FAIR HOUSING:

A GENERAL OVERVIEW OF THE ICRA AND TITLE VIII
FAIR HOUSING OVERVIEW

Pre-Test
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)
<table>
<thead>
<tr>
<th>Race</th>
<th>Color</th>
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<tr>
<td>National Origin</td>
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<td>Sex</td>
<td>Familial Status</td>
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<td>Religion</td>
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<td>Sexual Orientation</td>
<td>Gender Identity</td>
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<td>Retaliation</td>
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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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Refusal to Rent, Make Unavailable
[Iowa Code § 216.8(1)(a)]
Terms and Conditions
[Iowa Code §216.8(1)(b)]
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)
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)
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
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?
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).
A housing provider cannot aid, abet, compel, or coerce another person to engage in an unfair or discriminatory practice.

_Iowa Code §216.11(1)._
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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