

CODE OF D.C. MUNICIPAL REGULATIONS

TITLE 4. HUMAN RIGHTS AND RELATIONS CHAPTER 10. HOUSING AND COMMERCIAL SPACE

CDCR 4-1001 (2007)

4-1001. Prohibited Practices

1001.1 It shall be an unlawful discriminatory practice for any person, on the basis of the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, familial status, matriculation, disability, source of income, or place of residence or business of any individual, to do the following:

- (a) Refuse to sell or rent or to negotiate for the sale or rental of a dwelling or commercial space or otherwise to make a dwelling or commercial space unavailable;
- (b) Discriminate in the terms or conditions of a transaction in real property, including but not limited to a transaction involving the buying or renting of a dwelling or commercial space;
- (c) Make, print, publish, or cause to be made, printed, or published any statement or advertisement with respect to the sale or rental of a dwelling indicating a limitation on, or a preference for, or an intention to make any such preference, limitation, or discrimination against persons on the basis of race, color, sex, religion, national origin, marital status, personal appearance, sexual orientation, family responsibilities, familial status, disability, place of residence or business, or source of income. Prohibited discrimination may take the form of:
 - (1) A work, phrase, photograph, illustration, symbol or form indicating availability or unavailability;
 - (2) An expression to an agent, broker, employee, prospective seller or renter, or any other person of a preference for or limitation on any purchaser or renter for a prohibited reason;
 - (3) Selecting a medium or location for advertising the sale or rental of a dwelling that denies information about housing opportunities to a particular segment of the housing market; or
 - (4) Refusing to publish advertising for the sale or rental of a dwelling or requiring different charges or terms for such advertising.
- (d) Represent that a dwelling is unavailable for inspection, sale, or rental when, in fact, it is available, or similarly to fail to disclose or offer to show all properties listed or held for sale or rent within a requested price or rental range, regardless of location. Prohibited practices include, but are not limited to:
 - (1) Providing inaccurate or untrue information about the availability of a dwelling for sale or rental to any person, including a tester, based on one of the proscribed criteria;
 - (2) Enforcing a covenant or other deed, trust, or lease provision that precludes the sale or rental of a dwelling on such basis; and

(3) Limiting information, by word or conduct, regarding suitably priced dwellings available based on one of the proscribed criteria.

(e) Include in any document related to a transaction in real property any restrictive covenant purporting to restrict occupancy or ownership of real property;

(f) Designate any block, neighborhood, or area of the District of Columbia as unsuitable for the making of mortgage loans, or reject applications for mortgage loans, or vary the terms of a mortgage loan upon property within that block, neighborhood, or area;

(g) Deny a loan or other financial assistance; refuse to guarantee, extend, or renew a loan; refuse to accept a deed of trust or mortgage; or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair, or maintenance of real property; to impose different terms or conditions on the financing or failing or refusing to provide information regarding the availability of loans or other financial assistance, application requirements, procedures or standards for review and approval of loans or other financial assistance or providing inaccurate information;

(h) Refuse to provide title insurance or other insurance relating to the ownership or use of any interest in real property, or to vary the terms or premiums of the insurance;

(i) Discriminate in appraising the value of real estate or in the fixing of any appraisal fee;

(j) Act as real estate broker, salesperson, or agent, including a rental agent, with respect to any transaction in real estate, which requires the broker, salesperson, or agent to discriminate on a prohibited basis. This shall include entering into a listing agreement which has the effect or purpose of discriminating on a prohibited basis;

(k) Deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization, or other service, organization, or facility relating to the business of selling or renting real property, or to discriminate against any person in the terms and conditions of such access, membership, or participation. Prohibited actions include:

(1) setting different fees for access to or membership in a multiple listing service;

(2) denying or limiting benefits accruing to members in a real estate brokers' organization;

(3) imposing different standards or criteria for membership in a real estate sales or rental organization; or

(4) establishing geographic boundaries or office location or residence requirements for access to or membership or participation in a multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings.

(l) Discriminate in furnishing repairs, improvements, or any related services to a tenant or lessee in connection with real property;

(m) Solicit or to cause to be made, in connection with any transaction in real property, any written or oral inquiry or record concerning a prohibited basis, except inquiries or records made or kept in connection with a legitimate business purpose. Inquiries regarding source of income shall be made only to verify an applicant's total lawful income;

(n) Employ a prohibited basis in determining whether a person satisfies any occupancy, admission, enrollment, eligibility, membership, or other requirement or condition which applicants must satisfy respecting any transaction in real property;

(o) Engage in any of the following credit practices in connection with a transaction in real property:

(1) Deny credit to an application or class of applicants where other applicants of like overall credit worthiness are granted credit;

(2) Impose special requirements or conditions upon an applicant or class of applicants, such as requiring co-obligors or larger than usual down-payments, where similar requirements or conditions are not imposed upon applicants of like overall credit worthiness;

(3) Impose credit terms or conditions which unintentionally have a discriminatory effect, and which cannot be justified by business necessity;

(4) Refuse to consider all lawful sources of an applicant's income in evaluating an applicant's credit worthiness and income eligibility; or

(5) Employ a prohibited basis in a decision to grant, withhold, extend, or renew credit, or in the fixing of credit lines or rates, or of the terms or conditions of credit;

(p) Restrict or limit the number of occupants using any real property, except in accordance with health, safety, and other regulations promulgated by an authorized agency of the District of Columbia government; or

(q) Coerce, intimidate, threaten, interfere with, or otherwise harass anyone exercising or encouraging others to exercise their rights granted under the Act or this chapter in the ownership, occupancy, or leasing of any real property; or to retaliate or discriminate against any person because he or she has opposed any practice forbidden under this chapter or the Act, or because he or she has filed a complaint, testified, or assisted in any proceeding under the Act.

