



Arizona Real Estate Consumer Advisory:

Fair Housing and the Americans With Disabilities Act

Protections in Buying and Leasing

The Fair Housing Act protects your fundamental right to choose housing without being subjected to discrimination. In Arizona, it is unlawful to discriminate in the sale or rental of a dwelling based on these seven protected characteristics:

- Race
- Color
- National Origin
- Religion
- Sex (including gender identity and sexual orientation)
- Familial Status (the presence of children under 18)
- Disability

Prohibited Actions:

You are advised to be vigilant regarding the following actions which are unlawful if based on a protected characteristic:

- **Refusing to sell or rent** a dwelling to a qualified applicant.
- **Refusing to negotiate** for the sale or rental of a dwelling.
- **Making a dwelling unavailable** or falsely denying that housing is available for inspection, sale, or rental.
- **Setting different terms, conditions, or privileges** for the sale or rental of a dwelling.
- **Providing different housing services or facilities**
- **Blockbusting:** Inducing owners to sell or rent by claiming that persons of a particular protected characteristic are moving into the neighborhood.
- **Denying access to or membership in** any facility or service related to the sale or rental of housing.

Fair Housing in Managed Communities and Commercial Spaces

HOA and Property Manager Obligations

Homeowner Associations (HOAs) and Property Managers are strictly bound by the Fair Housing Act. They are responsible for:

- **Equitable Application of Rules:** Regulations cannot target or disparately impact any person based on a protected characteristic.

- **Access to Amenities:** All residents must have equal access to common areas and services.
- **Reasonable Accommodations and Modifications:** For individuals with disabilities, managers and HOAs must provide reasonable accommodations (changes to policies, such as allowing a service animal in a "no pets" community) and allow reasonable modifications (physical changes, such as installing an accessibility ramp).

ADA Responsibilities for Commercial Tenants

If you are leasing commercial space, the Americans with Disabilities Act (ADA) governs accessibility. Responsibilities typically apply to the areas you occupy.

ADA Compliance Checklist for Commercial Areas

- **Accessible Design:** Maintain clear pathways, accessible restrooms (if within the space), and accessible service counters.
- **Reasonable Modifications:** Adjust practices to accommodate employees or customers with disabilities unless it causes undue hardship.
- **Policies and Procedures:** Implement non-discriminatory service practices.
- **Maintenance:** Ensure all accessible features remain fully functional.

Advisory Note: ADA compliance responsibility often depends on specific lease agreements regarding shared or common areas. All parties should consult legal counsel to determine specific obligations.

Consumer Resource Directory and Reporting Procedures

Southwest Fair Housing Council (SWFHC) Promotes equal housing through counseling and complaint assistance.

- Website: <https://www.swfhc.org>
- Phone: (520) 978-1568 or (602) 218-6491

The Arizona Fair Housing Center (AZFHC) Provides eviction prevention, education, outreach, and complaint intake.

- Website: <https://azfhc.org>
- Phone: (602) 548-1599

Arizona Attorney General's Office - Civil Rights Division Investigates housing discrimination and enforces state civil rights laws.

- Website: <https://www.azag.gov/complaints/civil-rights>
- Phone: (602) 542-5025

Arizona Department of Real Estate (ADRE) Regulates the professional conduct of real estate licensees.

- Website: <https://azre.gov/consumers/file-complaint>
- Phone: (602) 771-7700

U.S. Department of Housing and Urban Development (HUD) The primary federal agency for investigating residential housing discrimination.

- Website: https://www.hud.gov/program_offices/fair_housing_equal_opp
- Phone: (800) 669-9777

U.S. Department of Justice (DOJ) Handles complaints related to disability discrimination in public accommodations/commercial spaces.

- Website: <https://www.ada.gov>
- Contact: Contact via the ADA.gov online portal for the most direct submission.

Important Considerations When Reporting

1. **Gather Documentation:** Record dates, times, and names. Save all emails, texts, and advertisements, etc..
2. **Be Specific:** Clearly describe the discriminatory act and why it was unlawful.
3. **Act Promptly:** Report suspected violations immediately, as strict legal time limits often apply.

VITAL JURISDICTIONAL DISTINCTION:

- HUD and fair housing organizations handle residential housing-related disability complaints.
- ADA.gov (DOJ) handles complaints related to disability discrimination in public

Acknowledgement

By signing below, the undersigned Buyer(s) and Seller(s) acknowledge they have read the foregoing consumer advisory.

PROPERTY ADDRESS:

BUYER(S):

Printed Name: _____ Signature: _____

Date: _____

Printed Name: _____ Signature: _____

Date: _____

SELLER(S):

Printed Name: _____ Signature: _____

Date: _____

Printed Name: _____ Signature: _____

Date: _____