

Fair Housing Frequently Ask Questions Factsheet 24-03

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The DC Office of Human Rights' (OHR) Frequently Asked Questions in Fair Housing: Do I Have a Case?

Over the years, OHR has conducted fair housing outreach and training sessions in all corners of the city, engaging with the public and addressing their questions and concerns. Below, we have compiled a list of FAQs to help individuals better understand what constitutes a fair housing violation. Please note that while these FAQs cover common topics, they may not encompass all possible scenarios. If you think you have a FAQ worthy question, please reach out to ohr.comms@dc.gov.

FAQ 1 - Exemptions

- **Are there any properties that are exempt from Fair Housing Laws?**
 - Yes. Property owners that sell or rent out their single-family home or that live in one unit of a 4-or-fewer-unit building, religious organizations that limit the sale, rental, or occupancy of a dwelling to persons of the same religion and senior housing ([HOPA](#)) discriminating on the basis of familial status.
- **Can owners of single-family homes discriminate in advertisements?**
 - No, they cannot. Owners of single-family homes cannot be discriminatory in their advertisements or statements.
- **Can senior housing facilities discriminate against my race, religion or other protected traits?**
 - No. Although discrimination based on familial status is permissible in senior housing, discrimination based on race, religion, or other protected traits is not permissible.

FAQ 2 – Exemptions Reasonable Accommodations vs Modifications

- **What are the differences between reasonable accommodations or modifications?**
 - The main differences lie in whether the change is structural or non-structural, and who is responsible for the expense.
 - A [reasonable accommodation](#) is a change to a rule, policy, practice, or service given to a person upon their request that allows them to use and enjoy their dwelling, usually at the expense of the housing provider. These can include examples like (this is not an exhaustive list):
 - Creating an ADA accessible parking space
 - Making exceptions to “No Pet” policies
 - For more examples and information, please see the [Reasonable Accommodation Under the Fair Housing Act \[PDF\]](#)

- A **reasonable modification** involves structural changes to the dwelling, facilitating full enjoyment by a person with a disability, usually at the expense of the tenant. Examples include (this is not an exhaustive list):
 - Installing a ramp
 - Lowering countertops
 - Widening hallways or doorways
 - For more examples and information, please see the [Reasonable Modifications Under the Fair Housing Act \[PDF\]](#)
- **Are there organizations that can help with the expense of a modification?**
 - Yes, there are several community-based organizations (CBOs) that can help with the expense of a home modification. For a list of programs, please click [here](#).

FAQ 3 – Assistance Animals

- **Is there a difference between a pet and assistance animal?**
 - Yes, assistance animals are not pets. There are two types of assistance animals: (1) service animals, and (2) other animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities including a physical, sensory, psychiatric, intellectual, or other mental disabilities that affect major life activities (referred to as a “support animal”).
- **Does my assistance animal have to be certified?**
 - No, assistance animals are not required to be certified or go through a professional training program. certification is not required. Housing providers are allowed to require only (1) that a tenant provide a verification from a physician or other healthcare provider that the tenant meets the District’s definition of a person with a mental or physical disability; and (2) that you demonstrate a connection between the disability and the function provided by the assistance animal. As long as you get third-party verification supporting your need for a service animal, your housing provider should honor that request.
- **Can I be denied housing because the property has a strict “No Pet” policy?**
 - No. Because assistance animals are not “pets,” but rather are assistive aids, housing providers must make an exception to its “no pet” policy so that a tenant with a disability can fully use and enjoy his or her dwelling. Persons with disabilities may contact their housing provider and submit a reasonable accommodation request to live with their service animals at no-pets properties, for a pet deposit fee waiver, or request waiver of other rules that exclude or limit the service animal’s function. The reasonable accommodation request may be made orally, in writing, or through a third party.

FAQ 4 – Use of Housing Vouchers

- **Do all housing providers have to accept vouchers?**
 - Yes. Housing providers must accept all forms of housing vouchers and may not post discriminatory advertisements indicating a preference based on a tenant’s source of income.

- **What types of housing vouchers must providers accept?**
 - Housing providers must accept all forms of income, including any housing voucher or subsidy, which pays part of and/or the full rental amount. This includes (not an exhaustive list):
 - Rapid Rehousing Vouchers
 - Housing Choice Voucher Program (formally known as Section 8)
 - Emergency Rental Assistance Program (ERAP)

- **Can a housing provider run my credit if I’m using a voucher?**
 - Yes, they can. However, a housing provider cannot deny your rental application based on credit issues or nonpayment of rent that occurred prior to when you first received your voucher.

- **What if my voucher doesn’t cover the full amount of rent? Can they look at my income?**
 - Yes, if you pay a portion of the rent out of pocket, your income will be considered. However, a housing provider can only require that you meet the income requirement for your portion of rent. However, if your income can cover at least 30% of the rent you are responsible for, they should not deny your application solely based on insufficient income.

FAQ 5 – Discrimination vs Landlord Tenant Issues

- **Is it discrimination when my landlord/leasing office is rude to me?**
 - It depends. Discrimination typically involves adverse actions based on protected traits. Rude behavior alone does not usually constitute discrimination unless tied to a protected trait. For example, if a landlord prevents all tenants from using the laundry facility, that would likely not be considered a discriminatory action. But if a landlord prevents only you from using the laundry facility and has made comments about your national origin in the past, that might be considered a discriminatory action.

- **Is it discrimination if my landlord doesn’t provide consistent maintenance for tenants?**
 - It depends. If the housing provider does not make consistent repairs to the property, that doesn’t necessarily fall under discrimination. But it could be an issue that may be

addressed by relevant authorities such as the [DC Office of the Attorney General](#) or the [Office of the Tenant Advocate](#). However, if you notice that repairs are being made to some units or properties but not the others, that may be discrimination.

- **Can my landlord evict me because I had to call the police multiple times due to domestic violence?**
 - No, they cannot. There are additional protections for people experiencing intrafamily offenses (*i.e.*, domestic violence). You should not be evicted because you call the police, ask for additional security measures, or need locks/doors replaced due to domestic violence. Additionally, if you need to leave the property, you have the right to terminate the lease by providing 14-days written notice.

FAQ 5 – Returning Citizens and Housing

- **Can I file a discrimination case if I was refused housing because of a criminal background check?**
 - Having a criminal record is not a protected trait under the DC Human Rights Act, so you cannot file a Fair Housing discrimination claim based on having a criminal record. However, there is a law that specifically addresses fair housing for returning citizens, the 2016 Fair Criminal Record Screening for Housing Act, commonly known as “Ban the Box.” This law requires most rental housing providers to provide notice of their rent eligibility criteria to applicants before accepting an application fee and also prohibits housing providers from requiring background checks before making a conditional offer of housing. After a conditional offer, housing providers are only allowed to consider pending criminal accusations or convictions from the last 7 years that are listed in the law. Housing providers can only withdraw a conditional offer of housing after considering factors listed by the law. Landlords that do not comply with the law may be penalized with a fine of \$1,000-\$5,000 depending on how many rental units the landlord has in D.C. For more information about this law and the process for filing a complaint for a violation, see OHR’s [Returning Citizens and Housing](#).