial status exempt discrimination.

#### SOURCE OF FUNDS

Any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program.

#### SEXUAL ORIENTATION

A person's actual or perceived heterosexuality, bisexuality, or homosexuality.

#### GENDER IDENTITY

The gender-related identity, appearance, or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

#### VETERAN STATUS

A person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.



**As a good housing practice, housing providers should set objective criteria to screen ALL applicants fairly.**

**The goal of the fair housing law is to ensure every qualified individual has a "fair opportunity" to live in and enjoy the housing of his or her choice.**

### HOUSING RELATED TRANSACTIONS REGULATED BY THE VIRGINIA FAIR HOUSING LAW:

**Construction of Accessible Covered Multifamily Housing** consisting of four (4) units or more - built for first occupancy after March 13, 1991.

**Mortgage Banking & Homeowners Insurance:** The fair housing law protects applicants seeking mortgage financing and/or homeowners insurance from practices such as "**Redlining**" where race and the ethnic make-up of the community are the determining factors.



**Advertising:** Housing ads must welcome all qualified applicants and should not indicate any preference, limitation or discrimination (unless specified under law).

### What is New in Fair Housing?

- **Hoarding** is a disability that will require housing providers to offer reasonable accommodations to residents who hoard. (2013)
- **Disparate Impact Standard** is now a recognized theory used to evaluate some housing discrimination complaints. (2015)
- **Criminal Records generally as a policy** cannot be used as the sole reason for denying housing. (2016) (except as noted in §36-96.2.D)
- **Harassment** of residents based on any of the protected classes is not allowed under fair housing laws.

### New Information

- **Guidance Document on Assistance Animals** created to assist housing providers with responding to requests for assistance animals.  
<http://www.townhall.virginia.gov/L/ViewGDoc.cfm?gdid=6045>
- **2017 Amendments to the Fair Housing Law - § 36-96.3:1.** Rights and responsibilities with respect to the use of an assistance animal in a dwelling.  
<https://law.lis.virginia.gov/vacode/title36/chapter5.1/section36-96.3:1/>
- **HUD Assistance Animal Notice**  
<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>
- **Fact Sheet on HUD Assistance Animal Notice**  
<https://www.hud.gov/sites/dfiles/PA/documents/AsstAnimalsGuidFS1-24-20.pdf>

