

Practical Fair Housing for the 21st Century

Presented by:



ZEFFERT & ASSOCIATES

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The Goal of this Training

The purpose of this training is to provide information for all interested personnel to successfully provide housing in accordance with fair housing law and principle.

Note: This training does not provide or replace legal advice in any way. Legal advice is specific to local and state laws and a myriad of other possible variables that cannot be addressed in this format.

Introduction

In 1776, these important words were penned:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness..."

Declaration of Independence

Clearly HOUSING is involved in the "pursuit of happiness."

History

Over time "all men" and "created equal" needed to be defined. These definitions have changed over time. Some interesting documents and court cases relating to these matters are:

The US Constitution:

- Slaves were considered to be 3/5 of a person when determining representation and taxation.

Dred Scott (1856):

- A court case that determined that slaves had "no rights or privileges but such as those who held power and the government might choose to grant them...[they] had no rights which the white man was bound to respect."

The **Civil Rights Act** was enacted in 1866.

- Implemented the 13th Amendment abolishing slavery
- Defined US citizenship and provided that all citizens were protected equally by US law with the enactment of the 14th Amendment
- All citizens were legally given the right to "inherit, purchase, lease, sell, hold, and convey real and personal property."
- This was the law of the land, but there were very weak enforcement provisions. For decades, discrimination was extremely common.

Plessy v. Ferguson (1896):

- A court case that determined that "separate but equal" facilities were constitutional.

Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibited discrimination in federally funded programs.

Very important further legislation was passed shortly after the death of Doctor King...

Federal Fair Housing Law

Fair Housing law applies to private and public housing. The Civil Rights Act of 1968, Title VIII was passed in 1968. This is also called the "Fair Housing Act". In 1968, the following were established as protected classes: Race, Color, Religion, National Origin. Later amendments added "sex" in 1974 and "handicap" and "familial status" in 1988.

The 1988 amendment also expanded HUDs role. It also required that all new construction of multi-family to meet physical standards.

Prohibited Actions

- 1. Blockbusting.** A practice in which real estate developers falsely inform homeowners that people who are members of a protected class, such as race, religion, or national origin will be moving into their neighborhood resulting in a decline in property value. The intent of this practice is to use fear-mongering to induce homeowners to sell their homes at a deflated price.
- 2. Steering.** This practice involves limiting the housing options available to an applicant by guiding or "steering" them towards or away from a particular neighborhood, building, or floor within a building based on the individuals protected class.
- 3. Redlining.** The practice of "drawing a red line" around certain neighborhoods that have a high concentration of a particular protected class and then limiting services to those within the "red lines."
- 4. Refusing to rent to or deal with prospects.** Everyone who wants to can apply. Denials will be made based on facts gathered. Similar information should be given to all applicants. "Scripts" (a general outline of what all persons inquiring about a property will be told) have proved useful for many management professionals). This way, a similar message is given to all, and no one is treated differently.
- 5. Discriminatory conditions or terms** in rents and services. All rental terms, rent concessions and other charges and fees must be applied consistently to all. Deductions from security deposits must be applied consistently and based on clearly documented inspections. Photos of inspections are very useful in proving a unit's condition when it became vacant.
- 6. Falsely denying availability.** We must not say that we have no units available when that is not true. Many have done this to discourage applicants who belonged to protected classes that a manager did not like. In multi-staff management teams, it is vital that there is a clear definition of what will be considered "available". That way one team member will not give a different impression to applicants than another.

Practical steps to take:

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7. **Discriminatory advertising** must not be used. People tend to believe what they read. We cannot give the impression that discrimination is OK through our advertising.
8. **Discriminatory financing.** This primarily relates to purchase financing and lenders.
9. **Intimidation, interference, or coercion** to keep persons from pursuing the full benefit of federal law. We must post HUD posters that spell out tenant's rights. We also need to be prepared to respond when accused of discrimination in a constructive way.

Practical steps to take:

Freedom of Choice

Allowing people to choose where they want to live and fair treatment sums up the spirit of fair housing law. This allows all to pursue happiness as they see fit. Illegal discrimination results when we violate the rights of a person based on protected classes. We will discuss these classes in the next section.

