

Fair Housing: What Everyone Should Know



EQUAL HOUSING
OPPORTUNITY

Presented by
Property Management Solutions
Box 813
Battle Lake, MN 56515



EQUAL HOUSING
OPPORTUNITY

Disclaimer

This seminar is general in nature and is not intended as legal advice. Attendees should always consult with a knowledgeable fair housing attorney to discuss the facts of their particular situation.

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Fair Housing
SOUTH DAKOTA

This Program Sponsored By



Paul Flogstad

Owner of Property Management Solutions.

This is a full service consulting firm that provides training and consulting nationwide for the multi-housing industry.

Conduct seminars for HUD, Tax Credit and Rural Development properties.

Conduct professional mediation for the courts and property management issues specializing in landlord-tenant disputes.

Conducts webinars on a variety of specialized topics for real estate professionals.

Not an employee of SDHDA, only a consultant



Out of Box Thinking



3 Pronged Approach

- Presentations
- Website
- Ombudsman

Website

- Website provides a resource for information concerning local and national fair housing issues.
- Will provide contact information to the local ombudsman and with HUD's office of Fair Housing.

www.fairhousingsd.com

Ombudsman

NON - BIASED RESOURCE

- Will be resource for anyone who feels they have experienced fair housing discrimination.
- Resource for general public, housing providers and others who have questions concerning fair housing.
- Will assist in mediating issues.
- Goal is to be an IMPARTIAL go-between who listens to both sides and then makes recommendations based on information received.

Ombudsman

- Will discuss potential further options and if appropriate offer to assist in filing a housing discrimination complaint.
- Refer to State Attorney General's office.
- Refer to HUD office of Fair Housing.
- Refer to proper legal help if not Fair Housing.
- Refer to professional mediation.

Even The Thinnest Pancake Has Two Sides...



Mediate



Ombudsman

- Most time consuming approach
- Listening to callers
- Answering questions
- Mediating where possible
- Referrals to appropriate agencies
- Being that third party and staying impartial
- Tenants have rights...and responsibilities
- Landlords have rights...and responsibilities

Landlord/Tenant or Fair Housing?

- 72 per cent of calls are landlord/tenant in nature.
- 28 per cent are actual fair housing issues.
- Have initiated 52 formal complaints to HUD office of Fair Housing.
- Presently working with a number of parties that were involved in formal HUD complaint by helping to correct deficiencies and provide further training that is required by HUD.

What is the relationship between fair housing laws and the state landlord-tenant laws?

Fair housing issues often overlap with requirements of the state's Residential Landlord-Tenant Act (RLTA, RCW 59.18) and the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA, RCW 59.20).

Landlord-tenant laws cover rental agreements and leases; deposits and other fees; landlord and tenant responsibilities; a landlord's access to the rental; repairs; moving out and return of deposits; evictions; etc.

Fair housing agencies do not investigate violations of the landlord-tenant laws; however, they investigate inconsistent application of tenancy rules based on protected class.

[Example: A fair housing agency won't investigate a situation where a deposit is not returned (a landlord-tenant issue). The agency will investigate an allegation that an African American family's deposit is withheld for carpet damage, when a Caucasian resident's deposit is returned despite similar damage.]

Hot Button Issues

1. Companion Animals
2. Reasonable Accommodation
3. Improper Eviction
4. Security Deposit Issues
5. Maintenance Issues – Property Condition
6. Harassment - Sexual

Other Issues

- Bedbugs
- Rent Increases
- Crime
- Intimidation
- Immigration – Language Issues
- Management issues
- Not understanding tenant responsibilities

“It’s a historical sign”





AVIS

**Les Juifs ne sont pas
désirés ici, Ste-Agathe
est un village canadien
français et nous le gar-
derons ainsi.**

NOTICE

**Jews are not wanted
here in Ste. Agathe, so
scram while the going
is good.**

FOR RENT

Basement Apartment - \$600.00 per month

If you are from a foreign country in the middle east or Asia please, by all means, call or come by but I will not be renting your family this apartment. Freshly painted, pets are welcome, close to all major amenities.



Rally

Oct. 24

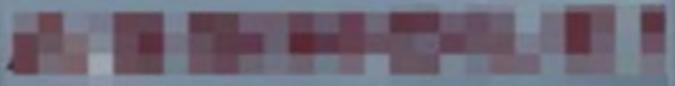
11 A.M

STOP The
Muslin Invasion
Lowndes Co.
Court House

WE SERVE
WHITE'S *only*
NO
SPANISH or MEXICANS



HOUSE FOR SALE
BY OWNER
BECAUSE
MY NEIGHBOR'S AN





PLEASE NOTE:

As an insurance measure due in part to a recent string of robberies, **African-American** customers are now required to pay an *additional* fee of **\$1.50** per transaction.

Thank you for your cooperation,

McDonald's Corporation
(800) 225-5532



i'm lovin' it

Civil Rights Act of 1866

- Following the Civil War, Congress passed a series of laws to implement the 13th Amendment banning slavery and to eliminate its vestiges. One of these laws, the Civil Rights act of 1866 banned discrimination in the sale, transfer, lease or use of property, including real estate and housing.
- In a 1968 decision that is still applicable today, **the United States Supreme Court held, in Jones v. Mayer, that the 1866 Act prohibits all forms of racial discrimination in real estate, whether committed by government or private parties.**

Timeline



1968 - Title VIII of the Civil Rights Act included the first four protected classes in regards to housing (race, color, religion and national origin)

Timeline



1974 – sex (gender) was added as a protected class

Timeline



1988 – familial status and handicap (disability) were added

Timeline



1995 – Housing for Older Persons Was Added

Exemptions: Sales and Rentals

- Owner maintains and occupies one of four living quarters as the owner's residence in a dwelling occupied by not more than four families living independently of each other OR
- Owner does **not own three or more properties, and does not:**
 - own any interest in the proceeds from the sale or rental of more than three single-family houses at any one time;
 - use sales or rental facilities or services of a licensed broker, agent, or salesperson; or
 - publish, post, mail, make a statement or advertise property in a discriminatory manner; and
 - has only one sale or rental in a 24-month period if the owner was not the most recent resident of the house at the time of the sale or rental.



Other Exemptions

- Religious organizations
- A private club that is not open to the public
- A person engaged in the business of providing real property appraisals



Exemptions: Housing for the Elderly

Housing for elderly is exempt if the Commission determines the property is specifically:

- Designed and operated to assist elderly individual under a federal or state program;
- Intended for and solely occupied by individuals 62 years old or older; or
- Intended and operated for occupancy by at least one individual 55 years of age or older for each unit.



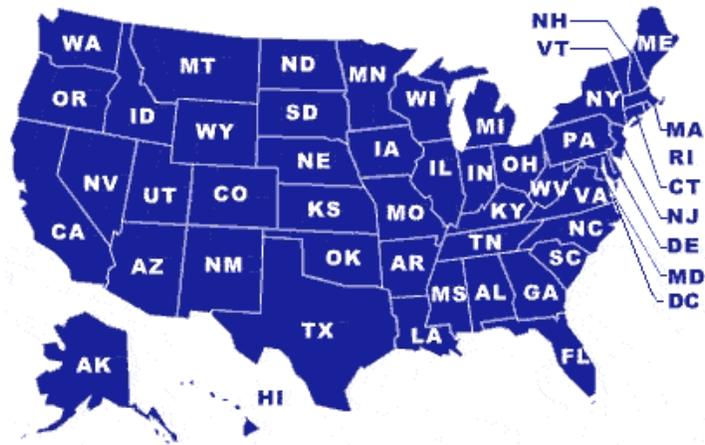
Protected Classes

- Race
- Color
- National Origin
- Familial Status
- Religion
- Sex
- Disability



Additional Protected Classes – Not Federal

Federal/State/Local Fair Housing Laws



100 State and Local Fair Housing Laws

•Additional Protected Groups

- Marital Status
- Source of Income
- Sexual Orientation
- Matriculation
- Political Affiliation
- Section 8 Voucher Holder
- Survivors of domestic violence
- Personal Appearance
- Gender Identification and/or Expression

Additional Protected Classes By State

South Dakota

- Creed, Ancestry

Minnesota

- Creed, Marital Status, Public Assistance Status, Sexual Orientation

North Dakota

- Age(at least 40 years old). Marital Status, Public Assistance Status

Iowa

- Creed, Sexual Orientation, Sexual Identity, Age (with visitors only)

Wisconsin

- Marital Status, Ancestry, Source of Income, Sexual Orientation, Age, Status as Victim of Domestic Abuse, Sexual Abuse or Stalking

Protected Class: Race

- Asian
- African American or Black
- White
- American Indian or Alaska Native
- Native Hawaiian or other Pacific Islander



Examples of Discrimination

- Requesting an African- American applicant provide five years worth of landlord history while allowing a Caucasian applicant to provide just two years
- Suggesting an Asian- American applicant might be more comfortable at an apartment community down the street where “more people of his/her kind live” (steering).

2017 - Discrimination Claims

#2 - Race

- **Race** was the second highest protected status category under which discrimination claims were filed.
- At HUD it made up **39%** of the total claims.
- At other agencies is ranged from **19.2 to 42%** of total claims.

Protected Class: Color

Pigmentation of the skin



Color

- Not to be confused with Race.
- There can be many shades of skin color within each race.
- Many people are a blend of multiple races.
- Persons with darker skin tend to experience more incidents of discrimination in housing.
- Color prejudice and discrimination is closely aligned with racial prejudice and discrimination

Example

- Offering move-in incentives to a light skinned African-American applicant and not to an equally qualified darker-skinned African American applicant.

Protected Class: National Origin

- Accent
- Ancestry
- Birthplace
- Culture
- Limited English Speakers*



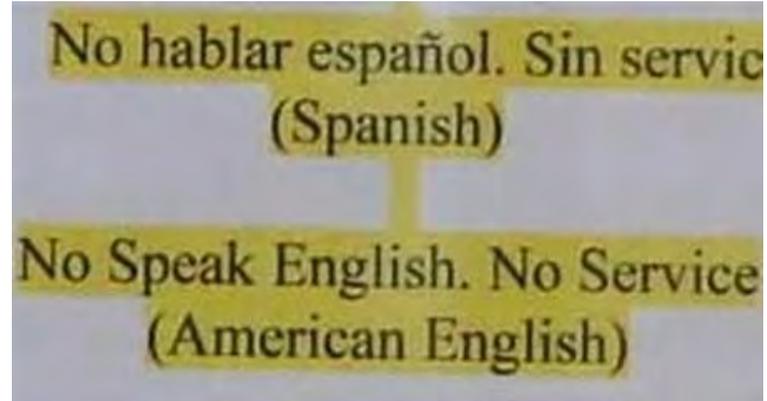
National Origin

Common Issues:

- Limited English Proficiency
- (LEP): Refers to a person's limited ability to read, write, speak, or understand English...can also be race discrimination
- Interpreters:
 - If subsidized property, owner must pay and provide interpreters.
 - If non-subsidized, owner does not have to pay. Owner must help find by means of community contacts, directories, etc.

Apps for phone: Itranslate

Examples



- Requiring persons from Mexico to provide proof of legal immigration status and not requiring proof of citizenship or legal immigration status of other applicants.
- Making verbal statement that reflect a bias or prejudice against a person born outside of the United States (such as using a slang term for their nationality).

Protected Class: Familial Status

- Children under the age of 18
- Pregnancy
- Securing custody of a child
- Legal Guardian/Designee of custodian



Familial Status

- Discrimination because the person is:
- Pregnant;
- Living with a person who is younger than 18 years old to whom the person is either (a) the parent or legal custodian; or (b) has the written permission of the parent or legal custodian; or
- In the process of obtaining legal custody of an individual younger than 18 years old.

Discrimination Based on Familial Status

- The Fair Housing Act prohibits discrimination in housing against **families with children** under 18.
- This means it is unlawful to:
 - Outright deny housing to families with children
 - Impose any special requirements or conditions on tenants with children

For example, a landlord may not:

- Locate families with children in any single portion of a complex
- Place an unreasonable restriction on the total number of persons who may reside in a dwelling
- Limit their access to recreational services provided to other tenants

Examples

- Refusing to rent a two bedroom apartment to a pregnant woman.
- Telling a family with a small child that they have to live on the first floor because balconies are not safe for little children.
- “You can’t rent that unit – families aren’t allowed in that building because older residents don’t want children there.”

Protected Class: Religion



- Overt discrimination against members of particular religion
- Indirect discrimination such as zoning to limit use of private homes as places of worship
- Atheists and Agnostics are protected under this definition

Examples

- Advertising that your community holds “bible studies” on Tuesdays
- Asking an applicant wearing a turban if they are a practicing Muslim

Protected Class: Sex

I'VE HEARD ABOUT
SEXUAL HARASSMENT
AT WORK... BUT I DIDN'T EXPECT IT
IN MY OWN APARTMENT.

- Sexual Harassment
- Gender Stereotyping
- Discriminatory Pricing because of pregnancy

Note: Respondents' staff including maintenance personnel, may be named as a Respondent where sexual harassment is alleged.



Sex (Gender)



Treating men differently than women. Also includes Sexual Harassment which is defined as repeated, pervasive and offensive conduct or behavior of a sexual nature,

This does not include Sexual orientation, although some states have that as an additional protected class.

Examples

- Informing a resident that you can move her up on the list for new carpet if she “spends a little time with you” (Sexual harassment – Quid Pro Quo).
- Telling a woman applicant that you will not rent a first floor apartment to her because you don’t think it is safe (Steering).

Sexual Harassment

Definition:

Unwelcome conduct that is sexual in nature which creates an offensive, hostile or intimidating environment.

Two types court recognizes:

Quid pro quo

Hostile environment

Intent vs. effect



- A property/manager has a duty not to engage in sexual harassment and to ensure employees do not engage in sexual harassment
- An owner can be held either directly or vicariously liable for sexual harassment—in other words, harassment that occurred without the owner's knowledge by an agent or employee of the owner.

