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Fair Housing

Generally, a landlord may rent or refuse to rent for any reason at all – good reason, bad reason, or no reason – as long as it is not a prohibited reason. However, there are exceptions to this rule if you are in a protected class covered by the Fair Housing Law.

What are the protected classes covered by the Fair Housing Law?

No one may be denied housing due to:

- Race or color.
- Religion.
- National origin.
- Sex.
- Sexual harassment.
- Family status (having children under 18, or being a pregnant female).
- Elderliness (55 or older).
- Disability or handicap. Being handicapped includes, but is not limited, to psychological disorders, emotional and mental illnesses, learning disabilities and recovering drug addicts and alcoholics.

What are some classes not covered by the Fair Housing Law?

Several groups are not protected under either the state or federal fair housing law. For example, students and smokers are not protected. Income status, poor credit, criminal background, sexual orientation, unmarried couples, and those under age 55 also not protected groups.

What housing does the Fair Housing Law cover?

Virginia's Fair Housing Law not only applies to rentals, but also applies to home sales, home financing, homeowners & rental insurance, and advertising about rentals & homes for sale.

Housing providers may use occupancy standards, but should allow at least two people per bedroom. Housing providers should also not dictate in which bedrooms younger children of different genders sleep, as this is a parental matter. Nor should a housing provider dictate on what floor families with children should live on. Again this is a parental matter.

What are the rules about access for the handicapped?

If you are renting an apartment built after March 13, 1991, it must be wheelchair accessible. If the apartment is older or is a single family dwelling, you can ask that the building be modified, and the landlord may not deny this request. However, you must pay for the changes yourself.

In addition, if you have a disability that causes you to violate your lease, you should ask the landlord if there is an accommodation that would alleviate or modify the behavior which caused the lease violation. If you make this request, the landlord first must respond to it and should not automatically try to evict you.

What should I do if I am in a protected class and am discriminated against?

If you've been subjected to housing discrimination, you have one year to file a complaint with U.S. Department of Housing & Urban Development and/or Virginia's Fair Housing Office:

US Dept of Housing & Urban Development
Fair Housing & Equal Opportunity
100 Penn Square East, 12th Floor
Philadelphia, PA 19107
215-861-7637 or 888-799-2085

Virginia Fair Housing Office
9960 Mayland Drive
Suite 400
Richmond, VA. 23233
804-367-8530 or 888-551-3247

You also can contact H.O.M.E. for free counseling and assistance with housing discrimination:

Housing Opportunities Made Equal (H.O.M.E.)
626 East Broad Street, Suite 400
Richmond, VA. 23219
804-354-0641 (Voice) & 804-354-0690 (Fax)
help@phonehome.org (e-mail)

What happens after I file a complaint?

If you file a complaint with HUD and/or the Virginia Fair Housing Office, it will be investigated. An investigator will talk with you, the other side and any witnesses, and may review documents and records.

If the Fair Housing Office believes there was no discrimination, it will close the case. If the Fair Housing Office believes there was discrimination, it will try to settle the case. If the Fair Housing Office believes there was discrimination but cannot settle the case, it will refer the case to the Virginia Attorney General for further action. Both you and the other side will be told of this in writing. Whether or not the Fair Housing Office finds discrimination, you have at least 180 days after a determination to file a lawsuit of your own.