Housing discrimination is against the law. One way to stop discrimination is to report it.

Some Signs of Possible Discrimination

• The housing provider who discussed the housing opportunity on the phone is no longer available for subsequent calls.
• The housing provider refused to sell, rent or donate a available housing unit or charged a higher security deposit.
• Advertisements expressed a preference for singles or couples, but the community does not qualify as housing for older persons.
• Families or children with disabilities were limited or denied to certain buildings or to the first floor.
• The housing provider: 
  • Failed to obey the request of repairs or maintenance of the property.
  • Limited the use of services or privileges.
  • Refused to make a reasonable accommodation or allow a reasonable modification for a person with a disability.

Lenders, Appraisers and Insurance Companies May Not Discriminate

Home mortgages and personal loans for housing-related purposes are covered. No one may do any of the following because of race, color, religion, national origin, sex, disability or familial status of the applicant.

• Refuse to provide information regarding loans.
• Provide inaccurate or incomplete information.
• Refuse to make a loan to a qualified applicant.
• Impose different terms or conditions on a loan, such as different interest rates, points or fees unrelated to credit history.
• Discriminate in appraising property.
• Refuse to issue a homeowner’s or renter’s insurance policy.

COMMONLY ASKED QUESTIONS AND ANSWERS

Must all landlords comply with the Fair Housing Act?

The Fair Housing Act covers most housing. In some circumstances, the Fair Housing Act exempts owner-occupied dwellings, which are not subject to the Act. The Fair Housing Act also covers someone who is associated with a person with a disability.

What is a reasonable accommodation?

A “reasonable accommodation” is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person to have an equal opportunity to use and enjoy a dwelling, including its public and common use areas. For example, reasonable accommodations include allowing an assistance animal even if there is a “no pets” policy or creating a reserved accessible parking space for a specific resident.

What is a reasonable modification?

A “reasonable modification” is a structural change made to existing premises occupied or to be occupied by a person with a disability so that he or she can fully use and enjoy the premises, or to existing premises occupied or to be occupied by a person with a disability to the common and public use areas. Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a person with a hearing impairment to install strobes. The resident is responsible for paying the cost of the modification.

What does “familial status” mean?

“Familial status” means the presence of children under 18 in the household. This includes pregnant women and persons in the process of adopting or securing custody of a child/children. Children include foster children and grandchildren as long as the person has legal custody or supervisory permission.

What actions does the law prohibit?

The fair housing laws prohibit actions such as denying housing, limiting access to housing, discriminating home seekers or creating discrimination, sex, or standards because of one’s membership in a protected class. The Fair Housing Act also prohibits housing, concerning, soliciting or interfering with anyone exercising or assisting someone else with his/her fair housing rights.

Does this mean that a landlord must rent to whoever comes along?

No. A landlord has the right to refuse rental applications on a person based on objective criteria such as credit history or negative tenant history. A housing provider must establish and apply it equally to all applicants and residents.

Where Can I Get More Information?

The Office of Fair Housing and Equal Opportunity (FHEO) administers and enforces federal laws that establish policies that make sure all Americans have equal access to the housing of their choice.

Learn more about FHEO, or contact the Housing Discrimination Hotline: 1-800-669-9777 (Voice) or 1-800-927-9777 (TTY). Disability.gov connects the disability community to information and opportunities. You can access housing-related information in New Mexico at www.disabled.gov. If you have a landlord/tenant-law related problem and need legal advice, please contact: New Mexico Legal Aid: 1-505-594-3822.