Protected Class: Disability

Disability means:

- A mental or physical impairment that substantially limits at least one major life activity.
- A record of an impairment.
- Being regarded as having an impairment.



Protected Class: Disability

What are some major life activities?

- Seeing
- Hearing
- Breathing
- Walking
- Performing manual tasks
- Caring for one's self
- Learning
- Speaking
- Working-broad class of jobs



Protected Class: Disability

What are some examples of impairments which may result in a disability?

- Visual, speech, and hearing impairments
- Cerebral palsy
- Autism
- Epilepsy
- Muscular dystrophy
- Multiple sclerosis
- Cancer
- Heart disease
- Diabetes
- Human Immunodeficiency Virus (HIV) infection
- Drug addiction (other than addiction caused by current, illegal use of a controlled substance)
- Alcoholism





What are Physical and Mental Impairments

Diseases and conditions such as:

- orthopedic, visual, speech, hearing impairments;
- cerebral palsy; autism;
- epilepsy;
- muscular dystrophy; multiple sclerosis;
- cancer; heart disease; diabetes; HIV;
- mental retardation; mental illness;
- recovered alcoholism and drug addiction.

Examples

- Requesting verification from a medical professional to confirm that an individual with disabilities can live independently.
- Requiring a wheelchair enabled resident to pay an additional deposit.

2017 - Discrimination Claims

#1 - Disability

- **Disability** had the highest percentage of total complaints for a protected class.
- In FY 2017, disability was the most common basis of complaints filed with HUD. There were 7,696 complaints, or 63% of total complaints.

Fair Housing Laws also protect

- Persons associated with a person with a disability, such as
 - child,
 - spouse,
 - guest,
 - parent,
 - group home operator.

Enforcement of Fair Housing

- Federal-HUD
 - One year to file a claim
 - Has regional offices throughout the nation



Complaints

If you have a complaint filed against you:

- You will be notified of the allegations
- You likely will be invited to mediate
- If you decide not to mediate, you may file an answer that is
 - In writing
 - Under penalty of perjury
 - May be amended at any time

If you need to file a complaint:

- Go to: [texasworkforce.org/civil rights](https://texasworkforce.org/civil-rights)
- Fill out Form and submit by email, fax or mail

Enforcement of Fair Housing

- Federal – DOJ Department of Justice
 - Attorney General enforces fair housing, ADA, and civil rights laws.
 - Looking for pattern of discrimination or blatant violations.
 - There is no statute of limitations for them to get involved.



Enforcement of Fair Housing

- Fair Housing Act – Department of Housing and Urban Development (HUD)
- Americans with Disability Act – The Department of Justice (DOJ)
- Section 504 of Rehabilitation Act – Department of Housing and Urban Development (HUD)

Enforcement of Fair Housing

- Private attorneys
 - File suit in state or federal court.
 - This right is IN ADDITION to the right to file with an administrative agency.
 - Statute of limitations is two years; however, it can be extended to three or more years.

CONSEQUENCES

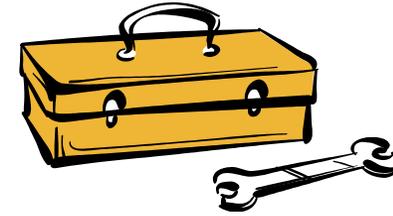
Negative consequences for management companies and owners, including:

- actual damages to a tenant, including pain and suffering;
- injunctive relief, which could cover future business activities, such as preventing a company from buying other apartment complexes;
- civil penalties of \$10,000 for the first offense; and punitive damages.
- In addition, projects that receive Low Income Housing Tax Credits can have their credits recaptured by the IRS under Treasury Regulation 1.42-9.

Cost of Violations

- Violations can result in fines up to \$10,000 for the first offense and \$25,000 for the second offense in a five year period and up to \$50,000 in a seven year period.
- Plaintiffs are also entitled to compensatory and punitive damages as well as attorney's fees.

MAINTENANCE



- Both maintenance practices and personnel can be subjects of a fair housing complaint.
- Maintenance has considerable contact with residents – often more than the office staff.
- Make sure you are providing consistent, quality service.

Handling Maintenance Requests

- Make sure all requests are in writing.
- Determine what information you need to perform the repair promptly and correctly.
- Determine the order in which requests are to be handled.
- Be sure to let residents know what you consider to be an emergency in case you give attention to the emergency before an earlier request that was not time sensitive.

Handling the Repair

- Have standard procedure established for each type of repair.
- Document progress of repair from start to finish.
- Communicate to the resident (delays for parts etc.)
- Make the repair promptly and correctly.

Code of Conduct

- Do not touch residents belongings when in their home. Don't make comments about them or how they have decorated their home. May have religious meaning...



Code of Conduct

- Don't tell jokes or stories that involve sex, race, nationality, disability or any other protected class...no matter how funny you think they are.



Code of Conduct

- No sexual comments to a resident...ever



Code of Conduct

- Never tell someone you will make their repair if they go out with you.



Code of Conduct

- Don't gossip about a resident when you are with another resident or better yet, why gossip at all...



Code of Conduct

- Never disclose any information about a disabled resident to another resident.



Code of Conduct

- Do not enter the apartment of a resident to make a repair if there is a child under 18 and no adult present. If there is an emergency and you feel you must enter, take another person with you.



Code of Conduct

- Do not enter the apartment of a resident who is inappropriately dressed. Explain that you will return at a more convenient time. Return to the office and document the situation.



Code of Conduct

- Don't enter an apartment to make a repair if the resident is at home but does not answer the door. The resident may be in the shower or be sleeping, in which case, entry could be embarrassing for both of you and a potential sexual harassment risk.



Code of Conduct

- Don't agree to make impromptu repairs for residents. It can be tempting to agree if the person asking is very attractive. It could be considered favoritism and discriminatory. The resident should make their requests to the office according to your normal procedure.



Code of Conduct

- Consensual relationships with residents should be avoided. Make sure people you are romantically involved with live on someone else's property. Otherwise, if the relationship ends, there is the risk of a claim of sexual harassment.



Code of Conduct

- Don't keep any pornography or inappropriate pictures or photos in your maintenance area or shop.
- Don't tell off color jokes or stories or talk about your sex life in front of others.
- Don't treat female maintenance personnel differently than male personnel.



Code of Conduct

- Don't allow your friends to send you dirty jokes or other inappropriate emails to the office computer.
- Don't make comments about a woman's body or stare or leer.
- Don't tease male residents or employees who you make think are homosexual.



Code of Conduct

- Don't touch a resident in any way. That means no patting, pinching, tickling, hugs, brushing up against or fondling of that person.
- You may think that your actions are no big deal, but the residents or other employees may feel uncomfortable, that is what counts.



Kansas Landlord Charged with Sexually Harassing Female Tenants

- Two female residents filed the HUD complaints, accusing the landlord of making unwanted sexual advances toward them, harassing them, and evicting them because they refused his advances. HUD's charge alleges that the landlord subjected one of the women, who was working as a property manager, to a hostile environment, including entering her apartment uninvited, sexually harassing her, and requesting sex in exchange for allowing her to stay in her unit. The charge also alleges that the landlord told her that he could be her "sugar daddy," grabbed her buttocks, and made comments about her body to others. On one occasion, she said that she awoke to find him in her bedroom on her bed.

Kansas Landlord Charged with Sexually Harassing Female Tenants

- The charge alleged that the landlord subjected the second resident to a hostile environment by making numerous requests for sex when he picked up her rent payments. Once, when she was late paying a portion of her rent, the landlord allegedly asked her if she wanted to have sex with him instead of paying the \$150 she owed. She said that when she refused the offer, the landlord became very upset and immediately wrote her a three-day notice to vacate.
- Settled December 14, 2017 with penalty of \$384,000

W.Va. Landlords Pay \$600K to Settle Sexual Harassment Case

- The department's lawsuit alleged that the properties were owned by a married couple and that the husband, while serving as the manager of the properties, subjected female prospects and residents to egregious sexual harassment and retaliation in violation of fair housing law. In 2015, the husband pleaded guilty to sexual abuse and other charges and was incarcerated for two years in state prison for those offenses. The wife has since died.

W.Va. Landlords Pay \$600K to Settle Sexual Harassment Case

- The lawsuit alleged that the husband sexually harassed multiple female prospects and residents from at least 2006 until he was incarcerated. According to the complaint, the husband engaged in unwanted and unwelcome sex acts with female residents, including touching and groping their breasts and genitals; conditioned tangible housing benefits to female residents in exchange for performance of sex acts; made unwanted and unwelcome sexual comments and verbal sexual advances; entered the homes of female residents without permission or notice to sexually harass them; and took or threatened to take adverse action against female residents when they refused or objected to his sexual advances.

W.Va. Landlords Pay \$600K to Settle Sexual Harassment Case

- The department's lawsuit named the husband, the estate of his late wife, and business entities associated with the couple's property ownership and management business. The defendants disputed liability, but agreed to the settlement requiring payment of \$500,000 to persons harmed by the allegedly discriminatory conduct and \$100,000 in civil penalties. The husband was banned from engaging in any property management, rental management, or maintenance responsibilities at the rental properties, and from entering the premises or having any contact with current or former residents of the rental properties.
- July 20, 2017

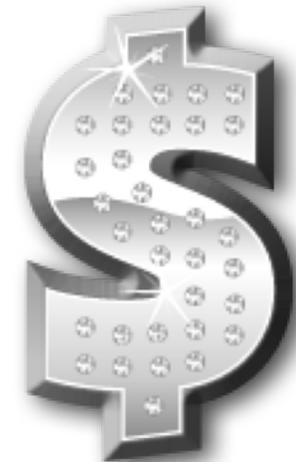
Recent Cases



- Akron, OH – July 2016
 - Landlord sexually harassed tenant. “Used explicit language to gain sex from tenant” and “tied sexual favors to repairs”.
 - Also retaliated against tenant when she threatened to complain.
 - Penalty was \$386,640

Recent Cases

- St. Paul, MN – January, 2016
 - Subjected female tenants to unwanted sexual touching and advances, conditioned the terms of women's tenancy on the granting of sexual favors and entered apartments of female tenants without permission or prior notice.
 - Penalty was \$425,000



Recent Cases

- Smithville, MO – August, 2016
 - Maintenance man sexually harassed female tenants by sexual comments to them.
 - Penalty was \$95,000



Recent Cases

- Sioux City, IA - March 2016
 - Discriminated against female tenant when she spurned sexual advances. Failed to do necessary repairs until she succumbed to sexual advances.
 - Penalty was \$125,000



Recent Cases

- Montgomery, AL – June, 2016
 - Landlord tried repeatedly to coerce renter into having sex with him and the raised her rent and attempted to evict her when she refused.
 - Penalty was \$150,000



What are
Discriminatory
Housing Practices?

Discriminatory Housing Practices



- Refuse to sell or rent a dwelling unit due to a protected class;
- Use different terms, conditions, or privileges for persons of protected classes;
- Use selection criteria which denies housing to persons of protected classes;
- Advertises a preference, limitation or discrimination because of a protected class;

Discriminatory Housing Practices

- Engage in blockbusting practices;
- Deny members of protected classes the opportunity to participate in community related organizations;
- Impose different rental charges for persons of protected classes;
- Evict tenants solely because of their protected class;



Discriminatory Housing Practices



- Require different provisions of the lease such as security deposits or lease terms for members of protected classes;
- Deny or delay maintenance or repairs for members of protected classes;
- Fail to process an application or communicate acceptance for members of protected classes;
- Limit privileges, services, use of facilities due to one's protected status;
- Deny or limit services because a person refused to provide sexual favors;

Discriminatory Housing Practices



- Restrict one's choices by word or conduct;
- Discourage any person from renting a dwelling because of their protected status;
- Discourage the rental of housing by exaggerating the drawbacks or failing to inform the applicant of desirable features;
- Communicate that an applicant would not be comfortable or compatible with existing neighbors

Discriminatory Housing Practices

- Assigning an applicant to a specific floor or wing due to their protected class;
- Taking adverse action against an employees who refuses to participate in discriminatory practice;
- Employing codes or other devices to segregate or reject applicants



Steering



Steering is any action designed to discourage people from seeking housing in a particular community, neighborhood or other development.

Steering

Steering in fair housing occurs when owners or managers direct persons to certain locations on the property because they are from a protected class.

It is generally defined as attempting to control the outcome of where a person lives based on his or her protected class. Some examples include:



Steering

Encouraging or restricting families with children to live

a) near the playground,

b) in a downstairs unit,

c) in an end unit,

d) in a unit over a garage,

e) in a particular building,

f) in a particular section of the community or

g) in another apartment down the street or across town.



Steering

- Suggesting to disabled applicants that they should live in a downstairs unit.
- Suggesting to persons of color or a certain nationality that they should live in a particular section of the community or building or another part of town.
- Situating the elderly in a particular building or section of the community.



Steering

- Directing persons from a protected class to undesirable neighborhoods, properties, or rental units, such as an unprepared unit, the most distant one or one that overlooks the dumpster area, in hopes that they won't want to live there.
- Let applicants know what you have available, then let them decide where they want to live.



Steering

- Remember, everyone is entitled to equal housing opportunities. If an applicant volunteers that he or she wants a downstairs unit or one by the playground, that's fine.
- (Document the fact that they made the request.) It only becomes steering when you subtly encourage it or suggest it first.



Steering



- If an applicant says he or she would like to live next to “someone like myself,” or someone who is the “same nationality” or who “has children” or “doesn’t have any children,” let the applicant know you cannot accommodate their request.
- Remind them that you are an equal opportunity housing provider and all units are open to all qualified people.
- If necessary, explain that you do not keep such records on your residents and cannot discuss such issues because of fair housing laws.

