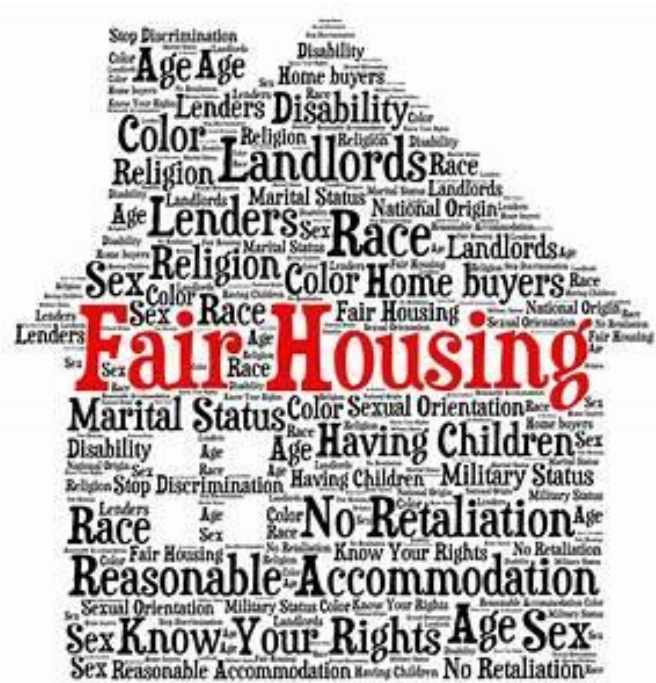




# Fair Housing Compliance: Best Practices



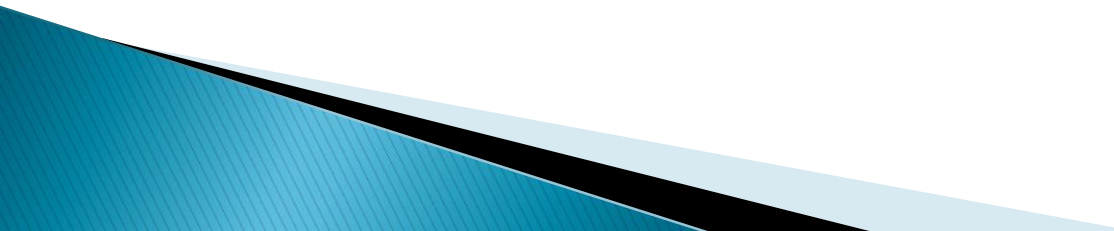
# Fair Housing is Everyone's Responsibility!

- ▶ All persons involved in a housing transaction is responsible for following and upholding fair housing laws.
  - ▶ Property owners, property managers, mortgage lenders, real estate brokers, leasing agents, service coordinators, etc.
- 


# Fair Housing is Everyone's Responsibility!

- ▶ Property managers should know which fair housing laws apply to their properties, including the Federal Fair Housing Act.
  - ▶ Property managers should know about local ordinances with additional protected classes that apply to the property based upon its location.
- 


# Fair Housing is Everyone's Responsibility!

- ▶ Providing fair housing training for all team members, including maintenance personnel is a good risk management strategy.
  - ▶ Develop and implement policies and procedures that reinforce your Agency's commitment to fair housing.
- 

# Fair Housing is Everyone's Responsibility!

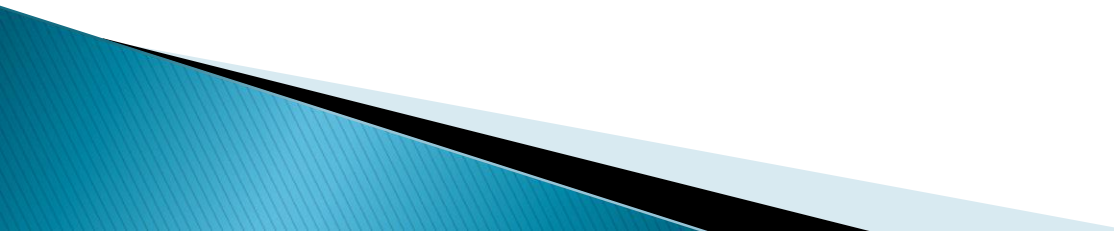
- ▶ While your residents are not your friends, having a congenial business relationship with them is an integral part of successful property management.
  - ▶ One of property management's most difficult roles is in being "friendly to all but friend to no one." It is very difficult, if not impossible, to fire, evict, or reprimand a 'friend.'
- 

# Fair Housing is Everyone's Responsibility!


- ▶ However, a personal touch is required including being honest in all personal and business dealings, and treating residents fairly at all times.
  - ▶ Be firm and fair and don't compromise on your responsibilities for the sake of avoiding unpleasantness.
- 



# Federal Fair Housing Laws


- ▶ The Civil Rights Act of 1866
  - ▶ Title VI of the Civil Rights Act of 1964
  - ▶ Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Act)
- 

