



Fair Housing Guidelines for Owners, Managers and Rental Agents



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1. How to Handle Advertising

The reason for advertising rental vacancies is to attract the most qualified applicant(s) for the type of unit available. "Qualified" means person(s) who: 1) meet income requirements in relation to rent, 2) will pay the rent in full and on time, 3) will be considerate of other renters, and 4) will respect the property.

When advertising, it is recommended and legal to indicate the size and location of the unit, the monthly rental price and any features, such as utilities included, laundry room, pool or other amenities which would make the unit desirable.

It is not legal to express a preference or limitation for or against a specific class of persons enumerated by the statute. For example, it is probably illegal to advertise for "Christians only", "single adult community", "no children allowed", and we even recommend not advertising "no students accepted".

In order to provide opportunity for more balanced, integrated communities, newspaper advertising should include minority newspapers or placing listings with publications that reach a diverse group of people. We strongly recommend that you include the Fair Housing Equal Opportunity logo as words of inclusion and welcome.



2. How to Handle the Application Process and the Selection of Tenants

The easiest way to prevent discrimination in the application and selection process is to establish written policies and procedures and apply them equally to all persons requesting information or application forms. These policies many include establishing uniform credit and reference requirements, terms and conditions regarding deposits, payment dates, maintenance, and standardized minimum income requirements. Be sure to use standardized forms. It is important to follow through with established policies and inform

all applicants and renters of any changes.

During the inquiry, application and selection process, it is illegal to:

- ❖ Inquire verbally or in writing about the applicant's class status;
- ❖ Run credit checks or verify applications on only some potential tenants and not others. For instance, single mothers or only minorities;
- ❖ how less desirable apartments to home seekers of non-favored groups in order to discourage them from desiring to rent;
- ❖ Quote a higher security deposit to a person of one group than to a person of another group;
- ❖ Apply different eligibility or income standards for different applicants based on their belonging to a certain group of persons;
- ❖ Ask if there is a man around to do yard work or make repairs. (It is permissible to indicate a preference for someone who is willing to see that yard work or repairs are made, but this cannot be used as a pretext to prevent women, the elderly or the disabled from applying.);
- ❖ Give different information regarding vacancy dates, availability, move-in costs, waiting lists or any other part of the application process based on the home seeker's class; and
- ❖ Arrange tenancy so that members of the same group are limited to the same area of the Complex. For example, having a special section for families with children.

The most effective tool for selecting prospective tenants is careful tenant screening. The screening process may include all of the following steps:

- ❖ Having each adult prospect fill out a separate application
- ❖ Contacting present and previous landlords
- ❖ Calling present employer to verify employment and salary
- ❖ Calling banks to verify accounts
- ❖ Running a credit check
- ❖ Running an eviction search
- ❖ Making your decision and notifying the applicant accordingly

By utilizing this screening process, you may prevent losses from future evictions, skips, delinquencies, damages or bad checks by uncovering applicants' previous rental decisions that are based on objective business qualifications and not on discriminatory reasons. In general, it is justified to refuse to rent to an applicant if he/she:

- ❖ Will not furnish references from a previous landlord
- ❖ Has pets and your policy firmly prohibits them (with exception of a guide dog for the hearing or sight impaired)
- ❖ Has a loud motorcycle/hot rod on the premises
- ❖ Has many unpaid bills
- ❖ Has a history of disturbing neighbors
- ❖ Does not earn enough income to meet the rent requirements
- ❖ Cannot pay security deposit in advance
- ❖ Has several large objects than cannot be stored on premises
- ❖ Is a minor with no responsible adult
- ❖ Will use a waterbed
- ❖ Cannot provide identification
- ❖ Plans to use the premises for other than living purposes
- ❖ Writes an initial check that is not honored by the bank
- ❖ Has more than allowed number of vehicles on the premises
- ❖ Fails to complete and sign the rental application
- ❖ Fails to complete and sign the lease
- ❖ Falsifies information on either of the above forms

It is important to remember to treat every applicant fairly and equally. Make sure your policies follow the law and are applied equally to prospects. Do not refuse a person on

welfare only to accept another person who makes the same amount of money. Do not run credit checks only on those prospects you do not want.



3. How to Handle Eviction

Whenever race, color, religion, national origin, sex, familial status or disability is one of the factors in making a decision to evict, the owner/manager/agent is liable for illegal discrimination. This is the case even though the eviction may be justified on other grounds. An arbitrary reason should not be used to evict a person, even if it is only one of several reasons.

When you are considering an eviction, you should determine whether such eviction is based on a valid, non-discriminatory reason. In other words, would everyone who plays loud music and repeatedly disturbs other tenants be warned and evicted if their behavior did not change? Would everyone who failed to pay rent, damage furniture or walls, created a disturbance that involved the police or threatened other tenants be evicted?

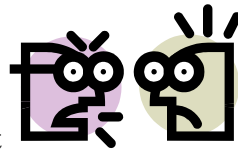
It is important to look at kinds of behavior that would justify eviction and set policies regarding each of these types of situations. It is more important to apply these policies consistently and even-handedly over time.

Do not make concessions to one person when you are not prepared to make them for all. Evictions that are coupled with previous or simultaneous indications of prejudice or bias may be found to be discriminatory. This is particularly true if witnesses testify that an owner or manager has made racial, religious, ethnic or sexist remarks.

[Some situations that have provoked discriminatory evictions and found to be illegal include:](#)

- 1) single persons who have received approval for a partner to move in and are evicted when it is found that the partner is not of the same race as the tenant;
- 2) an unmarried couple with children who do intend to get married; and 3) tenants who have invited guests of a non-favored racial or ethnic group for visits and use of complex amenities. Other examples include trying to evict a female tenant when her male partner moves when it is felt she would not be able to handle the rent alone.

Remember you can evict tenants who break public laws, who refuse to or are tardy in paying the rent, who are a clear nuisance to other tenants or who damage the rental property. Just be sure to apply the same standard of judgment to everyone who behaves in a similar way.



4. How to Avoid Complaints of Harassment

No matter what an owner/management/agent thinks of a resident, it is unprofessional and illegal to harass a person by making derogatory remarks or slurs to that resident or to others about that resident if such remarks are based on race, color, national origin, sex, familial status, disability.

You may not withhold rights or privileges generally granted to everyone based on a protected class status. Such privileges might include use of the pool or other facilities, prompt repairs, parking spaces, receipts for rent paid, deposits, etc. Intimidation, threats or violence based on class status are also illegal.

Sexual harassment is an illegal form of sex discrimination. Sexual harassment may include threats of physical or psychological harm, repeated requests for sexual favors against a person's will, assault, threats to harm children, offering privileges in exchange for sexual favors, threatening to evict a person if sexual favors are not granted.



5. How to Avoid Complaints of Retaliation

Retaliation in fair housing is defined as an act of harm by the owner/manager/agent against a resident or applicant because that resident or applicant has asserted their fair housing rights. Remember the law protects the rights of the applicant or resident to file a discrimination case, or be a party to a complaint because of observing discriminatory practices without fear of retaliation.

Examples of retaliatory acts of harm:

1. A manager found out that an applicant and her husband had filed a discrimination complaint based on a refusal to rent due to the husband's race, black. She then called the police and falsely accused the husband of threatening to kill her.
2. A manager attempted to evict a white couple because they were witnesses against the owner in a discrimination investigation.
3. A manager attempted to evict a black tenant because the tenant alleged in a complaint that the manager had been harassing him with derogatory remarks and would not make repairs which were done routinely for non-black residents.

6. How to Service the Disabled



Due to a number of changing trends in our society, there are increasing numbers of disabled persons living independently. Such trends are significant gains in medical science, changes in treatment of the mentally ill, family support systems that are not as strong as they once were, and the desire for the disabled to live on their own and take care of themselves. Most disabled persons can be accommodated in their apartment building fairly easily. For example, some may require only a ramp for wheelchair access, special parking for an adapted vehicle, or interior alterations such as removal of a door so a wheelchair can fit through or the addition of hand bars in the bathroom. The visual impaired may need a guide dog or signal dog and a hearing impaired person may need a light bulb to indicate that someone is at the door.

There are some benefits to renting to the disabled. It has been shown that the disabled are more likely to be long term tenants and usually have a steady and dependable source on income and many have steady jobs.

Some drawbacks to renting to the disabled that have been mentioned to us include a question of increased cost for making modifications and insurance questions. Generally, the improvements made to the unit must be financed by the tenant and many agencies will help financially support these modifications. Unless the improvements are to fixtures, the tenant must replace them when he/she leaves.

Other difficulties that arise in renting to the disabled have to do with relationships. For the most part, this is the acceptance of the disabled by the other tenants. This is especially true if the observable behavior may be perceived as "different" or "odd". These are difficult cases that may be overcome by your willingness to learn from a new situation and lead by example.

In general, the disabled persons should be considered on the same basis of others: their qualifications - their ability to pay the rent in full and on time, to respect your property,

and to respect their neighbors.



7. How to Service the Non-English Speaking

There has been influx of non-English speaking people from Asia, Mexico, Central American, Africa, as well as other immigrants to our community. Many will depend upon rental housing to meet their housing needs. The language and cultural barriers present special challenges to owners and managers. In addition to language and cultural differences, many are not aware of the American urban lifestyle. Custom of dress, how people greet and interact with one another, food, preparation and diet, religious observances, family relationships are all likely to be dramatic. Being unfamiliar with American ways, they have a tendency to rely on what they are used to doing even if it does not fit the new situation. Some assistance from you will be necessary to bridge this gap. Remember there are a number of governmental and private service agencies and churches which offer assistance in such cases.

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8. Guidelines for Renting to Families with Children

Screening - Use the same procedure as with any other resident:

- ❖ ability to pay rent
- ❖ job stability
- ❖ complete application form
- ❖ credit record
- ❖ occupancy policy - think of the number of people, not children



Advertising



- ❖ All signs or advertising should be reviewed to see if there is a limitation or preference against families with children.

- ❖ Telephone responses to rental inquiries must be answered as to the availability of the rental units asked for and should not include particular references to children.



Interviewing

- ❖ Explain thoroughly the policies and regulations of the community. No one likes surprises.
- ❖ If there are hazards for small children, be careful in explaining them so that you are not seen as trying to discourage the rental.
- ❖ Treat the potential applicant just as any other applicant.



Acceptable guidelines for families with children

- ❖ Parents will be held responsible for all damages incurred by their children, both interior and exterior.
- ❖ Small children must be supervised by a responsible person at all times.
- ❖ Small children cannot be left alone in a unit without adequate supervision.
- ❖ Areas may be designated for storage of toys or riding bicycles or tricycles.
- ❖ Impress upon the parents/guardians the responsibility of knowing where their child is at all times. Management is not a baby-sitter.



Maintenance



- ❖ Walk around the property so that children and parents will observe your interest and your response.
- ❖ Learn children's names and where they live. Advise parents, preferably in writing, of any particular problem and ask for help in correcting it.
- ❖ Precautionary measures such as locked doors and removal exterior water faucets when not in use may be needed to prevent problems.
- ❖ Look around your building and grounds with a critical eye as to what you might do to prevent possible problems.
- ❖ Instill a sense of pride in the surroundings by maintenance and management so that children will respect your efforts, as well as the parents.

Summary

- ❖ **Treat each applicant exactly the same.**
- ❖ **Offer the application form to each prospect.**
- ❖ **Screen each application with the same procedure.**
- ❖ **Be consistent with your rental techniques.**
- ❖ **Review your policies and be certain your management is reasonable, firm and fair.**