

Four Policies

Every organization should have, at the very minimum, four written policies as its fair housing foundation. Properly drafted and enforced, they will assist in your defense of an unsubstantiated fair housing claim.

First, adopt 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.

Next, start your **written screening policy** with a general non-discrimination statement. Include a description of how vacant units/lots are offered, as well as a statement about waiting lists, if any.

The screening policy should set forth the process for applications, the qualifications of prospective tenants and identification standards. List any fees and deposits and how applicants will be notified of acceptance or denial.



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

Thirdly, for a written policy on **occupancy standards**, check state and local laws. There may already be restrictions on the number of people per square foot or bedroom. This policy can be tricky because it should not discriminate against families or care-givers.

Finally, the written policy on **reasonable accommodations and modifications** should also start with a general statement about a commitment to compliance with all fair housing laws.

Set forth the process for requesting a reasonable accommodation or modification and that the review is always on a case-by-case basis.

Examples of these four policies can be found on-line. However, make sure an attorney reviews any form to insure compliance with all federal, state and local non-discrimination laws. More importantly, any form may need modifications to reflect the non-discriminatory practices of a given operation.

\$40,000 Fair Housing Fine

On February 29, 2016, the United States Department of Justice announced that the owner of a “mobile home and RV park” in Florida paid \$40,000 to settle a federal housing discrimination lawsuit.

The government’s case alleged, “that the defendant falsely told African-Americans that no mobile homes, recreational vehicles or recreational vehicle lots were immediately available for rent, but told similarly-

situated white persons that they were, in fact, available for rent.”

The press release noted the claim was “based on the results of testing conducted by the department’s Fair Housing Testing Program, in which individuals pose as renters to gather information about possible discriminatory practices.”

See page two for the entire press release.

Justice Department Settles Housing Discrimination Lawsuit Against Owner of North Fort Myers, Florida, Mobile Home and Recreational Vehicle Park

The Justice Department announced today that Thomas **XXX**, the owner and operator of **XXX's** Mobile Home and Recreational Vehicle Park in North Fort Myers, Florida, has agreed to pay \$40,000 to resolve allegations that he discriminated against African Americans in violation of the Fair Housing Act. The settlement, which is in the form of a consent order, must still be approved by the U.S. District Court for the Middle District of Florida.

The government's complaint, also filed today, alleges that the defendant falsely told African Americans that no mobile homes, recreational vehicles or recreational vehicle lots were immediately available for rent, but told similarly-situated white persons that they were, in fact, available for rent. According to the complaint, the defendant encouraged prospective white renters to consider residing at **XXX's** Park and discouraged African Americans from residing there by, for example, referring African Americans to another mobile home and RV park, making discouraging comments about units that were available for rent and failing to provide African Americans complete and accurate information about available units and lots. The lawsuit is based on the results of testing conducted by the department's Fair Housing Testing Program, in which individuals pose as renters to gather information about possible discriminatory practices.

"Owners of rental properties cannot pick and choose residents based on race or color," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "The Justice Department will continue to hold owners who violate the law accountable for their discriminatory conduct."

"All citizens and their families should be free to choose where they want to live without fear of discrimination," said U.S. Attorney A. Lee Bentley III of the Middle District of Florida. "Our office is committed to eradicating all forms of housing discrimination in the Middle District of Florida."

Under the settlement, the defendant will establish a settlement fund of \$30,000 to compensate victims of his discriminatory practices and pay a civil penalty of \$10,000 to the United States. The agreement also requires that the defendant implement nondiscriminatory application and rental procedures at the park, undergo fair-housing training and provide periodic reports to the department.

Note - the defendants name was removed from this release by MHI

Best Practices That May Have Helped

**Treat everyone who walks into your business as if they were a tester .
(because, in this case, they were).**

Maintain a current written list of all available units and/or sites, so all people are given the same up-to-date information.

Post a brief written Fair Housing policy stating that your operation complies with all federal, state, and local fair housing laws.

DOCUMENT. DOCUMENT. DOCUMENT.



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