



KNOW YOUR RIGHTS: HOUSING AND HIV

Safe, stable, and affordable housing is not only a basic human right, but vital to the survival of people living with HIV. This resource provides a brief review of the rights of people living with HIV to obtain housing without discrimination under federal law. **This resource does not constitute legal advice, and an individual with a question about the law or their particular circumstances should contact an attorney.**

HOUSING DISCRIMINATION

- **You have the right not to be discriminated against in obtaining housing or in the conditions of your housing.**
 - A potential seller or landlord, or your current seller or landlord, cannot discriminate against you because:
 - You have HIV.
 - You are associated with someone living with HIV. Even if you do not have HIV, you cannot be discriminated against because your roommate, spouse, family member, friend, or boyfriend or girlfriend has HIV.
 - You are suspected of having HIV or are associated with someone suspected of having HIV. For example, you cannot be discriminated against because you are gay and your landlord therefore thinks that makes you more likely to have HIV.
 - HIV status doesn't need to be the only reason for the discrimination—your rights are violated even if it's just part of the reason.
- **Discrimination can come in many forms.** A discriminatory action can be any negative action that affects your ability to obtain or keep your housing. Examples include:
 - Refusing to rent to someone.
 - Falsely stating that a unit is no longer available.
 - Setting more restrictive standards (such as higher income requirements) for someone.
 - Advertisements that indicate a preference for tenants who do not have HIV or any other disability.
 - Setting different terms for different tenants (such as responding more harshly to late rent payments from some tenants than others).
 - Refusing to accommodate the needs of disabled tenants.
- **You have the right to keep your HIV status confidential.** No one who is considering selling or renting to you or who is currently selling or renting to you can ask about your HIV status. If they know your HIV status, they cannot ask for details about it, such as your viral load.
- **Zoning laws or restrictive covenants cannot discriminate against group homes for people living with HIV.** It is illegal for zoning laws or covenants to discriminate against people living with HIV by making it difficult to create a group home for people living with HIV. Even if you can't show the zoning laws or covenants were intended to discriminate against people living with HIV, the zoning laws may be illegal if you can show they affect people living with HIV differently. For

example, a town cannot enact special administrative hurdles for group homes, as these homes are more likely to be needed by people living with HIV.

- **You have the right to file a complaint if you have been the victim of housing discrimination.** Although we recommend you contact a lawyer to help you file a complaint, you do not need a lawyer to do so. For information on how to file a complaint of housing discrimination, you can:
 - Contact an attorney, such as your local ACLU office.
 - File a complaint, get more information, or find your local U.S. Department of Housing (HUD) office by going to:
http://portal.hud.gov/portal/page/portal/HUD/topics/housing_discrimination.
 - File a complaint or get more information by calling HUD at 1(800) 669-9777.
- **State and local laws may provide you with additional protections not listed here.** An attorney, your local HUD office, or your state human rights department can provide you with information on state and local anti-discrimination laws.

HOUSING ASSISTANCE

The federal Housing Opportunities for Persons with AIDS (HOPWA) program can provide you with a variety of benefits, including the following: rental subsidies; funding for short term housing; funding to cover short term rent, mortgage, or utilities; funding for security deposits, first month's rent, and credits checks; and assistance in finding housing.

- **You may qualify for HOPWA benefits if you:**
 - Are HIV-positive (you do not need to be diagnosed with AIDS) and
 - Are low-income, which is defined as below 80% of the area median income.
- **The agency providing you with HOPWA benefits is required by law to keep your HIV status confidential.**
- **Your HOPWA aid cannot be easily terminated, and you have the right to certain procedures before it is.** Although HOPWA benefits can be terminated or violating program requirements or condition of occupancy, it can only be terminated in the most severe cases. Before this is done, programs must provide procedures that protect your rights. They must provide you with, at minimum, an initial written notice of termination, opportunity for review, and a written notice of a final decision.
- **For more information on HOPWA and other HUD housing programs:**
 - Visit the HUD website on HOPWA:
<http://www.hud.gov/offices/cpd/aidshousing/local/index.cfm>
 - Visit the HUD website on other rental assistance:
http://portal.hud.gov/portal/page/portal/HUD/topics/rental_assistance
 - Find your local HUD office:
<http://portal.hud.gov/portal/page/portal/HUD/localoffices>
 - Call the national HUD office at: 1(800) 333-4636.

For additional information on the housing rights of people living with HIV, including a legal primer on HIV and housing, visit The Center for HIV Law and Policy's free, online Resource Bank at: <http://www.hivlawandpolicy.org/resourceCategories/view/12>.