

Fair Housing Guide



Iowa Civil Rights Commission

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Iowa Civil Rights Commission
Grimes State Office Building, First Floor
400 E. 14th Street
Des Moines, Iowa 50319

(515) 281-4121 1 (800) 457-4416

www.state.ia.us/government/crc

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The Complaint Process at the Iowa Civil Rights Commission

The Commission investigates and resolves complaints alleging discrimination within the state of Iowa for actions in housing as well as employment, public accommodations, credit, and education. Any person who believes they have been the victim of discrimination may file a complaint. The filing process begins by calling the Commission or by visiting with an attorney. Once the complaint has been filed with the Commission, the staff takes steps to investigate the complaint and to resolve the complaint through mediation.

The complaints and the investigation are confidential but the complaint must be served upon the person or business against whom the complaint is filed. There is no fee for filing a complaint with the Commission.

Under Iowa law, the complaint must be filed within 300 days of the last discriminatory act. Under the federal Fair Housing Act, a complaint must be filed with HUD within a year of the last discriminatory act. Another option for the person who believes they have been discriminated against is to file a petition in district court within two years of the last discriminatory act.

For information about your rights or for assistance with filing a complaint, call or visit the:

Iowa Civil Rights Commission
Grimes State Office Building, First Floor
400 E. 14th Street
Des Moines, Iowa 50319
1(800)457-4416 or 1-515-281-4121
www.state.ia.us/government/crc

The Iowa Civil Rights Act
Discrimination in housing is against the law.

The Iowa Civil Rights Act prohibits discrimination in housing based on any of these characteristics:

- ❑ Race
- ❑ Color
- ❑ National origin
- ❑ Religion or creed
- ❑ Sex
- ❑ Sexual orientation
- ❑ Gender identity
- ❑ Disability, mental or physical
- ❑ Familial status (families with children, pregnant women, and people getting custody of children)
- ❑ Retaliation for having filed a charge, complained about discrimination to the management or landlord, or participated in an investigation or court proceedings involving discrimination

Who must obey the law?

- ❑ Housing providers such as landlords, property owners, apartment agents, rental managers, building managers, rental agents, and apartment maintenance staff. This also includes mobile home parks, group homes, hospice facilities, nursing homes, dormitories, seasonal bungalows, shelters for homeless individuals, and shelters for victims of domestic violence.
- ❑ Real estate operators, brokers, and agents
- ❑ Sellers of property
- ❑ Condominium associations and boards
- ❑ Multiple listing services and real estate related organizations
- ❑ Financial institutions such as savings and loans associations, banks, mortgage lenders, and credit unions
- ❑ Providers of housing services
- ❑ Builders, contractors, architects, and developers
- ❑ Owners of building lots
- ❑ Advertising media such as newspapers, magazines, and weekly shopping guides
- ❑ Insurance companies and insurance agents

What is housing discrimination?

It is discriminatory to do the following if the action is based on any protected characteristic described.

- ❑ Refuse to rent or sell property
- ❑ Refuse to give someone an application
- ❑ Refuse to process an application
- ❑ Refuse to allow a cat, dog, or other animal as a reasonable accommodation for a disability
- ❑ Refuse to allow certain visitors, such as children or individuals due to a covered basis (such as race or national origin)
- ❑ Say that housing is unavailable when it is actually available
- ❑ Show apartments or homes only in certain neighborhoods
- ❑ Set different terms, conditions, or privileges for sale or rental of a dwelling
- ❑ Provide different housing services or facilities
- ❑ Advertise or indicate that the housing is available to only preferred groups of people
- ❑ Refuse to provide information about mortgages, provide different information to some groups of persons, deny a mortgage loan, or impose different terms or conditions on a mortgage loan
- ❑ Deny property insurance
- ❑ Conduct property appraisals in a discriminatory manner
- ❑ Harass tenants, prospective tenants, guests of the tenants, or prospective real estate buyers
- ❑ Coerce, intimidate or interfere with anyone exercising or assisting someone else with their fair housing rights
- ❑ Fail to design and construct housing so that it is not accessible to persons with disabilities
- ❑ Refuse to allow modifications to property for persons with disabilities or not permit reasonable accommodations in policies or procedures for persons with disabilities

What housing is covered?

The Iowa Civil Rights Act covers most property, but there are some types of property that are not covered. The following are exemptions as set out in the Iowa Civil Rights Act:

- ❑ Owner-occupied buildings with housing accommodations for not more than two families living independently (duplex)
- ❑ Owner-occupied buildings with housing accommodations for not more than four families living independently (four-plex or smaller) if the owner qualifies for the homestead tax credit under section 425.1 of the Iowa Code for such building
- ❑ Owner-occupied single dwellings with less than four rooms for rent or lease
- ❑ Any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, or gender identity, when the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.
- ❑ Discrimination on the basis of familial status involving dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program the commission determines to be consistent with determinations made by the U.S. Secretary of HUD, and housing for older persons.
- ❑ Discrimination on the basis of sex involving the rental, leasing, or subleasing of a dwelling within which residents of both sexes would be forced to share a living area.

Exemptions under the federal Fair Housing Act include the following:

- Owner occupied buildings with no more than four units
- Single-family housing sold or rented without the use of a broker
- Housing operated by organizations and private clubs that limit occupancy to members

□ Frequently Asked Questions

Q: May a landlord limit the number of children in an apartment?

A: No. Occupancy standards may establish the number of persons in a unit, but not the age of the occupants. Check with any local occupancy standards that pertain to the number of occupants for rental property. If there are no local ordinances, then the usual guideline is not less than two persons per average-sized bedroom.

Q: May a landlord or newspaper advertise "No Children" or "Prefer Christian"?