(r) For profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood. It is not necessary that there was in fact profit as long as profit was a motivating factor. Prohibited actions include:

(1) Engaging in conduct that conveys the impression that a neighborhood is undergoing or is about to undergo a change in order to encourage the person to offer a dwelling for sale or rental; or

(2) Encouraging any person to sell or rent a dwelling through assertions that the entry or prospective entry of person can or will result in undesirable consequences for the project, neighborhood, or community, such as the following:

(i) A lowering of property values in an area;

(ii) An increase in criminal or antisocial behavior in an area;

(iii) A decline in the quality of schools and other public services in an area;

(iv) A material change in the racial or ethnic composition of an area; or

(v) A decrease in the desirability of occupying property in an area.

(s) To make, print or publish, or cause to be made, printed or published, a discriminatory notice, statement or advertisement, which includes, but is not limited to:

(1) using words, phrases, photographs, illustrations, symbols or forms which convey that dwellings are available or not available to a particular group of persons;

(2) expressing to agents, brokers, employees, prospective sellers or renters or any other persons a preference for or limitation on any purchaser or renter;

(3) selecting media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities;

(4) refusing to publish advertising for the sale or rental of dwellings or requiring different charges or terms for such advertising.

(t) Discriminate in the purchasing of loans. Unlawful conduct includes, but is not limited to:

(1) Purchasing loans or other debts or securities which relate to, or which are secured by dwellings in certain communities or neighborhoods but not in others because of race, color, religion, sex, age, national origin, marital status, disability, family responsibilities, familial status, personal appearance, sexual orientation, matriculation, source of income, and place of residence or business;

(2) Pooling or packaging loans or other debts or securities which relate to, or which are secured by, dwellings differently because of race, color, religion, sex, age, national origin, marital status, disability, family responsibilities, familial status, personal appearance, sexual orientation, matriculation, source of income, and place of residence or business;

(3) Imposing or using different terms or conditions on the marketing or sale of securities issued on the basis of loans or other debts or securities which relate to, or which are secured by dwellings because of race, color, religion, sex, age, national origin, marital status, disability, family responsibilities, familial status, personal appearance, sexual orientation, matriculation, source of income, and place of residence or business.

1001.2 It shall be an unlawful discriminatory practice to engage in any act prohibited in the Act or this chapter wholly or partially based on the fact that a person has one or more children who reside with that person.

1001.3 There shall be a rebuttable presumption that an unlawful discriminatory practice has occurred if the person alleging discrimination has one or more children who reside with that person and any of the acts prohibited in the Act or this chapter are done to maintain residential occupancies more restrictive than the following:

(a) In an efficiency apartment, two persons; or

(b) In an apartment with one or more bedrooms, two times the number of bedrooms plus one.

1001.4 When occupancy limitations are imposed, the presumption of discrimination referred to in § 221 of the Act (D.C. Code § 1-2515(c)(2)(1992 Repl. Vol.)) may be overcome by demonstrating that occupancy limitations are in accord with District of Columbia regulations or law in effect at the time the occupancy limitations were imposed.

1001.5 It shall be an unlawful discriminatory practice to make any representation, whether explicit or implicit, with the intent or effect of restricting or limiting the housing choice of any person, in connection with seeking, negotiating for, buying, or renting a dwelling, that, on ac-

count of a prohibited basis, discourages any person from inspecting, purchasing, or renting a dwelling by, but is not limited to, conduct:

(a) exaggerating drawbacks or not informing any person of desirable features of a community, neighborhood, or development;

(b) communicating that any prospective purchaser would not be comfortable or compatible with existing residents of a community, neighborhood, or development; or

(c) assigning any person to a particular section of a community, neighborhood, or development.

1001.6 It shall be unlawful to make an inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is so sold, rented or made available, or any person associated with that person, has a disability or to determine the nature or severity of any disability, except that the following inquiries are not prohibited if these inquiries are made of all applicants, regardless of disability:

(a) Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;

(b) Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or the persons with a particular type of disability;

(c) Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability;

(d) Inquiry whether an applicant for a dwelling is a current alleged abuser or addict of a controlled substance; or

(e) Inquiry whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

1001.7 It shall be an unlawful discriminatory practice for any person to refuse to permit, at the expense of a disabled person, reasonable modifications of existing premises, occupied by or to be occupied by a disabled person, if the proposed modifications may be necessary to afford the disabled person full enjoyment of the premises of a dwelling. The following provisions apply with respect to rental property:

(a) A landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the premises to the condition that existed prior to the modification;

(b) A landlord may not increase for disabled persons any required security deposits; and

(c) A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as assurances that the work will be completed in a workmanlike manner.

1001.8 It shall be an unlawful discriminatory practice to engage in conduct relating to the provision of housing or of services related to the provision of housing that, on account of a prohibited basis, results in the following:

(a) Discharging or taking other adverse action against an employee because he or she refused to participate in a discriminatory housing practice;

(b) Employing codes or other devices to segregate or reject applicants, purchasers, or renters, refusing to take or to show listings of dwellings, or refusing to deal with certain brokers or agents because they or their clients are of a particular race, color, religion, national origin, sex, age, marital status, disability, or familial status or because of family responsibilities, personal appearance, sexual orientation, matriculation, source of income, or place of residence or business; or

(c) Denying or delaying the processing of an application made by a purchaser or renter or refusing to approve such a person for occupancy in a cooperative or condominium on a prohibited basis.