Possible Practice Session Topics:

- Practice your company's "script" to be sure that all of the talking points are covered.
- Discuss your company's definition of what an "available" unit is.
- Practice how you will respond to an accusation of discriminations in a way that is respectful and does not discourage a person from exercising their rights. Pretend the accuser is very angry

The Sexual Harassment in Housing Initiative is an effort to combat sexual harassment in housing led by the Civil Rights Division of the Department of Justice. The goal of the Initiative is to address sexual harassment by landlords, property managers, maintenance workers, loan officers or other people who have control over housing.

What is Sexual Harassment?

Sexual harassment in housing includes demands for sex or sexual acts in order to buy, rent, or continue renting a home. It also includes other unwelcome sexual conduct that makes it hard to keep living in or feel comfortable in your home. Examples are:

Quid pro quo sexual harassment

- "This for that"

Hostile environment sexual harassment

- subjected to unwelcome sexual advances,
- requested for sexual favors,
- or other verbal or physical conduct of a sexual nature

And when this conduct is severe or pervasive enough to:

- create an intimidating, hostile, or offensive environment.

The line between "quid pro quo" and "hostile environment" harassment is not always clear and the two forms of harassment often occur together.

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Sexual Harassment behavior

Sexual harassment can occur

- Verbally (Sexually explicit questions, jokes, or anecdotes)
- Communication (oral, written, electronic, etc.)
- Visually (images, videos)
- Written (email, notes)
- Non-verbally (looking up and down a person's body; derogatory gestures)
- Physically (repeatedly standing too close or brushing up against a person; grabbing and/or touching)

Retaliation

It is illegal to retaliate against an one who opposes certain practices that discriminate based on sex or for filing a discrimination charge, testifying, or for participating in an investigation of a discrimination charge.

Disparate Impact

In 2016, the "Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions" was issued by the U.S. Department of Housing and Urban Development ("HUD") urging housing providers to exercise caution when implementing criminal history policies or practices used to make housing decisions.

Within the guidance, the following is noted:

"A housing provider violates the Fair Housing Act when the provider's policy or practice has an unjustified discriminatory effect, even when the provider had no intent to discriminate. "

HUD's guidance comes on the heels of the Supreme Court's decision last summer, which held disparate impact claims are cognizable under the Fair Housing Act.

While persons with criminal records are not a protected class under the Act, HUD stresses that criminal history-based barriers to housing have a statistically disproportionate impact on minorities, which are a protected class under the Act, and as such, creating arbitrary or blanket criminal-based policies or restrictions could violate the Fair Housing Act ("FHA" or "Act").

To be clear, HUD's guidance does not preclude housing providers from crafting criminal history-based policies or practices, but the guidance makes evident that housing providers should create thoughtful policies and practices that are tailored to serve a substantial, legitimate, and nondiscriminatory interest of the housing provider, such as resident safety or the protection of property.

What is Discrimination?

What is illegal discrimination?



**Workshop:
Illegal
Discrimination**

Check the correct answer:

Which definitions of "discrimination" describes illegal discrimination?

- To "***make a clear distinction; distinguish: discriminate among the options available.***" At its core, the concept of discrimination simply relates to making choices. In food or fashion, for instance, people are often referred to as having "discriminating tastes".
- To discriminate may also specifically mean "***to make distinctions on the basis of class or category without regard to individual merit; show preference or prejudice.***"



**Workshop:
Federally Protected
Classes**

F _____
R _____
i _____
e _____
N _____
D _____
S _____
C _____
R _____
y _____

Possible Practice Session Topics:

- Can team members name all of the protected classes? A team may use the above acronym, or develop another that they will remember better.

State and Local Governments

Jurisdictions may add their own protected classes, but these are not federally protected. Some common examples are "creed", "ancestry" and "sexual orientation".



Recent HUD Policy

Effective 3/5/2012, HUD implemented a new policy to ensure that its core programs, including its housing programs, are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. 5359-F-02 states that eligibility determinations for HUD-assisted or -insured housing must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.

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Exemptions

The law allows exceptions to familial status for elderly housing.

Also allowed is Mrs. Murphy's Exemption. This exception may apply to:

- Single family homes sold without the help of a realtor
- Owner-Occupied multi-family properties with 4 or fewer units or rooms
- Advertising, however, **MUST ALWAYS** follow fair housing guidelines!



But ...these must be fairly excluded

Protected Classes: Who Does the Fair Housing Act Protect?

1. Race 2. Color 3. Religion 4. National Origin 5. Sex

These classes apply to _____ of us. They may be called "universal" classes.

