



Manufactured
Housing Institute

July 2016

Fair Housing Update

MHI Debuts Fair Housing Act Policy Templates

In the past, this publication has expressed the need for manufactured home communities to have four distinct policies to help protect against Fair Housing Act claims.

As a benefit to our subscribers, MHI has developed templates for communities to use in formulating and adopting their own policies.

WARNING—these policies are only templates. They do not constitute legal advice. Each community owner should consult with their own counsel to make sure the policies conform with state and local law. They should also be reviewed to insure they work well within the framework of the community's actual business practices.

The first policy is a **basic non-discrimination statement**, including all federal, state and local protected classes. This policy should be very simple and easy to understand. If a lawyer has to explain what it means — start over.

Post this policy in a visible location next to the HUD posters. And make sure it is available in a large print version.

Second, the **screening policy** starts with a general non-discrimination statement. It includes variables on how vacant units/lots are offered, as well as a statement about waiting lists, if any.

The screening policy sets forth the

process for applications, the qualifications of prospective tenants and identification standards. Make sure this lists all your practices, detailing any fees and deposits, and how applicants will be notified of acceptance or denial.

If you use a third-party screening company, then work with them to make sure your policy follows their practice.

Posting your screening requirements often promotes self-screening by the applicant.

As a reference, the screening policy is supplemented by the recent HUD Guidance on criminal background checks.

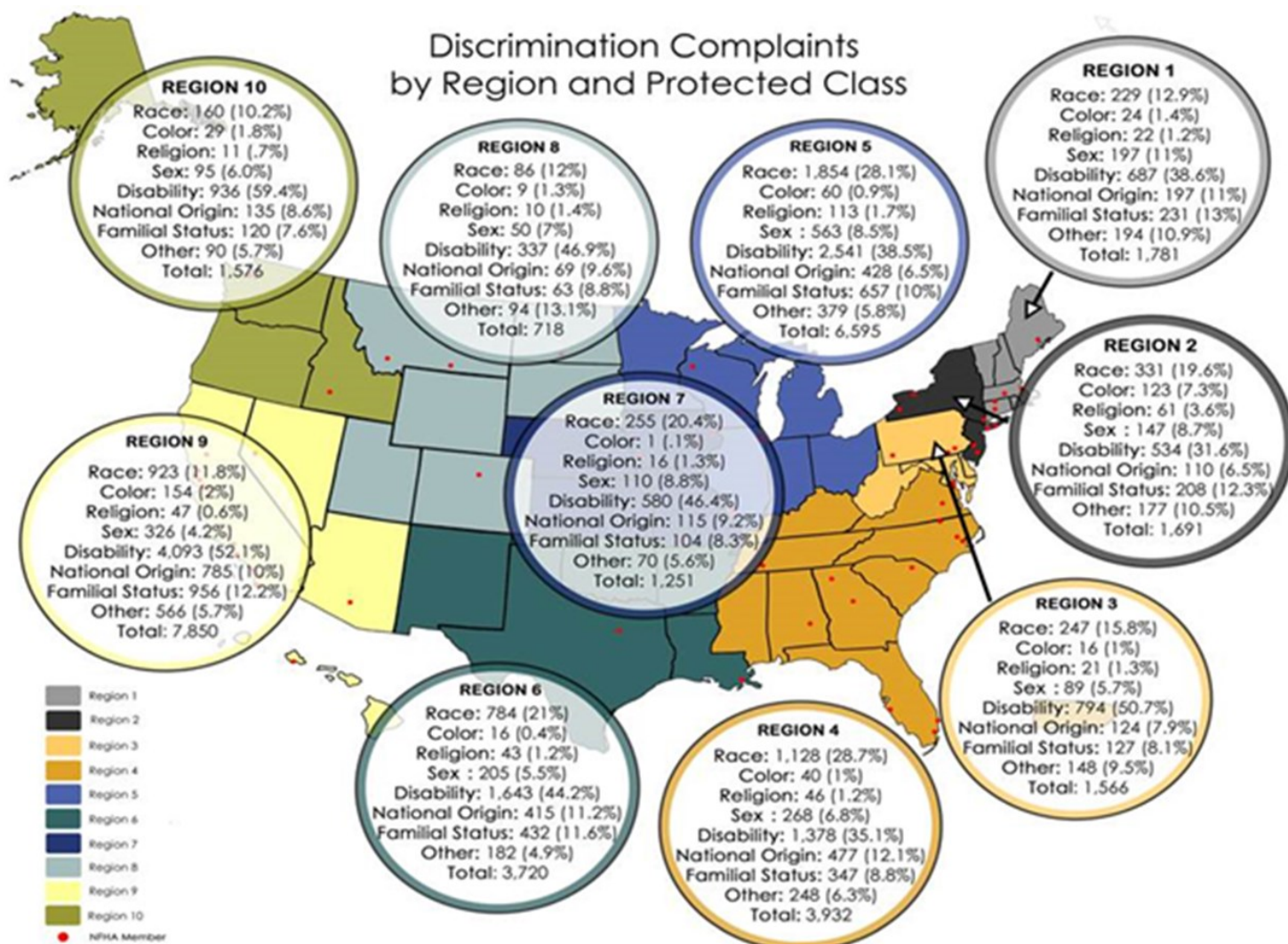
Third, the **policy on occupancy standards**, should be checked against check state and local laws and should not discriminate against families or caregivers.

Finally, the policy on **reasonable accommodations and modifications** sets forth the process for requesting a reasonable accommodation or modification and establishes that the review is always on a case-by-case basis. It is also supplemented by HUD's Guidance on accommodations for service animals.

Adopting policies for your business is only the first step. Employees must be regularly trained on Fair Housing issues and your community's particular policies. It is imperative to apply all policies across the board to all current and potential tenants. Finally, adopting a procedure to reporting and documenting incidents when they happen will be key to avoiding liability down the road.



Discrimination Complaints by Region and Protected Class



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

