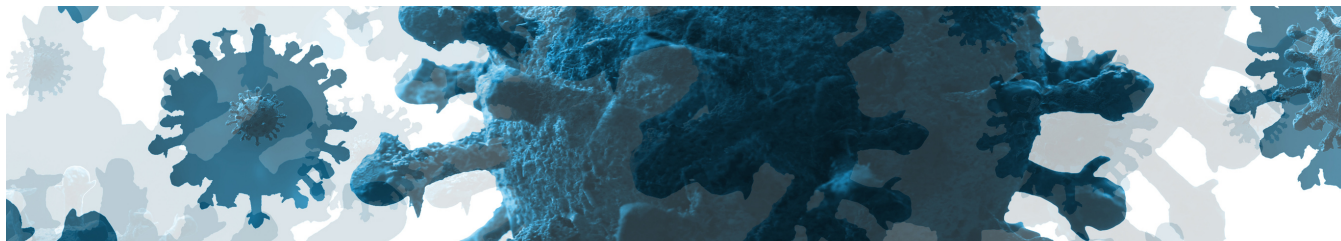


FAIR HOUSING AND THE COVID-19 PANDEMIC

A FACTSHEET FOR HOUSING PROVIDERS



FAIR HOUSING IS ESSENTIAL FOR STRONG COMMUNITIES.

Fair Housing means that all persons have the right to obtain the housing of their choice, regardless of race, color, religion, sex, national origin, disability, or whether they have children. Limiting or restricting access to housing – rental or sales – based on these factors is against the law. In North Dakota, source of income is also protected.

WHAT DOES FAIR HOUSING HAVE TO DO WITH COVID-19?

Any person who is involved in a housing transaction is responsible for following and upholding fair housing laws. Fair housing laws cover discrimination that may occur in apartment buildings, condominiums, nursing homes, homeless shelters, transitional housing and other kinds of housing, regardless of how the housing is funded. It also covers different types of housing transactions, like lending or home appraisals.

Disability is a protected class under the Fair Housing Act. Disability under the Fair Housing Act is defined as anyone who has a physical or mental impairment that substantially limits a major life activity. It includes those who have a record of an impairment, and those who are perceived as having such an impairment. This definition is broad and includes communicable diseases such as COVID-19, just as it has in the past with HIV and AIDS. If a prospective buyer or tenant has or is perceived as having COVID-19 or has long term health problems due to having it in the past, they may qualify as having a disability under and be protected from housing discrimination by the Fair Housing Act.

National Origin is a protected class under the Fair Housing Act. National Origin discrimination is unequal treatment based on the country someone was born in or their ancestry. This includes countries with high rates of COVID-19, as well as refugees.

Discrimination on the basis of sex is prohibited by the Fair Housing Act. Financial instability caused by the pandemic has resulted in job loss and housing instability for many Americans, especially women. It is unlawful for housing providers to take advantage of this crisis by offering rent and/or late fee forgiveness in exchange for sex.

WHAT ARE SOME FAIR HOUSING BEST PRACTICES THAT HOUSING PROVIDERS CAN FOLLOW DURING THE PANDEMIC?

HOUSING PROVIDERS SHOULD:

- Grant Reasonable Accommodations (adjustments to the rules and policies) based on a disability related need. If unable to grant the request because it presents an undue financial or administrative burden, enter an interactive process to determine possible alternative accommodations.
- Mandate that all tenants and their visitors adhere to the CDC's recommendations for preventing the spread of the virus, such as requiring face masks in all common areas.
- Keep any information about a tenant's COVID-19 test results or disability status confidential, and not divulge it to other tenants.
- Provide ways for vision-impaired tenants to apply for and preview apartments if restricted to online showings only.

HOUSING PROVIDERS SHOULD NOT:

- Refuse to rent to or evict someone who is COVID-19 positive, or because they have had COVID-19 in the past.
- Treat one tenant or buyer differently than another because of their race or national origin (such as discriminating against a tenant who is Chinese, because of stereotypes surrounding China and the virus).
- Ask their tenants to disclose medical records, including asking a tenant to divulge whether or not they have tested positive for COVID-19, or if they have received a test for it. Housing providers should refrain from inquiring about the nature or severity of any disabilities or asking about when the tenant expects to recover.
- Deny someone who works in the healthcare field or who is exiting a nursing home housing over fears that they may be contagious with the virus.
- Refuse housing to someone who is receiving public assistance, such as Rent Bridge.
- Force someone who has disabilities to quarantine, or not be allowed to have any visitors.

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