1. Race: _____

2. Color (of skin): _____

3. Religion: _____

4. National Origin: _____

For HUD properties Limited English Proficiency (LEP) Person requirements:

5. Sex (gender): _____

6. Familial Status

Familial status protection applies to families with children under age 18, pregnant women and persons in the process of securing legal custody of children under age 18.

Familial Status and Elderly Housing

There are three exceptions allowing housing for the "elderly":

1. All persons must be 62 or older. This exception is solely age-based.
2. One person must be 55 or older in at least 80% of the units. This exception is solely age-based.
3. For federally funded housing (Rural Development or HUD, for example): the head or co-head must be 62 or older, *or disabled*. In this type of property, children are often allowed. Rules can vary somewhat based on the federal program involved.

Occupancy limits should be based on number of occupants, regardless of age.

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Rules can discriminate against families. What are some examples of rules that may be seen as discriminatory?

- 1.
- 2.
- 3.

How could these be re-worded to avoid discriminating?
(Hint: think of the *rea*/purpose of the rule)

- 1.
- 2.
- 3.

7. Disability

Definition of Disability

**Federal Register, Vol. 54, No. 13, Monday, January 23, 1989
Rules and Regulations**

The fair housing definition of a disabled person is one with "a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment."

Note: The term "Disabled" is preferred to "handicapped". The emphasis is on the person not the condition.

Note: while a person who meets the definition of disability as defined by the Social Security Administration for SSI and SSD will in most cases meet the disability definition under the Fair Housing Act, the reverse may not be true. This means that an individual who does not meet the SSA definition of disabled may still be considered disabled under the Fair Housing Act.

Reasonable Accommodations & Modifications

Affirmative Requirements

When it comes to individuals with disabilities, we have some affirmative requirements:

- ❑ We must make **reasonable accommodations**. We have important guidance in the *HUD/DOJ Joint Statement on Reasonable Accommodation*.
- ❑ We must allow for **reasonable** modifications. Again, we have important guidance in the *HUD/DOJ Joint Statement on Reasonable Modification*.

Reasonable Accommodations

HUD & DOJ Joint Statement: Reasonable Accommodations

"A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces"

A reasonable accommodation can be requested during the application process or anytime during residency.

Housing providers are required to cover the cost, that results from accommodations, as generally these costs are minimal. Additionally, **a housing provider is prohibited from charging a tenant any fees or deposit as a result of their accommodation or their disability.**

Examples:

- A housing provider cannot charge a "pet deposit" or a "pet fee" for a tenant with a companion or assistance animal.
- A housing provider cannot charge an additional deposit for a person in a wheelchair for anticipated damage by the wheelchair

HUD & DOJ Joint Statement: Reasonable Accommodations

To show that a requested accommodation may be necessary, there must be an *identifiable relationship*, or **nexus**, between the requested accommodation and the individual's disability.

Example: A housing provider has a "no pets" policy. A tenant who is deaf requests that the provider allow him to keep a dog in his unit as a reasonable accommodation. The tenant explains that the dog is an assistance animal that will alert him to several sounds. These include knocks at the door, sounding of the smoke detector, the telephone ringing, and cars coming into the driveway. The housing provider must make an exception to its "no pets" policy to accommodate this tenant.

What's "reasonable"?

Reasonable accommodations must be reasonable and aren't causing an undue financial burden or result in a fundamental alteration of the housing provider's operation.

HUD & DOJ Joint Statement: Reasonable Accommodations

"A fundamental alteration is a modification that alters the essential nature of a provider's operations"

"If a housing provider denies a reasonable accommodation due to the request being unreasonable, the provider should discuss with the tenant/applicant whether there is an alternative accommodation that would effectively address the requester's disability-related needs without a fundamental alteration to the provider's operations and without imposing an undue financial and administrative burden.

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If an alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the provider must grant it."

HUD & DOJ Joint Statement: Reasonable Accommodations

Example: As a result of a disability, a tenant is physically unable to open the dumpster placed in the parking lot by his housing provider for trash collection. The tenant requests that the housing provider send a maintenance staff person to his apartment on a daily basis to collect his trash and take it to the dumpster.