What Realty Agents and Leasing Agents won't tell you...because they can't

Agents can't speak to:

- Neighborhood demographics
- Quality of schools
- Crime statistics
- Sexual offenders in area

Cannot “steer” clients toward or away from a property.

What Realty Agents and Leasing Agents won't tell you...because they can't

Where to find answers:

Schools:

NationalCenterforEducationStudies.com

NationalSchoolMatters.com

Greatschools.com

Crime:

Local law enforcement agencies

What Realty Agents and Leasing Agents won't tell you...because they can't

Environment:

U. S. Environmental Protection website

Scorecard.com

Demographics:

U. S. Census Bureau website

Leading Questions

- How many blacks live here?
- I like to live with “my people”. I’m African American so it’s ok.
- “You can trust me, I won’t say anything to anybody”
- Who lives next door?

Leading Questions

- You could answer “I’m prohibited from commenting, but you could always see for yourself”.
- NOT!!!!
- He is not prohibited from seeing for himself. YOU are prohibited from making this seemingly innocent suggestion.

Leading Questions

You CANNOT:

- Refer them to other residents or neighbors.
- Suggest they sit nearby and watch who comes and goes.
- All these acts or anything like that are violations of the Fair Housing Act

Leading Questions

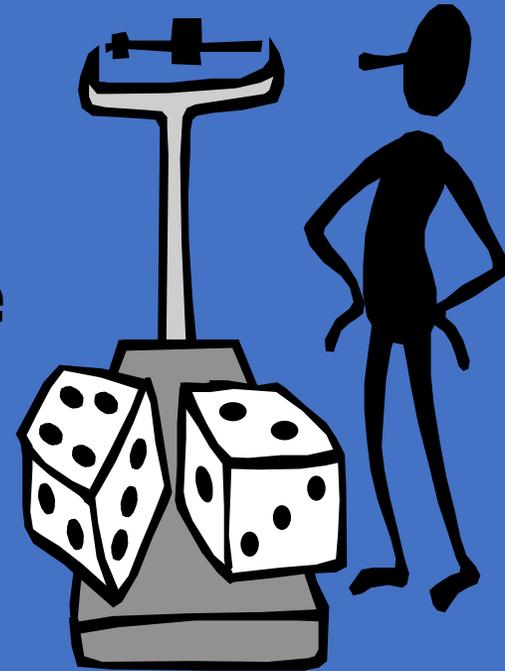
One final point

- When applicants ask you leading types of questions, don't encourage them to "come back" or "drive by later and look for yourself." The reason for this is that the applicant has asked you a discriminatory question and you have just given them a positive response to help them find out what you are not allowed to tell them.

Essential Terms of Tenancy

Meeting terms Of the lease

- 1) Pay the rent on time**
- 2) Maintain the unit**
- 3) Obey the rules**





Applicant Inquiries

- **Make Policies Clear**
- **Apply Them Consistently
To All Applicants**

Application Intake & Waiting Lists

- Application Process without discrimination.
- Does application ask if a person is disabled and needs an Accommodation?
- Accessible Offices & Materials.
- Do you provide reasonable accommodation information with application, move-in packets and at recertification?
- Waiting lists – date and time stamped. Include information regarding disability requirements and need for accessible unit.

Tenant Selection & Assignment

- Tenant Selection Plan – Eligibility & Screening Criteria.
- Review eligibility requirements to ensure not discriminatory.
- Screening Criteria – determine eligible household has the ability to pay rent on time and meet requirements of the lease and do not include discriminatory criteria.

Screening Criteria

- Drug Abuse and other Criminal Activity
- Credit History
- Rental History
- Housekeeping Habits
- Mitigating Circumstances

Prohibited Screening Criteria

Criteria that could be discriminatory, such as:

- Requiring Medical Evaluation or Treatment
- Disability Status
- Requiring Independent Living

Tenant Selection Process

- Set useful qualification standards and establish a reasonable application and screening process. Tenant Selection Process
- Follow the same process for every applicant – apply selection procedures consistently.
- Avoid off-the-cuff judgment calls and stereotyping of applicants.
- Document the selection process. Keep a clear paper trail to justify rental decisions.

Tenant Selection Process

- Don't make any marks on the applications that could be mistaken for discriminatory coding.
- A case in point: several years ago, a management company had employees put a "happy face" on all the applications of minority applicants because they didn't want to rent to them. The company paid well over \$1,000,000 in penalties as a result.
- And don't draw little pictures of the applicants on the application (or guest card) to help you remember what they looked like! It could easily be construed as discriminatory in intent.

Tenant Selection Process

- Note the date and time the application was submitted to you-just in case you need to prove it later on.
- For example, if a qualified applicant from a protected class claims you selected someone else's application after he turned in his application, you may have to defend yourself with supporting paperwork.
- The policy of first come, first qualified, and first served is the safest policy.
- Once the application has been approved or denied, write the date and time of the decision on the application. This may be important if you need to prove exactly when a dwelling became unavailable.

Tenant Selection Process

Use proper application Form

RENTAL APPLICATION

For Property Located at _____

This information for use in obtaining rental housing only.

PERSONAL INFORMATION

FULL NAME OF EACH APPLICANT/OCCUPANT	DATE OF BIRTH	SOCIAL SECURITY #	MARITAL STATUS
NAME	DATE	NUMBER	RELATIONSHIP
#1			
#2			
#3			
#4			
#5			
#6			

Have you or anyone listed on this application ever been convicted of a felony or misdemeanor?
If yes, please explain.

Do you have pets? Kind, weight, breed age?

RESIDENCE HISTORY

APPLICANT #1

Present Address: _____ City _____ State _____ Zip Code _____
 Present Telephone: () _____ Length of Time at Present Address _____
 Present Landlord/Mortgage Holder _____ Telephone: () _____
 Amount of Rent \$ _____ Reason for Moving _____
 Previous Address: _____ City _____ State _____ Zip Code _____
 Length of Time at Previous Address _____ Amount of Rent \$ _____ Reason for Moving _____
 Previous Landlord/Mortgage Holder _____ Telephone: () _____
 In Case of Personal Emergency, Notify _____
 Relationship _____ Telephone: () _____

Have you or anyone listed on this application ever been evicted or sued for non-payment of rent or damage to rental property?
If yes, please explain.

APPLICANT #2

Present Address: _____ City _____ State _____ Zip Code _____
 Present Telephone: () _____ Length of Time at Present Address _____
 Present Landlord/Mortgage Holder _____ Telephone: () _____
 Amount of Rent \$ _____ Reason for Moving _____
 Previous Address: _____ City _____ State _____ Zip Code _____
 Length of Time at Previous Address _____ Amount of Rent \$ _____ Reason for Moving _____
 Previous Landlord/Mortgage Holder _____ Telephone: () _____
 In Case of Personal Emergency, Notify _____
 Relationship _____ Telephone: () _____

Have you or anyone listed on this application ever been evicted or sued for non-payment of rent or damage to rental property?
If yes, please explain.

APPLICANT #3

Present Address: _____ City _____ State _____ Zip Code _____
 Present Telephone: () _____ Length of Time at Present Address _____
 Present Landlord/Mortgage Holder _____ Telephone: () _____
 Amount of Rent \$ _____ Reason for Moving _____
 Previous Address: _____ City _____ State _____ Zip Code _____
 Length of Time at Previous Address _____ Amount of Rent \$ _____ Reason for Moving _____
 Previous Landlord/Mortgage Holder _____ Telephone: () _____
 In Case of Personal Emergency, Notify _____
 Relationship _____ Telephone: () _____

Have you or anyone listed on this application ever been evicted or sued for non-payment of rent or damage to rental property?
If yes, please explain.

(over)

EMPLOYMENT INFORMATION

APPLICANT #1

Employed By: _____ How Long? _____
 Employer's Address: _____ Telephone: () _____
 Position Held _____ Supervisor _____ Salary/Wage \$ _____ Per hr/wk/mo/yr _____
 Previous employer (if at present employer less than six (6) months): _____
 Previous Employer Phone #: _____ How Long? _____

APPLICANT #2

Employed By: _____ How Long? _____
 Employer's Address: _____ Telephone: () _____
 Position Held _____ Supervisor _____ Salary/Wage \$ _____ Per hr/wk/mo/yr _____
 Previous employer (if at present employer less than six (6) months): _____
 Previous Employer Phone #: _____ How Long? _____

APPLICANT #3

Employed By: _____ How Long? _____
 Employer's Address: _____ Telephone: () _____
 Position Held _____ Supervisor _____ Salary/Wage \$ _____ Per hr/wk/mo/yr _____
 Previous employer (if at present employer less than six (6) months): _____
 Previous Employer Phone #: _____ How Long? _____

BANKING AND CREDIT REFERENCES

APPLICANT #1

Bank: _____ Address _____
 Credit Reference _____
 Personal or Other Reference _____

APPLICANT #2

Bank: _____ Address _____
 Credit Reference _____
 Personal or Other Reference _____

APPLICANT #3

Bank: _____ Address _____
 Credit Reference _____
 Personal or Other Reference _____

AUTOMOBILE INFORMATION

Make	Model	Year	Tag No.	State
Make	Model	Year	Tag No.	State
Make	Model	Year	Tag No.	State

Owners/Managers affirm that they will not refuse rental housing to any prospective tenant(s) on the basis of race, color, religion, sex, handicap, familial status or national origin. All decisions regarding qualification of the application will be made in the sole judgement of the Owner/Manager based upon past rental history, employment history, credit history and criminal history. Applicant hereby gives permission for Owner/Manager or the South Dakota Multi-Housing Association permission to obtain a credit report and other information for use in processing this application.

APPLICANT'S SIGNATURE: _____ DATE _____
 CO-APPLICANT'S SIGNATURE: _____ DATE _____
 CO-APPLICANT'S SIGNATURE: _____ DATE _____
 OWNER/MANAGER: _____ APPLICATION RECEIVED BY: _____

THIS APPLICATION IS VALID FOR THIRTY DAYS

Tenant Selection Process

References - Verifications

- Take time to call
 - Now is the best time to find out information, not after they have moved in
- Personal References
 - Make sure you have names, phone numbers, and addresses in case you need to follow up

Tenant Selection Process

References - Verifications

Prior Property Owner/Manager References

- Best if 3 are provided
- Call previous property owners/managers as well as current
 - Most honest information
- Make sure rental history matches credit report addresses

Verify Employment

- If on HUD, Tax Credit, or Rural Development, forms must be sent and returned

Tenant Selection Process

Qualifications for approval.

- Standards must be applied to all. If applicants do not meet the standards, their applications must be denied.
- Credit worthiness (can they pay the rent)
- Evictions (problems at properties)
- Rental History (how they will take care of their apartment, follow the rules and be good neighbors)
- **PUT IN APPLICATION COVER LETTER**

Tenant Selection Process

Application Cover Letter

- Attached to application
- Welcome to property
- Fair Housing Statement
- Qualifications to become tenant
 - Credit Score
 - Evictions
 - Good Landlord Reference
 - Other pertinent items

Tenant Selection Process

Office Tour and Interview

- Offer the same information to all.
- Offer applications.
- Conduct property tour the same every time.

Tenant Selection Process

SAFETY:

Copy of picture identification

Showing the unit

If uncomfortable, take someone with you- fake cell call?

Do you lead or do you guide from rear?

Where do you stand when showing apartment?

Tenant Selection Process

SAFETY:

Office Layout:

Always have a second way out – position desk to allow

Panic button

Large mirror behind desk

Cameras:

On entrance door with monitor on desk if unable to see door

Camera should view entire office

Tenant Selection Process

Screening process

- Verify the information on application
- Do it the same way all the time
- Contacting former landlords without bias.

Tenant Selection Process

- It is best to have clear criteria for rental of a dwelling that does not take into account an applicant's protected class.
- Ensure that all employees involved in the rental process are familiar with and follow each policy consistently with all applicants.
- The screening agency should also be aware of fair housing requirements.
- Housing providers have the right to determine if an applicant has the income and rental history necessary to be a good tenant. Be certain to screen applicants in a manner that complies with fair housing laws.

Tenant Selection Process

- It is a violation of fair housing laws to state that a rental is not available when it actually is.
- It is best to rely on an objective screening process, not assumptions, to determine if applicants meet your criteria.
- Fair housing complaints are more easily avoided when applicants receive clear and consistent information about all housing options, including waiting lists.

Tenant Selection Process

Written application

- Serves as record
- Illegal to keep record of tenants' race (unless required by federal government for subsidized housing)
- Offer assistance to non-readers

Tenant Selection Process

Interviewing applicants

- Treat all applicants the same
- Offer written applications to everyone
- Ask relevant questions
- Ask the same questions to all applicants
- Avoid questions about applicant's personal beliefs (i.e., religious, political)

Tenant Selection Process

Rejecting applicants

- Tell all rejected applicants that they are rejected
- Make a written notation of the reason for the rejection
- Tell applicants the real reason for the rejection, (preferably in writing)

Tenant Selection Process

Credit checks/references

- Use them for everyone or no one
- Be consistent
- Have written standards for judging credit ratings

Waiting lists

- Don't say you have one if you do not

Tenant Selection Process

Racial quotas

- Rent to all qualified applicants on a first-come, first-serve basis (unless you have a waiting list)
- Maintaining only a specified percentage of minorities is illegal.

