

FAIR HOUSING BASICS FOR ANTI-TRAFFICKING HOUSING PROVIDERS



This fact sheet is designed for housing programs serving survivors of human trafficking, including transitional housing, and long-term or supportive housing. It provides a practical overview of Fair Housing Act (FHA) requirements and survivor-centered practices that reduce barriers to housing access while supporting compliance.

WHAT IS THE FAIR HOUSING ACT?

The Fair Housing Act (FHA) is a federal civil rights law that prohibits discrimination in housing and housing-related activities based on protected characteristics. It applies to most housing providers, including nonprofit and publicly funded housing programs.

While the FHA does not mention trafficking, survivors are protected by the FHA to the extent a survivor falls into one of these protected classes. For example, if a trafficking survivor experiences a disability (e.g., trauma associated with their experience as a survivor), a housing provider could not discriminate against the survivor based on that disability (trauma).

PROTECTED CLASSES

- Race
- Color
- National Origin
- Religion
- Sex
- Familial Status
- Disability

HOW DOES IT APPLY TO ANTI-TRAFFICKING HOUSING PROVIDERS?

Fair housing requirements apply to most survivor-serving housing programs, even when housing is short-term, program-based, or includes safety-related rules. Admission decisions, eligibility criteria, rules, room assignments, and termination decisions must be applied consistently and without discrimination.

WHAT HOUSING DISCRIMINATION CAN LOOK LIKE

Discriminatory actions may include:

- Rejecting applicants who do not speak English or failing to provide interpretation during an intake.
- Asking intrusive questions about the trafficking experience that are not relevant to eligibility for the housing program and using that information to deny services.
- Denying housing because survivors have PTSD, depression, anxiety, or past substance use disorders, rather than providing reasonable accommodations.
- Rejecting applicants based on country of origin.
- Using language that discourages someone from engaging in services.
- Zero tolerance policies (e.g., absences, curfews, rule violations) that impact survivors with parenting responsibilities, trauma responses, or disabilities.
- Mandatory participation in groups (including specific times) without flexibility or accommodation.
- Refusing to accommodate families with children.
- Tolerating harassment by staff or other participants related to a protected class
- Requiring higher income, credit scores, or additional documentation from certain applicants, but not others.

REASONABLE ACCOMMODATIONS

Survivors may experience physical, mental health, or trauma-related disabilities. Housing providers must consider reasonable accommodations to ensure equal access to housing. Requests do not need to be in writing or supported by medical records, as these options may limit a survivor's ability to request an accommodation. If the disability-related need for the accommodation is not obvious, housing providers can request a certification from a medical professional that the requested accommodation is connected to the individual's disability.

SURVIVORS HAVE THE RIGHT TO:

- Nondiscriminatory access to housing with the opportunity to explain individual circumstances such as lack of income, credit history, or employment history.
- Receive nondiscriminatory housing options without being discouraged or treated differently because of assumptions about their trafficking experience, trauma, or identity.
- Have housing decisions made without discriminatory assumptions about behavior, safety, or “readiness for housing”.
- Receive clear, accessible information about program rules, expectations, and eligibility requirements, such as alternative formats for people with disabilities.
- Receive reasonable accommodations for physical or mental health at any point in the program.
- Receive information that is accessible, including interpretation or translation, when required by law.

IF A PARTICIPANT EXPERIENCES DISCRIMINATION

If a participant believes that they have experienced discrimination, harassment, or unfair treatment, they have the right to raise concerns and seek support.

THE PARTICIPANT MAY:	PROVIDER RESPONSIBILITIES:	BEST PRACTICES:
Raise concerns through internal grievance processes, which should be explained clearly and without fear of retaliation.	Clearly inform participants of their grievance options in a language and format they can understand.	Housing providers should clearly communicate their nondiscrimination policies.
File a formal fair housing complaint with HUD’s Office of Fair Housing and Equal Opportunity.	Offer information and assistance without judgment or discouragement of the survivor’s decision.	Train staff regularly to ensure consistent practices in intakes and services.
File a complaint with the state or local civil rights agency.	Maintain a safe environment throughout the complaint process. Continue providing services fairly while a complaint is being reviewed.	Use consistent eligibility criteria that are written and accessible to staff and survivors.

If you would like support with developing and sustaining equitable and accessible housing practices, the FNUSA Housing Training and Technical Assistance Team is happy to help. Please contact housing@freedomnetworkusa.org to connect with us.

PROTECTIONS BEYOND THE FHA

- **Title VI of the Civil Rights Act**, prohibits discrimination based on race, color, and national origin for programs receiving federal funds.
- **Section 504 of the Rehabilitation Act** requires equal access for individuals with disabilities in programs receiving federal funds.
- **The Americans with Disabilities Act (ADA)** ensures accessibility and prohibits discrimination in services and programs.
- **The Violence Against Women Act (VAWA)** provides protections for survivors of domestic violence, dating violence, sexual assault, and stalking, including protection from eviction due to violence, confidentiality requirements, and access to emergency transfers.
- **The Trafficking Victims Protection Act (TVPA)** prohibits the disclosure of personally identifying information (PII) about trafficking survivors without informed, written, and time-limited consent, unless a specific legal exception applies.
- **State and Local Laws:** Providers are encouraged to learn about the local fair housing laws to which they may be subject in their state.

PROVIDER CHECKLIST

- Eligibility criteria are flexible and do not automatically exclude survivors based on credit history, income, or criminal record.
- Policies allow for alternative documentation when survivors lack traditional records.
- Reasonable accommodation procedures are documented, and staff are trained to implement them.
- Intake and screening practices avoid making assumptions about a survivor's behavior or background.
- Policies are reviewed regularly.
- Staff receive regular training in fair housing and trauma-informed care.
- Decisions related to denial or termination are documented and made in a nondiscriminatory manner.
- Survivors are informed of their fair housing rights and their options for filing complaints.

ADDITIONAL RESOURCES

- National Fair Housing Alliance (nationalfairhousing.org)
 - National Housing Law Project (nhlp.org)
- National Alliance to End Homelessness (naeh.org)
- Freedom Network USA (freedomnetworkusa.org)

This document was produced by the Freedom Network Training Institute under Grant Number 15POVC-23-GK-04059-HT, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.