Because the housing development is a small operation with limited financial resources and the maintenance staff are on site only twice per week, it may be an undue financial and administrative burden for the housing provider to grant the requested daily trash pick-up service. Accordingly, the requested accommodation may not be reasonable. If the housing provider denies the requested accommodation as unreasonable, the housing provider should discuss with the tenant whether reasonable accommodations could be provided to meet the tenant's disability-related needs – for instance, placing an open trash collection can in a location that is readily accessible to the tenant so the tenant can dispose of his own trash and the provider's maintenance staff can then transfer the trash to the dumpster when they are on site. Such an accommodation would not involve a fundamental alteration of the provider's operations and would involve little financial and administrative burden for the provider while accommodating the tenant's disability-related needs.

Example: A tenant was being very loud and disruptive in her unit due to her disability which causes auditory hallucinations. Her housing provider issued her an eviction notice due to the disruption. The tenant sought treatment and began taking medication which addressed the behavior. The tenant requested a reasonable accommodation stating that the behavior that resulted in the eviction was due to her disability which has been mitigated by taking medication to address the issue that cause the behavior.

Reasonable Modifications:

HUD & DOJ Joint Statement on Reasonable Modifications

"A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. ... Can include structural changes to the interiors and exteriors of the dwellings and to common and public use areas."

Example: Installing grab bars in the bathroom or installing a ramp for an individual with mobility impairment.

As with reasonable accommodations, there must be a nexus or a relationship to the applicant/tenant's disability and the modification they are requesting.

Housing providers may require:

- That all applicable building permits be obtained
- That the work be conducted in a workmanlike manner
- That descriptions of the proposed modification be submitted to the provider, both before changes are made to the dwelling and before granting the modification
- That the unit be returned to its previous state, prior to the modification being made only if the modification would keep a future tenant from full use and enjoyment of the unit
- In limited circumstances, a housing provider may require that the tenant deposit money into an interest bearing account to guarantee that funds are available to return the interior of the unit to its previous state, ordinary wear and tear expected

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Housing Providers must not require:

- That a specific contractor must be used
- An additional deposit to be paid
- Additional insurance

"If the housing provider wishes a modification to be made with more costly materials, in order to satisfy the landlord's aesthetic standards, the tenant must agree only if the housing provider pays those additional costs."

DOJ & HUD Joint Statement Reasonable Modification

Cost of Reasonable Modifications

Generally, the applicant/tenant must pay the cost of the modification. However, for properties with federal funding that are subject to Section 504 of the Disability Act of 1973, the owner may be required to pay.

- The tenant is responsible for any upkeep and maintenance of a modification that is only used by the tenant.
- If the modification is made to a common area that is ordinarily maintained by the housing provider, then the housing provider is responsible for the upkeep and maintenance of the modification.



Making the Request

HUD & DOJ Joint Statement: Reasonable Accommodations & Modifications

In order for a housing provider to grant a reasonable accommodation or reasonable modification, the tenant or applicant must make the request.

Reasonable Accommodations & Modifications:

- Can be made at any time during application or residency
- Can be made orally or in writing;
- **A provider can request, but cannot require that the request be submitted in writing.**
- Can be made by a family member or someone else who is acting on her behalf, such as a caseworker or advocate
- The request does not need to include the actual term "reasonable accommodation/modification"



DOJ & HUD Joint Statement on Reasonable Accommodation

Example: A tenant in a large apartment building makes an oral request that she be assigned a mailbox in a location that she can easily access because of a physical disability that limits her ability to reach and bend. The provider would prefer that the tenant make the accommodation request on a pre-printed form, but the tenant fails to complete the form. The provider must consider the reasonable accommodation request, even though the tenant would not use the provider's designated form.

What can be asked about Disability?

Under the Fair Housing Act, in general, a housing provider **cannot ask:**

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- If the applicant has a disability
- If a person intending to reside in a dwelling or anyone associated with an applicant or resident has a disability,
- Ask about the nature or severity of such persons' disabilities.

Housing providers **may ask** the following questions as long as these questions are asked of all applicants, including those with and without a disability:

- An inquiry into an applicant's ability to meet the requirements of tenancy
- An inquiry to determine if an applicant is a current illegal abuser or addict of a controlled substance;
- An inquiry to determine if an applicant qualifies for a dwelling legally available only to persons with a disability or to persons with a particular type of disability, and
- An inquiry to determine if an applicant qualifies for housing that is legally available on a priority basis to persons with disabilities or to persons with a particular disability

"A housing provider is permitted to obtain information that is needed to evaluate if the requested accommodation is necessary due to the applicant/tenant's disability"

The provider may not request any additional information if a tenant/applicant's disability is:

- Obvious, or otherwise known to the housing provider, and
- The need for the requested accommodation and the nexus is also readily apparent or known

DOJ & HUD Joint Statement on Reasonable Accommodation

Example 1: An applicant with an obvious mobility impairment who regularly uses a walker to move requests an assigned parking spot near the entrance to the building.