# Federal Fair Housing Laws

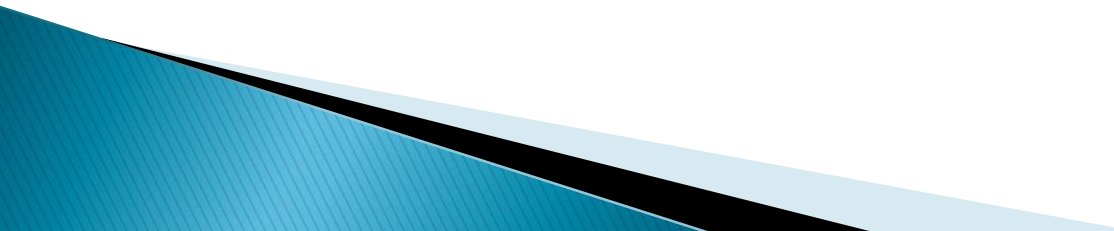
- ▶ Section 504 of the Rehabilitation Act of 1973
  - ▶ Fair Housing Amendments Act of 1988 (FHAA)
  - ▶ Americans with Disabilities Act of 1990
- 



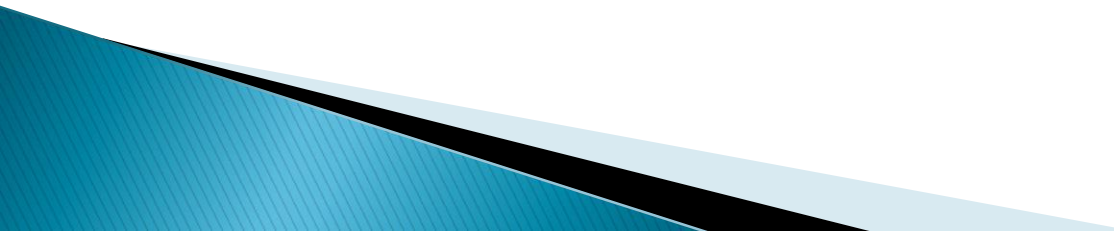
# The Civil Rights Act of 1866

- ▶ Declared all people born in the U.S. are citizens and have the same rights regardless of race, color or previous condition of slavery or involuntary servitude.
  - ▶ Gives all citizens the same right to inherit, buy, lease or sell property regardless of race and color.
- 

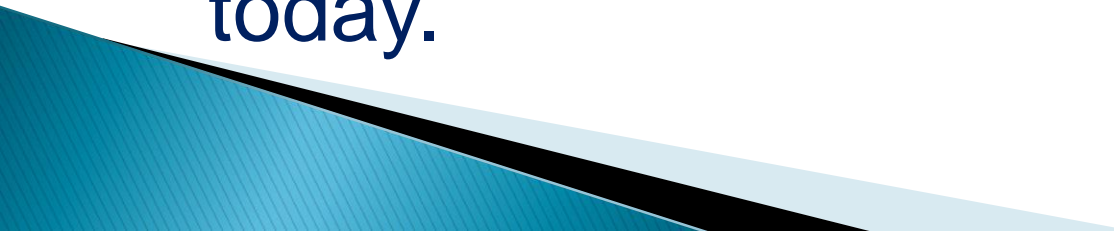
# The Civil Rights Act of 1866

- ▶ Was followed by segregation laws (“separate but equal”).
  - ▶ It is an active law today, often cited in cases of intentional racial discrimination.
- 

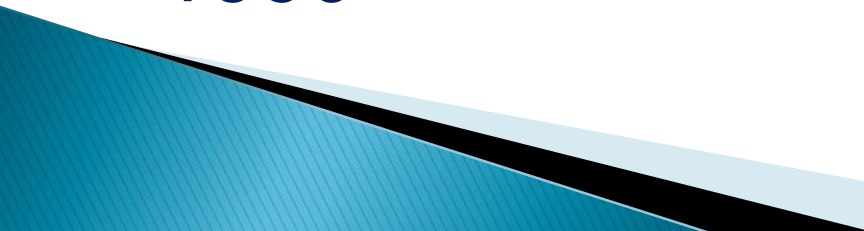
# Title VI of the Civil Rights Act of 1964

- ▶ Protects individuals from discrimination based on their race, color, religion or national origin in programs or activities that receive federal financial assistance.
  - ▶ Federally-subsidized and public housing are covered by this law.
- 

# Redlining

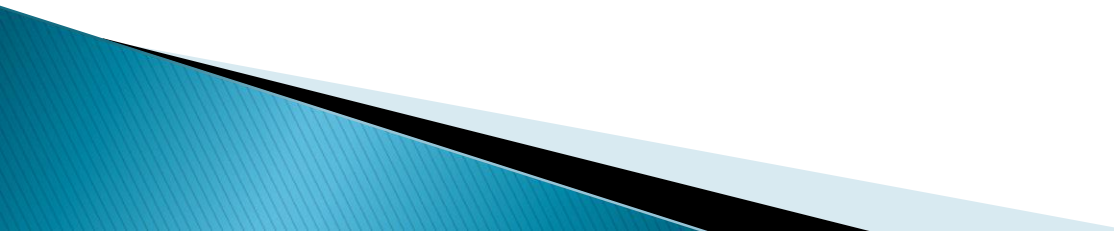
- ▶ Discriminatory practice by which banks, insurance companies, etc., refuse or limit loans, mortgages, insurance, etc., within specific geographic areas, especially inner-city neighborhoods.
  - ▶ Redlining was banned 50 years ago. It is still hurting racial and ethnic minorities today.
- 

