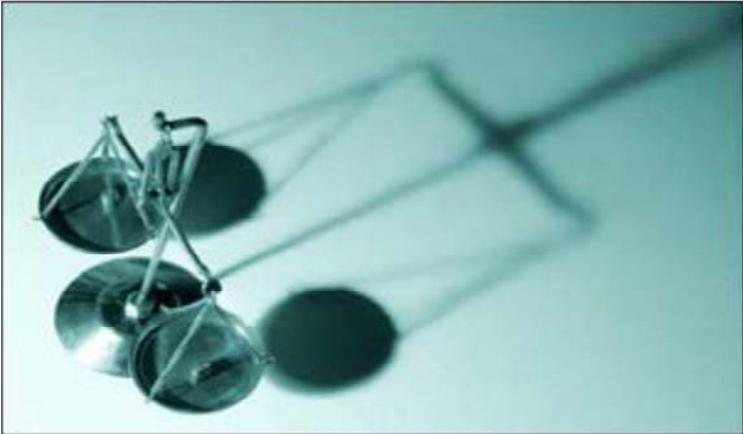


Fair Housing Law: A Comparative Guide



Produced as supplementary training material by the Mayor's Office for Human Rights

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Introduction:

The purpose of this Fair Housing Law Comparative Guide is to provide a clearer understanding of the interactions between local, state, and federal fair housing laws. Though there are many similarities among the three laws, differences do exist. By understanding these differences and the application of Fair Housing Law, housing professionals and their clients can be sure that every housing transaction will be informed and beneficial to both parties.

This booklet is divided into three parts (1) Prohibitions; (2) Exceptions, and; (3) Definitions. Within each part is the relevant text of the Tulsa Revised Ordinances, Oklahoma Fair Housing Law, and Federal Fair Housing Law. Local and State Fair Housing Laws are permitted to be more expansive in their listing of protected classes, however; they are not permitted to broaden the exceptions to fair housing law. For example, Oklahoma Law and Tulsa Ordinance extend protection on the basis of age and Tulsa Ordinance extends protection on the basis of marital status, sexual orientation, and gender identity. The exceptions of both mirror the Federal Law.

In analyzing a potential Fair Housing issue, look first to see if the act complained of is illegal under local law, then state law, then federal law. If the complained of activity is covered by one (or all) of the acts look for any relevant exceptions. Note, that if an activity violates any act, the exception must also come from that same act, e.g. A violation under Tulsa Ordinance would not be exempt under a Federal Exception and vice versa. Also of note: Courts interpret exceptions very narrowly and violations very broadly. If you have any questions, you may contact the City of Tulsa Human Rights Department at: (918)596-7818.

Prohibitions:

Tulsa Fair Housing Ordinance (Title 5 §104(B)):

B. Prohibited acts. The following acts shall be unlawful and an offense:

1. For any person to discriminate in publishing, circulating, displaying, issuing or posting any written or printed communication or advertisement, lease or sublease, assignment, transfer or listing of real property which indicates any preference, limitation, specification or discrimination based on race, color, religion, disability, national origin, ancestry, sex, marital status, familial status, sexual orientation, or gender identity;
2. For any person to induce or solicit or attempt to induce or solicit any real property listings, sale or transaction by representing that the presence or anticipated presence of persons of any race, color, religion, disability, national origin, ancestry, sex, marital status, familial status, sexual orientation, or gender identity in the block, neighborhood or area in which the property is located will or may have results such as the following:
 - a. Lowering property values,

- b. A change in the racial, religious or ethnic composition of the block, neighborhood or area,
- c. Increase in criminal or anti-social behavior in the area, or
- d. Decline in the quality of schools in the area;

3. For any person to fail or refuse to sell, rent, lease, sublease, assign or offer for inspection any real property because a person associates with persons of a particular race, color, religion, disability, national origin, ancestry, sex, marital status, familial status, sexual orientation, or gender identity;

4. For any lending institution to discriminate against any person because of race, color, religion, disability, national origin, ancestry, sex, marital status, familial status, sexual orientation, or gender identity in lending, appraising, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property; or

5. For any lending institution to fail or refuse to lend, guarantee loans, accept mortgages or otherwise make available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real or personal property in an area because the area is composed of members of a particular race, color, religion, disability, national origin, ancestry, sex, marital status or to give less

favorable loan terms for the purchase, acquisition, construction, rehabilitation, repair or maintenance of real or personal property in an area if such practices have a discriminatory effect against a particular class, the members of which consist of persons of a particular race, color, religion, disability, national origin, ancestry, sex, marital status, familial status, sexual orientation, or gender identity.