The physical disability (*i.e.*, difficulty walking) and the disability-related need for the requested accommodation are both readily apparent.

If the applicant/tenant's disability is known or readily apparent, but the **need** for the accommodation **is not readily apparent or known**, the housing provider is only permitted to request information that is necessary to evaluate the disability-related need for the accommodation.

DOJ & HUD Joint Statement on Reasonable Modification

Example A tenant with a hearing impairment asks his housing provider to allow him to install extra electrical lines and a cable line so the tenant can use computer equipment that helps him communicate with others. If the tenant's disability is known, the housing provider may not require him to document his disability; however, since the need for the electrical and cable lines may not be apparent, the housing provider may request information that is necessary to support the disability-related need for the requested modification.

In general, a housing provider may not inquire as to the nature and severity of an applicant/tenant's disability. However, **in response to a request for a reasonable accommodation**, a **housing provider may request reliable disability-related information** that:

- Is necessary to verify that the person meets the Act's definition of disability
- Describes the needed accommodation, and
- Shows the nexus or relationship between the person's disability and the need for the requested accommodation

A provider may request documentation that the tenant/applicant meets the FHA definition of disability. This can be verified by the applicant/tenant's

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- Doctor or other medical professional
- Peer support group
- Non-medical service agency
- A reliable 3rd party who is in a position to know about the individual's disability.

In many cases, applicants and tenants can provide documentation that they are disabled under the Act by providing documentation that they are under 65 years of age and receiving Supplemental Security Income or Social Security Disability benefits.

Possible Practice Session Topics:

- Answer the question: Who must pay for modifications at our property type?
- What questions can we ask at our property regarding disability?
- How will you handle a request for accommodation or modification?
- What exact forms does your company use?
- If in doubt, who decides what is "reasonable" in your company?

Other Civil Rights Disability-related Legislation

Section 504 of Rehabilitation Act (1973)

This prohibits discrimination against disabled persons in all **federal** programs, including federally funded housing (such as HUD, Rural Development and HOME funds). Section 504 imposes far more stringent requirements than the Fair Housing Act.

Brief Overview of 504 and other Federal Housing Requirements
<ul style="list-style-type: none"><input type="checkbox"/> 5% of the units must be fully accessible for persons with mobility disabilities.<input type="checkbox"/> 2% of the units must be must be accessible for persons with hearing or visual disabilities.<input type="checkbox"/> Requires that the Housing provider pay the cost of reasonable modifications unless it creates an undue financial burden.<input type="checkbox"/> Mandates a 180 day time limit on complaints<input type="checkbox"/> Mandates a 3 year statute of limitations for a civil claim

Americans with Disabilities Act (1990) (ADA)

This act addresses discrimination against disabled individuals:

1. By employers
2. In commercial space
3. In public areas

At an apartment complex, ADA covers your public areas and offices while fair housing covers your units and common areas.

Fair Housing Design Requirements

A Quick Review of Fair Housing Physical Accessibility Requirements



The 1988 amendment of the Fair Housing Act imposed some accessibility requirements on properties built for first occupancy on or after March 6th 1991. These require that covered units be *adaptable*, that is that the basic design will allow a person who is disabled to make reasonable modifications to a unit in order to accommodate their needs. The law spells out seven design areas.

Fair Housing “Covered” Units Include:

- Ground floor units
- All units in a building if all floors are served by an elevator
- Covered units do NOT include multi-floor townhomes

Overview: Seven basic requirements of fair housing accessibility

1. Accessible entrances & property routes
2. Accessible and usable public and common use areas
3. Usable doors
4. Accessible unit routes
5. Accessible controls
6. Grab-bar reinforcements
7. Usable kitchens and bathrooms

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Advertising

Words Matter!

Describing the amenities, not the tenant that you are trying to attract, will go a long way in keeping you out of fair housing trouble!

Owners or other housing providers must not publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons.

APT FOR RENT
It shall be unlawful to make, print, or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling which indicates any preference, limitation or discrimination because of: race, color, religion, sex, handicap, familial status, or national origin.