# The Laws & Regulations that Govern Fair Housing for Apartments

- ▶ Title VIII of the Civil Rights Act of 1968
  - ▶ Section 504 of the Rehabilitation Act 1973
  - ▶ Fair Housing Amendments Act (FHAA) of 1988
  - ▶ American with Disabilities Act (ADA) of 1990
- 

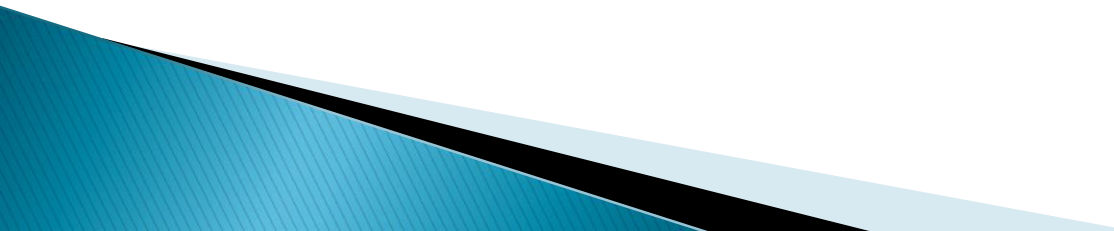
# Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)

This law, and its subsequent amendment in 1974, makes it illegal to refuse to sell or rent to or discriminate against a person in terms, conditions, privileges or advertising.





# Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)

- threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right; or
  - indicate any limitation or preference based on race, color, religion, national origin or sex (added in 1974).
- 

# Understand fair housing rules

- ▶ Fair housing laws specify clearly illegal reasons to refuse to rent to a resident.
- ▶ The Federal Fair Housing Acts (42 U.S. Code § §3601-3619, 3631) prohibit discrimination on the basis of race, religion, national origin, gender, age, familial status, physical or mental disability (including recovering alcoholics and people with a past drug addiction). Many states and cities also prohibit discrimination based on marital status or sexual orientation.

# The 7 Federal Fair Housing Protected Classes

Race

Color

Religion

Sex

National Origin

Families with Children

Handicap



# PROTECTED CLASSES

## California Protected Classes

- Sex
- Age
- Disability
- Genetic information
- National origin
- Pregnancy
- Race/color
- Religion
- Sexual orientation
- Marital status
- Ancestry
- Gender, gender identity and gender expression

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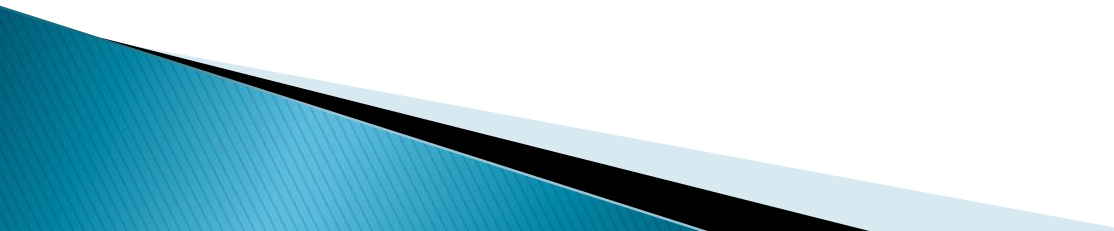
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# Fair Housing Amendments Act of 1988 (FHAA)

Added two (2) more protected  
classes:

- Familial status
- Individuals with disabilities

Added “teeth” to the enforcement of  
fair housing laws.



# California State and Local Fair Housing Laws

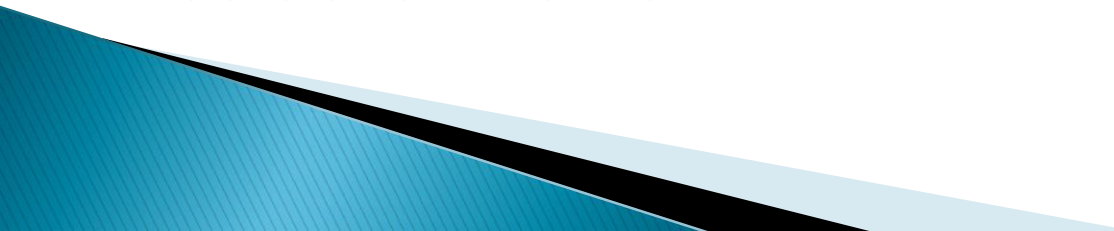
- ▶ In addition federal laws, California landlords must comply with the state's [Unruh Act](#) and the [Fair Employment and Housing Act](#), as well as relevant court decisions, that prohibit discrimination on the basis of the following:
- ▶ Sexual orientation ([Cal. Government Code § 12920](#) and following)
- ▶ Marital status (*Smith v. Fair Employment & Housing Commission*, 12 Cal. 4<sup>th</sup> 1143, 51 Cal. Rptr. 2d 700 (1996))



