

## Fair Housing Policy

**Fair Housing Purpose:** The purpose of this Policy is to promote the general welfare of the residents of Nebraska by endorsing the provisions of the Nebraska Fair Housing Act, sections 20-301 through 20-344, RS Neb., the Federal Fair Housing Amendments Act of 1988 (24 CFR part 100.205) Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8), the Architectural Barriers Act of 1968 (24 CFR parts 40 and 41) and Title II of the Americans with Disabilities Act of 1990.

Fair Housing Definitions: As used in this Policy unless the context otherwise requires:

- (1) Aggrieved person shall include any person who: (a) claims to have been injured by a discriminatory housing practice, or (b) believes that he or she will be injured by a discriminatory housing practice that is about to occur;
- (2) Commission shall mean the Nebraska Equal Opportunity Commission;
- (3) Dwelling shall mean any building, structure, or portion thereof which is occupied as designed or intended for occupancy as a residence for one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;
- (4) Familial status shall mean one or more minors being domiciled with: (a) a parent or a person having legal custody of such individual; or (b) the designee of a parent or other having legal custody, with written permission of the parent or other person;
- (5) Handicap shall mean, with respect to a person: (a) a physical or mental impairment, excluding the current illegal use of or addiction to a controlled substance as defined in section 28-401 RS Neb., which substantially limits one or more of such person's major life activities such as walking, thinking, speaking, hearing, learning, breathing (b) a record or history of having such an impairment, or (c) being regarded as having such an impairment;
- (6) Person shall include 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;
- (7) Rent shall include lease, sublease, let, and otherwise grant for consideration the right to occupy premises not owned by the occupant; and
- (8) Restrictive covenant shall mean any specification limiting the transfer, rental, or lease of any housing because of race, creed, religion, color, national origin, sex handicap, familial status, or ancestry.

**Fair Housing – Unlawful Acts:** It shall be against the Fair Housing Policy to:

- (1) Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, refuse to show, or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status, or sex;
- (2) Discriminate against any person in the terms, conditions, or privileges of sale dwelling or in the provision of services or facilities in connection therewith b color, religion, national origin, familial status, or sex;
- (3) Make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates an limitation, or discrimination based on race, color, religion, national origin, handicap, familial status, or sex or an intention to make any such preference, limitation, to make any such preference, limitation, or discrimination;
- (4) Represent to any person because of race, color, religion, national origin, handicap, familial status, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (5) Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status, or sex of a person seeking to purchase, rent, or lease any housing;
- (6) Include in any transfer, sale, rental, or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing.
- (7) Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this Policy; and
- (8) Induce or attempt to induce, for profit, any person to sell or rent any swilling by representations regarding the entry of prospective entry into the neighborhood or a person or persons of a particular race, color, religion, national origin, handicap, familial status, or sex.

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 minor.

**Fair Housing – Handicapped Persons – Discriminatory Practices Prohibited – Design and Construction Standards:**

- (1) It shall be against the Fair Housing Policy to:
  - (a) Discriminate in the sale or rental of or otherwise make unavailable or deny a swelling to any buyer or renter because of a handicap of:

- (i) The buyer or renter,
  - (ii) Any person associated with the buyer or renter, or
  - (iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available, or
- (b) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:
- (i) Such person,
  - (ii) Any person associated with such person, or
  - (iii) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.
- (2) For purposes of this section, discrimination shall include:
- (a) A refusal to permit, at the expense of the handicapped person reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises except that in the case of rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted,
  - (b) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use or enjoy a dwelling, and
  - (c) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct the dwellings in such a manner that:
    - (i) The public use and common use portions of the dwelling, are readily accessible to and usable by persons with handicaps,
    - (ii) All the doors designed to allow passage into and within all dwellings are sufficiently wide to allow passage by persons in wheelchairs, and
    - (iii) All premises within the dwellings contain the following features of adaptive design:
      - (A) An accessible route into and through the dwelling,
      - (B) Light switches, electrical outlets, thermostats and other environmental controls, in accessible locations
      - (C) Reinforcements in bathroom walls to allow later installation of grab bars; and
      - (D) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- (3) Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the accessibility requirements and shall be deemed to satisfy the accessibility requirements of the Fair Housing Amendments Act.
- (4) For purposes of this section, covered multifamily dwellings shall mean:
- (a) Buildings consisting of four or more units if such buildings have one or more elevators, and

(b) Ground floor units in other buildings consisting of four or more units.

(5) Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

**Fair Housing - Transaction Related to Residential Real Estate - Discrimination Practices Prohibited:**

(1) It shall be against this Fair Housing Policy to discriminate against any person in making available a transaction related to residential real estate because of race, color, religion, sex, handicap, familial status, or national origin.

(2) For purposes of this section, transaction related following:

- (a) The making or purchasing of loans or providing other financial assistance
  - (i) For purchasing, constructing, improving, repairing, or maintaining a dwelling, or
  - (ii) Secured by residential real estate, or
- (b) The selling, brokering, or appraising of residential real property.

(3) Nothing in this Policy shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status, or sex.

**Fair Housing - Information:**

(1) Grievance Procedure - State or federally funded organizations must have established grievance procedures for hearing fair housing complaints as required by Section 504 and the ADA.

(2) Fair Housing Resources - Upon request of an aggrieved person information will be made available at no cost regarding the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission.

(3) Affirmative Marketing - An Affirmative Marketing Plan that:

- (1) Outlines methods for informing the public, and potential tenants about Federal fair housing laws and this Fair Housing Policy (e.g., use of the Equal Housing opportunity logotype or slogan in news releases and solicitations for owners and written communication);
- (2) Requirements and practices adhered to in order to carry out affirmative marketing procedures and requirements (e.g., use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype or slogan, and display of fair housing poster);
- (3) Procedures used to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing without special outreach (e.g., use of community organizations, places of worship, employment centers, fair housing groups, or housing counseling agencies);

- (4) Records that will be kept describing actions taken to affirmatively market units and records to assess the results of these actions; and
- (5) A description of how the success of affirmative marketing actions will be annually assessed and what corrective actions will be taken where affirmative marketing requirements are not met.
- (6) Ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the participating jurisdiction with such persons or entities, public and private, in order to facilitate the activities to provide affordable housing. Describe actions undertaken to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.

Adopted August 31, 2009

