

# FAIR HOUSING



ATTORNEY GENERAL LIZ MURRILL

LOUISIANA DEPARTMENT OF JUSTICE



# A MESSAGE FROM



**Attorney General  
Liz Murrill**

*Liz Murrill*

## **Fair housing is the law.**

The role of the Attorney General is to defend and enforce the law, including equal housing opportunity. Part of that effort includes educating the people of Louisiana on their rights and any warning signs of discrimination.

No one should be denied housing because of their race, religion, color, sex, disability, familial status, national origin, or natural, protective, or cultural hairstyle. That is why we have created this educational guide for your personal use.

Within this pamphlet, you'll find actionable checklists, legal guidelines, and specific contact information that will assist you in purchasing, renting, or even selling a property fair and square. Let's get started.



## FAIR HOUSING: A BRIEF HISTORY

The federal Fair Housing Act was signed on April 11, 1968. It banned discrimination in the sale or rental of residential housing based on race, color, religion, sex, and national origin. In 1988, these protections were expanded to protect handicapped persons and persons with minor children, including pregnant women.

In 1991, the State of Louisiana passed the Louisiana Open Housing Act, which authorized the Attorney General's Office to enforce fair housing law. Today this law is known as the Louisiana Equal Housing Opportunity Act.

# THE BASICS

## YOU CANNOT BE DISCRIMINATED AGAINST BASED ON YOUR:

- Race
- Color
- Religion
- National Origin
- Disability
- Sex
- Familial Status
- Natural, protective or cultural hairstyle

## COMPLAINTS ARE TYPICALLY FILED AGAINST:

- Owners of a property
- Managers of a property

## ANY EXEMPTIONS?

Under most circumstances, any individual owning no more than three (3) properties is exempt from fair housing laws. Exemptions also apply to religious organizations, private clubs, and senior housing.

## TIMELINE:

You have one (1) year from the date of the last alleged wrongful discrimination act to file a complaint with the Attorney General's Office; however, you should file it as soon as possible.

# DEFINITIONS

## AGGRIEVED PERSON

Any person who claims to have been injured by a discriminatory housing practice; or believes that he will be injured by a discriminatory housing practice that is about to occur.

## COMPLAINANT

Any person who files an equal housing complaint.

## DISABILITY

A physical or mental impairment which substantially limits one or more of such person's major life activities; a record of having such an impairment; or being regarded as having such an impairment. The term disability does not include illegal use of, or addiction to a controlled substance as defined by federal law.

## DISCRIMINATORY HOUSING PRACTICE

An act that is unlawful under Louisiana law.

## DWELLING

Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location therein of any such building, structure, or portion thereof.

## FAMILIAL STATUS

One or more individuals, who have not attained the age of 18, being domiciled with a parent or

another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18.

## FAMILY

Includes a single individual

## PERSON

Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

## RESPONDENT

The person or any other entity accused in a complaint alleging a discriminatory housing practice, or, any other person or entity identified in the course of an investigation and notified that they are a respondent who shall be joined in the complaint.

## RENT

To lease, to sublease, to let, and otherwise to grant for consideration the right to occupy premises owned by the occupant.

# TOP 10 RED FLAGS

*These are the warning signs of housing discrimination.*

01

## REFUSING TO RENT/SELL

*Or falsely denying that the housing is available for inspection, sale, or rent.*

02

## ADVERTISING PREFERENCE

*Posting notice that indicates preference, limitation, or discrimination.*

03

## DIFFERING TERMS & CONDITIONS

*Certain individuals get different terms, conditions, or provisions in contracts.*

04

## INTIMIDATION OR COERCION

*Agent or seller attempts to prevent an individual from buying or leasing.*

05

## “STEERING” TO/FROM AREAS

*Agent or landlord pushes a person to or from certain neighborhoods or listings.*



06

FINANCING DISCRIMINATION

*Discriminating against someone through financing or brokerage services.*

07

“BLOCKBUSTING” PRACTICES

*Fearmongering residents into selling or renting at below-market prices.*

08

MAINTENANCE FAILURES

*Failing or delaying maintenance or repairs of sale or rental dwellings.*

09

FAILURE TO PROCESS AN OFFER

*Or failing to communicate an offer accurately to affect a sale or rental.*

10

LIMITING SERVICES/ACCESS

*Limiting the use of privileges, services, or facilities associated with a dwelling.*



# 3

## VULNERABILITIES

WHEN SEEKING  
FAIR HOUSING

# 01

## RESIDENTIAL REAL ESTATE TRANSACTIONS

### **Louisiana Law, R.S. 51:2607**

A. It is unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms of such a transaction, because of race, color, religion, sex, disability, familiar status, national origin, or natural, protective, or cultural hairstyle.