# California State and Local Fair Housing Laws


- ▶ Personal characteristic or trait, such as physical attributes or a tenant's receipt of public assistance (*Harris v. Capital Growth Investors XIV*, 52 Cal. 3d 1142 (1991)).
- ▶ Some city and county ordinances in California may forbid additional types of housing discrimination.
- ▶ For details on state fair housing laws, contact the [California Department of Fair Employment and Housing](#) (DFEH) or the nonprofit housing counseling agency [Project Sentinel](#).

# The Unruh Civil Rights Act

- ▶ California legislation that specifically outlaws discrimination based on sex, race, color, religion, ancestry, national origin, age, disability, medical condition, genetic information, marital status, or sexual orientation.
  - ▶ This law applies to all businesses in California, including hotels and motels, restaurants, theaters, hospitals, barber and beauty shops, housing accommodations, and retail establishments.
- 


# Americans With Disabilities Act (ADA) of 1990

Deals with public accommodations and services operated by private entities and requires that facilities that are open to the public be accessible to persons with disabilities, includes the Leasing Office of the apartment community.



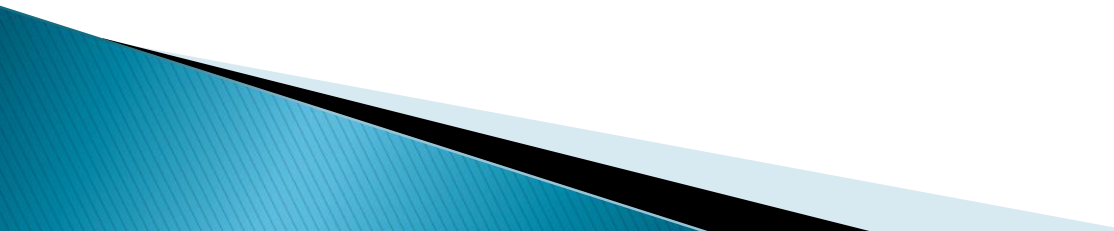
# Americans With Disabilities Act (ADA) of 1990

People with disabilities who visit the public areas of the property must have access to all services and amenities, such as parking, curbs, ramps, stairs, elevators, public drinking fountains, restrooms and public telephones.



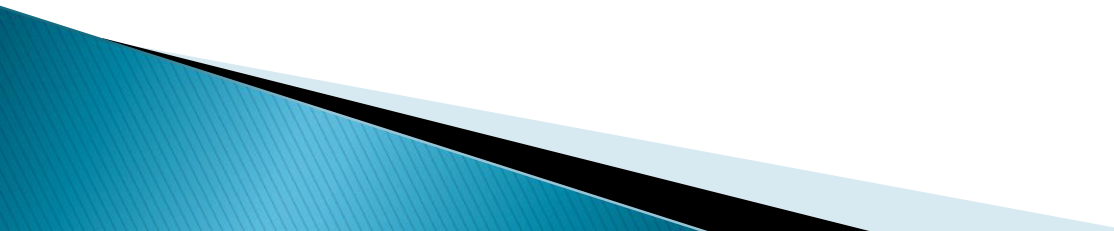
# Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination against persons with disabilities in any program or service receiving federal financial assistance.



# Section 504 of the Rehabilitation Act of 1973

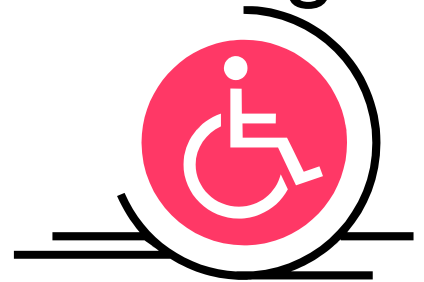
Are intended to provide persons with disabilities equal opportunity and access to participate in housing programs through modification of policies, procedures, or structures.





# Section 504 of the Rehabilitation Act of 1973

Provides that no otherwise qualified individual with handicaps in the U.S. shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.




# Intention

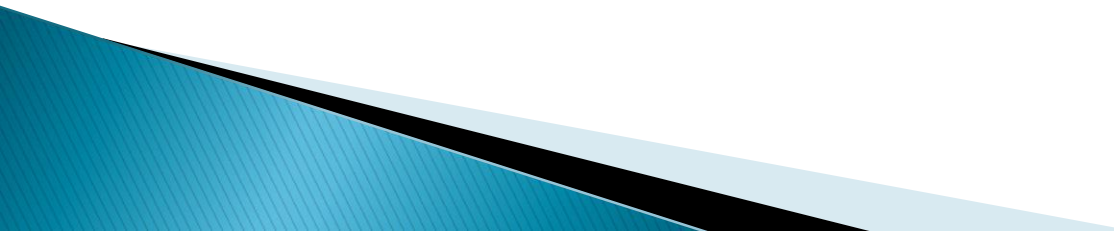
To provide persons with disabilities equal opportunity and access to participate in housing programs through modification of policies, procedures or structures.



