



Fair Housing Act—what's exempt?

If a dwelling is being rented or sold in the US, the Fair Housing Act at least prohibits discriminatory advertising. Do all its other anti-discrimination parts apply, or is the situation exempt? This flowchart is designed to help you understand whether the exemption in [24 CFR §100.10\(c\)](#) applies.

Is it a room/unit in a dwelling with **living quarters for multiple independent parties** (like a duplex, an apartment unit, or a room in a house), or a (whole) **single family house**?

A room/unit in a dwelling with living quarters for multiple independent parties

Does the owner maintain and occupy at least one of these living quarters as their own residence?

Yes, owner maintains and occupies

No, owner does not maintain and occupy

Are there more than four living quarters occupied or intended to be occupied by independent parties, including the owner's living quarters?

Yes, more than four living quarters

No, four or fewer living quarters

The Fair Housing Act **applies** and discrimination is not allowed.

Except for the prohibitions against discriminatory advertising, the situation is **exempt** from the Fair Housing Act.

Yes, owner sold another

No, owner did not sell another

Has the owner sold another single family house within the last 24 months?

Single family house

Is a real-estate-related business/agency involved in selling or renting the single family house?

Yes, business/agency is involved

No, owner is acting alone

Does the owner own or have any interest in more than three single family houses?

Yes, more than three houses

No, three or fewer houses

Is the owner selling the single family house, not renting?

No, owner is renting the house

Yes, owner is selling the house

Does the owner selling the house reside in it at the time of the sale?

No, owner does not reside there

Regardless of whether a situation is exempt from the Fair Housing Act, all parties should strive to be decent and work to prevent discrimination against marginalized groups, such as disabled people. In particular, owners should make allowances for disabled people to have assistance animals if there is no extraordinary reason not to. Not only is it the right thing to do, but *state or local anti-discrimination laws may be in effect even when federal laws don't apply* (check the laws in your area).