



DISCRIMINATED AGAINST FOR HAVING BEEN POISONED BY LEAD
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Following is an excerpt from *Insight*, a newsletter published by Housing Opportunities Made Equal (HOME) in New York.

The question is whether or not a landlord can discriminate against a tenant because of lead poisoning. The answer: NO!

The story behind the answer lies with Jane Doe, a single mother with four children. After Jane Doe had given a security deposit for a three-bedroom, single-family house, one of her children was diagnosed with lead poisoning. The Health Department was notified and Ms. Doe was told to bring her daughter to Children's Hospital for treatments. Later, a representative from the Health Department called her at home and wanted to know her landlord's name and phone number. Ms. Doe explained that she would be moving soon and the inspector asked her where and asked her the new landlord's name and number in order to set up an inspection of the new apartment. Ms. Doe gave the inspector this information.

Approximately an hour after Ms. Doe spoke with the Health Department, the new landlord called her. She said that she had received a phone call from the Health Department and that she would not rent to Ms. Doe because her daughter had lead poisoning. The landlord stated that she could not take a child who has lead problems because she could not afford to have lead abatement done in her house. Ms. Doe tried to explain to the landlord that the Health Department just wanted to inspect the property. The landlord (inaccurately) told her that if the Health Department performed an inspection and found lead, she would be forced to do the lead abatement before the Health Department would allow her to rent to anyone. That day, the landlord gave Ms. Doe her security deposit back.

On the same day, Ms. Doe called Housing Opportunities Made Equal to make a complaint alleging that this landlord had discriminated against her because of her familial status (having children) and her child's lead poisoning disability. After determining that there was reason to believe discrimination had occurred, HOME tested for discrimination based on lead poisoning disability, found evidence to support Ms. Doe's allegation, and assisted Ms. Doe to file a case with the U.S. Department of Urban Development (HUD) alleging discrimination based on disability and familial status.

Eventually a settlement was reached in which the defendants agreed to 1) pay Ms. Doe \$3,000, 2) not deny housing to any applicant based on protected class status in compliance with fair housing laws, and 3) abide by the residential Lead Based Hazard Reduction Act of 1992.

Clearly, this case illustrates the fact that those who deny housing to households with children and those with disabilities will not be protected from liability under the Fair Housing Act based on lead-based paint disclosure requirements or the very real risk of lead hazards.

Whether you are (or represent) and landlord, a seller, or a homeowners association, you need to be familiar with the nexus between lead-paint and FHA requirements. You can learn more about the former at www.FHCO.org/lead.htm and the later at www.FHCO.org. If you have further lead-related questions, contact the Lead Line at 503/988-4000 (a free service). You should also check out the Portland-based Community Energy Project's (CEP) "Living Lead Safe" program (503/284-

6827). The CEP class would make an excellent office or community meeting presentation or even a wonderful offering an agent could set up for his / her clientele. It takes about an hour and, as a former Realtor® myself, I can tell you it is mind blowing! Of course, if you have fair housing questions call our Fair Housing Hotline at 800/424-3247 Ext 2.

This article brought to you by the Fair Housing Council; a nonprofit serving the state of Oregon and SW Washington. Learn more and / or sign up for our free, periodic newsletter at FHCO.org.

Qs about your rights and responsibilities under fair housing laws?

Visit FHCO.org or call 1-800-424-3247 Ext. 2.

Qs about this article? Want to schedule an in-office fair housing training program or speaker for corporate or association functions?

Contact Jo Becker at jbecker@FHCO.org or 503/453-4016.

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