# Section 504: Who is Covered?

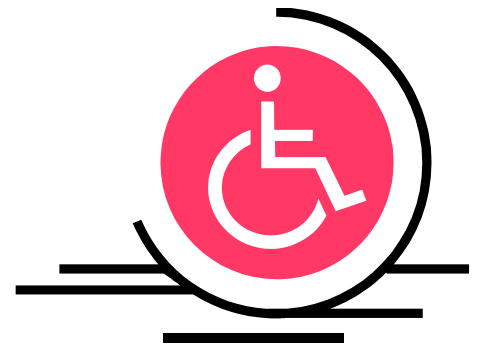
- ✓ Public Housing Agencies (PHAs)
  - ✓ Cities and towns that receive funds such as CDBG
  - ✓ Section 8 and other PHA program and activities
  - ✓ Private, HUD-assisted housing providers
- 

# Section 504: Who is Covered?

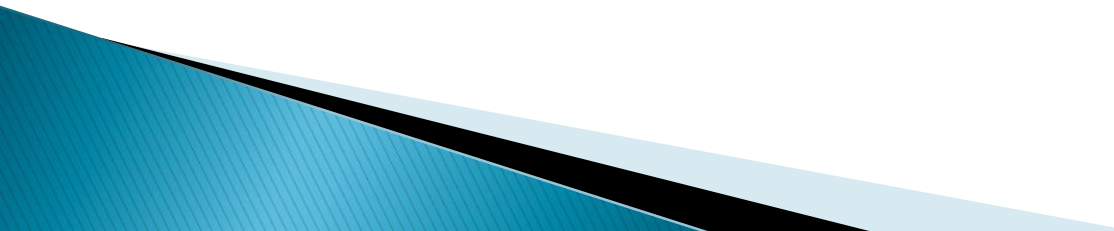
- ✓ Student housing
  - ✓ Military housing
  - ✓ Non-profits developing housing activities with: Section 811, HOME, CDBG, HOPWA, HOPE, Homeless Programs, Emergency Shelter Grants, Supportive Housing Program, Shelter Plus Care And SRO Moderate Rehab Program
  - ✓ Any other organization receiving funds from HUD
- 

# RA Defined

A change, exception, or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.

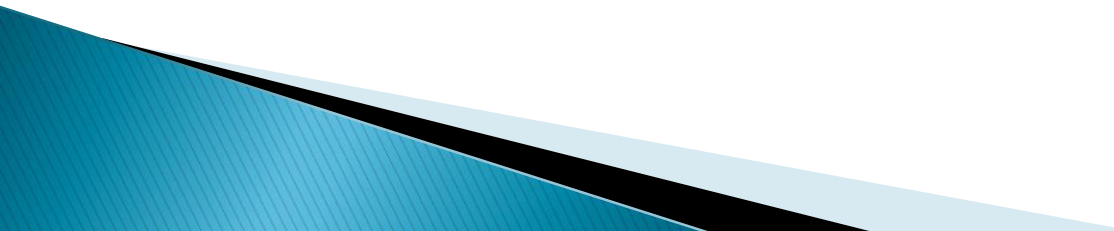


# RA Request

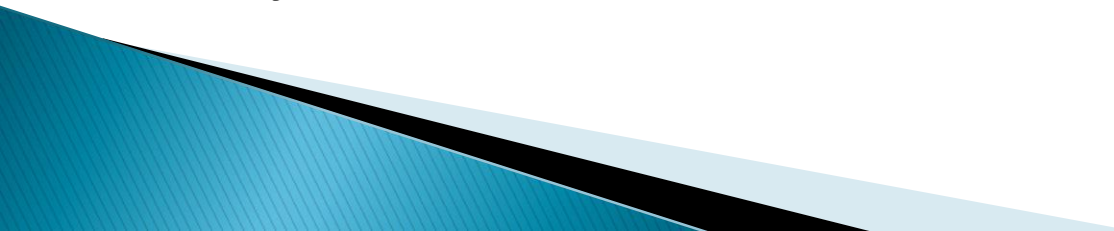
- An RA must be requested.
  - Can be made at any time, by the person with disability, family member, or by someone else acting on their behalf.
- 




# RA Request

- Does not have to be in writing, can be oral, or by any other effective method.
  - Should be documented in writing, maintain records, and track outcomes.
- 

# Reasonableness Defined

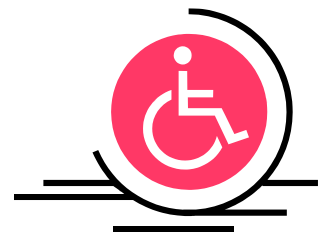
1. Does not impose an undue financial and administrative burden. (elevator)
  2. Does not fundamentally alter the nature of the Affordable Housing Provider's operation.  
(chore services)
  3. Decisions must be made on a case-by-case basis.
- 