Tenant Selection Process

Changes in rent

- Rent Specials (problem could arise if a tenant feels like another tenant got a better deal)

Late rent payments

- Be consistent: If you're going to accept late rent from some, be prepared to accept late rent from all
- Have a standard lease that has a provision on late payments and late fees

Tenant Selection Process

Overnight guests, long-term guests and unauthorized live-ins

Rental managers may:

- Forbid tenants from having overnight guests
- Forbid tenants from having long-term guests
- Forbid people from living in an apartment if they are not on the lease
- Require all tenants to get prior permission for overnight guests

Tenant Selection Process

Overnight guests, long-term guests and unauthorized live-ins

- Be consistent when enforcing the overnight guest rule
- Investigate complaints. Don't snoop. Ask the tenant, then observe, if necessary

Tenant Selection Process

Recommendations for reducing tenant complaints

- Give oral and/or written warnings before evicting (document in file)
- Give tenant the true reason for the eviction

Tenant Selection Process

Guidance for protecting the property owner if a complaint is filed

- Consistency
- Fair warning
- Being straightforward
- Documentation

All tenant rules should be clear, in writing and distributed to all tenants

Tenant Selection Process

- Fair housing agencies use a similar testing process to assess a specific complaint or to check a random market for fair housing compliance.
Any applicant could be a fair housing tester!

Tenant Selection Process

- Matched Pair
- Accessibility Testing
- Phone Testing

- **Courts have recognized that testing evidence is admissible to prove housing discrimination.**

Application and Screening

Linguistic Profiling –

Under fair housing laws, it is not legal to consider an applicant's race, national origin or ancestry when making rental decisions. Sometimes an applicant suspects that an accent was the reason for not getting a call-back, for being told no rental was available, or for being given minimal rental information.

Although some people claim they didn't know a caller's race, research shows that most people can determine race just by hearing a caller's voice. These studies indicate that "linguistic profiling" occurs when people use speech characteristics or dialect to identify a speaker's race, national origin, ancestry or religion.

Application and Screening

Name Discrimination –

- This happens when a housing provider takes a negative rental action based on names alone.
- A recent housing study showed that more than half of the time, housing providers did not respond or responded negatively to an e-mail from someone with a “black” sounding name, and one-third failed to respond positively to an e-mail from a person with an Arab-sounding name.
- The study’s authors noted that “names may disclose our religious affiliation, sex, social position, ethnic background, tribal affiliation and even age.” It would violate fair housing laws to refuse rental because of the perceived national origin, religion or race of an applicant’s name.

Admissions Policies

WHAT QUESTIONS ARE LEGAL?

1. Will the applicant pay rent and other fair charges in a timely manner?
2. Will the applicant care for and avoid damaging the unit and the common areas, use facilities and equipment in a reasonable way, create no health, safety or sanitation hazards, and report maintenance needs?
3. Will the applicant avoid interfering with the rights and enjoyment of others and avoid damaging the property of others?
4. Will the applicant avoid criminal activity that threatens the health, safety, or rights of others and avoid drug-related criminal activity?
5. Will the applicant comply with necessary and reasonable house rules, program requirements of HUD (if applicable), and health and safety codes?

Admissions Policies

WHAT QUESTIONS CANNOT BE ASKED?

1. whether an applicant has a disability;
2. whether an applicant has a particular type of disability;
3. questions about an applicant's disability, including its severity;
4. any question, such as "Do you take any medications?" that would require an applicant to tell about his or her disability;
5. whether any member of the applicant's family or any friend or associate has a disability; and
6. whether the applicant has the ability to live independently or evacuate safely

Tenancy Policies and Rules

What do we need to know about setting policies and enforcing tenancy rules, from a fair housing perspective?

- Policy and procedures manual
 - Written manual that describes all operating policies and procedures that employees are to follow.
 - Be familiar with parts that apply to your job.
 - If you deviate, document what you did differently and why.

Tenancy Policies and Rules

- Fair housing laws require that policies and rules do not single out residents based on their protected class. Rules should not be enforced differently because of a resident's protected class.
- Fair housing laws do not prevent a housing provider from warning residents who break the rules, disturb others, create a nuisance, or do not pay rent. Fair housing laws simply require that a resident's protected class doesn't enter into the equation.

Tenancy Policies and Rules

- Good business practices often are good fair housing practices, too. Put rules and policies in writing to ensure that all residents are aware of them.
- Apply the rules and policies equally, regardless of a resident's protected class. Treat residents similarly when they don't follow rules.
- Finally, keep thorough written records of all actions taken when enforcing resident rules and regulations.

Tenancy Policies and Rules

- Most rental housing communities have general tenancy rules that outline expected actions and behaviors, such as making timely payments, observing quiet hours, parking in assigned spaces, etc.
- Review these rules or policies to make certain they do not target any protected class group. [Example: Don't state "children cannot ride bikes in the parking lot" – instead, say "bicycle riding is not allowed in the parking lot".]

Tenancy Policies and Rules

- Many housing communities have begun adopting anti-harassment and antidiscrimination policies.
- Be certain any such policy includes mention of all the protected classes of individuals for the area where the rental housing is located.

Tenant Policies and Rules

House Rules:

- Should be updated yearly
- Be comprehensive
- 30 day notice for updated rules
- Be enforced!!

Reasonable Rules Include:

- Prohibiting games in the parking lot;
- Prohibiting games in an area of the development where it is likely to cause property damage (baseball, football, soccer...).
- Noise restrictions that relate to the interference of other residents' quiet enjoyment but hold everyone to the same standard.
- Community spaces which are closed to everyone at certain hours, not just closed to a certain age group.

Rules That Are Suspect:

- Any rule that limits a child's activities or access to recreational facilities.
- Any rule which restricts on the basis of age.
- Prohibiting all games (including hopscotch, jump rope, jacks...)
- Rules that require “parent” supervision vs. adult supervision.
- Curfews for children

Easy Ways To Get Into Trouble

- Enforcing “unwritten rules.”
- Enforcing rules inconsistently.
- Being responsible for unenforceable or unreasonable rules.
- Talking to children and/or parents/guardians in a manner that contains illegal or discriminatory language.
- For example, it’s never a good idea to start a conversation with “You people.....” Rather, focus on the behavior and whether it violates the lease.

Tenancy Policies and Rules

- Giving a friend more favorable treatment may leave management vulnerable to accusations of discrimination.
- Playing favorites may cause other residents to feel that the different treatment is based on their protected class.

Tenancy Policies and Rules

How can we evict residents without violating fair housing laws?

- An eviction will comply with fair housing laws if the resident's protected class is not a factor in the decision to evict .
- A housing provider can evict a resident for valid, nondiscriminatory reasons such as breaking the rules after being warned, repeatedly being late with rent, failing to pay rent, damaging the rental property, or breaking public laws.
- The resident's protected class should not be considered in the decision to evict. Remember to **be consistent** and keep thorough written records.

Tenancy Policies and Rules

When can we make an exception to the rules?

- Whenever an exception is needed. If exceptions must be made when implementing rules, document them carefully.
- Analyze situations on a case-by-case basis when making exceptions to a rule.
- Don't make exceptions based on someone's protected class.
- Document the reasons for the exceptions thoroughly.

Tenancy Policies and Rules

What records should be kept to document our management actions?

- It's best to keep all written records concerning:
 - resident payments
 - complaints from other residents
 - warnings issued, both verbal and written
 - information leading to an eviction.



Necessary Policies

- Harassment
 - Transfer
 - Waiting List
 - Pet
 - Grievance
 - Smoking
 - Eviction
 - Assistance Animal
- Maintenance
 - VAWA
 - EIV (if HUD)
 - Fair Housing
 - House Rules

Tenancy Policies and Rules

- Remember that people can file fair housing complaints from six months to a year after the alleged discriminatory action, depending on the jurisdiction (and longer to file a lawsuit).
- Keeping thorough records will help in responding to allegations of discrimination.
- Also, keep all applications, resident files and prior policies on file for a reasonable length of time to be able to respond to any fair housing complaints or lawsuits.

Tenancy Policies and Rules

Can we establish rules that prohibit smoking?

- Being a smoker is not a protected class under fair housing laws, so housing providers can set and enforce any rules they like about smoking (including having no-smoking buildings or no-smoking areas).
- Housing providers have a right to establish reasonable rules and regulations for the comfort and peaceful enjoyment of all residents.

Fair Housing and Internet Advertising

Advertisements for Sale or Rental

- A person may not make, print or publish, or cause to be published, any notice, statement or advertisement for the sale or rental of a dwelling that indicates any preference or discrimination based on race, color, religion, sex, disability, familial status or national origin.
- Includes but not limited to print ads, signs, recorded ads, and internet advertising.



Issue: Publication

A person **may not**

- Make
- Print
- Or publish

a notice a statement, or an advertisement about the sale or rental of a unit that may indicate any preference, or limitation, or discrimination because of a protected class.



Pets OK - No Children

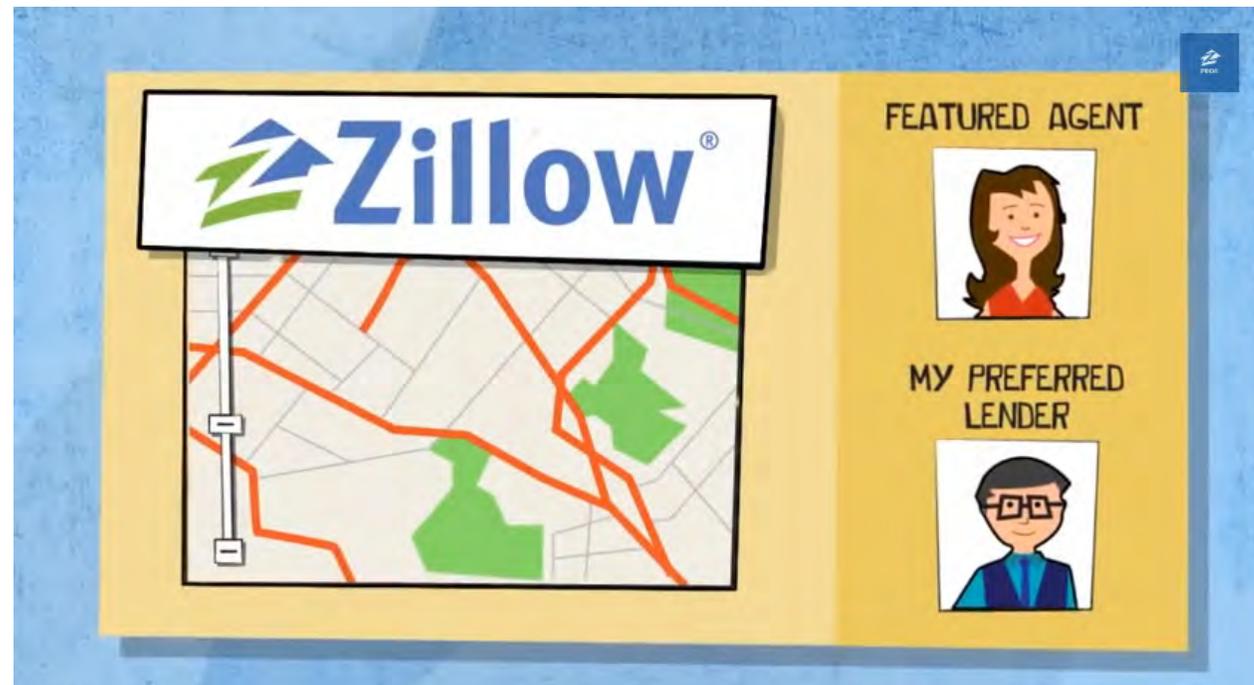


For Rent
Great for Adults!

Internet Advertising

- Websites
- Craigslist
- Blogs
- Facebook
- Twitter
- Pinterest
- Zillow

**IDX and CRM Integration
Lead Capture and
Lead & Client Management
Single-Property Websites
Mobile Applications**



Human Model Advertising

Ultimate Goal

Convey a clear message. Diversity is key.



Equal Housing Opportunity Symbols

1. All advertising for the sale, rental, or financing of housing should contain an equal housing opportunity logo, statement or slogan.
2. Logo or statement should be a part of each advertisement and should be placed in visible location and be a comparable size of other symbols or text used in the advertisement.
3. Applicable to advertisement for sale, rental and financing of housing.

Advertising

What can our advertising say?

- The language used to advertise can pose fair housing problems. Avoid using words or phrases that show a preference or discourage anyone because of protected class.

Advertising

- In your marketing-be inclusive rather than exclusive,
- Avoid “red flag” words
- Ensure proper use of “Equal Housing Opportunity” log, slogan and statement.
- Display the Fair Housing Poster.

ADVERTISING – TERMS TO CONSIDER



OK TO USE: Architectural descriptions

Master bedroom Family Room No drinking/smoking
Seasonal rates

Single family home In-law quarters Kids Welcome
Rare find Desirable neighborhood

**Applies to notices, stmts, MLS, verbal written, connected with
sale or rental – examine wording in the context used**

ADVERTISING – TERMS TO CONSIDER



CAUTION:

**No Children
Empty Nester**

Christian

Adult – Living

Perfect for

Active Adults

Gentleman's Farm

Golden Agers

Sports- Minded

***Perfect for Young Professionals
Welcomed***

Couples Encouraged

Integrated

If You're Mental.....Keep Looking

Adult Building

****Describe the property, not the people. Be inclusive, not exclusive.****

Actual Ads

- White family home, no Irish
- All Christian Community, no Jews
- “Looking for a responsible, neat, adult, non-smoker who is respectful of other people’s belongings and can treat antiques with loving care.”
- “No children, pets ok
- “No smoking, kids, pets”
- “Looking for a white lady who has a car and that's drawing a check. No Children, teenagers“
- “We’re trying to make cheaper rent available for able bodied people who can do a few things for themselves.”

Advertising

Who is responsible for nondiscriminatory advertising?

- There are **no exemptions** to the fair housing advertising guidelines. Everyone involved in the advertising process is responsible for ensuring that no statements or notices show preference for or limitation against any protected class.

Advertising

Ensure that everyone involved in advertising rentals is aware of the nondiscriminatory advertising requirements. Inform the on-site leasing agents, off-site property management company, and any advertising media that they should follow nondiscriminatory advertising standards.

Advertising

To expand marketing options, consider advertising sources such as minority newspapers, social services agencies and organizations for people with disabilities. Local fair housing agencies may be able to refer you to some of these resources.