Oklahoma Fair Housing Act (25 O.S. 1452):

A. It shall be an unlawful discriminatory housing practice for any person, or any agent or employee of such person:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of any housing, or otherwise make unavailable or deny any housing because of race, color, religion, gender, national origin, age, familial status, or disability;
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of housing, or in the provision of services or facilities in connection with any housing because of race, color, religion, gender, national origin, age, familial status, or disability;
3. To make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of housing that indicates any

preference, limitation, discrimination, or intention to make any such preference, limitation, or discrimination because of race, color, religion, gender, national origin, age, familial status, or disability;

4. To represent to any person, for reasons of discrimination, that any housing is not available for inspection, sale, or rental when such housing is in fact so available because of race, color, religion, gender, national origin, age, familial status, or disability;

5. To deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, gender, national origin, age, familial status, or disability;

6. To include in any transfer, sale, rental, or lease of housing any restrictive covenant that discriminates, or for any person to honor or exercise, or attempt to honor or exercise, any discriminatory covenant pertaining to housing because of race, color, religion, gender, national origin, age, familial status, or disability;

7. To refuse to consider the income of both applicants when both applicants seek to buy or lease housing because of

race, color, religion, gender, national origin, age, familial status, or disability;

8. To refuse to consider as a valid source of income any public assistance, alimony, or child support, awarded by a court, when that source can be verified as to its amount, length of time received, regularity, or receipt because of race, color, religion, gender, national origin, age, familial status, or disability;

9. To discriminate against a person in the terms, conditions, or privileges relating to the obtaining or use of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing because of race, color, religion, gender, national origin, age, familial status, or disability;

10. To discharge, demote, or discriminate in matters of compensation or working conditions against any employee or agent because of the obedience of the employee or agent to the provisions of this section;

11. To solicit or attempt to solicit the listing of housing for sale or lease, by door to door solicitation, in person, or by telephone, or by distribution of circulars, if one of the purposes is to change the racial composition of the neighborhood;

12. To knowingly induce or attempt to induce another person to transfer an interest in real property, or to discourage another person from purchasing real property,

by representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race, color, religion, gender, national origin, age, familial status or disability, or to represent that such existing or potential proximity shall or may result in:

- a. the lowering of property values,
- b. a change in the racial, religious, or ethnic character of the block, neighborhood, or area in which the property is located,
- c. an increase in criminal or antisocial behavior in the area, or
- d. a decline in quality of the schools serving the area;

13. To refuse to rent or lease housing to a blind, deaf, or disabled person on the basis of the person's use or possession of a bona fide, properly trained guide, signal, or service dog;

14. To demand the payment of an additional nonrefundable fee or an unreasonable deposit for rent from a blind, deaf, or disabled person for such dog. Such blind, deaf, or disabled person may be liable for any damage done to the dwelling by such dog;

15.

a. to discriminate in the sale or rental or otherwise make available or deny a dwelling to any buyer or renter because of a disability of:

(1) that buyer or renter,

(2) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available, or

(3) any person associated with that buyer or renter,
or

b. to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:

(1) that person,

(2) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available,
or

(3) any person associated with that person;

16. For purposes of disability discrimination in housing pursuant to Sections 1451 through 1453 of this title, discrimination includes:

a. a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, provided that such person also provides a surety bond guaranteeing restoration of

the premises to their prior condition, if necessary to make the premises suitable for nondisabled tenants,

b. a refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling, or

c. in connection with the design and construction of covered multifamily dwellings for first occupancy thirty (30) months after the date of enactment of the federal Fair Housing Amendments Act of 1988 (Public Law 100-430), a failure to design and construct those dwellings in a manner that:

(1) the public use and common use portions of the dwellings are readily accessible to and usable by disabled persons,

(2) all the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs, and

(3) all premises within the dwellings contain the following features of adaptive design:

(a) an accessible route into and through the dwelling,

(b) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations,

- (c) reinforcements in bathroom walls to allow later installation of grab bars, and
 - (d) usable kitchen and bathrooms so that an individual in a wheelchair can maneuver about the space,
- (4) compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people, commonly cited as "ANSI A 117.1", suffices to satisfy the requirements of division (3) of this subparagraph,
- (5) as used in this subsection, the term "covered multifamily dwellings" means:
- (a) buildings consisting of four or more units if the buildings have one or more elevators, and
 - (b) ground floor units in other buildings consisting of four or more units,
- (6) nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others; or

17.

