

FAIR HOUSING:

A GENERAL OVERVIEW OF THE ICRA AND TITLE VIII



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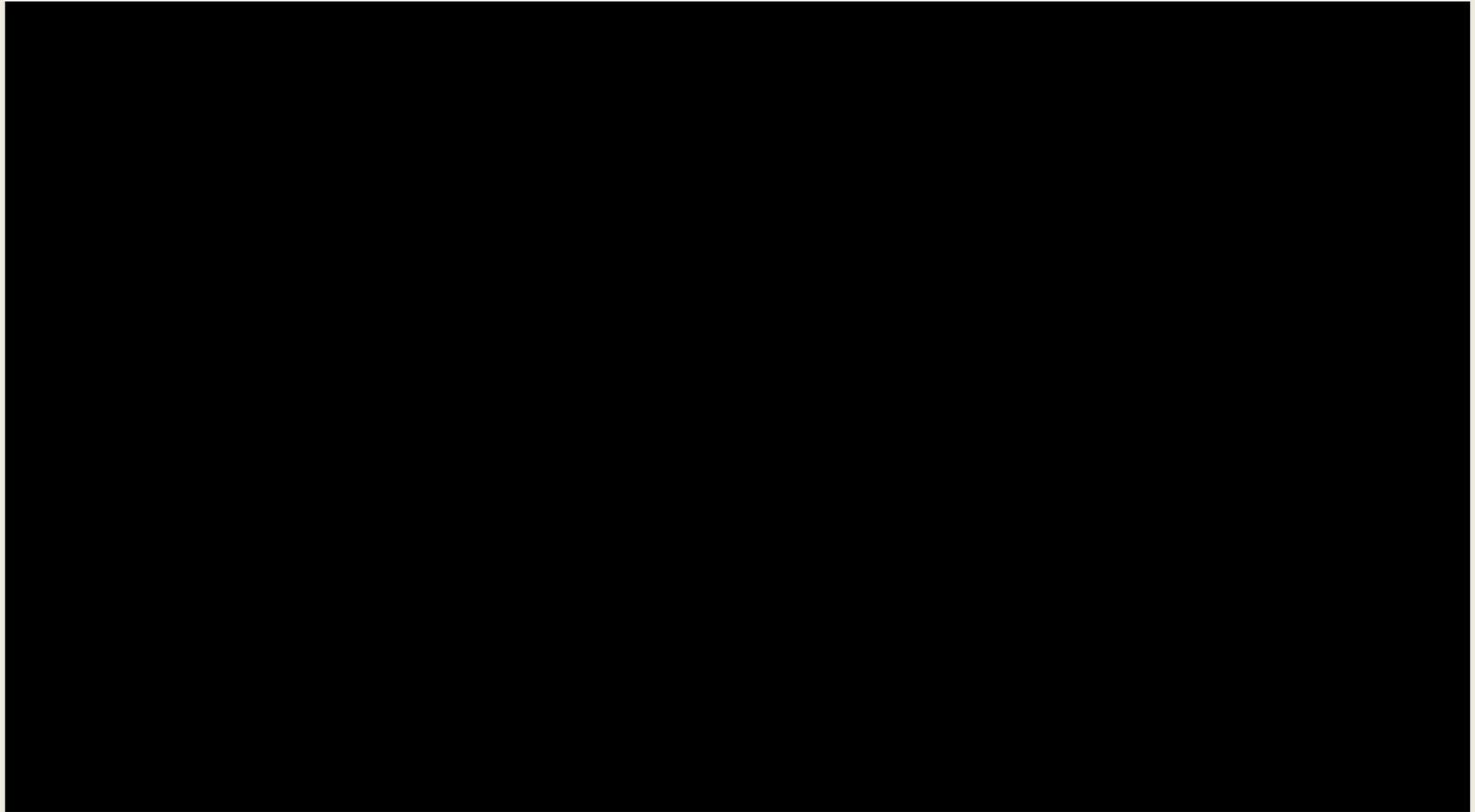
November 9,
2017

FAIR HOUSING OVERVIEW

Pre-Test



THE STORY OF ANTHONY



FAIR HOUSING LAWS

- Iowa Civil Rights Act of 1965
- Fair Housing Act – Title VIII
- City Human Rights Ordinances



WHAT IS DISCRIMINATION?