Advertising

What are the requirements for using fair housing logos and posters?

Using the fair housing logo is a great way to show a commitment to fair housing. Many housing providers use the Equal Housing Opportunity logo in their ads and on their written materials to show that they do business in compliance with fair housing laws.

Advertising



**EQUAL HOUSING
OPPORTUNITY**

Advertising

- HUD requires that owners and managers display a fair housing poster with this logo at rental offices. This applies to rentals covered by the federal Fair Housing Act, and to dwellings rented through a real estate broker/agent. (see 24 CFR 100)
- Display “dog house” with words below. Without the words, it does not qualify.

Fair Housing Logo

In space or box advertising the logo should meet the following size requirements:

- Half page or more 2" X 2"
- 1/8 to 1/2 Page 1" X 1"
- 4 column inch to 1/8 1/2" X 1/2"
- If other logo types are used the Fair Housing Logo should be equal in size to the largest of the other logos used.
- Needs to go on business cards, letterhead, brochures, flyers,

Advertising

- Don't use terms "Low Income". Some states have adopted source of income as a protected class.
- Instead, list the specific programs that your site accepts instead i.e. "We accept section 8 vouchers.
- For 100% tax credit properties, you can include maximum income levels or state "Rent rates are based on income".

Unlawful Advertising

- Disability – real estate ads should not contain exclusions, limitations, or other indications of discrimination based on disability i.e. no wheelchairs.
- Certain descriptions ok – great view, fourth floor walk up, walk in closets, services or facilities – jogging trails or accessible features available
- Can describe the conduct required-i.e.. “non smoking or non drinking”, but don’t describe the person.

Unlawful Advertising

- Familial Status – Ads may not contain limitations on the number or ages of children, or state a preference for adults, couples or singles. Ads describing the property is ok, i.e., two bedroom, cozy or family room.
- Not ok to say " Adult Living" or "Perfect for the empty nester" or "Ideal for Retiree".

Dangerous Phrases

- Christian Female to share
- Adult community
- Single's complex
- Ideal for couple
- Ideal for singles
- All Christian Community, no Jews
- Quiet, non-smoker
- Two people for 2 bedroom
- White family home, no Irish
- No wheelchairs

Advertising

Can we affirmatively market to any protected class?

Fair housing laws permit marketing for certain protected classes. It's okay to advertise –

- that rentals are accessible for people with disabilities
- that families are welcome, or emphasizing amenities such as a playground
- that those who participate in the Section 8 program are welcome
- that this is a HOPA property for seniors, if the property meets HOPA requirements

craigslist.org

A photograph of a metal cage, likely a dog crate, with a sign above it that reads "craigslist.org". The sign is rectangular with a gold border and a white background. The cage is made of dark metal bars and is set against a light-colored wall with horizontal siding. The cage appears to be empty.

Internet Advertising: Freedom to Discriminate?

- Craigslist, the source of the overwhelming majority of housing advertising in today's market, and other Internet sites provide a convenient forum for illegal housing discrimination.
- Under current court decisions, these websites are not considered to be publishers and thus can neither be held liable under the Fair Housing Act nor be required to screen out illegal housing advertisements.
- **Only the individual landlords or real estate agents who create and post discriminatory ads online can be held responsible.**

Reasonable Accommodation

How many people with disabilities live in the United States?

According to the Census 2010 Brief on Disability Status, 19.3%, 49.7 million or nearly 1 in 5 people, have some type of long-lasting condition or disability.

Definitions

- “Disability” means a person who has a physical or mental impairment that substantially limits one or more major life functions.
- One can have either a history of the impairment or can be viewed by others as having an impairment.

Disability

What are some major life activities?

- Seeing
- Hearing
- Breathing
- Walking
- Performing manual tasks
- Caring for one's self
- Learning
- Speaking
- Working-broad class of jobs



Disability

What are some examples of impairments which may result in a disability?

- Visual, speech, and hearing impairments
- Cerebral palsy
- Autism
- Epilepsy
- Muscular dystrophy
- Multiple sclerosis
- Cancer
- Heart disease
- Diabetes
- Human Immunodeficiency Virus (HIV) infection
- Drug addiction (other than addiction caused by current, illegal use of a controlled substance)
- Alcoholism



What is a
Reasonable Accommodation?

A change, exception, or adjustment in rules, policies, practices, or services necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling.

Why grant a reasonable accommodation?

- Because policies, practices, and services may have a different effect on persons with disabilities than on other persons
- Treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling.

What does state and federal law require?

Housing providers to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

Reasonable Accommodation Request Guidelines

- The requester must make the request in a manner that a reasonable person would understand to be a request for an exception, change, or adjustment to a rule, policy, practice, or service because of a disability.
- The request does not have to be made in writing or on a certain form.
- An individual making a reasonable accommodation request does not need to mention the Acts or use the words "reasonable accommodation" or use any magic words.
- The request can be made by a family member or someone else who is acting on the person's behalf.

What inquiries can I make if a resident asks for a **Reasonable Accommodation**?

- A housing provider may ask for information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability.
- For a disability that is not obvious or the need is not obvious, a housing provider may request reliable disability-related information that
 - (1) is necessary to verify that the person meets the Acts' definition of disability,
 - (2) describes the needed accommodation, and
 - (3) shows the relationship (or nexus) between the person's disability and the need for the requested accommodation.
 - A doctor or other medical professional, a peer support group, a non-medical service agency, or **a reliable third party** who is in a position to know about the individual's disability may also provide verification of a disability.

What can't I ask?

Reasonable Accommodations

- A housing provider may not ordinarily ask the following: 
 - The nature and severity of an individual's disability.
 - If an applicant has a disability or if a person intending to reside in a dwelling or anyone associated with an applicant has a disability.
- Examples of exceptions:
 - If the housing provider offers accessible units to persons with disabilities needing the features of these units on a priority basis.
 - If the housing provider operates housing that is legally limited to persons with a specific diagnosis, such as chronic mental illness.

What should I do when I receive a request?

- Review and ensure your reasonable accommodations policy is consistent with the Acts and the HUD/DOJ Memorandum on Reasonable Accommodations.
- Accept verbal requests.
- Engage in the interactive process with the requestor.
- If the disability is not obvious or the need is not obvious, ask for appropriate reliable disability-related information.
- Provide prompt responses to reasonable accommodation requests.
- Document your actions.

Note: An undue delay in responding to a reasonable accommodation request may be deemed to be a failure to provide a reasonable accommodation.

Other Accessibility Issues

- Reasonable Modifications
- Design and Construction
- Terms, conditions or privileges for sale or rental of a dwelling and provision of housing services or facilities

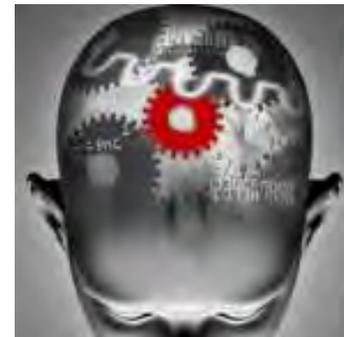


First Prong:

Person with a physical or mental impairment that substantially limits one or more major life activities.



Visible vs. Invisible



Second Prong:

A person with
a record of having a disability

- Examples: cancer, heart disease, or other debilitating illness, mental illness, epilepsy, lupus etc.....
- Either cured, controlled or in remission

Third Prong:



“Regarded as” having an impairment

This part of the definition protects people who are “perceived” as having disabilities from discriminatory decisions based on stereotypes, fears, or misconceptions about disability.

Characteristics of a Disability

The disability must "substantially limit" one or more "major life activities."

- This means that a disability must significantly affect activities such as walking, talking, seeing, hearing, breathing, performing manual tasks, caring for one's self, learning, and working.

Characteristics of a Disability

The disability doesn't have to be obvious.

- People don't need to be able to know you have a disability just from seeing you or even from spending time with you.
- For example, you might be an asthmatic who, thanks to medication, doesn't have noticeable difficulty breathing when meeting with a leasing agent.

Characteristics of a Disability

Your disability doesn't have to require you to use any assistive device.

- If you have a mobility impairment, it can qualify as a disability under the FHA even though you don't use a wheelchair, cane, or any other assistive device.
- Similarly, if you have a hearing impairment, you don't have to use a hearing aid to be eligible for the FHA's protections.

Characteristics of a Disability

Your disability doesn't have to be physical.

- The FHA protects prospects and tenants who have "physical or mental impairments."
- Chronic fatigue syndrome, a learning disability, and mental illness all fit the FHA's definition.

Determining Prohibited Conduct

- Discrimination in the rental of housing because of a handicap or disability of the renter or of a household member or person associated with the renter;
- Discrimination in the terms or conditions of rental or in the provisions of services or facilities because of a handicap or disability of the renter;

Persons NOT included in the definition of disability

- Persons currently engaging in the illegal use of a controlled substance;
- Persons whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would cause substantial physical damage to the property of others;

Persons NOT included in the definition of disability

- Persons convicted of illegal manufacture or distribution of a controlled substance;
- Juvenile offenders and sex offenders, by virtue of that status

PROVIDING DOCUMENTATION OF DISABILITY

- Prospective residents should not have to provide copies of their medical records.
- Information that they provide should be kept confidential, except in cases of an emergency.

Accommodations and Modifications

A person may request an accommodation or modification:

- When they are applying for housing;
- At any time during tenancy; or
- When they face eviction.

Common Reasonable Accommodations

- Waiving No Pet Policy and/or pet fees
- Explaining what is in the lease agreement and what the rules of the complex are
- Providing a reserved parking stall
- Transferring from upstairs unit to ground floor
- Early release from lease
- Providing tenant written information vs. verbal
- Meeting in an accessible location

Common Reasonable Accommodations

PHYSICAL DISABILITIES:

- * Allow mail-in applications.
- * Allow widening of doorways.
- * Allow installation of grab bars.
- * Allow a personal care attendant to live with the tenant.
- * Meet at an accessible location.
- * Allow ramp to be built.
- * Allow lowering of closet rods.
- * Wrap kitchen and bathroom pipes with insulation.
- * Allow lowering of environmental controls.
- * Provide lever door handles and automatic door closers.
- * Move a tenant to another floor or to the ground floor for easier mobility, if requested.

Requests for Reasonable Accommodations

- Establish that there is an identifiable relationship between the requested accommodation and the individual's disability.
- In other words, the accommodation will enable the person with the disability to have equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

Requests for Reasonable Accommodations

A provider can deny a request if:

- Request was not made by or on behalf of a person with a disability.
- If there is no disability-related need for the accommodation.
- If it would impose undue financial or administrative burden or if would alter the nature of the providers operations.

Requests for Reasonable Accommodations

- Determine that the accommodation is reasonable, i.e. it would not impose an “undue burden” or result in a “fundamental alteration” of the nature of the housing program.

What is “Reasonable”?

It depends on the answers to two questions.

- First, does the request impose an undue financial and administrative burden on the housing provider?
- Second, would making the accommodation require a fundamental alteration in the nature of the provider's operations?
- If the answer to either question is yes, the requested accommodation is not reasonable.
- However, even where a housing provider is not obligated to provide a particular accommodation because the particular accommodation is not reasonable, the provider is still obligated to provide other requested accommodations that do qualify as reasonable

Requests for Reasonable Accommodations

Undue burden:

- Cost of accommodation
- Financial resources of provider
- Benefits accommodation will provide to requestor
- Availability of alternative accommodations
- Case by case basis.

Requests for Reasonable Accommodations

Fundamental Alteration

- A modification that alters the essential nature of a providers operations.
- Example: Requesting transportation when provider does not provide transportation services.

Requests for Reasonable Accommodations

- Once an accommodation is determined to be reasonable, the landlord cannot directly or indirectly impose on the tenant the expense of providing the accommodation (for example, a pet deposit cannot be required for a service animal).
- Though not required, the recommended practice is to have requests for reasonable accommodations be made in writing.

Requests for Reasonable Accommodations

- If request is denied by provider try to initiate a interactive process to reach compromise agreement.
- If conciliation does not work then file a complaint with HUD Fair Housing Office.

Requests for Reasonable Accommodations

The housing provider cannot charge extra fees or require additional deposits as a condition of granting reasonable accommodation.

Reasonable Accommodation??



Marijuana

- Recently, a number of states have legalized the use of marijuana specifically for medicinal purposes. Some states have legalized the use of marijuana for recreational purposes. Regardless of the purpose of legalization under state law, the use of marijuana in any form, is illegal under the Controlled Substances Act (CSA) and therefore is an illegal controlled substance under Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Based on federal law, new admissions of medical marijuana users are prohibited.

Marijuana

- QHWRA requires that owner/agents establish lease standards that prohibit admission based on the illegal use of controlled substances including state legalized marijuana. State laws that legalize medical marijuana directly conflict with QHWRA and thus are subject to federal preemption.

Reasonable Modifications

Physical changes to a dwelling or common area, necessary for a resident to use and enjoy these spaces.



Reasonable Modification Basics

- Resident must fully describe modification
- Change must be allowed if reasonable
- Modification must be done properly (to code)
- Resident may need to set aside restoration monies
- Resident may have to restore interior changes
- Resident does not have to undo changes that are neutral or that enhance access

Accommodations and Modifications

Examples of reasonable modifications:

- Installing an automatic water faucet shut-off for people who can't remember to turn off the water;
- Installing pictures, color-coded signs or pathways for people whose cognitive disabilities make written signs impossible to use;
- Installing carpeting or acoustic tiles to reduce noise made by a person whose disability causes him or her to make a lot of noise;
- Disconnecting a stove and installing a microwave for a person unable to operate a stove safely.

Reasonable Modifications

- ALL units are available to the disabled as long as the applicant meets the property's rental standards.
- Since physically or mentally disabled persons cannot always do the same things in the same way as able bodied persons, they have been given several "rights" to help them.