- a. A person whose business includes engaging in residential real estate related transactions may not

discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, gender, disability, familial status, national origin or age.

b. In this section, "residential real estate related transaction" means:

(1) making or purchasing loans or providing other financial assistance:

(a) to purchase, construct, improve, repair, or maintain a dwelling, or

(b) to secure residential real estate, or

(2) selling, brokering, or appraising residential real property.

B. This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

C. No other categories or classes of persons are protected pursuant to Sections 1451 through 1453 of this title. The Attorney General's Office of Civil Rights Enforcement shall have no authority or jurisdiction to act on complaints based on any kind of discrimination other than those kinds of discrimination prohibited pursuant to Section 1101 et seq. of this title or any other specifically authorized by law.

Federal Fair Housing Act (42 U.S.C. §3604):

As made applicable by section 3603 of this title and except as exempted by sections 3603 (b) and 3607 of this title, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination. [Ed. Note: None of the Federal Exceptions §3603(b) are available for this prohibition]

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

(f)

(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of—

(A) that buyer or renter,

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of—

(A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

(3) For purposes of this subsection, discrimination includes—

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such

person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.^[2]

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that—

(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) all premises within such dwellings contain the following features of adaptive design:

(I) an accessible route into and through the dwelling;

(II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(III) reinforcements in bathroom walls to allow later installation of grab bars; and

(IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of paragraph (3)(C)(iii).

(5)

(A) If a State or unit of general local government has incorporated into its laws the requirements set forth in paragraph (3)(C), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

(B) A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3)(C) are met.

(C) The Secretary shall encourage, but may not require, States and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings,

determinations as to whether the design and construction of such dwellings are consistent with paragraph (3)(C), and shall provide technical assistance to States and units of local government and other persons to implement the requirements of paragraph (3)(C).

(D) Nothing in this subchapter shall be construed to require the Secretary to review or approve the plans, designs or construction of all covered multifamily dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph 3(C).

(6)

(A) Nothing in paragraph (5) shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to section 3610 (f)(3) of this title to receive and process complaints or otherwise engage in enforcement activities under this subchapter.

(B) Determinations by a State or a unit of general local government under paragraphs (5)(A) and (B) shall not be conclusive in enforcement proceedings under this subchapter.

(7) As used in this subsection, the term “covered multifamily dwellings” means—

(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(B) ground floor units in other buildings consisting of 4 or more units.

(8) Nothing in this subchapter shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this subchapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this subchapter.

(9) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. [Ed. Note: This applies to subsection (f) only.]

Exceptions:

Tulsa Revised Ordinances (Title 5 §104(C)):

C. Exempt practices and acts. Nothing in this section shall:

1. Apply to the rental of rooms or units in any owner-occupied house or dwelling used exclusively as a rooming house; or

2. Bar any religious institution or organization, or any charitable or educational organization which is operated, supervised or controlled by a religious organization from limiting admission to or giving preference in housing accommodations to persons of the same religion.

Oklahoma Fair Housing Act (25 O.S. 1453):

Nothing provided for in Sections 1451 through 1453 of this title shall:

1. Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in Sections 1451, 1452, 1453, 1501, 1505 and 1505.1 of this title apply to a private membership club which is a bona fide club and which is exempt from taxation pursuant to Section 501(c) of the Internal Revenue Code of 1954;

2. Prohibit a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or

controlled by or in conjunction with a religious organization, association, or society, from:

- a. limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion, or
- b. giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin;

3. Prohibit a private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members;

4. Nothing provided for in Sections 1451 through 1453 of this title relating to familial status applies to housing for older persons. As used in this section, "housing for older persons" means housing:

