



Get the facts!

Fair Housing: Condominium & Homeowner Associations

By law, homeowners' associations—including cooperative, condominium and townhome associations—must respect the fair housing rights of both current and prospective residents. The best strategy for board members to fulfill their responsibilities to their community is to become familiar with fair housing laws and the issues that might come up and to know the resources to contact for more information.

Who is protected under Fair Housing laws?

The Federal Fair Housing Act prohibits housing providers from discriminating against any person on the basis of race, color, national origin, religion, sex, familial status or disability. The State of Illinois also protects individuals on the basis of age, marital status, sexual orientation, order of protection status, ancestry, or military discharge status; Cook County adds source of income and housing status as protected classes.

What are Homeowners' Associations required to do?

Associations should:

- Treat all potential buyers or renters the same, with screening and admissions procedures that are consistent and fact based.
- Allow a reasonable modification to the building to accommodate a resident's disability if the resident will pay for it. Examples include:
 - Installing a ramp
 - Making common areas accessible
 - Adding an automatic opener to the front door.



- Permit a change to the condominium policies to accommodate a resident's disability, such as:
 - Assigning an accessible parking space
 - Allowing service animals in a "no pets' building
 - Requesting notice of board meetings by telephone instead of in writing.

Associations should not:

- Impose occupancy restrictions on the number of people who can live in a unit that are more restrictive than local law
- Restrict facilities so children cannot use them
- Have a "no-child" policy, unless the complex or building complies with the Housing for Older Persons Act of 1995 (certain exceptions may apply if the senior has custody of a minor).
- Charge fees or require additional deposits as a condition of granting an accommodation or modification
- Apply rules in an unequal or inconsistent manner, or
- Make rules that have a discriminatory effect.

If a rule is determined by law to be discriminatory, an association can be held liable even if the board did not intend the rule to be discriminatory.

What can I do if I have been discriminated against?

If you believe you are the victim of housing discrimination, or would simply like to gain a better understanding of your fair housing rights and responsibilities, contact Open Communities at (847) 501-5760 or email info@open-communities.org. This service is free and confidential.

The work that provided the basis for this publication was supported in part by a grant from the U. S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government. This information sheet is not intended to replace the advice of an attorney. (November 2012)



614 Lincoln Avenue
 Winnetka, Illinois 60093-2308
 P 847.501.5760
 F 847.501.5722
open-communities.org

Open Communities is a leading voice for housing, economic and social justice in north suburban Chicago, working to promote inclusive communities that are welcoming to all.