A: No. No one may advertise or indicate a preference based on any of the protected characteristics.

Q: Who is responsible for the cost of a reasonable modification of the property, making it accessible to tenants with disabilities?

A: Modifications or changes to the property may be made by the tenant at the tenant's cost. Many property owners opt to make the changes themselves because the changes may enhance the property for future occupants. An example would be grab bar installation in the washroom.

If the landlord wants the property to be returned to its prior condition (for example where a ramp is constructed into the dwelling) the law requires that the property be put back to the way it was prior to the modification. To cover the cost of this, the landlord may require an extra deposit to cover the reasonable costs of restoring the property. The landlord may not charge a higher general deposit to persons with disabilities, but an extra deposit specifically set aside to return the property to its original state may be charged.

Q: Who pays to make public and common areas accessible to those with disabilities?

A: Multi-family housing that was first occupied after March 13, 1991 should have been constructed with accessible units and public and common areas. If not, the units and common use areas may have to be changed at no charge to the tenant.

For older units, the tenant may have to pay for the changes. A change to a common use area does not have to be changed back.

Q: How can a tenant get a reasonable accommodation – a change in a rule, service, policy or procedure so that disabled tenants may have full use of the property?

A: A tenant must ask for a reasonable accommodation. The landlord is not responsible for suggesting an accommodation. A tenant needs to show that the change is needed so that she/he has an equal opportunity to use the dwelling. A tenant may need to have medical or doctor statements to support the request for accommodation.

Q: May a landlord charge Latino renters a higher deposit than Non-Latino tenants because of the landlord's belief that they might damage the unit more?

A: No. It is unlawful to charge different deposits based on any protected characteristic.

Q: May a landlord set a minimum income level to qualify for a property?

A: Yes. The standard should be used for all applicants, not just one group or another.

Q: May a homeowner decide to limit the potential buyers of their property to just one race of persons?

A: No. It is unlawful for a seller to restrict the sale of their house to a certain race of people or because of any other protected characteristic.

Q: Is it lawful for a real estate agent to show only certain properties or neighborhoods to potential renters or buyers because of race?

A: No. This action is called "steering". It is unlawful discrimination for an agent to restrict a client's housing search to a neighborhood because of race or because of any other protected characteristic.

Q: May a loan officer offer a lower interest rate on home mortgages to white applicants but not others?

A: Financial institutions may evaluate a person's financial ability to pay back a home loan, but all decisions affecting the loan – including the interest rate, points, and other fees – should not be based on race or any other protected characteristic.

Q: May a landlord charge a security deposit and/or a monthly fee for a service animal?

A: No.

Resources Available

To file a complaint, schedule training, or obtain further information about fair housing law, please contact the:

Iowa Civil Rights Commission
Grimes State Office Building, First Floor
400 East 14th Street
Des Moines, Iowa 50319
(515) 281-4121
1 (800) 457-4416
FAX (515) 242-5840

www.state.ia.us/government/crc

To file a federal complaint or obtain information about federal fair housing law, please contact the U. S. Department of Housing and Urban Development, HUD:

HUD - Regional Fair Housing Office
Gateway Tower II
400 State Avenue Room 200
Kansas City, Kansas 66101-2406
(913) 551-6993
(913) 551-6972 TTY
1 (800) 743-5323
Fax: (913) 551-6856
www.hud.gov

U. S. Department of Housing and Urban Development (HUD)
Federal Building
210 Walnut Street, Room 239
Des Moines, Iowa 50309
(515) 284-4512
(515) 281-4728 TTY
Fax: (515)284-4743

U. S. Department of Housing and Urban and Development (HUD)
Office of Fair Housing and Equal Opportunity
451 7th Street SW, Room 5204
Washington D.C. 20410-2000
www.hud.gov/complaints/housediscrim.cfm

HUD National Housing Discrimination Hotline:
1 (800) 669-9777
1 (800) 927-9275 TTY
Fax: (202) 708-1425

Multi-family Housing Complaint Line
1 (800) 685-8470

City and County Ordinances:

Contact your city and county government officials for information about ordinances affecting municipal property rights.

Other organizations:

Iowa Legal Aid
1111 9th Street
Des Moines, Iowa 50314
(515) 243-2151
1 (800) 532-1275

www.iowalegalaid.org

Clinical Law Program
University of Iowa College of Law
Iowa City, Iowa 52242-1113
(319) 335-9023

www.law.uiowa.edu

H.O.M.E., Inc.
(Home Opportunities Made Easy)
1111 Ninth Street Suite 210
Des Moines, Iowa 50314
(515) 243-1277

www.homeincdsm.org

Tenant's Advocate Group, Inc.
PO Box 11051
Cedar Rapids, Iowa 52410-1051
(319) 350-1017

email: tenate_advocate_groups@yahoo.com

Iowa Coalition for Housing and Homeless
713 East Locust Street
Des Moines, Iowa 50309-1915
(515) 288-5022

email: coydo@yahoo.com

Landlords of Iowa
Lisa Barnes, CMP
CCS – Complete Conference Specialists
5096 Sand Road SE
Iowa City, IA 52240-8217
(319) 338-2036
FAX (319) 337-8836

www.landlordsofiowa.org

Iowa Association of Realtors
1370 NW 114th Street Suite 100
Clive, Iowa 50325
(515) 453-1064
1(800) 532-1515

www.iowarealtors.com

Iowa Manufactured Housing Association
1400 Dean Avenue
Des Moines, Iowa 50316
(515) 265-1497

Iowa Protection and Advocacy
950 Office Park Road, Suite 221
West Des Moines, Iowa 50265
515-278-2502
1-800-779-2502

www.ipna.org

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