- a. that the Attorney General's Office of Civil Rights Enforcement determines is specifically designed and operated to assist elderly persons pursuant to a federal or state program,
- b. intended for, and solely occupied by, persons sixty-two (62) years of age or older, or
- c. intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit as determined by Commission rules;

5.

a. Subject to subdivision (b) of division (1) of this subparagraph, Sections 1451 through 1453 of this title do not apply to:

(1) the sale or rental of a single-family house sold or rented by an owner if:

(a) the owner does not:

(i) own more than three (3) single-family houses at any one time, or

(ii) own any interest in, or is there owned or reserved on his or her behalf, pursuant to any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one time, and

(b) the house was sold or rented without:

(i) the use of the sales or rental facilities or services of a real estate broker, agent, or salesman licensed pursuant to the Oklahoma Real Estate License Code, or of an employee or agent of a licensed broker, agent, or salesman, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families, or

(ii) the publication, posting, or mailing of a notice, statement, or advertisement prohibited by Section 1452 of this title, or

(2) the sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner maintains and occupies one of the living quarters as the owner's residence,

b. the exemption in division (1) of subparagraph a of this paragraph applies to only one sale or rental in a twenty-four-month period, if the owner was not the most recent resident of the house at the time of the sale or rental;

6. Nothing provided for in Sections 1451 through 1453 of this title shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, age, religion, gender, disability, familial status, or national origin;

7. Nothing provided for in Sections 1451 through 1453 of this title shall affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards;

8. Nothing provided for in Sections 1451 through 1453 of this title shall prevent or restrict the sale, lease, rental, transfer, or development of housing designed or intended for the use of the disabled;

9. Nothing provided for in Sections 1451 through 1453 of this title shall affect a requirement of nondiscrimination in any other state or federal law;

10. Nothing provided for in Sections 1451 through 1453 of this title shall prohibit the transfer of property by will, intestate succession, or by gift.

Federal Fair Housing Act (42 U.S.C. §§ 3603 & 3607):

§3603(b) Exemptions

Nothing in section 3604 of this title (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner: Provided, That such private individual owner does not own more than three such single-family houses at any one time: Provided further, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three

such single-family houses at any one time: Provided further, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented

(A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and

(B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 3604 (c) of this title; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) Business of selling or renting dwellings defined

For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

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§3607 Religious Organization or Private Club Exemption

(a) Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes

provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b)

(1) Nothing in this subchapter limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this subchapter regarding familial status apply with respect to housing for older persons.

(2) As used in this section, “housing for older persons” means housing—

(A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by persons 55 years of age or older, and—

(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate

the intent required under this subparagraph; and **(iii)** the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall—

(I) provide for verification by reliable surveys and affidavits; and

(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(A) persons residing in such housing as of September 13, 1988, who do not meet the age requirements of subsections (2)(B) or (C): Provided, That new occupants of such housing meet the age requirements of subsections (2)(B) or (C); or

(B) unoccupied units: Provided, That such units are reserved for occupancy by persons who meet the age requirements of subsections (2)(B) or (C).

(4) Nothing in this subchapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or

distribution of a controlled substance as defined in section 802 of title 21.

(5)

(A) A person shall not be held personally liable for monetary damages for a violation of this subchapter if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.

(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that—

(i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and

(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.

Definition of Terms

Tulsa Fair Housing Ordinance (Title 5 §104(A))

A. **Definitions.** For the purposes of this section, the following words and phrases shall have the meanings given herein.

1. **Familial status** shall refer to one (1) or more individuals who have not attained the age of eighteen (18) years who

are domiciled with (a) a parent or other person having legal custody of such individual or individuals, or (b) the designee of a parent or other person having legal custody with the written permission of such parent or person having legal custody.

2. **Housing unit** shall mean any single-family or multi-family dwelling located in the City of Tulsa, including a mobile home trailer, which is designed to be used and is used or occupied as the home, homesite, residence or sleeping place of one (1) or more human beings.

3. **Lending institution** shall mean any bank, mortgage company, insurance company, savings and loan association, credit union or any other person or organization regularly engaged in the business of lending money or guaranteeing loans.

4. **Owner** shall mean owner, lessee, sublessee, assignee, agent or any other person having the right of ownership or possession or the right to sell, rent or lease any real property.

