

FAIR HOUSING ACT (FHA)

OVERVIEW

The Fair Housing Act (FHA, 42 U.S.C. 3601-3619), prohibits discrimination in all aspects of “residential real-estate related transactions,” including but not limited to:

- Making loans to buy, build, repair or improve a dwelling;
- Purchasing real estate loans;
- Selling, brokering, or appraising residential real estate; and
- Selling or renting a dwelling
- Servicing of loans

The FHA prohibits discrimination based on

- Race or color;
- National origin;
- Religion;
- Sex;
- Familial status (defined as children under the age of 18 living with a parent or legal custodian, pregnant women, and people securing custody of children under 18); or
- Handicap.

Amendments to 24 CFR Part 100 effective March 18, 2013 specifically prohibit discrimination in loan servicing. Unlawful conduct according to 24 CFR 100.130 includes:

- Servicing of loans on dwellings that discriminates on the basis of race, color, religion, sex, handicap, familial status or national origin;
- Servicing of loans or other financial assistance secured by residential real estate in a manner that discriminates on the basis of race, color, religion, sex, handicap, familial status or national origin;
- Providing such loans or financial assistance with other terms or conditions that discriminate, because of race, color, religion, sex, handicap, familial status, or national origin.

The Department of Housing and Urban Development’s (HUD) regulations implementing the FHA are found at 24 CFR Part 100. NCUA’s implementing regulation is found at 12 CFR Part 701.31. The provisions of this regulation apply to Federal credit unions but will be closely followed as guidance for state-chartered credit unions.