# Reasonable Accommodations And Modifications

- There must be an identifiable relationship or nexus between the requested accommodation and the individual's disability.
  - The requested accommodation must remedy the disabled individual's inability to use and enjoy the dwelling.
- 

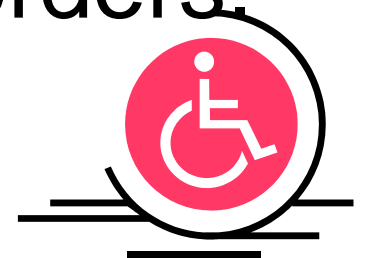
# Disability Defined

- A physical impairment that includes but is not limited to a physiological disorder, contagious disease, cosmetic disfigurement or anatomical loss in one or more systems.
- The disability could be neurological, musculoskeletal, respiratory, cardiovascular, digestive, reproductive, genito-urinary, hemic, lymphatic, skin or endocrine.



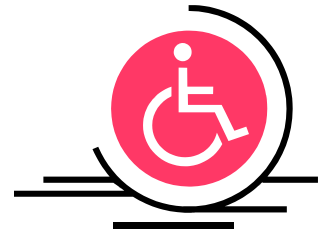
# Disability Defined

- Mental impairment or psychological disorder.
- The disability may include, but is not limited to, mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disorders.




# Disability Defined

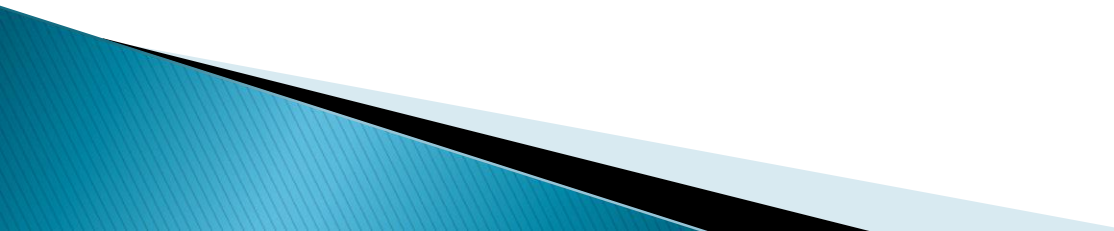
- Disability impedes with major life activities such as: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- Not an exhaustive list; other life activities may also be considered major.



# Verification of Disability

- May request documentation of the need only to extent necessary to verify a disability and make a determination of whether the requested accommodation is needed.
  - May not request or acquire confidential medical records or inquire into the nature or severity of individual's disability.
- 


# Verification of Disability

- Not required to provide medical records as proof of disability.
  - Letter from the person's doctor or other qualified professional stating that they have a disability satisfies the eligibility requirement and is sufficient documentation.
- 



# Verification of Disability

Other professionals who may provide verification include, but are not limited to the following:

- Rehabilitation center personnel
  - MH provider
  - Social worker
  - Disability agency
  - Service Coordinator
  - Any other qualified service provider that can verify the disability
- 

# General Policy Guidelines

Residents may request

1. A structural change or modification to their dwelling unit.



# General Policy Guidelines

- The affordable housing provider retains the right to investigate any alternative methods of providing the requested accommodation.
- The requested accommodation that is the most appropriate must be accepted.



# General Policy Guidelines

Residents may request

2. Structural change or modification in the public and common areas of a housing development and community.



# General Policy Guidelines

If a number of potential accommodations satisfy the needs and are equally effective, the affordable housing provider retains the right to select the accommodation that is most convenient and cost-effective.

**Transfer Bench**



**Tub Cut-Out**



**Roll-in-Shower**

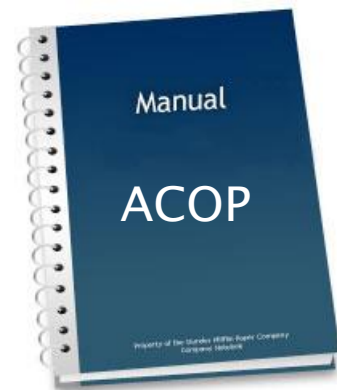




# General Policy Guidelines

Residents may request

3. A change in the affordable housing provider's rules, policies or procedures. (e.g., how the affordable housing provider communicates with the residents)



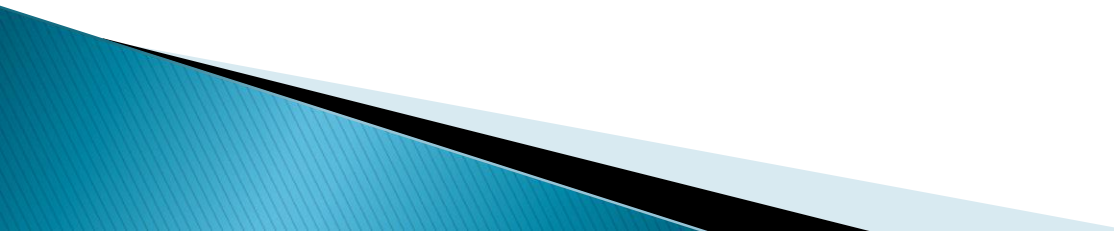
# General Policy Guidelines

The affordable housing provider may select a change in procedure or policy, rather than to make a structural change, when the procedure changes would be equally effective.