Modifying the Apartment

- Modifications are made at residents own expense (except subsidized).
- Must be done to code/workmanlike manner.
- Modifications must be related to disability.
- Cannot permanently damage the property.
- Management must be apprised of what is to be done.

Requests for Reasonable Accommodations

- A housing provider has an obligation to provide prompt responses to reasonable accommodation requests.
- An undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation and provider then could be charged with a violation of the Fair Housing Act.

Requests for Reasonable Modification

- In requesting a modification the individual has disclosed that they have a disability.
- If the disability is not apparent, the landlord may ask for verification that the tenant has a disability as defined by the Fair Housing Act.
- No additional inquiry into the nature or extent of the disability, beyond establishing the need for the modification is allowed.
- Establish that the modification is necessary. In other words, the modification will enable the person with the disability to have equal opportunity to use and enjoy a dwelling unit, including public and common areas.

Requests for Reasonable Modification

- Determine that the modification is reasonable, i.e. whether the modification is structurally possible, cost effective and will overcome the barrier.
- Ensure that the modification will not damage the property or interfere with other tenants' use of their units or common areas.
- Though not required, the recommended practice is to have requests for reasonable modification be made in writing.

Who Pays for the Modification?

- If the property was developed, even in part, with federal funds, the landlord must pay for the modification, as long as it does not cause a significant financial or administrative hardship.
- Section 504 requires that in making an accommodation, a federally assisted housing provider will be required to bear costs which do not amount to an undue financial and administrative burden.
- In application, this means that such a housing provider may be required to spend money to provide legally required reasonable accommodations.

Who Pays for the Modification?

- If a building was ready for occupancy for the first time after March 13, 1991, it is subject to the Fair Housing Act and must be physically accessible.
- If the modification requested is necessary because the building is out of compliance with the Fair Housing Act, owners are financially responsible for all expenses necessary to have the property meet these requirements.
- If the property did not receive funding from a federal source and meets the minimum accessibility requirements required by law, then the tenant can be required to pay for the modification

Standards for Modifications

If the tenant is paying for the alteration, the landlord can require that the work be done properly, that it comply with all necessary building and architectural codes and that a certified contractor complete the work.

Move Out

The landlord can also require that at the end of the tenancy the modification be removed and the unit restored to its original condition, but only if the modification will interfere with a future tenant's use of the unit.

Assistive Animals

Accommodation: Assistance animals

Two Considerations for an Assistance Animal:

- Does the person have a disability?
- Does the person have a disability-related need for an assistance animal?



Accommodation: assistance animals

Do you need to or can you get verification?

- What if the disability is apparent?
 - No further inquiry
- What if the disability is apparent, but not the need?
 - Just info needed to evaluate disability-related need (“nexus”)
- What if the disability is not apparent?
 - Can ask for health care provider’s note



Accommodation: Assistance animals

- Service Animals – specifically trained to provide a service
- Assistance Animals – support someone with a mental disability



“SERVICE ANIMALS” UNDER THE ADA



Americans with Disabilities Act Application

- Title II of the ADA applies to public entities, including public entities that provide housing;

e.g. public housing agencies and state and local government housing, housing provided at state universities and other places of education.



- Title III of the ADA applies to public accommodations, such as rental offices, shelters, some types of multifamily housing, assisted living facilities and housing at places of education.



ADA Definition of “service animal”

- DOJ’s revised ADA regulations define “service animal” narrowly as **any dog** that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
- The provision of emotional support, well-being, comfort, or companionship do not constitute work under this definition.

Allowed ADA Inquiries



- The ADA has different requirements from the Fair Housing Act.
- Only two inquiries may be made by covered entity under the ADA:
 - 1. “Is this a service animal that is required because of a disability?”
 - 2. “What work or tasks has the animal been trained to perform?”
 - Covered entity may not ask about the “nature or extent of a person’s disability.”
 - Covered entity may not require documentation or proof.
 - Covered entity may not ask these two questions if it is “readily apparent that the animal is trained to do work or perform tasks for a person with a disability,” (ex. A dog seen guiding a person who is blind or has low vision)

Bases for denial or exclusion under the ADA



- “The animal is out of control and its handler does not take effective action to control it;”
- “The animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination);”
- “Or the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices, and procedures.”





Reasonable Accommodations for Assistance Animals Under the Fair Housing Act and Section 504 of the Rehabilitation Act



Fair Housing Act and Section 504 Application



- The Fair Housing Act applies to virtually all housing, regardless of whether the housing is linked to federal funding.
- Covered housing now includes college and university dormitories, faculty housing, shelters, apartments, mobile homes, condominiums, cooperatives, supportive housing and some types of temporary residences.
- Recent court decision holding that university student housing is covered by the Fair Housing Act. U.S. v. Univ. of Nebraska at Kearney, 2013 U.S. Dist. Lexis 56009 (D. Neb. April 19, 2013).
- Section 504 applies to programs, services and activities that receive financial assistance from HUD.



Obligation to Make Reasonable Accommodations

- The Fair Housing Act and Section 504 require housing providers to make reasonable accommodations for individuals with disabilities who use assistance animals.
- Reasonable accommodations must be made for individuals with disabilities who are:
 - Applicants, tenants, or residents
 - Their family members
 - Other persons associated with residents, tenants and applicants.

Assistance Animals



- Provide support, assistance or service;
- Include emotional support or therapy animals;
- **Not** just dogs – examples: cat, bird, guinea pig, capuchin monkey, etc.;
- May be trained or untrained.



Assistance Animal Must be Permitted if ...

- Individual has disability, as defined in Fair Housing Act/Section 504, and
- There is a relationship between disability and assistance provided by the animal



Applying the



principles ...



- Oral request is enough -- written application may not be required.
- Process should be easy and quick.
- Verification of disability can be provided by a doctor or other medical professional, a peer support group, a non-medical service agency, a reliable third-party in a position to know about the disability, or the individual herself (proof of receipt of SSI or a credible statement).
- No fee, deposit, insurance, hold harmless agreement, extra inspections, “pet rules,” veterinary certificates, or special conditions (including any typically applied to pets).

What Conditions be Imposed?

- Individual responsible for maintaining and controlling animal.
- BUT, Access cannot be denied to housing and indoor and outdoor public and common use areas associated with housing, and
- No breed, weight, or size limitations may be imposed



Bases for Denial or Exclusion



- Specific animal poses a direct threat to health or safety of others or would result in substantial physical damage to property (individualized assessment based on recent credible, objective evidence relating to specific animal's actual conduct – not speculation about type or breed of animal)
- Undue Financial and Administrative Burden (very high standard to meet – generally not applicable)
- Fundamental Alteration (very high standard – typically not applicable)

What is an “Assistance Animal”?

- Any animal that is “necessary” because of a disability:
- “Service” animal
- “Companion” animal
- “Emotional Support” animal
- “Therapy” animal
- “Comfort” animal

What constitutes a request for an assistance animal?

- Resident must say, “I would like an accommodation in your practices, policies, or procedures that is necessary to allow me full enjoyment of my housing because of my disability. The accommodation I request is to keep my emotional support turkey, who fulfills a disability-related need for me.”
- No “magic words” to request an accommodation.
- No specific forms required to request an accommodation.

Process for Evaluating Accommodation Request

- Best practices indicate that the request should be in writing, either by the resident or by the on-site staff receiving the request.
- Cannot insist that the resident put the request in writing before it is a valid accommodation request.
- Determine whether third party verification is required, and, if so, take steps to obtain verification.
- Communicate with resident, and if necessary, engage in “interactive process”.
- If request is denied, provide opportunity to further discuss or provide new information.

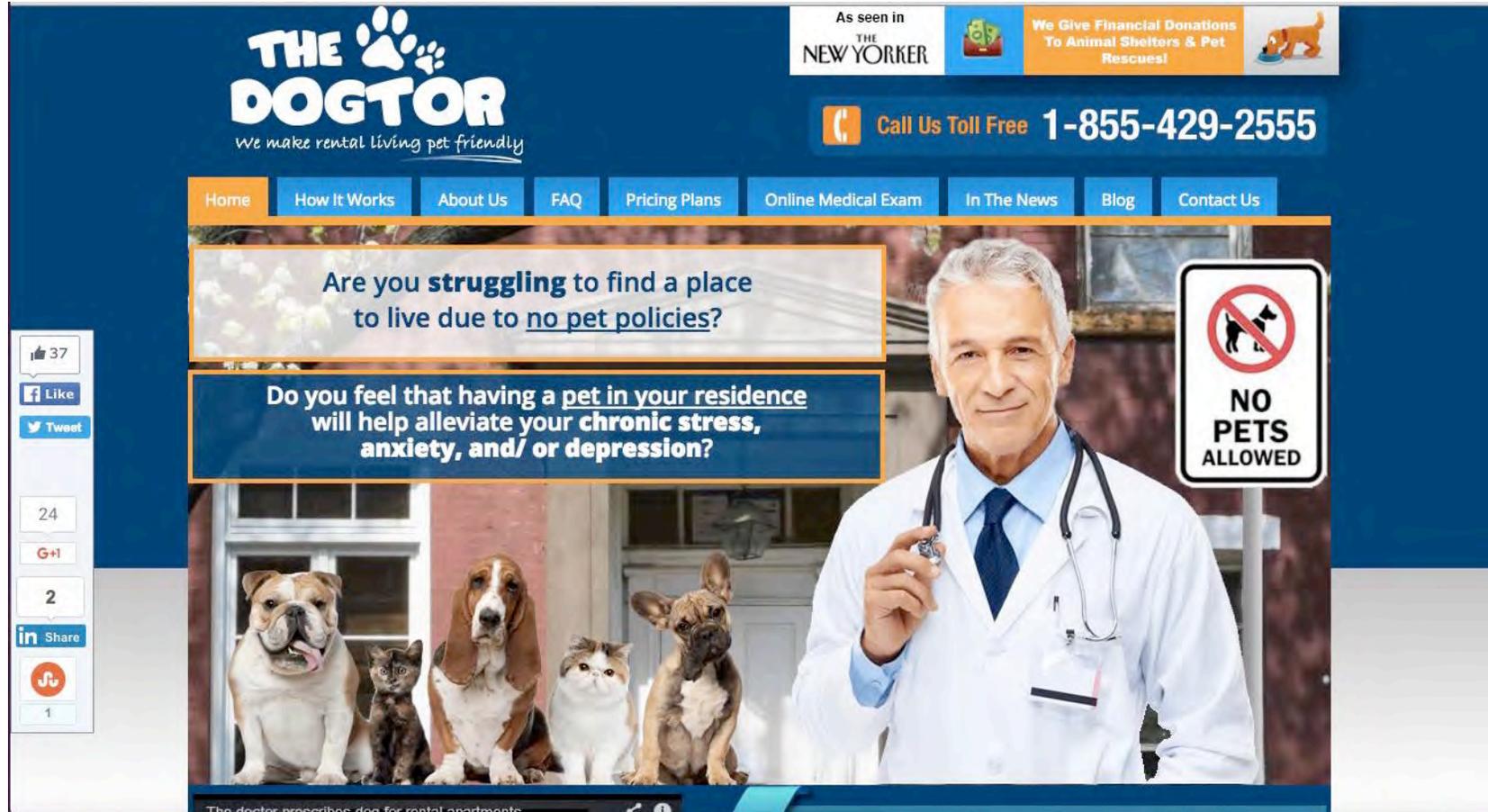
VERIFICATION

- Verification should be sought ONLY if the disability or the disability-related need for the requested accommodation is not readily observable.

VERIFICATION FORM

- Is this person “disabled”?
- Does this person need an accommodation *BECAUSE OF* that disability?
- What is the accommodation needed? (OR -“Is a 6 foot Burmese python necessary?”)

ONLINE “PRESCRIPTIONS,” “CERTIFICATIONS,” AND “REGISTRATIONS”



The screenshot shows the homepage of 'THE DOGTOR'. The logo features a paw print above the text 'THE DOGTOR' and the tagline 'We make rental living pet friendly'. A navigation menu includes links for Home, How It Works, About Us, FAQ, Pricing Plans, Online Medical Exam, In The News, Blog, and Contact Us. A prominent call to action displays 'Call Us Toll Free 1-855-429-2555'. The main content area features a large image of a doctor in a white coat with a stethoscope, holding a pill. To the left of the doctor, two text boxes pose questions: 'Are you **struggling** to find a place to live due to no pet policies?' and 'Do you feel that having a pet in your residence will help alleviate your **chronic stress, anxiety, and/ or depression**?'. Below these boxes is a row of five animals: a bulldog, a kitten, a beagle, a cat, and a French bulldog. To the right of the doctor is a 'NO PETS ALLOWED' sign. The top right corner includes a testimonial from 'THE NEW YORKER' and a statement: 'We Give Financial Donations To Animal Shelters & Pet Rescues!'. A social media sidebar on the left shows engagement metrics for Facebook (37 likes), Twitter (24 tweets), and LinkedIn (2 shares).

THE DOGTOR
We make rental living pet friendly

As seen in THE NEW YORKER

We Give Financial Donations To Animal Shelters & Pet Rescues!

Call Us Toll Free 1-855-429-2555

Home | How It Works | About Us | FAQ | Pricing Plans | Online Medical Exam | In The News | Blog | Contact Us

Are you **struggling** to find a place to live due to no pet policies?

Do you feel that having a pet in your residence will help alleviate your **chronic stress, anxiety, and/ or depression**?

NO PETS ALLOWED

The doctor prescribes dog for rental apartments

ONLINE “PRESCRIPTIONS,” “CERTIFICATIONS,” AND “REGISTRATIONS”



ONLINE “PRESCRIPTIONS,” “CERTIFICATIONS,” AND “REGISTRATIONS”

- There is NO “official” registry of assistance animals.
- Assistance animals are not required to have any particular certification or license.
- The vests and ID cards are a scam to separate people from their money.
- **A third party verifier should have a therapeutic relationship with the requester related to the disability.** The relationship should not be solely for the purpose of obtain permission or a “prescription” for an assistance animal.

