

Document on Demand #132

GLOSSARY OF TERMS

ADMINISTRATIVE LAW JUDGE (ALJ)-The officer employed by HUD or a state fair housing agency who presides over an administrative hearing and decides whether an act of discrimination has taken place and if so the remedy that should be imposed.

BLOCKBUSTING-Blockbusting or panic peddling occurs when real estate agents frighten people to move out of a neighborhood because of fear of a rapid influx of minority persons.

BROKER-A person who acts as an intermediary between a buyer and seller of real estate to negotiate a contract for the purchase or sale of property.

CIVIL PENALTY-This is a monetary penalty that can be imposed upon a defendant found guilty of willful, malicious or reckless discriminatory acts. The penalty is paid to the government, not to the plaintiff.

THE CIVIL RIGHTS ACT OF 1866-This statute passed after the Civil War gives all persons the same right as white citizens to make and enforce contracts, and all citizens the same rights as white citizens to inherit, purchase, lease, sell, hold and convey real and personal property .

COMPENSATORY DAMAGES-The damages a victim of housing discrimination can recover to compensate for injuries actually sustained. Compensatory damages can include out-of-pocket expenses, compensation for loss of rights, and compensation for humiliation and emotional distress.

CONCILIATION-Conciliation refers to the efforts of HUD or a state agency to attempt the resolution of a fair housing complaint without a hearing by securing a settlement between the parties.

DEFENDANT-The person or persons who are sued in a private fair housing lawsuit. Anyone who participated in or was responsible for the discrimination can be named as a defendant.

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)-The federal agency charged with enforcing the fair housing laws.

DISPARATE IMPACT-A rule or regulation may be neutral on its face but nonetheless have a discriminatory impact on a protected class .

DISPARATE TREATMENT-Disparate treatment occurs when a housing provider treats a member of a protected class different from other persons.

THE FAIR HOUSING ACT OF 1968-This Act prohibited discrimination in residential housing on the basis of race, color, religion, sex and national origin.

THE FAIR HOUSING AMENDMENTS ACT OF 1988-This Act expanded the Fair Housing Act of 1968 to prohibit discrimination on the basis of familial status and

handicap and to broaden the remedies available to aggrieved persons .

FAMILIAL STATUS DISCRIMINATION-The Fair Housing Act defines "familial status" to mean one or more individuals (who have not attained the age of 18 years) being domiciled with a parent or person having legal custody, or the designee of the parent or the person having custody with the written permission of the parent or other person. It also applies to pregnant women or someone in the process of securing legal custody of a minor .

HANDICAP DISCRIMINATION-A handicapped individual is someone with a physical or mental impairment that substantially limits one or more of that person's major life activities, or someone who has a record of having such an impairment, or who is regarded as having such an impairment. It does not include persons who currently illegally use or are addicted to drugs.

HOUSING FOR OLDER PERSONS-Under the Fair Housing Act, housing for older persons can exclude families with children.

The Act defines housing for older persons as housing:

(A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Secretary shall develop regulations which require at least the following factors:

(i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(ii) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(iii) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

INJUNCTION-An order by a court requiring a defendant to do something or to stop from doing something. An injunction can normally be imposed only after there is a hearing.

OCCUPANCY STANDARDS-Municipalities and landlords frequently regulate the number of persons that can occupy a unit. Such regulations must be reasonable to pass scrutiny under the Fair Housing Act.

PLAINTIFF-The person or persons who file a private fair housing lawsuit. Any person who is injured by a discriminatory act can be a plaintiff.

PROTECTIVE CLASS-Persons protected from discrimination under the fair housing laws.

PUNITIVE DAMAGES-These are damages awarded to a plaintiff to punish a defendant for willful, malicious or reckless discriminatory acts.

QUOTA-A quota is where a specific number of units are set aside for minority applicants. Often minorities are not allow to exceed the quota. Quotas are generally illegal under the fair housing laws. Quotas are distinguished from Goals, which are generally legal and set out targets to be achieved.

REALTOR®-A person who is a real estate agent or appraiser who is a member of the National Association of Realtors®.

REASONABLE ACCOMMODATION-Under the Fair Housing Act, a housing provider must reasonably accommodate disabled persons. A reasonable accommodation is something that the landlord may provide to make housing more accessible to the disabled and that will not involve an unreasonable cost or administrative burden.

REDLINING-Redlining occurs when lenders or insurance companies refuse to do business in a particular neighborhood.

STEERING-Steering occurs when members of a protected group are shown housing only in certain areas or neighborhoods .

"SUBSTANTIALLY EQUIVALENT"-A state agency may be certified as "substantially equivalent" by HUD if the substantive rights, procedures, remedies, and availability for judicial review under the state act are substantially equivalent to those under the federal Fair Housing Act.

TEMPORARY RESTRAINING ORDER (TRO)-An emergency order that lasts for only 10 days that prevents a defendant from doing some thing. It can be entered without the court first holding a formal hearing. In a fair housing case a TRO may prevent a landlord from renting a unit until a hearing can be held to determine if discrimination occurred.

TESTING-This is a procedure approved by the courts whereby non-applicants pose as applicants to see if members of different classes are treated differently.

ZONING LAWS-Municipalities frequently pass zoning laws to regulate density or the types of buildings or activities that can take place in a neighborhood.