(Example: a change to the transfer policy vs. unit modification)



# General Policy Guidelines

- ▶ If the requested accommodation constitutes a fundamental alteration in the nature of the operation or program, the request may be denied.
  - ▶ Examples: request to provide case management, transportation, chore services, food preparation, or any other service that alters the fundamental mission, nature or operations of the affordable housing provider.
- 

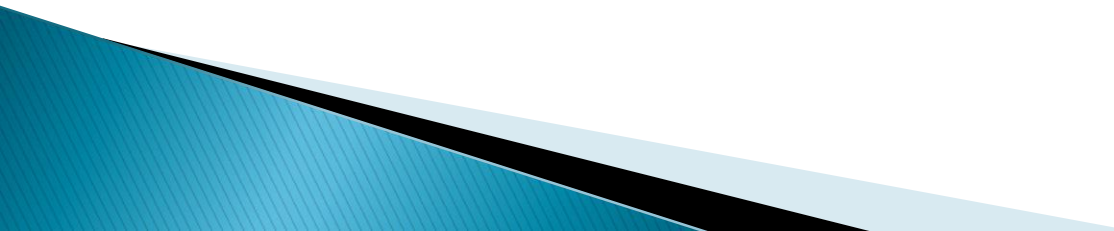


# General Policy Guidelines

If the requested accommodation creates an undue financial and/or administrative burden for the affordable housing provider, the request may be denied.

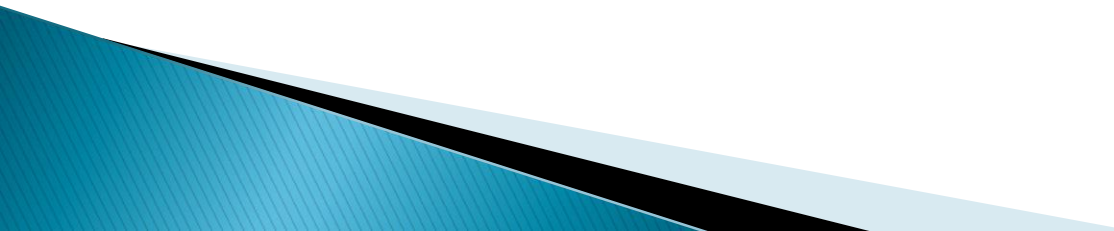


# Reasonable Modification


- ▶ Should not be confused with a reasonable accommodation.
  - ▶ Landlords may require a resident to pay for modifications to the property and require that those modifications be removed when the resident vacates the property.
- 

# Reasonable Modification

In addition, this law requires providers to take additional steps to accommodate people with disabilities, such as paying for certain structural changes to increase the accessibility of housing and common areas.



# Reasonable Modification

- ▶ If the modification were for something that federal law already requires a landlord to have in place, then the landlord would be responsible for the cost of the modifications.
  - ▶ Landlords should check to determine where financial responsibility for common-area modifications lay, and whether the resident would be responsible for both the installation and removal of the modifications. As with accommodations, the modifications must be reasonable.
- 



# Housing and Urban Development

HUD defines assistive animals as

“animals that serve persons with disabilities by assisting those individuals in some identifiable way by making it possible for them to make more effective use of their housing.”



# Service and Companion Animals

- Not considered a pet.
- Most often are dogs and cats but may be other species including monkeys, snakes, ferrets, hamsters, birds, potbelly pigs, ducks, etc.



# Service and Companion Animals

- Must be allowed to accompany the resident at all times, in public and common areas, except where animals are prohibited for safety reasons: community room kitchen when food is present, swimming pool or sauna areas.





# Service and Companion Animals

- Affordable housing providers cannot restrict the breed, size or weight, unless prohibited by local jurisdiction or municipality.  
(i.e.: Pit Bull or Rottweiler)
- May wear special collars or harnesses, but in some States including WA, may not be required to have special licenses, be certified, or have any visible identification.



# Companion Animals

Provide emotional support  
and companionship



# Companion Animals

- Provides support and assistance to individuals with psychological disabilities.
- Alleviates symptoms associated with depression, anxiety, stress, PTSD, social phobias, panic attacks, and difficulties with social interactions.



# Assistance Animals

- Has a technical meaning under the ADA, and the distinction can matter in housing management.
- Under the ADA, a person may be accompanied anywhere by his or her service animal (a dog or a miniature horse) without the grant of a reasonable accommodation.