Advertising includes all written and oral notices such as applications flyers, brochures, signs, banners, posters, billboards, or any document used in sale or rental of a dwelling.

Discriminatory statements or advertisements include but are not limited to:

- Using words, phrases, photographs, illustrations, symbols or forms which convey that a dwelling is not available;
- Expressing a preference for or a limitation on any renter;
- Selecting media or locations for advertising which deny information to segments of the housing market;
- Refusing to publish advertising or requiring difference charges or terms for such advertising

HUD Guidance on Use of Logo, Slogan and Statement



**Equal Housing
Opportunity**

EHO

We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status or national origin.

Advertising Recommendations

- Print ads: Use Fair Housing Logo (statement is also acceptable):

Size of Ad	Size of Logo
1/2 page or larger	2" x 2"
1/8 page to 1/2 page	1" x 1"
4 column inches to 1/8 page	1/2" x 1/2"
Less than 4 column inches	Use slogan not logo

- Non-print ads: logo should be as large as larges of other logos used.
- If no logo used, statement must be 3-5% of an ad.

Advertising Guidelines

There are no federal requirements for advertising. Guidance is listed in the 24 CFR Part 109 (removed from the CFR effective May 1, 1996) and in HUD's Memo from Roberta Achtenberg, Assistant Secretary for Fair Housing and Equal Opportunity, issued on January 9, 1995.

The following are acceptable:

- ✓ Advertisements which use the legal name or entity which contains a religious reference or symbol
- ✓ Advertisements which contain descriptions of the property or services
- ✓ Use of secularized terms or symbols related to religious holidays
 - Santa Claus / Easter Bunny
- ✓ Phrases which are commonly used as physical descriptions of housing units.

Can you spot problems in the following advertisement?

Apartment for rent
in a traditional
American
Neighborhood!
Right across the
street from
Florentine Church
and two blocks
away

Garages Park Views Bay Windows
Fireplaces

One bedrooms from \$670
Two Bedrooms from \$820

Units Available Now
Call Soon!
1-314-514-7711

Fair Housing Poster

All multifamily rental properties must post the fair housing poster at the beginning of construction throughout rental.

The poster must be 11 x 14 in size and prominently displayed so as to be readily apparent to all persons seeking housing.

Failure to display the fair housing poster as required is evidence of discriminatory housing practice.

U. S. Department of Housing and Urban Development



EQUAL HOUSING
OPPORTUNITY

**We Do Business in Accordance With the Federal Fair
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- In the sale or rental of housing or residential lots
- In the provision of real estate brokerage services
- In advertising the sale or rental of housing
- In the appraisal of housing
- In the financing of housing
- Blockbusting is also illegal

Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination:

1-800-669-9777 (Toll Free)
1-800-927-9275 (TTY)
www.hud.gov/fairhousing

U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410

Previous editions are obsolete

form HUD-928.1 (6/2011)

Effective Compliance Programs

Using *systematic* procedures:

- Collect objective information
- Let customer set the limits
- Offer a variety of choices

Clear *written* policies are a must.

“No written policies” = “discrimination.”

KEY TO SUCCESS!!!!!!!

Consistency in:

- **Procedures**
- **Documentation**

Possible Practice Session Topics:

How to use the remaining pages:

For policy-setters:

- What are our policies in each of these areas?
- Are there any opportunities to improve our policies?

For everyone else:

- What are our company's policies on these issues?
- How do I implement these every day?
- For areas that are too minor or detailed to spell out in our policies, how do I apply good fair housing principals to support our commitment to equal housing opportunity?

NOW...BRAINSTORM SOME IDEAS!

Brainstorming / Policy Discussions

Application Processing

Consistent Procedures

Consistent Documentation

Selection Criteria:

Phone policies:

Showing units:

Help with Paperwork:

Waiting list:

Screening:

Other:

Leasing

Consistent Procedures

Consistent Documentation

Lease terms:

Inspections:

When keys given:

Other:

Tenant Relations

Consistent Procedures

Consistent Documentation

Rent Acceptance Procedure:

Apartment Entry:

Maintenance Requests:

Tenant Discord:

Other:

Tenant Exit

Consistent Procedures

Consistent Documentation

Notice Requirements:

Inspection:

Security Deposit:

Infractions:

Eviction:

Other:

NOTES: