
DISCRIMINATION



Basically, all prospective and current tenants must be respected and treated equally.

Current federal fair housing laws extend protection from discrimination on the basis of race, sex, religion, national origin, ancestry, color, familial status and disability. This protection applies to all sections of the United States.

Enforcement procedures in discrimination cases include the use of administrative law judges, the power to get injunctions, and the power to secure awards of up to \$100,000 for fair housing complaints handled through administrative or federal court procedures.

Although Kansas state discrimination laws are in compliance with federal laws, not all local governments have included families with children and persons with disabilities. Some local laws protect additional groups such as marital status and sexual orientation.

Fair housing laws cover not only the specific decision on whether to sell or rent to certain persons or classes of people, but also issues such as charging higher rent or establishing different requirements, conditions, or services. They cover the individuals involved, and situations involving families or guests may apply as well.

Landlords can not legally threaten you, intimidate you, or otherwise retaliate against you if you stand up for your rights.

If you think you have been discriminated against, you should definitely check out your rights and pursue a complaint either directly with your landlord or through the appropriate authority. If it's too late to make the situation better for yourself, at least you can maybe make it better for the next person. The following listing details the powers and procedures for the various ways to provide fair housing complaints.

LOCAL GOVERNMENT

(See box for which cities have fair housing ordinances - next page)

GROUPS COVERED: Varies. Generally include race, sex, religion, national origin, color, ancestry. Some include handicap, marital status, families with children, sexual orientation and welfare income.

WHO INVESTIGATES: Volunteer board members or paid staff.

LIMIT TO FILE: Varies. Generally 180 days.

POWERS: (1) Voluntary conciliation agreements which can include cash awards, agreements to rent, not evict, change management practices, etc. (2) Public hearings before volunteer boards, legal counsel often available. Ability to order injunctions and limits on awards will vary. Enforcement assistance from and appeals to District Court should be applicable, but may vary based on specific local ordinance.

HOW TO CONTACT: Call City Hall and inquire about "Human Relations", "Human Resources" or "Civil Rights" board or staff.

STATE GOVERNMENT

GROUPS COVERED: Race, sex, religion, national origin, ancestry, color, disability and families with children.

WHO INVESTIGATES: Paid staff, based in Topeka and Wichita, who travel the entire state.

LIMIT TO FILE: 1 year.

HOW SOON INVESTIGATION MUST

START: Respondent (the landlord) must be contacted within 10 days.

POWERS: (1) Voluntary conciliation agreements. (See Local page 29.) (2) Hearings generally held in the city where the complaint was filed. Administrative hearings, option of using staff attorney or private counsel. Staff hearing examiner can award actual damages, no limit, and "pain and suffering" damages up to \$2,000.00. Decisions are enforced by or appealed to Kansas District Court.

HOW TO CONTACT: The Kansas Human Rights Commission is in Topeka at 900 SW Jackson, Suite 568, South, 66612; phone 1-888-793-6874. Education specialists are available to answer questions. You can also obtain a copy of the Kansas Act Against Discrimination upon request or at www.khrc.net

FEDERAL GOVERNMENT

GROUPS COVERED: Race, sex, religion, national origin, color, ancestry, disability, and families with children.

Disability is the same as "handicap" and is broadly defined to include anyone who has or

is regarded as having a physical or mental disability (protects people with illnesses such as AIDS, specifically does not protect people with substance abuse problems). Landlords must allow physically disabled tenants, at their own expense, to make "reasonable" modifications to a rental unit to make it accessible. (The landlord does have the right to insist on certain standards of workmanship and, in some cases, on restoration of the property to its original condition at move-out.)

Renting to families with children can still be limited by occupancy limits in local housing codes in terms of how many people a landlord can rent to, but buildings or complexes which meet certain guidelines for operating exclusively for senior citizens are the only ones which can exclude families.

All new rental construction with 4 or more units must be "accessible" or "adaptable" for disabled persons. Copies of the law are available from HUD, your library, your congressperson and on the Internet.

Civil Rights Commissions

A 1988 state list indicates that 24 Kansas cities have fair housing ordinances. Copies of these ordinances should be available through the City Clerk. The City Manager or someone in a Community Development or Human Resources department is usually responsible for investigation. Most cities have a Human Relations Commission, a board of local citizens appointed to settle disputes.

Arkansas City
Atchison
Chanute
Coffeyville
Dodge City
Emporia

Fort Scott
Garden City
Hutchinson
Independence
Junction City
Kansas City

Lawrence
Leavenworth
Liberal
Manhattan
Olathe
Ottawa

Parsons
Pittsburg
Salina
Topeka
Wichita
Winfield

WHO INVESTIGATES: Paid staff of Department of Housing and Urban Development (HUD), based in area or regional offices, who will travel as needed.

COST: None for investigation, might be some for witness fees or court costs. Can be waived if complainant cannot afford.

LIMIT TO FILE: 1 year.

HOW SOON INVESTIGATION MUST

START: Respondent must be contacted within 10 days, investigation completed within 100 days, if possible.

POWERS: (1) Voluntary conciliation agreements. (See Local and State above). (2) Administrative hearings. Complainant assisted by HUD investigator and HUD legal counsel, before HUD administrative law judge. Power of injunction, right to award actual damages and attorneys fees, fines up to \$50,000. Hearings are to be held "in the vicinity" of where the complaint occurred. (3) Federal District Court, by request. Justice Department would represent complainants before federal judge and/or jury. Power of injunction, right to award actual damages and attorneys fees, fines up to \$100,000. Federal courts in Kansas are in Kansas City, Topeka, and Wichita.

HOW TO CONTACT: Call 1-800-669-9777 for national information or 1-800-743-5323 for the Great Plains Regional HUD office, 400 State Avenue, Kansas City, Kansas 66101

PRIVATE ATTORNEY

GROUPS COVERED: Any covered by local, state or federal law, or other policy or regulation.

WHO INVESTIGATES: Varies.

COST: Negotiable, can be high, can be low or "contingency fee."

LIMIT TO FILE: Federal law allows up to 2 years for private lawsuit; Kansas and local law

may vary up to 5 years depending on nature of lawsuit.

HOW SOON INVESTIGATION MUST

START: Varies. Can take some time to prepare case and get through various court systems. In the past, however, there have been times when this was faster and more effective than using government procedures.

POWERS: No limit on settlements, all administrative procedures, no limit on penalties requested or awarded.

HOW TO CONTACT: Check with local, state and federal courts for names of attorneys who have been involved in discrimination cases; check with local and state bar association "lawyer referral" programs; contact libraries or human relations boards for names of attorneys nationally that have been successful in fair housing lawsuits.

THE RULE OF THUMB: If you have a complaint check with local, state, and federal levels of government or private attorneys to see

- (1) whether your particular complaint is covered
- (2) how quickly they are required to act on and settle complaints
- (3) how close the administrative or court hearing would be to where you live, and
- (4) what powers and authority they have to get money or other judgments.

Another **wise move** can be to file your complaint with all levels of government. Generally, government agencies will defer down to the most local agency that has authority in your area. However, by filing in a timely manner with everyone, if you are not satisfied with the investigation at one level, you can ask the next to assist you. Because all government levels have time limits that you must meet for filing, if you waited for one investigation to finish and were dissatisfied, it might be too late to file with the next.