

Fair Housing Policies

Everyone in the business of selling and/or leasing manufactured homes should have written and posted fair housing policies. Such policies not only reduce the risk of suffering the financial loss of a successful fair housing claim, but having them in place is simply good business practice.

A good set of policies informs employees of the organizations commitment to fair housing and sets the expectations they should conduct themselves accordingly. Additionally, it sets a standard in your organization that all applicants and residents are treated consistently.

An organization's fair housing policy doesn't have to be long. Brief is good. But it should be clear,

concise and include the protected classes in all relevant laws (federal, state and local).

In addition to listing the basic protected classes, the policy should include directions on how to file a complaint. Circulate the policy to all residents and keep a copy posted in the community's management office. Make sure you have a large print format available for those who might request it.

Finally, give a copy of your fair housing policy to all employees (not just those in the front office). But don't stop there with your employees. Training is the key to compliance. Actively manage your employees behavior relative to fair housing. Stay involved, and where necessary take action with employee misconduct.



Four Policies

Every organization should have policies on at least four topics:

- 1) a basic non-discrimination statement, including all federal, state and local protected classes;
- 2) Reasonable accommodations;

- 3) Occupancy standards, and
- 4) Rental Screening.

Please note that future monthly editions of MHI's Fair Housing Update will focus on the details of these specific policies as topics.

What a discrimination claim looks like

A reader asked for an example of a fair housing claim in the context of manufactured housing. Below are three paragraphs from an actual decision where a local housing agency had received a complaint. In response, the agency had three testers call the property manager (who also happened to be the owner).

* * *

“On or about April 28, 1999, Tester 1 telephoned Respondent and inquired about purchasing a mobile home at the subject property. Respondent told Tester 1 that he prefers that everyone be 55, or older, but that there are some younger couples in the park, but no children. Tester 1 asked about credit checks and approval. Respondent replied that he neither conducts credit checks nor relies on any other formal screening, but that “he can tell just by looking at you.”

“On or about April 29, 1999, Tester 2 telephoned Respondent to inquire about the availability of mobile homes in the park. Tester 2 stated that she and her husband were interested in purchasing a mobile home for themselves and their two children. Respondent told her that there were mobile homes for sale in the park, but that children were not allowed to live in the park.”

“On or about April 30, 1999, Tester 3 telephoned Respondent telling him that she was looking for a space to rent for herself and her husband. Respondent told her that his property was an “adult” park which meant that residents were over the age of 55 and that no children were allowed. Respondent asked Tester 3's age. She replied that she was 45 and retired, but that her husband, also 45, was still employed. Respondent stated that he could make an exception which depended on whether they were “respectable.””

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As the community was not age-restricted, the operator was found to have discriminated based upon familial status. While this case was in 1999, a similar 2015 case in Wisconsin resulted in a \$100,000 fine.



For more information, questions, or to get copies of past Updates, contact MHI's General Counsel, Rick Robinson, at rrobinson@mfghome.org.