



## Fair Housing Act - 50<sup>th</sup> Anniversary - 2018

### Fair Housing Quick Points

The federal Fair Housing Act of 1968 (Title VIII of the Civil Rights Act of 1968) and the federal Fair Housing Act Amendments Act of 1988 are intended to assure all individuals and families have equitable access to safe, decent housing.

The federal Acts prohibit housing discrimination based upon the following protected classes/categories:

-  Race
-  Color
-  Religion
-  Sex/Gender
-  Disability
-  Familial Status
-  National Origin

In New Mexico, additional protected classes are specified under the New Mexico Human Rights Act of 1978:

-  Ancestry
-  Sexual Orientation/Preference
-  Gender Identity
-  Marital Status

Landlords (and sellers) must comply with both the NM Human Rights Act and the Federal Fair Housing Act. Provisions of the Acts relate to all facets of the landlord-tenant (and seller-buyer) relationships. Some examples of prohibited practices include the following:

-  advertising limitations/preference based on race, religion, or any other protected category (there are a few exceptions, ex., “senior” communities).
-  falsely claiming that a given rental unit is “no longer available.”
-  setting stricter, more restrictive standards for selecting tenants or refusing to rent to members of certain groups

 before or during the contracted lease term, setting different terms, conditions, or privileges for rental of a dwelling unit, such as requiring larger deposits from tenants in a protected category, or adopting an inconsistent policy of responding to late rent payments. This includes charging a monthly rental amount for voucher-based payments than for other comparable units.

 terminating a tenancy for a discriminatory reason.

 retaliating against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under HUD's complaint process at any time, even after the investigation has been completed, as well as retaliating against any person because that person reported a discriminatory practice to a housing provider or other authority.



**Linda Simon, MA**  
**Consultant/Contractor**  
**505-288-0973**  
**[lindalbvi@gmail.com](mailto:lindalbvi@gmail.com)**

**Roman Seaburgh**  
**Director of Strategic Initiatives**  
**NM Coalition to End Homelessness**  
**505-433-5175**  
**[roman-s@nmceh.org](mailto:roman-s@nmceh.org)**