5. **Real property** shall mean any parcel or parcels of land, whether or not contiguous, owned or otherwise subject to the control of one (1) or more persons, containing or available for the building of one (1) or more housing units.

Oklahoma Fair Housing Act (25 O.S. 1451)

A. As used in Sections 1451 through 1453 of this title:

1. "**Elderly person**" means any natural person fifty-five (55) years of age or older;
2. "**Dwelling**" means:
 - a. any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families, or
 - b. any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described in subparagraph a of this paragraph;
3. "**Person**" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries, the state, and all political subdivisions and agencies thereof;
4. "**Restrictive covenants**" means any specification limiting the transfer, rental, or lease of any dwelling because of race, color, religion, sex, national origin, age, disability, or familial status;
5. "**Discriminatory housing practices**" means an act that is prohibited pursuant to Section 1452 of this title;
6. "**Disability**" means a mental or physical impairment that substantially limits at least one major life activity, when there is a record of such an impairment, or the individual is

regarded as having such an impairment. The term does not include current illegal use of or addiction to any drug or illegal or federally controlled substance. For purposes of Sections 1451 through 1453 of this title, "an individual with a disability" or "disability" does not apply to an individual because of sexual orientation or the sexual preference of the individual or because that individual is a transvestite;

7. "**Unlawful discriminatory practice because of age**" means an act prohibited pursuant to Section 1452 of this title against a person at least eighteen (18) years of age or older solely on that basis;

8. "**Aggrieved person**" means any person who:

a. claims to have been injured by a discriminatory housing practice, or

b. believes that he or she will be injured by a discriminatory housing practice that is about to occur;

9. "**Complainant**" means a person, the Commission, or the Attorney General, who files a complaint pursuant to Section 1452 of this title;

10. "**Conciliation**" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the respondent, and the Commission;

11. "**Conciliation agreement**" means a written agreement setting forth the resolution of the issues in conciliation;

12. "**Discriminatory housing practice**" means an act prohibited by Section 1452 of this title;

13. "**Family**" includes a single individual;

14. "**Respondent**" means:

a. the person accused of a violation of Sections 1451 through 1453 of this title in a complaint of a discriminatory housing practice, or

b. any person identified as an additional or substitute respondent pursuant to Section 1502.5 of this title or an agent of an additional or substitute respondent; and

15. "**To rent**" means to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

B. For purposes of Sections 1451 through 1453 of this title, a discriminatory act is committed because of **familial status** only if the act is committed because the person who is the subject of discrimination is:

a. Pregnant;

b. Domiciled with an individual less than eighteen (18) years of age in regard to whom the person:

(1). is the parent or legal custodian, or

(2). has the written permission of the parent or legal custodian for domicile with that person; or

c. In the process of obtaining legal custody of an individual less than eighteen (18) years of age.

Federal Fair Housing Act (42 U.S.C. 3602)

As used in this subchapter—

(a) **“Secretary”** means the Secretary of Housing and Urban Development.

(b) **“Dwelling”** means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) **“Family”** includes a single individual.

(d) **“Person”** includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, receivers, and fiduciaries.

(e) **“To rent”** includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) **“Discriminatory housing practice”** means an act that is unlawful under section 3604, 3605, 3606, or 3617 of this title.

(g) **“State”** means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) “Handicap” means, with respect to a person—

(1) a physical or mental impairment which substantially limits one or more of such person’s major life activities,

(2) a record of having such an impairment, or

(3) being regarded as having such an impairment,

but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of title 21).

(i) “Aggrieved person” includes any person who—

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(j) “Complainant” means the person (including the Secretary) who files a complaint under section 3610 of this title.

(k) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with—

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant

or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(l) “Conciliation” means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

(m) “Conciliation agreement” means a written agreement setting forth the resolution of the issues in conciliation.

(n) “Respondent” means—

(1) the person or other entity accused in a complaint of an unfair housing practice; and

(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 3610 (a) of this title.

(o) “Prevailing party” has the same meaning as such term has in section 1988 of this title.

For more information or to schedule a Fair Housing Training Session for your organization or group, please contact the Human Rights Department at:

**City of Tulsa,
Human Rights Department
175 E. 2nd Street, Suite 675
Tulsa, OK 74103**

(918) 596-7818