



**CHARLOTTE-MECKLENBURG
COMMUNITY RELATIONS**



FAIR HOUSING & NDO



FAIR HOUSING IS A RIGHT, NOT A PRIVILEGE

Fair housing means that a person may freely choose a place to live without regard to race, color, national origin, religion, sex, familial status or disability. Fair housing is a right protected by federal, state and local laws. Charlotte-Mecklenburg Community

Relations, through the City of Charlotte and Mecklenburg County Fair Housing Ordinances, prohibits discriminatory practices and enforces fair housing laws locally.

No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or disability:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- Frighten people into moving out of a neighborhood (blockbusting)
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing
- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property
- Refuse to purchase a loan
- Set different terms or conditions for purchasing a loan

In addition, it is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right

- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or disability

Protections also exist for some persons with criminal backgrounds.

COMMUNITY RELATIONS HAS LOCAL JURISDICTION TO:

- Receive, initiate, investigate and conduct public hearings on housing discrimination complaints filed with the Fair Housing office
- Require answers to interrogatories and production of documents
- Administer oaths and depositions
- Approve settlement agreements to reduce the effects of discriminatory practices, and to monitor compliance with such agreements



RACE DISCRIMINATION IN FAIR HOUSING

Race is the protected class that receives the most fair housing discrimination complaints in Charlotte-Mecklenburg. Race refers to whether a person is White, Black/African American, Asian, American Indian or an Alaska Native, or is a Native Hawaiian or Pacific Islander, or some mixture of two or more of these groups.

It is illegal for housing providers – such as landlords, property manager, real estate agents, brokers, mortgage lenders, and insurance companies – to treat someone differently because of his or her actual race or perceived race, or because the person is multiracial or in a relationship with someone of a different race.

A housing provider may also not discriminate against a current or prospective tenant because they associate with people of a particular race. For example, a White tenant cannot be treated differently because he or she has African American guests.

Sometimes, housing providers try to disguise their discrimination by giving false information about availability of housing, either saying that nothing was available or steering home seekers to certain areas based on race. Individuals who receive such false information

or misdirection may have no knowledge that they have been victims of discrimination.

Race discrimination may be closely related to color discrimination (and sometimes national origin discrimination). In some instances, an act of discrimination against someone could be considered both race and color discrimination.

Race differs from color. Color refers to the visible color of a person's skin; that is, whether a person's skin is light or dark. Color is also a protected class.



FAIR HOUSING & CRIMINAL BACKGROUND

Housing providers may require individuals to undergo a criminal background check as part of the application process. A provider may use the results of the criminal background check to determine whether an individual qualifies for housing. Your criminal background is not necessarily indicative of whether or not you will be a good tenant.

Recent federal fair housing guidance states that it may be illegal for housing providers to refuse to rent to someone because of their criminal background without considering the nature and severity of the crime(s), how old the record is, and any rehabilitative efforts since the conviction. This is because landlords who refuse to rent to anyone with a criminal record may be disproportionately limiting housing choices for people protected by the Fair Housing Act because of their race, national origin, disability, and/or sex.

If the criminal conviction is related to your disability, you should ask the apartment to consider a reasonable accommodation (or change) to its rules or policies (more information can be found at: <https://www.fairhousingnc.org/know-your-rights/disability/>). The apartment management should not reject your application because of a criminal background that is related to your physical or mental disability. Past substance abuse can be a disability if you are in recovery.

The apartment management should not reject your rental application because of an arrest or charge that was resolved without conviction. The apartment management should also not reject your application because of expunged or sealed convictions.

An arrest with pending charges:

- If the apartment management cannot determine the details of the pending charges, it may delay the decision or deny admission until the charges are resolved.
- If the apartment management can identify the details of the pending charges, they should approve your rental application if a later conviction would not change the decision to rent.

The apartment management *may automatically* reject your application if someone living in the home has a:

- Violent misdemeanor conviction from less than two years ago.
- Violent felony conviction from less than five years ago; or
- Felony conviction involving the sale or manufacture of a controlled substance from less than five years ago.

If the apartment management asks about criminal convictions, you should be honest about any conviction and present any information about any individual circumstances. Landlords may reject an application if they discover an applicant lied during the application process.

For guidance that is applicable to Public Housing Authorities and Section 8 Housing Choice Voucher administrators, visit: <https://www.fairhousingnc.org/2020/fair-housing-and-criminal-background-screening-guide-public-housing-and-section-8-vouchers/>

DOCUMENT every interaction you have with the housing provider. Include information about the property, addresses, dates, times,

names of the people you spoke with, and nature of the interaction.

SAVE any applications, brochures, emails, texts, and any other documents related to the interaction.

If you are denied because of your criminal history, **ASK FOR A COPY** of the background check they conducted. You are legally entitled to it.

This information was obtained from the Fair Housing Project, A Project of Legal Aid of North Carolina. Learn more at: <https://www.fairhousingnc.org>



RIGHTS FOR INDIVIDUALS WITH DISABILITIES

It is unlawful for a housing provider to refuse to rent or sell to individuals due to a disability. In addition, a housing provider may not require or subject individuals with disabilities to different terms or conditions than those required of or provided to individuals who do not have disabilities.