Senate Bill 119

FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the furnishing of fraudulent disability documentation when renting accommodations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 43-32 be amended by adding a NEW SECTION to read:

For the purposes of this Act, the term, service animal, refers to any animal that serves a role for an individual with a disability as an emotional support animal, any therapy animal, or any assistance animal, and the term, disability, is a physical or mental impairment that substantially limits one or major life activities of a person.

Senate Bill 119

Section 2. That chapter 43-32 be amended by adding a NEW SECTION to read:

A landlord may require reliable supporting documentation be provided by a tenant of a rental dwelling unit, if the tenant asserts a disability requiring under any provision of law that a service animal or assistance animal be allowed as an accommodation on the rented premises. A landlord may not require supporting documentation from a tenant if the tenant's disability or disability-related need for a service animal or assistance animal is readily apparent or already known to the landlord.

Senate Bill 119

Section 3. That chapter 43-32 be amended by adding a NEW SECTION to read:

The supporting documentation shall confirm the tenant's disability and the relationship between the tenant's disability and the need for the requested accommodation. **The documentation shall originate from a licensed health care provider who does not operate in this state solely to provide certification for service or assistance animals.**

Senate Bill 119

Section 4. That chapter 43-32 be amended by adding a NEW SECTION to read:

If a person is found to have knowingly made a false claim of having a disability that requires the use of a service animal or assistance animal or of knowingly providing fraudulent supporting documentation in connection with such a claim, **a lessor may evict a lessee and the lessor is entitled to a damage fee, not to exceed one thousand dollars,** from a lessee if the lessee provides fraudulent disability documentation indicating a disability requiring the use of a service animal or assistance animal.

Under the FHA, Assistance Animals:

- Have NO automatic restrictions on species, breed, weight, or size



Under the FHA, Assistance Animals:

ARE subject to usual and customary “pet” rules regarding behavior, hygiene, supervision and restraint.

CANNOT pose a direct threat to the health or safety of other people or damage to the property.

A BEST PRACTICE is to have the person with the assistance animal execute a lease addendum specifically regarding the assistance animal.

Under the FHA, Assistance Animals:

CANNOT be charged “pet rent,” deposits, or other “pet” related charges, BUT

CAN be responsible for damage caused to the premises.



What if the next door neighbor is allergic? ("Competing Disabilities")

- You are not required to determine either who is more disabled or who is more entitled to an accommodation.
- If compromise cannot be achieved, the person who requested the accommodation first should prevail.



Requests for Multiple Assistance Animals:

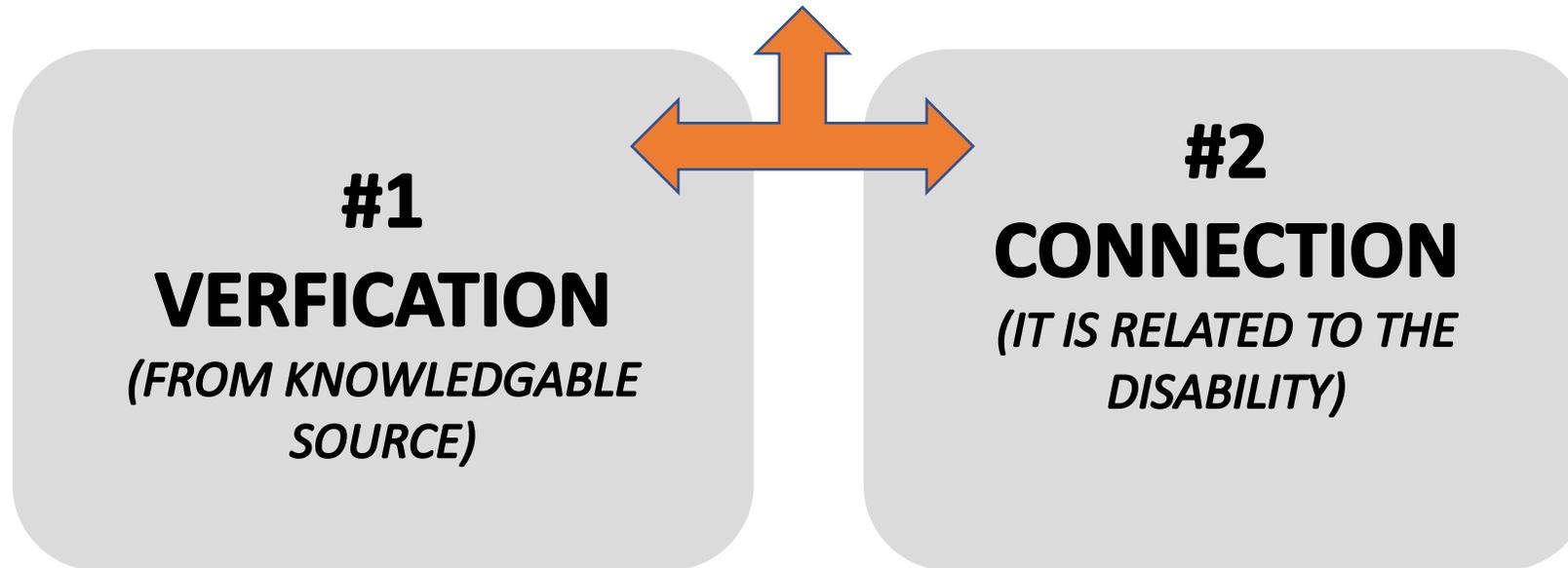
- Consider the nature of the animal: a service animal is dedicated to performing a task for a specific person, while a companion animal can provide love and support for multiple persons.
- Ask the verifier to be specific about the need for the number of animals requested: “What do five cats do that one can’t?”
- Do not allow resident to replace multiple animals.

Reasonable Accommodations & Modifications

- Owners of assistive animals should not be charged pet deposits or fees.
- General cleaning or damage deposits can be charged, if all residents are similarly charged.
- A resident with a assistive animal is liable for any damage the animal causes.

Reasonable Requests

Two Parts



Confirming the nature of the disability and the connection to the request.

HOMETOWN CLINIC

John Doe, M.D.

Family Practice

1234 Your Address

YourCity, GA 98765

(987) 654-3210

Fax (987) 654-3211

Today's date

110922A12345 #00001

Lic #: A12345

DEA #: AA7654321

NPI #: 789456123

Name To whom it may concern DOB _____

Address _____ Date today MF _____

Rx

Cheri is in need of her Squirrel "Rocky" to help her with extreme anxiety which is causes great distress. This pet provides her a sense of security.

Refill NR 1 2 3 4 5 Void After _____ Spanish

Do Not Substitute-Dispense As Written

Signature

Dr. Doolittle
but get paid more



“Lifesaver”

Companion Animal Request Form

VERIFICATION OF REASONABLE ACCOMMODATIONS

Date:
TO:

FROM:

*PLEASE RETURN THIS FORM TO THE
PERSON LISTED ABOVE*

SUBJECT: Verification of Information Supplied by an Applicant for Housing Assistance

NAME:
ADDRESS:

This person has applied for housing assistance under a program of the U.S. Department of Housing and Urban Development (HUD). HUD requires the housing owner to verify all information that is used in determining this person's eligibility or level of benefits.

This person has requested a Reasonable Accommodation or Modification as described below. **A reasonable accommodation/modification is a change to a policy, practice, procedure, or a physical alteration to a common area or unit that would allow a qualified person with a disability to:**

1. Participate fully in a program;
2. Take advantage of a service;
3. Live in a dwelling; or
4. Perform a job.

Reasonable accommodations include, for example, those that are necessary for a person with a disability to use and enjoy a dwelling. To show a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

We ask your cooperation in providing the following information and returning it to the person listed at the top of the page. Your prompt return of this information will help to assure timely processing of the application for assistance. Enclosed is a self-addressed, stamped envelope for this purpose. The applicant/tenant has consented to this release of information, as shown below.

YOU DO NOT HAVE TO SIGN THIS FORM IF EITHER THE REQUESTING ORGANIZATION OR THE ORGANIZATION SUPPLYING THE INFORMATION IS LEFT BLANK.

HOUSEHOLD MEMBER RELEASE - Applicant/Tenant: I hereby authorize the release of the requested information. Information obtained under this consent is limited to information that is no older than 12 months. There are circumstances which would require the owner to verify information that is up to 5 years old, which would be authorized by me on a separate consent attached to a copy of this consent.

SIGNATURE

DATE

HOUSEHOLD MEMBER'S REQUEST FOR ACCOMMODATION:

Instruction to Site Staff: Describe what the household member has requested to afford him/her equal opportunity to benefit from the programs at this facility (e.g. ground floor unit, larger unit, companion animal).

INFORMATION BEING REQUESTED:

Health Care Provider: After reading the following definition of disabled, and the request your patient has made, please make a determination as to the necessity of this accommodation to afford the household member equal opportunity to use and enjoy our community.

DEFINITION OF DISABLED:

Under federal law, an individual is disabled if he/she has a physical or mental impairment that:

1. substantially limits one or more major life activities;
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction, and alcoholism. This definition does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the housing program or activities, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or safety of others. (24CFR 8.3, and HUD Handbook 4350.3REV-1).

INFORMATION REQUESTED

- | | | |
|--|------------|-----------|
| 1. Is the household member disabled as defined above? | YES | NO |
| 2. Does the household member require the accommodation described above? | YES | NO |
| 3. Is there an identifiable relationship between the requested accommodation and the disability? | YES | NO |
| 4. Please describe any other accommodation or modification that could meet the household member's needs in place of what the household member has requested. For example, if there is a less expensive way to help the household member cope with his or her disability, please detail it. (NOTE: Please do not name or describe the type of disability the household member has when filling out this section. We do not need to know the nature or severity of the disability.) | | |
-
-

Name and Title of Person Supplying Information

Phone #

Signature

Date

PENALTIES FOR MISUSING THIS CONSENT:

Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD and any owner (or any employee of HUD or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages and seek other relief, as may be appropriate, against the officer or employee of HUD or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 208(a)(6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. Section 408 (a)(6), (7) and (8).



COMPANION ANIMAL REQUEST

NAME: _____

The above named individual has requested our permission to keep an animal at the site. To process this request we must verify that the individual qualifies as "disabled" under federal law and requires the animal in order to have an equal opportunity to use and enjoy the site. The applicant/resident is not required to sign this request if it is not clear who will be providing or receiving the information.

By signing below I authorize the below stated
Individual/Department to provide this information
And return it to the person indicated.

Applicant / Resident

Date

This form should be completed by:

Physician _____

Clinic: _____

Address: _____

City, St: _____

Phone: _____

Fax: _____

This form should be returned to:

Manager: _____

Company: _____

Address: _____

City, St: _____

Phone: _____

Fax: _____

- **INFORMATION REQUESTED**

- Is the household member disabled as defined on the attached page?

- Yes _____ No _____

- In your professional opinion, does the household member need to keep an animal at the site in order to have the same opportunity that a non-disabled individual has to use and enjoy the site?

- Yes _____ No _____

- Please list type and number of animals authorized:

- _____

- **DEFINITION OF “DISABILITY”**

- Person with a Disability (Handicapped Person).* [24 CFR 891.505 and 891.305] A person with disabilities means:

-

- (1) Any adult having a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

- (2) A person with a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that:

- (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

- (ii) Is manifested before the person attains age 22;

- (iii) Is likely to continue indefinitely;

- (iv) Results in substantial functional limitation in three or more of the following areas of major life activity:

- Self-care,

- Receptive and expressive language,

- Learning,

- Mobility,

- Self-direction,

- Capacity for independent living, and

- Economic self-sufficiency; and

- (v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

- A person with a chronic mental illness, i.e., a person who has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently, and whose impairment could be improved by more suitable housing conditions.

- Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of infection with the HIV are eligible for occupancy in the Section 202 projects designed for the physically disabled, developmentally disabled, or chronically mentally ill depending upon the nature of the person’s disability. (24 CFR 891.505)

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PENALTIES FOR MISUSING THIS CONSENT

18, Section 1001 of the US Code states that a person is guilty of a felony for knowingly and willingly making false and fraudulent statements to any department of the United States Government. HUD, the PHA, and any owner (or any employee of HUD, the PHA, or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains, or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA, or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 41 USC 208 (f)(g) and (h). Violations of these provisions are cited as violations of 42 USC 408 f, g, and h.

Printed Name/Title

Date

For copies of these forms feel free to
email:

paul@pmssf.com

Accessibility Standards – ADA

All new facilities are built using ADA Accessibility Guidelines (ADAAG)

DOJ's 2010 ADA Standard for Accessible Design

–Effective for all new construction or alterations as of March 15, 2012

DOJ's 1991 ADA Standards for Accessible Design

–Effective for all new construction after January 26, 1993 and prior to March 15, 2012 or alterations after January 26, 1992 and prior to March 15, 2012

Accessibility Standards – ADA

- All public accommodations must remove architectural barriers in existing facilities, including communication barriers when removal is readily achievable

Accessibility Standards – ADA

Removal of Architectural Barriers Examples:

- Installing ramps
- Repositioning public telephones
- Removing high pile carpeting
- Rearranging tables and chairs
- Installing flashing alarms
- Creating accessible parking spaces
- Installing grab bars in the bathroom
- Moving partition walls in bathroom stalls

Limited English Proficiency

Improving Access to Services for Persons with Limited English Proficiency (LEP)

- Signed by President Clinton on August 11, 2000
- Requires federal agencies and recipients of federal funds:
- Examine services that they provide and identify any needs for services to those with limited English proficiency
- Develop and implement systems ensure that LEP persons have meaningful access to the services
- Purpose to ensure that our programs do not discriminate due to National Origin.

