



Landlord/Tenant Handbook



QUESTIONS ASKED ABOUT FAIR HOUSING

Federal and State fair housing laws are separate from Georgia landlord tenant law. However, because the Hotline occasionally receives questions related to fair housing, these basic questions and responses are included.

What actions, in connection with the rental of housing, are considered discriminatory?

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.

Clear examples of discriminatory conduct include:

- refusing to rent to a person because of their race, color, religion, sex, national origin, familial status or disability;
- landlords or rental agents who, while not directly refusing to rent, engage in conduct which discourages or makes unavailable housing;
- landlords who impose different terms and conditions on those who are members of a protected group;
- landlords or property managers who steer tenants of a protected class to particular buildings or units;
- advertisements which excludes from the rental opportunity members of a protected group;
- stating that a unit is not available for rental when it is available.

What is meant by "conduct which discourages or makes unavailable" housing?

Examples of prohibited conduct include failing to inform an applicant of a protected class of the availability of privileges, services or facilities associated with the complex. Also, conduct which discourages members of a protected class from applying for housing directly or by failing to inform applicants who are members of a protected class of the availability of marketing promotions or rent reductions.

What types of rental housing are covered by the fair housing law?

The fair housing laws cover activities related to the sale, rental, or advertising of dwellings, the provision of brokerage services, or the availability of residential real estate-related transactions. Owners of rental property are exempt from the fair housing laws provided that the following conditions are met:

- Any advertising which the owner does for the rental property must not be discriminatory;
- The owner does not own or have any interest in more than three single-family houses at any one time;
- The owner does not use a real estate broker, agent, or salesperson in renting the dwelling; or
- The owner occupies one of the units in a building intended to be occupied by not more than four families.

In general, a landlord, who owns more than three rental units, uses a real estate broker or agent to rent the units, or advertises the units, must follow the fair housing laws.

I found an apartment which I wanted to rent. When I talked to the landlord over the telephone, it was available. But when I went to see the unit, the landlord said it had just been leased. I feel that the landlord may have discriminated against me. What can I do?

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. Both federal and state law prohibit discrimination on the basis of race, color, religion, national origin, sex, familial status, or disability. "Familial status" means families with children. 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). HUD has a toll-free number which you can call for fair housing questions and complaints. You can also receive copies of the Fair Housing Act and other publications through the Housing and Discrimination Hotline. That number is (800) 669-9777. TDD number (800) 927-9275. Or, you can write to:

Fair Housing and Equal Opportunity, 4E

U. S. Department of HUD

Richard Russell Federal Building

75 Spring Street, S.W.

Atlanta, Georgia 30303

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 at (404) 656-7708 or 1-800-473-OPEN. Or, you can write to:

Commission on Equal Opportunity

Fair Housing Division
710 Cain Tower - Peachtree Center
229 Peachtree Street, NE
Atlanta, Georgia 30303

There are also private agencies which help investigate allegations and prepare complaints. Although this agency is located in the Atlanta area, it will provide advice to persons in other parts of the state:

Metro Fair Housing Services
1083 Austin Avenue, NE
P. O. Box 5467
Atlanta, Georgia 30307
(404) 221-0147
(800) 441-8393

Can the landlord limit the number of children residing in a unit to the number of bedrooms that the unit has?

Local ordinances and safety codes may determine occupancy standards. The landlord can impose occupancy requirements through provisions in the lease. These requirements 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.

I am disabled and looking for rental housing. I am having a difficult time finding housing. Can Georgia's Fair Housing Law help me?

Georgia Fair Housing Law requires that persons with disabilities 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. A disability is a physical or mental impairment which substantially limits one or more major life activities. This protected class includes those who have a disability, have a history of having a disability, and those who are regarded as having a disability.

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 disability the equal opportunity to use and enjoy a dwelling. 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.

My tenant has asked me to install a ramp to her apartment and a grab bar in the bathroom. Must I make these changes?

A landlord must allow a disabled tenant to make, at the tenant's expense, reasonable modifications or changes to his or her unit that are necessary to afford the disabled person 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.

Newly constructed multifamily dwellings with four or more units must provide basic accessibility to persons with disabilities if the buildings were ready for first occupancy after March 13, 1991. Basic accessibility requires that the apartment complex have:

- one entrance to the building on an accessible route;
- accessibility to public areas such as a lobby or swimming pool;
- a door wide enough to accommodate persons in wheelchairs;
- accessibility to each unit (unless there is no elevator, in which case only all ground floor units must be accessible);
- sufficient reinforcement in bathroom walls to allow a tenant to install grab bars where needed;
- light switches and other controls located low enough for use by a person in a wheelchair; and,
- kitchens and bathrooms designed so that a wheelchair user can maneuver within the space.

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