

**Williamson Housing Authority  
Williamson, West Virginia**

**Fair Housing and American Disabilities Act Policy**

**Adopted by PHA Board of Commissioners**

**Resolution No.:** \_\_\_\_\_

**Date of Adoption:** \_\_\_\_\_

**Effective Date of Implementation:** \_\_\_\_\_

## **Fair Housing And American Disabilities Act Policy**

### Background

The central theme of the Act and the regulations is that no person shall be subjected to discrimination because of race, color, religion, age, sex, disability, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions.

PHA's responsibilities, concerns and functions which are affected by the Act and the regulations include admission; applications; charges in addition to rent; eligibility; interference, intimidation and coercion; outreach; rent computations; screening; security deposits; sexual harassment; resident selection; termination and eviction; transfers; utility allowances, utility reimbursement, and the waiting list.

The Act also establishes design and construction requirements for certain new multifamily dwellings and exempts certain Housing for Older Persons from the prohibitions against discrimination on the basis of Familial Status.

The Act applies to virtually everyone associated with a PHA, including the Board of Commissioners, the Executive Director, staff members, residents, and firms that make, print, or publish notices, statements or advertisements with respect to the rental of a dwelling.

It also applies to virtually all dwelling units owned, managed, or operated by a PHA, including existing, acquired, modernized, or newly-constructed units.

The following outlines the actions to be taken by the Williamson Housing Authority, (herein referred to as PHA) to implement the Fair Housing requirements.

- A. In carrying out the Fair Housing Act and the HUD regulations pertaining thereto, the PHA:
  1. Will not impose on any persons, different terms, conditions or privileges relating to the sale or rental of a dwelling, or to deny or limit services or facilities in connection with the rental of a dwelling;
  2. Will not restrict, or attempt to restrict, the choices of a person, by word or conduct, in connection with seeking, negotiating for, or renting a dwelling, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood or development;

3. Will not engage in any conduct relating to the provision of housing or of services and facilities that otherwise makes unavailable or denies dwelling to persons;
4. Will not make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the rental of a dwelling, which indicates any preference, limitation or discrimination, or any intention to make any such preference, limitation or discrimination;
5. Will not provide inaccurate or untrue information about the availability of dwellings for sale or rental;
6. Will not discriminate against any person in making available a residential real estate-related transaction, or in the terms or conditions of such a transaction;
7. Will not discriminate against any person in making available loans or other financial assistance for a dwelling, or in making available loans or other financial assistance which is, or is to be, secured by a dwelling;
8. Will not impose different terms or conditions for the availability of financial assistance relating to the purchase, construction, improvement, repair or maintenance of dwellings;
9. Will not discriminate in the sale or rental, or otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of (1) that buyer or renter; (2) a person residing on or intending to reside in that dwelling after it is so sold, rented, or made available; or (3) any person associated with that person;
10. Will not discriminate against any person in the terms, conditions, or privileges of the sales or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of (1) that buyer or renter; (2) a person resident in or intending to reside in that dwelling after it is so sold, rented, or made available; or (3) any person associated with that person;
11. Will not make an inquiry to determine whether an applicant for dwelling, a person intending to reside in that dwelling after it is so sold, rented or made available, or any person associated with that person, has a disability, or make an inquiry as to the nature or severity of a disability of such a person. However, this paragraph shall not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they have disabilities:

- a. Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;
  - b. Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities, or to persons with a particular type of disability;
  - c. Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities;
  - d. Inquiry as to whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance; and
  - e. Inquiry as to whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.
12. Will not refuse to permit, at the expense of a disabled person, reasonable modifications of existing premises, which are occupied, or to be occupied, by a disabled person; if the proposed modifications may be necessary to afford the disabled person full enjoyment of the premises of a dwelling. The HA may, however, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
13. Will not increase, for disabled persons, any customarily required security deposit;
14. Will not refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling unit, including public and common use areas; and
15. Will not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of/ or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the HUD regulations pertaining to discriminatory conduct under the Fair Housing Act.

The PHA shall not be required to make a dwelling available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.

- B. In carrying out the Fair Housing Act and the American Disabilities Act (ADA) the PHA has converted or is in the process of converting multifamily dwelling units for occupancy to meet the standards as established by these Acts. Included in these standards are the following.
1. At least one building entrance will be on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the building or site.
  2. The public and common use areas are readily accessible to and usable by disabled persons in wheelchairs.
  3. All of the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by disabled persons in wheelchairs.
  4. All premises within converted multifamily dwelling units contain the following features of adaptable design.
    - a. An accessible route into and through the converted dwelling unit;
    - b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - c. Reinforced walls in bathroom to allow installation of grab bars around the toilet, tub, shower stall, and shower seat, where such facilities are provided;
    - d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
  5. They have access to at least one of each type of public or common use area available for residents in the building.

C. Exemptions Relating to Housing for Older Persons

The Fair Housing provisions regarding familial status do not apply to housing which satisfies the regulatory requirements for: (1) State and Federal Elderly Housing Programs; (2) Sixty-Two or Over Housing; and Fifty-Five or Over Housing.

1. State and Federal Elderly Housing Programs means housing provided under any Federal or State program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal programs.

2. Sixty-Two or Over Housing means housing intended for, and solely occupied by, persons sixty-two years of age or older, as such housing is defined by HUD in the Fair Housing regulations.
3. Fifty-Five or Over Housing means housing intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit, as such housing is defined by HUD in the Fair Housing regulations.

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