B. As used in this section, the term “residential real estate related transaction” means any of the following:

1. The making or purchasing of loans or providing other financial assistance:
  - a. for purchasing, constructing, improving, repairing, or maintaining a dwelling,
  - b. secured by residential real estate.
2. The selling, brokering, or appraising of residential real property.

C. Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

# IS IT DISCRIMINATION?

The following questions may alert you to discriminatory practices:

- Does the house continue to be advertised or listed although you were told it had been sold?
- Were you refused an opportunity to inspect or view the house?
- Does the real estate agent limit your housing choices for reasons other than price ranges?
- Does the owner or agent refuse to provide you with information essential to making a bona fide offer?
- Does your mortgage or finance company refuse to make a loan or establish different criteria for obtaining a loan because of the racial or ethnic composition of the neighborhood or area?
- Were you denied an opportunity to submit a purchase agreement?

# 02

## SEX DISCRIMINATION

It is unlawful to refuse to sell or rent, discriminate against any person in the terms and conditions or privileges of sale or rental of a dwelling because of sex.

### **Sexual Harassment**

The law recognizes two types of sexual harassment:

1. **Quid pro quo harassment** occurs when housing benefits are conditioned on sexual favors, e.g., threatening to evict a tenant who refuses to have a sexual relationship or perform sexual favors.
2. **Hostile environment harassment** occurs when sexually offensive behavior interferes with the use or enjoyment of the premises, e.g., sexually suggestive remarks, sexual requests, physical touching, or threats of violence.

# 03 DISABILITIES

Disabilities mean a physical or mental impairment, which substantially limits one or more of such person's major life activities. This may include mental and psychological disorders, diseases/conditions and systemic conditions.

## ACCOMODATIONS

A **MODIFICATION** is a structural change made to an existing premise occupied or to be occupied by a person with a disability in order to afford such person full enjoyment of the premise.

## **EXAMPLES OF MODIFICATIONS:**

1. Accessible building entrance on accessible route
2. Accessible & usable public/common use facilities
3. Usable doors by persons in wheelchairs
4. Accessible route into and through the covered unit
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
6. Reinforced walls for grab bars
7. Usable kitchens and bathrooms

**REASONABLE ACCOMMODATIONS** is change, exception or adjustment to a rule, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy the dwelling, including public and common spaces.

**EXAMPLES:**

1. Allows for tenant to have a handicap parking space
2. Special access by personal care attendants
3. Landlord waives fee for overnight guests
4. Landlord waives “no pet policy” for disabled person
5. Allows tenant to hire a housekeeper for a disabled resident unable to maintain his or her apartment
6. Agrees to accept a resident’s rent check at a later date to accommodate resident’s receipt date of an SSI check

**ASSISTANCE ANIMALS** are not pets. There are two (2) 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 an individual with disabilities. The Equal Housing Opportunity Act makes it unlawful for housing providers to refuse to make a reasonable accommodation that a person with a disability may need to have full enjoyment of a dwelling.

A landlord may ask for medical verification if the disability requires a specific modification or accommodation.

# TENANT TIP SHEET

WHEN LOOKING FOR A HOME OR APARTMENT

01

## BRING A FRIEND

Always bring a neutral person, preferably not a relative, with you when you apply.

02

## ALWAYS FILL OUT AN APPLICATION

If you're told there are no vacancies, ask to be placed on a wait list.

03

## ALWAYS DATE YOUR APPLICATION

If a space is not provided for a date, make one.



04

#### ALWAYS ASK FOR A COPY

If they can't Xerox your application, ask the agent to date & sign a second copy.

05

#### ASK FOR COPY OF RULES & POLICIES

Read document carefully to determine if there are any discriminatory policies.

06

#### ALWAYS SIGN A LEASE

Don't take anyone for their word. Get everything in writing -- and signed.