- **Disparate treatment
(discriminatory intent)**

- **Disparate impact
(discriminatory effect)**

WHO IS PROTECTED?

Race

National Origin

Sex

Religion

Sexual Orientation

Color

Disability

Familial Status

Creed

Gender Identity

Retaliation



WHO MUST OBEY THE LAW?

- Housing providers
- Property Owners
- Management Companies
- Employees or Agents of Owner or Management Company
- Real Estate Agency, Brokers, Agents
- Architects, Builders, Designers
- Newspapers, Television



EXEMPTIONS

- Duplex – owner in one of the units of a duplex
- No more than four units – owner in one of units and building qualifies for the homestead tax credit.
- Both sexes share a living area within a dwelling.
- 80% occupied by at least one person who is age 55 or older.
- 100% occupied by persons age 62 or older.

WHAT IS A DWELLING?



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DISCRIMINATORY PRACTICES

Refusal to Rent, Make Unavailable
[Iowa Code § 216.8(1)(a)]



DISCRIMINATORY PRACTICES

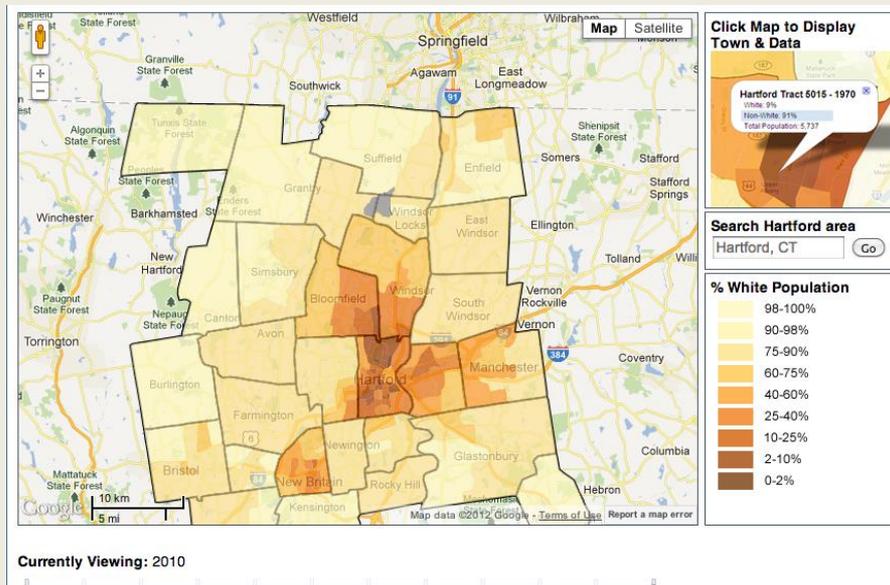
A housing provider cannot advertise that certain persons are not solicited or welcome as buyers or tenants because of a protected personal characteristic.



Iowa Code §216.8(1)(c)

DISCRIMINATORY PRACTICES

Blockbusting Iowa Code §216.8A(1)



DISCRIMINATORY PRACTICES

Refusal to permit reasonable modification
Iowa Code §216.8A(3)(c)(1)



DISCRIMINATORY PRACTICES

Refusal to make reasonable
accommodation

Iowa Code §216.8A(3)(c)(2)



DISCRIMINATORY PRACTICES

Failure to meet design & construction requirements - Iowa Code §216.8A(3)(c)(3)