Limited English Proficiency

- HUD issued the Guidance on LEP on January 22, 2007 in the form of a Final Notice in the Federal Register (Appendix3-3)
- Applicable to any entity receiving HUD funding regardless of whether it is received directly or indirectly including:
 - HOME
 - CDBG
 - HOPWA
 - City/State funded projects

Limited English Proficiency

- Recipients of HUD funds have an obligation to reduce language barriers that can preclude meaningful access to our services
- Theme is to do what is truly reasonable and feasible within context

Limited English Proficiency

LAP should include:

- Methods of identifying LEP individuals who need language assistance;
- Information on how language assistance is provided;
- Types of language services available;
- How staff obtains these services;
- How staff responds to LEP callers, written communication from LEP persons, and in-person contact with LEP persons;
- How to ensure competency of interpreters and language translation services.

Limited English Proficiency

- Methods and schedule of staff training;
- Methods of providing notice of language assistance to LEP Persons;
- Method of monitoring and updating the LAP;

Limited English Proficiency

- Vital documents should be translated into the appropriate language; however the English version is still the controlling documents and the one that must be signed
- U.S. Census has developed the “I Speak” cards to assist you in determining what language a person speaks
- HUD has translated many forms, brochures, fact sheets and posters into about 12 different common languages

Limited English Proficiency

- Your owner will need to determine what “owner-created” documents are vital, and translate them into the languages most applicable to your population
- Translation services should be provided to ensure that a LEP person is not disadvantaged. If the LEP person declines translation services and chooses to use their own family member or friend, you should have the LEP person sign a waiver acknowledging that they will provide their own translation services

Violence Against Women Act

- President Obama signed the Violence Against Women and Justice Department Reauthorization Act of 2013 on March 7, 2013
- Provisions of VAWA 2013 applicable to HUD programs are called “Safe Homes for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking” (Title VI)
- HUD released the VAWA 2013 Implementation in HUD Housing Programs: Final Rule on November 16, 2016 in the Federal Register

Violence Against Women Act

- The following HUD programs are subject to VAWA 2013:
 - –Section 202
 - –Section 811
 - –HOPWA
 - –HOME
 - –Homeless programs under title IV of McKinney-Vento Homeless Assistance Act

Violence Against Women Act

- –Section 221(d)(3)
- –Section 236
- –Public Housing
- –Section 8 (project and tenant-based)
- •The following non-HUD programs are also subject to VAWA 2013 but do not fall under HUD's Implementation Rules:
 - –Rural Housing
 - –LIHTC

Violence Against Women Act

The Violence Against Women and Justice Department Reauthorization Act of 2013:

Protects victims of

- domestic violence
- dating violence,
- sexual assault or
- stalking
- from denial of admission, denial of assistance, termination of assistance or termination of tenancy if the applicant/tenant otherwise qualifies

–2005 version covers just Section 8 and Public Housing

–Applies to men as well as women

–Allows for Lease Bifurcation

Violence Against Women Act

- Being a victim of domestic violence, dating violence, sexual assault or stalking is **not a basis for denial of assistance or admission to assisted housing if the applicant otherwise qualifies** for assistance or admission
- Incidents or threats of domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease or as **“good cause” for termination of assistance, tenancy, or occupancy rights of a victim**

Violence Against Women Act

- Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's household or any guest or person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate family member of the tenant is the victim
- Sexual Assault is defined as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (42 U.S.C. 139225(a))

Violence Against Women Act

Notification of Occupancy Rights under the Violence Against Women Act (Form HUD-5380);and

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (**Form HUD-5382**) must be provided to:

1.Current Tenants

- With the next annual recertification/lease renewal or by other means if there is no AR or lease renewal within 12 months
- With any notice of eviction or notification of termination of assistance

2.Applicants

- At move-in or issuance of assistance
- At the time the applicant is denied assistance

Violence Against Women Act

If a tenant/applicant chooses to identify him/herself as a victim of domestic violence, dating violence, sexual assault, or stalking, the housing provider may request, in writing, one of the following:

- Completed Certification **Form HUD-5382**;
- Signed certification by victim service provider, attorney, medical or mental health professional from whom the victim has sought assistance;
 - Must be signed by the applicant or tenant
 - Must contain a penalty statement
- Record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- A statement or other evidence provided by the applicant or tenant (at the discretion of the provider)

Violence Against Women Act

- If a tenant/applicant fails to **provide the documentation within 14 business days after the date the tenant/applicant receives the written request**, the tenant/applicant loses any protection afforded under VAWA
- The housing provider may, at its discretion, extend the 14-business day deadline
- If the housing provider receives two or more completed Form HUD-5382s that conflict, the housing provider can require the applicant/tenant submit third-party documentation

Violence Against Women Act

Confidentiality-

- NO ONE shall have access to this information unless it is absolutely necessary
- Status of a victim can not be entered into shared databases unless it is:
 - requested by the individual in a time-limited release,
 - required for use in an eviction/termination of assistance proceeding, or
 - otherwise required by law

Violence Against Women Act

- Does not matter if the household member is a signatory on the lease
- Must be carried out in accordance with Federal, State, or local law
- Remaining members must be given **90 calendar days** from the date of bifurcation to:
 - **Establish eligibility under the covered program; or**
 - **Establish eligibility under another covered program; or**
 - **Find alternative housing.**
- **The tenant may be given up to an additional 60 days if allowed by the program**
- HUD encourages housing providers to undertake all feasible actions to assist the family, including covering the costs of a transfer

Violence Against Women Act

Housing providers must adopt no later than **June 14,2017**

- HUD has provided a **Model Emergency Transfer Plan (Form HUD-5381)** and an **Emergency Transfer Request Form (Form HUD-5383)**
- Two types of Emergency Transfers:
- Internal Emergency Transfers-emergency relocation to another unit where the tenant would not have to go through an application process to reside in the new unit
- External Emergency Transfer-emergency relocation to a new unit where the tenant is categorized as a

Violence Against Women Act

To qualify for an Emergency Transfer, the tenant must:

- Expressly request the transfer, and
- Believe there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or
- In the case of sexual assault, the sexual assault occurred on the premises during the 90-calendar day period preceding the date of the request for transfer.

Violence Against Women Act

Emergency Transfer Plans must include:

- Strict confidentiality measures
- Details on any priority given and how emergency transfers are handled in relation to other transfers/move-ins
- Clause that an internal transfer can be made when a safe unit (one that the victim deems safe) is immediately available
- Policies on assisting tenants in making an internal emergency transfer when a safe unit is not immediately available including additional priority given

Violence Against Women Act

Emergency Transfer Plans must include:

- Reasonable efforts the housing provider will take to assist a tenant to make an external emergency transfer when a safe unit is not immediately available including:
- Memos of understanding with other covered housing providers
- Outreach activities with organizations that assist/provide resources to victims
- Clause that a tenant can seek an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available

Violence Against Women Act

Emergency Transfer Plans must include:

- If applicable, policies on transferring a tenant who has tenant-based assistance to move with the assistance
- Policies on whether the housing provider requires written documentation certifying the victim's status and requesting an emergency transfer
- The Emergency Transfer Plan must be available upon request and, when feasible, publicly available
- The housing provider must retain a record of all emergency transfer requests and the outcome and retain this information for three years
- Requests and outcomes must be reported to HUD

Final Ruling On Criminal Background

- In the recently issued "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", the U.S. Department of Housing and Urban Development ("HUD") **urges housing providers to exercise caution when implementing criminal history policies or practices used to make housing decisions.**

- 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.**

- 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.

- HUD includes context for its guidance, and offers statistical evidence that the United States minority population experiences arrest and incarceration at rates disproportionate to their share of their population.
- For instance, HUD asserts that in 2014, African Americans were incarcerated at a rate nearly three times their proportion of the general population.

- The determination of whether a criminal history-based policy or practice has a disparate impact in violation of the Act is ultimately a fact and case-specific inquiry.
- However, HUD's guidance provides insight into how to create a legally defensible policy that does not violate or frustrate the FHA's prohibition on the discrimination in the sale, rental or financing of dwellings or in other housing-related activities.
- It is recommended that a review of HUD's guidance, but have distilled that guidance to assist in reviewing existing criminal history-based policies or practices or in the creation of a new one:

- While persons with criminal records are not a protected class under the Fair Housing Act, HUD's recent guidance maintains that criminal history-based barriers to housing have a statistically disproportionate impact on minority groups.
- Because minorities are a protected class under the Fair Housing Act, HUD's guidance says that **creating arbitrary or blanket criminal-based policies and restrictions could potentially violate the Fair Housing Act.**

- It should be pointed out that criminal background checks that focus on whether or not a potential tenant or homeowner has been arrested, rather than criminally convicted, as an example of policies that might be “tightened” for compliance.
- It is also noted that there may be a benefit to policies that single out violent crimes, rather than all crimes, as doing so may be more demonstrably beneficial for resident safety.

What to Do

- Run a criminal background check last, and only after candidates have passed financial and other screening processes. In other words, **do not complete a criminal check until credit checks come back clean**. However, she noted that there are timing and logistical issues related to splitting that process.
- **Consider the nature and severity of the crime, as well as how recently it occurred, when designing criminal screening policies. As an example, it is suggested that companies examine whether to exclude misdemeanors and non-violent felonies, like gambling or tax fraud.**

What to do

- **Establish a look-back period that begins at the time of conviction.** While the law is not crystal clear, HUD cited a study supporting a **seven year look-back period**, and that state Fair Credit Reporting Act laws also apply a maximum seven years look back.
- Allow individuals to present mitigating and extenuating reasons for why they should be considered in light of a conviction. Those may include facts and circumstances surrounding criminal conduct, age at the time of conviction, evidence of good tenant history, employment, or rehabilitation.

Criminal History-Based Housing Policies and Practices

Do's

Create tailored criminal history-based policies/practices.

Be sure to have clear, specific reasoning for the criminal history-based policy/practice that can be supported by evidence.

Exclude individuals only based on criminal convictions that present a demonstrable risk to resident safety or property.

Don'ts

Don't create arbitrary or overly-broad criminal history-based policies/practices.

Don't maintain a policy/practice, or any portion thereof, that does not serve a substantial, legitimate, nondiscriminatory interest.

Don't create exclusions based on arrest records alone.

Consider the nature and severity of an individual's conviction before excluding the individual based on the conviction.

Don't create a blanket exclusion of any person with any conviction record.

Consider the amount of time that has passed since the criminal conduct occurred.

Don't provide inconsistent explanations for the denial of a housing application.

Consider criminal history uniformly, regardless of an individual's inclusion in a protected class.

Don't use criminal history as a pretext for unequal treatment of individuals of a protected class.

Treat all applicants for housing equally, regardless of protected characteristics.

Don't use comparable criminal history differently for individuals of protected classes.

Conduct individualized assessments that take into account mitigating factors, such as facts and circumstances surrounding the criminal conduct, age at the time of the conduct, evidence of good tenancy before/after conduct, and rehabilitative efforts.

Housing providers may exclude persons convicted of the illegal manufacture or distribution of a controlled substance.²

Don't make exceptions to a policy or practice for some individuals, but not make the same exception for another individual based on the individual's inclusion in a protected class.

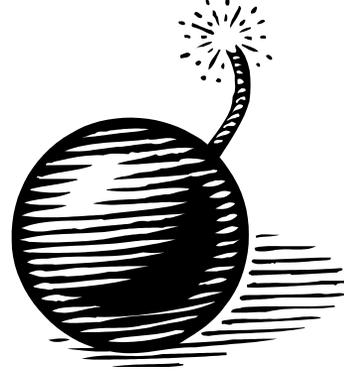
Don't include a blanket prohibition against individuals convicted of drug possession.

Terrorism



- After 911 the FBI issued an alert which directed landlords to be more aware of suspicious activities, renters or rental agreements.
- HUD responded that Fair Housing agencies would be watching for any complaints of “profiling”.

Terrorism



- There are some behaviors that could be suspicious and of interest to the FBI and Homeland Security.
- Maintenance staff are out and about in the units so have more of an opportunity to see what is going on.
- There are a number of characteristics that are considered to be potential indicators of terrorist activity.

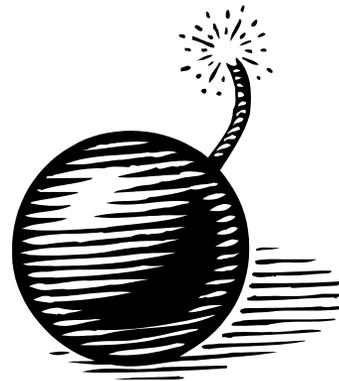
Terrorism



- The person lives in an apartment with only rented furniture or no furniture and has no family photos or personal items.
- The person carries a number of phones that ring constantly, but you notice that they only reply by text messages.
- The person is extremely possessive of his/her cell phone and becomes agitated if it is touched or if someone asks to use it.

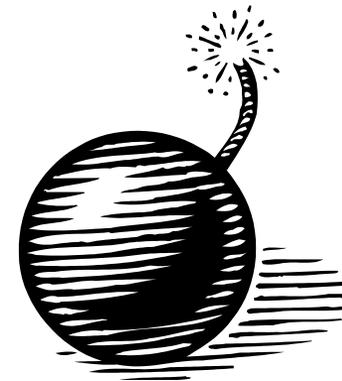
Terrorism

- The person makes negative comments about the United States in a serious manner.
- Be aware of unusual chemical odors from an apartment, such as sulfur, ammonia, or fuel.



Terrorism

- Each of these characteristics or situations separately would not raise concern about an individual. However if a number of them are present and/or there is other suspicious activity, contact the manager, who then can contact the proper authorities, if appropriate.



Misc.

- Bribes – gifts
 - Avoid appearance of favoritism when taking gifts, especially in Christmas season
 - Avoid giving gifts to residents.
- “Friendly to all...friend to none”

Misc.

Two things to remember about fair housing:

- **Consistency** – Do the same thing every time. Treat everyone the same.
- **Document** – Keep good records and document everything.

QUESTIONS??