

Condo Associations & Fair Housing

FAIR HOUSING HIGHLIGHT #36

Condo associations must comply with fair housing laws too!

I live in a condominium and own my own unit. We have a condo association made up of other residents. They are not real estate agents or landlords, but they do make rules and policies for the community. Do they still have to comply with Fair Housing laws?

YES – all members of a condo association are responsible for complying with fair housing laws and can be held liable if they violate them. The federal Fair Housing Act covers ALL multi-family housing, regardless of ownership. Therefore, while condo associations may not own your property or represent a traditional “housing provider”, they, their members, and their policies, must comply with all aspects of the Fair Housing Act since they are involved in ‘housing related transactions’. All members of condo associations should obtain a full understanding of fair housing laws, as do landlords, rental agents, real estate agents, etc.

My application to buy a condo was recently rejected by the condo association. Does a condo association or cooperative board have the right to choose who lives in their community?

Condo, co-op, and homeowners' associations often reserve the right to approve or reject new residents. This practice is legal as long as criteria for selection are not discriminatory. The Fair Housing Act prohibits discrimination in housing based on race, color, religion, national origin, disability, familial status, gender and age over 40 (in PA only). Refusing to approve someone *because of* their disability, their children, race, religion, etc. is a violation of fair housing laws.

I have an emotional support animal, but my condo association does not allow pets in our community. Can I ask for a reasonable accommodation for my service animal?

YES! Because condo associations must comply with fair housing laws, they must make or allow reasonable accommodations AND modifications to allow people with disabilities the opportunity to use and enjoy their dwelling. Common examples include waiving no pet policies and fees for service animals, allowing reserved parking close to a unit for someone with a mobility impairment, holding community meetings and events in accessible locations, and allowing modifications to units to allow for better accessibility.

How else are condo associations responsible under fair housing laws?

Your condo association’s actions and rules must treat everyone equally and be in accordance with fair housing laws. They should address any disability-related request appropriately and in a timely manner. They also must be mindful of all advertising and published materials that are distributed to the community. Advertising materials should be free of discriminatory language and images, and should be distributed in a diverse manner. Additionally, newsletters that are sponsored by the community must be free of any content that might violate the FHA.

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711
or visit us online at www.fairhousingrights.org.**