07

#### NEVER SUBMIT CONFIDENTIAL INFO

Unless you're shown a policy stating that all applicants must provide this info.

08

#### USE PROPER CHANNELS

Never take matters into your own hands, no matter the situation.

# HOW TO FILE A COMPLAINT:

When sending a letter or completing a complaint form, be sure to include:

- Your name and address
- The name and address of the person your complaint is against
- The address or other identifications of the housing involved
- A brief description of the alleged violation
- The date(s) of the alleged violation

Please send your complaint to:

LOUISIANA DEPARTMENT OF JUSTICE  
EQUAL HOUSING OPPORTUNITY SECTION

P.O. Box 94005

Baton Rouge, LA 70804

1-800-273-5718

225-326-6440

[www.ag.state.la.us](http://www.ag.state.la.us)

# NEXT STEPS

The Attorney General's Office will notify you once it has received your complaint. From there, our office will:

- **Notify the alleged violator** and permit them to submit an answer to your complaint
- **Investigate your complaint** and determine whether there is reasonable cause to believe the Equal Housing Opportunity Act has been violated
- **Notify you** if our office cannot complete an investigation within 100 days of receiving your complaint

## MEDIATION

When you file a housing discrimination complaint, you have 10 days to decide to mediate your complaint. Both parties involved with the complaint must agree to the mediation.

## CONCILIATION

The Attorney General's Office will try to reach an agreement with the person your complaint is against. A conciliation agreement must protect both you and the public interest. If an agreement is signed, the AG's Office will take no further action on your complaint. However, if the AG's Office has reasonable cause to believe a conciliation agreement is breached, the office may file suit.

## WHAT HAPPENS AFTER A COMPLAINT IS INVESTIGATED?

If, after investigating your complaint, the AG's Office finds reasonable cause to believe that discrimination has occurred, it will inform you. The office will then file a lawsuit on your behalf in district court; however, there is no cost to you. The district court can order relief and award actual and punitive damages, attorney fees and costs.

## FILING A SUIT

You may file a suit, at your expense, in federal district court or state court within **two years** of an alleged violation. If you cannot afford an attorney, the court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement. A court may award actual and punitive damages and attorney's fees and costs.



# ADDITIONAL CONTACTS

LOUISIANA DEPARTMENT OF JUSTICE  
CONSUMER PROTECTION SECTION

P.O. Box 61  
Baton Rouge, LA 70821  
225-342-7100  
[www.ag.state.la.us](http://www.ag.state.la.us)

U.S. DEPARTMENT OF HOUSING  
& URBAN DEVELOPMENT

451 7th Street S.W.,  
Washington, DC 20410  
(202) 708-1112  
1-800-685-8470  
1-800-432-2209  
[www.hud.gov](http://www.hud.gov)  
[www.fairhousing.com](http://www.fairhousing.com)



## ABOUT THE LOUISIANA DEPARTMENT OF JUSTICE

If you are seeking justice for yourself in a personal, corporate, or family matter, you try to get the best legal representation. But if an entire State or its political subdivisions are injured or victimized by the federal government, a multi-national corporation, or even another State -- that requires an Attorney General.

The Office of the Attorney General *is* the Louisiana Department of Justice, and we work to protect the people of Louisiana as whole. We fight for Louisiana's natural resources, investigate fraud, secure justice for our most vulnerable, and so much more.

We also provide educational content meant to help you make wise choices based on guidance you can trust. With that in mind, we hope this guide to Fair Housing has been enlightening and instructive; but should you need more information, please feel free to reach out to our office or your local parish representative.

ABOUT  
ATTORNEY GENERAL  
LIZ MURRILL



AG Liz Murrill is committed to defending the rule of law and protecting the people of our State. She has argued multiple cases before the U.S. Supreme Court and served as lead counsel in many cases challenging federal overreach, ranging from open border policies and attacks on religious liberty to COVID-19 mandates and First Amendment violations. With more than 30 years experience working in state and federal government, including eight as Louisiana's first Solicitor General, Liz Murrill has been a champion for women, children, and victims demanding justice. Now she is leading the fight to preserve our rights, our industries, and Louisiana's unique way of life. You can learn more at [www.AGLizMurrill.com](http://www.AGLizMurrill.com).



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