- An accessible entrance on an accessible route
- Accessible public/common use areas
- Doors sufficiently wide
- Accessible routes into/through dwelling
- Accessible light switches, electrical outlets, and thermostats
- Reinforcements in bathroom walls to accommodate grab bars
- Kitchens and bathrooms with sufficient maneuverability space

DISCRIMINATORY PRACTICES

(CONTINUED)

Discrimination in residential real estate transactions Iowa Code §216.8A(4)(a)

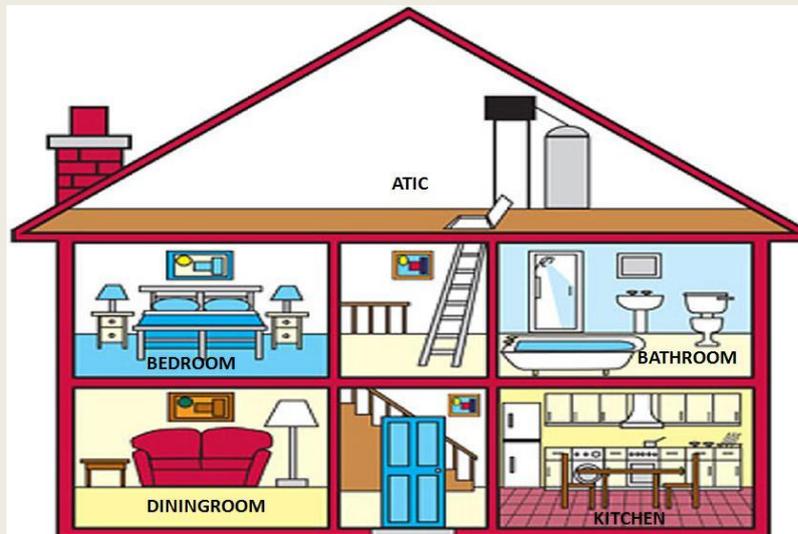
- Determining creditworthiness
- Determining type of loan and terms/conditions
- Servicing of loan



DISCRIMINATORY PRACTICE

May a housing provider set

**maximum
occupancy
limits?**



DISCRIMINATORY PRACTICE

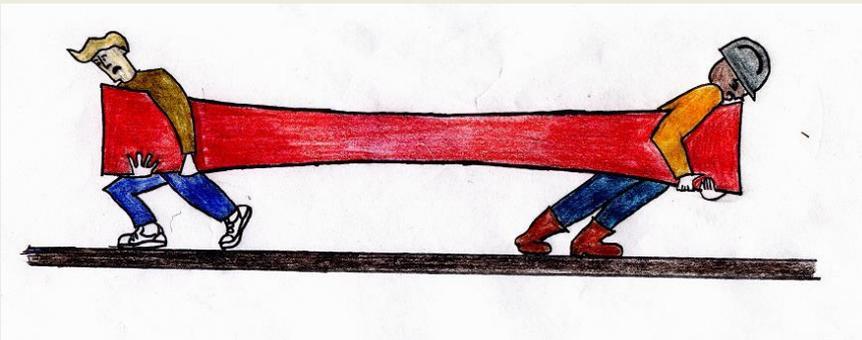
Both “quid pro quo” and “hostile environment” harassment claims are actionable under the FHA and ICRA.

***Quigley v. Winter*, 598 F.3d 938, 947 (8th Cir. 2010).**

DISCRIMINATORY PRACTICE

A housing provider cannot aid, abet, compel, or coerce another person to engage in an unfair or discriminatory practice.

Iowa Code §216.11(1).



RETALIATION

No person may retaliate against another person because he or she has engaged in one or more of these protected activities:

- **Opposed discrimination**
- **Obeyed anti-discrimination law**
- **Participated in an anti-discrimination agency proceeding**

FAIR HOUSING OVERVIEW

Post-test and Answers



FAIR HOUSING OVERVIEW



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**IOWA CIVIL RIGHTS
COMMISSION** 