Group Homes and the Fair Housing Act (FHA)

This fact sheet has general information. It is not intended as legal advice. Only an attorney can give you legal advice to help you with a problem, or answer a question.

The Fair Housing Act

The Civil Rights Act of 1968, better known as the Fair Housing Act1 (FHA), was enacted to protect people from being treated differently in housing situations. An amendment was passed in 1989 which expanded the scope of the original piece of legislation.

(42 U.S.C. § 3601 et al. See also the Utah Fair Housing Act at Utah Code Ann. § 57-21-1 et al. The federal protected classes are race, color, sex, national origin, familial status, religion, and disability. Utah law also prohibits discrimination based on sexual orientation, gender identity, and source of income.)

The FHA prohibits:

• discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disabilities.

• government entities from making zoning or land-use decisions that discriminate against people with disabilities.

Group Homes

Although the term “group home” is not specifically defined by the FHA, it generally refers to a structured housing program occupied by unrelated people with disabilities in a community. Most group homes are subject to state regulations and licensing provisions.

Not In My Backyard (NIMBY)

Local opposition to community housing for people with disabilities is sometimes called “NIMBY-ism,” which stands for “not in my backyard.” This reflects an attitude where community members do not want a group home located in their neighborhood.

NIMBY attitudes are a major barrier to housing for many people with disabilities.

Under the FHA, it is illegal for a government entity to make policies or decisions that treat a group of people with disabilities differently than a group of people without disabilities. It is also unlawful to deny a land use permit for a group home based on the types of disabilities of the people who live, or will live, at the group home. This protection also applies to covenants.

Reasonable Accommodations

The FHA requires that government entities make reasonable accommodations in land use and zoning policies/procedures if the accommodation is necessary to give people with disabilities an equal opportunity to use and enjoy their housing. Therefore, even though a zoning ordinance imposes the same restrictions on group homes as it imposes on other groups of unrelated people, the government entity may be required to grant a reasonable accommodation to a group home for people with disabilities.

Not all accommodations are considered reasonable. “Reasonableness” is determined on a case-by-case basis. However, if a requested accommodation imposes an undue financial or administrative burden on a government entity, or if the accommodation creates a fundamental alteration in the land use and zoning scheme, it may not be considered reasonable. These exclusions are rarely upheld.
For More Information

If you have further questions, or would like more information in general, please contact the Disability Law Center (DLC).

The Fair Housing Program at the DLC provides services to all protected classes throughout Utah, not just those with disabilities. Our services are offered statewide and free of charge. **Materials are also available in alternative formats such as audio, large-print, Braille, and Spanish.**

Call (800) 662-9080 or visit our office to speak confidentially with a Short Term Assistance Advocate. Office hours are Monday-Friday, 9:00 AM to 4:00 PM.

Disability Law Center
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Salt Lake City, UT 84103
(800) 662-9080
TRS: dial 711

VRS Services available at: sorensonvrs.com
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The federal Fair Housing Act prohibits discrimination on the basis of race, color, sex, national origin, familial status, religion, or disability. Utah law also prohibits discrimination based on source of income, sexual orientation, and gender identity in the rental, purchase, and sale of real property.

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