Even if a landlord does not refuse to rent to someone, they may still violate the law by asking illegal questions about one's disability. Generally, a landlord may not ask an individual if they have a disability or general information about that relates to disability. A landlord may ask questions related to a disability in only two circumstances: (1) If an individual is applying for housing designed or designated for individuals with disabilities, and (2) If the housing is designated for people with a particular disability, such as intellectual disability or HIV/AIDS. In these cases, it is permissible to ask if an individual qualifies for such a unit.

A housing provider may not refuse to rent to an otherwise qualified individual with a mental disability because they are uncomfortable with the individual's disability.

DEFINING DISABILITY

The Fair Housing Act defines a person with a disability as an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

A physical or mental impairment could include any of the following:

- Hearing, mobility or visual impairment
- Alcoholism or drug abuse
- Mental illness
- AIDS and AIDS-related complex
- Any disability that substantially limits one or more major life activities including walking, talking, hearing, seeing, breathing, learning, performing manual tasks and caring for one's self.



REASONABLE ACCOMMODATIONS AND MODIFICATIONS

The local Fair Housing Ordinances state that *reasonable accommodations and modifications* must be made for individuals with disabilities.

A “reasonable accommodation” is a change in rules, policies, practices or services so that a person with a disability will have an equal opportunity to use and enjoy their housing.

A “reasonable modification” is a structural modification that is made to allow individuals with disabilities full enjoyment and access to housing and related facilities.

MAKING A REQUEST

The tenant is responsible for making reasonable modification or accommodation requests to the housing provider. The tenant may need to supply supporting documentation as proof of a covered disability. A request can be made at any time.

Examples of Reasonable Requests:

- Allowing a service or emotional support animal (even with a “no pet” policy)
- Reserved parking for tenants with disabilities
- Allowing a tenant to move from one unit to another without charging a fee

Examples of Reasonable Modifications:

- Widening doorways
- Installing grab bars or ramps
- Lowering the height of cabinets
- Installing automatic faucet shutoff

DENIAL OF REQUEST

There are only two reasons a housing provider may deny a request for a reasonable accommodation:

- The request creates an undue financial and administrative burden; and/or
- The request would fundamentally alter the nature of the provider’s operations.

If you feel you’ve been discriminated against in housing, make sure you take these steps:

- Keep a record of the names, dates, addresses, phone numbers and other important information, which can assist in the investigation of your complaint.
- Don’t forget to be as specific as possible about the incident. Get the names and addresses of any witnesses to the incident whenever possible.
- Following the incident, you have one year to file an administrative complaint or two years to file a lawsuit.

Regardless of whether you live in private or public housing, federal and local laws provide rights to persons with disabilities.



CITY OF CHARLOTTE NONDISCRIMINATION ORDINANCE

In August 2021, the City of Charlotte amended its Human Relations Ordinance to include additional protected classes against discrimination for the city code governing public accommodations,

passenger vehicles for hire and procurement. Under this amended Human Relations Ordinance, the Nondiscrimination Ordinance (NDO) now provides employment protections for all new and existing protected classes.

The Charlotte-Mecklenburg Community Relations Department receives all complaints of violation for public accommodations and employment protections.

The protected classes for public accommodations and employment protections are: race, sex, color, gender, ethnicity, gender identity, age, gender expression, religion, sexual orientation, national origin, veteran status, familial status, disability, pregnancy, natural hairstyle.



PUBLIC ACCOMMODATIONS

The Charlotte-Mecklenburg Community Relations Committee has administered the City’s Public Accommodations Ordinance since 1968. Effective October 1, 2021, the ordinance expanded to include the protected classes listed above.

Exemptions to the Public Accommodations Ordinance

To refuse, withhold or deny a person’s patronage of or presence does not apply to a private club or other establishment not, in fact,

open to the public. Amendments to the ordinance do not address bathroom accommodations, which are regulated by the North Carolina legislature. The term Public Accommodations shall not include religious organizations which are defined in the ordinance.

What is prohibited?

It shall be unlawful to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of a Protected Class. This also includes making, printing, circulating, posting, mailing or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the items mentioned in the previous statement.

EMPLOYMENT PROTECTIONS

Effective January 1, 2022 under the new employment protections, it is unlawful for an employer to fail or refuse to hire a person, or otherwise discriminate against them in any employment matter, because of the protected classes listed under the NDO section on page 9. The ordinance applies to all employers in the City of Charlotte.

Exemptions to the Employment Protections

A religious organization's requirement that employees adhere to its tenets as a condition of employment is not a discriminatory practice covered by the city ordinance.



TRAINING OPPORTUNITIES

If your organization is interested in receiving free training, please send an email to ndo@charlottenc.gov or fairhousing@charlottenc.gov and a Community Relations staff member will contact you.

CONTACT US

Anyone who feels they have been a victim of housing or public accommodations discrimination based on the noted protected classes should call 704-336-5160 or submit a complaint via our website.



Community Relations empowers, collaborates, engages and promotes opportunities to create positive outcomes.

Community Relations Mission Statement

**EMPOWER
COLLABORATE
ENGAGE**

The City of Charlotte does not discriminate on the basis of disability. We will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon request. To make a request, please call 704-336-1297.



📍 700 Parkwood Avenue
Charlotte, NC 28205

✉ infocrc@charlottenc.gov



[CHARLOTTENC.GOV/COMMUNITYRELATIONS](https://charlottenc.gov/communityrelations)