

You can get more information and file a complaint online at <http://www.hud.gov/offices/fheo/>. Or you can write HUD at:

Atlanta Regional Office of FHEO
U.S. Department of Housing and Urban
Development
Five Points Plaza
40 Marietta Street, 16th Floor
Atlanta, Georgia 30303-2806
(404) 331-5140
1-800-440-8091
TTY (404) 730-2654

To file a complaint under state law, or for information on State Fair Housing Law, you should contact the Fair Housing Division of the Commission on Equal Opportunity. That office can be reached:

Commission on Equal Opportunity
Fair Housing Division
Suite 1002 - West Tower
2 Martin Luther King, Jr. Drive, SE,
Atlanta, Georgia, 30334
404-656-1736 (in Atlanta),
800-473-OPEN (within Georgia)

The agency investigating your complaint will try to reach an agreement with the person your complaint is against. If such an agreement can be reached a conciliation agreement will be signed which must protect both you and the public. If an agreement is signed, HUD will take no further action on your complaint.

However, if HUD has reasonable cause to believe that a conciliation agreement is breached, HUD will recommend that the Attorney General file suit. If a conciliation agreement is not reached. The agency will continue investigating your complaint and if there is reasonable cause to believe that discrimination occurred, it will inform you. Your case will be heard in an administrative hearing within 120 days, unless you or the respondent want the case to be heard in Federal district court. Either way, there is no cost to you.

The information contained in this brochure applies only in the State of Georgia. In November of 2007 the information contained in this brochure was correct. The law changes and the information in this brochure may no longer be correct. The information in this brochure is intended only as information and does not constitute legal advice. Anyone seeking specific legal advice should contact an attorney. This information was created by the Georgia Legal Services Program.

Fair Housing Laws Prohibit Discrimination in Housing

What Groups Are Protected from Discrimination?

The Fair Housing Act prohibits discrimination in housing based on race or color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), and handicap (disability).

What is Discrimination?

Discrimination can take many forms. It can be as direct as a refusal to rent because the applicant is a person of color, disabled, of a certain religion, from another country or because the person has children. Discrimination can also be indirect. For example, the apartment complex rule may not appear to be discriminatory on its face but it may be applied in such a way that a protected group suffers more harshly from the rule. If the owner does not have a legitimate business reason for the rule, it may be found discriminatory.

Additional Protection If You Have an Impairment Which Limits You

Georgia Fair Housing Law requires that persons with physical or mental impairments be given reasonable accommodations in regard to rules, policies, practices or services. A tenant or applicant must request that the landlord make the accommodations and may be requested to provide a doctor's statement indicating that the accommodation is necessary. To qualify you need a physical or mental impairment which substantially limits one or more major life activities such as walking, standing, breathing, seeing.

It is prohibited, as discriminatory, for a landlord to refuse to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a person with a qualifying impairment the equal opportunity to use and enjoy a dwelling. You qualify for an accommodation if you or someone associated with you:

- * Have a physical or mental impairment that substantially limits one or more major life activities
- * Have a record of such an impairment or
- * Are regarded as having such an impairment

A landlord must allow an impaired tenant to make, at the tenant's expense, reasonable modifications or changes to his or her unit that are necessary to afford them full enjoyment of the premises. A tenant may be required to restore the premises to their original condition upon vacating the unit if reasonable. The landlord must also permit

reasonable modifications to common areas, such as a pool, to make the area accessible or usable. In most cases it would be unreasonable for the landlord to require the tenant to return the common areas to their original condition. If you have a qualified impairment, your landlord may not:

- * Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- * Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing. However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

Examples of reasonable accommodations include a landlord's waiving of a no pet rule for a tenant who needs to use an animal assistant and reserving parking places close to accessible apartments for mobility impaired tenants.

Housing Opportunities For Families

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 live with:

- * A parent
- * A person who has legal custody of the child or children or
- * The designee of the parent or legal custodian, with the parent or custodian's written permission.
- * Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.

Often families are prevented from renting housing because the landlord limits the number of persons who can live in the unit, this is called a occupancy standard. Local ordinances and safety codes may determine occupancy standards. You should check with the local government to determine if there is a local occupancy standard. The landlord can impose occupancy requirements but they must be reasonable, based on factors such as the number and size of bedrooms and the overall size of the unit. For example, setting a limit of two persons per bedroom would likely be considered reasonable, but requiring each child to have their own bedroom could be considered discriminatory.

How to File a Complaint

If you think a landlord has discriminated against you, you can file a complaint under either the Federal Fair Housing Law or the State Fair Housing Law. You may also wish to talk with an attorney. To file a complaint under federal law, you should contact the United States Department of Housing and Urban Development (HUD).