

## JUSTICE NEWS

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### **Departments of Justice and Housing and Urban Development Release Updated Fair Housing Act Guidance on State and Local Land Use Laws**

The Justice Department and the Department of Housing and Urban Development (HUD) released updated guidance today on the application of the federal Fair Housing Act (FHA) to state and local land use and zoning laws. The guidance is designed to help state and local governments better understand how to comply with the FHA when making zoning and land use decisions as well as to help members of the public understand their rights under the FHA.

"The Fair Housing Act helps protect open, free and integrated communities," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "Government officials, housing providers and the general public need to understand how land use and zoning decisions can create barriers to equal housing opportunity. We hope this guidance will help communities make these decisions free from discrimination."

"Zoning and land use are inherently local decisions," said Gustavo Velasquez, Assistant Secretary for Fair Housing and Equal Opportunity for the Department of Housing and Urban Development. "This updated guidance will help give localities and the American people a clearer line of what could constitute housing discrimination under the federal Fair Housing Act. Cities will also have more resources to understand their fair housing rights and responsibilities in the course of making decisions related to various types of housing, including group homes for residents with disabilities."

The FHA prohibits discrimination in housing based on disability, race, color, religion, national origin, sex and familial status (residing with children under 18). The statute bars state and local governments from enacting or enforcing land use and zoning laws, policies, practices and decisions that discriminate against persons because of a protected characteristic, such as race, national origin or disability. The guidance is an update of previous guidance issued in the Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Group Homes, Local Land Use and the Fair Housing Act on Aug. 18, 1999.

The updated guidance, issued in the form of questions and answers, covers:

- How does the Fair Housing Act apply to state and local land use and zoning?
- When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act?
- Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis?
- Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its land use laws respecting housing?
- What is a group home within the meaning of the Fair Housing Act?
- In what ways does the Fair Housing Act apply to group homes?
- How does the Supreme Court's ruling in *Olmstead v. L.C.* apply to the Fair Housing Act?
- Can a state or local government impose health and safety regulations on group home operators?
- Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?
- When does a state or local government violate the Fair Housing Act by failing to grant a request for a reasonable accommodation?

The guidance is available online at <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0>. The Justice Department and HUD share responsibility for enforcing the FHA. HUD is the agency with the primary responsibility to investigate individual complaints of discrimination. The Secretary of HUD, on his own initiative, may file complaints alleging discrimination. In addition, the Attorney General may commence a civil action in federal court when she has reasonable cause to believe that person(s) are engaged in a pattern or practice of discrimination or that a group of persons has been denied rights protected by the FHA.

More information about the Justice Department's Civil Rights Division and the laws it enforces is available at <https://www.justice.gov/crt>. More information about HUD and the civil rights laws it enforces is available at [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing).

Individuals who believe that they may have been victims of housing discrimination may contact the Justice Department at 1-800-896-7743, or they may email DOJ at [fairhousing@usdoj.gov](mailto:fairhousing@usdoj.gov). They may also contact HUD at 1-800-669-9777.

#### Joint Statement on Land Use

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Civil Rights Division

Civil Rights - Housing and Civil Enforcement

**Topic:**

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