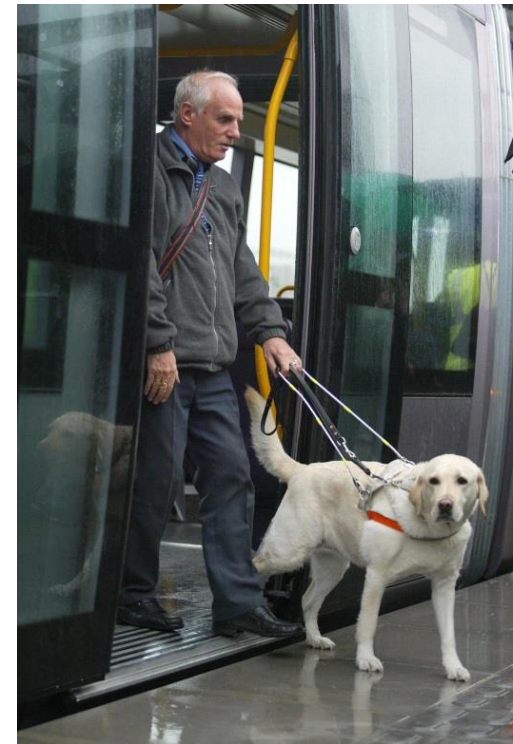


# Guide Animals

Serves as a travel aide for a person who is legally blind.



Association  
for the Blind of WA  
Guide Dogs WA





# Hearing or Signal Animals

Alerts a person with hearing loss or deafness when a sound occurs, such as an alarm, ringing telephone, or a knock on the door.



# Mobility Assistance Animals

Helps a person who has a mobility or health disability. Examples: fetch/carry items, open doors, ring doorbells, activate elevator buttons, pull wheelchairs, steady a person while walking, and help someone get up after a fall, etc.





# Seizure Response Animals

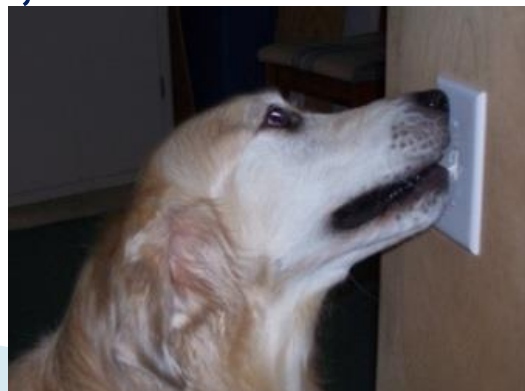
- Warns a person of an impending seizure, or provides aid during a seizure, such as going for help or standing guard over the person.





# Therapeutic Assistance Animals

- Assists people with cognitive or psychological disabilities.
- Brings a phone during a crisis, calls 911 or the suicide hotline, turns on the lights in a dark room, brings medications, barks for help in an emergency, assists a person with panic disorder in coping with crowds, etc.





# Therapeutic Benefits of Animals

- ✓ Growing evidence suggests that contact with animals speeds recovery times, combats depression and lowers blood pressure and cholesterol levels.
- ✓ Over 50% of all nursing homes, clinics and hospitals use animals in a therapeutic capacity.



# Pets

- Pet Deposit: \$100.00
- Companion/service animal deposit: \$0
- May require that all animals have current license and/or wear ID tag.
- May require that all animals have current inoculations; distemper, rabies, etc.

# Pets

- May require that pets not exceed certain height and weight.
- May not restrict breed type, weight, height or size of companion/service animal, except where prohibit by local jurisdiction. (Waiver)

# Pets

- May require that all residents are liable for damages caused by their animal including the cost of cleaning of carpets and/or fumigation of units.
- May require that all residents retain control of their animal while their animal is in common area(s).

# Pets

- May require that all animals be kept on a leash, in a carrier, or otherwise in direct control of owner or handler.
- May require that all dogs and cats must be spayed or neutered.



# Public Health and Safety Concerns

- Fear of, or minor allergies to animals is not considered a disability.
- The affordable housing provider is not obligated to accommodate residents with minor allergies under the RA process.



# Public Health and Safety Concerns

- Residents who suffer severe allergic reactions that cause respiratory distress may request a reasonable accommodation to be moved to another unit within their building or transferred to another building.

(Refer to: your Agency's RA and Transfer Policy)





# Public Health and Safety Concerns

- Residents are responsible for the safe removal of their animal's waste products.
- Residents should carry equipment to clean up after their animal's feces.







# Public Health and Safety Concerns

- When a resident is not able to pick up after their animal, assistance with cleanup should be arranged with family, friends or animal advocates. (PAWS)
- The affordable housing provider may designate certain areas off limits to pets or service and companion animals, but cannot infringe upon the right of a person with disabilities to full enjoyment of the amenities of the community.



# Public Health and Safety Concerns

- All animals must be on a leash, in a carrier, or otherwise in direct control of owner or handler at all times.
- When around people or other animals, all animals must be well behaved, no jumping, snarling, growling, nipping, excessive barking, etc.





# Public Health and Safety Concerns

- May ask the resident to remove any animal that is unruly or disruptive i.e.: aggressively jumping, growling, snarling, nipping, and barking from common areas or building.
- If animal's behavior creates a lease violation, resident may be given verbal and/or written warnings, notices, etc.

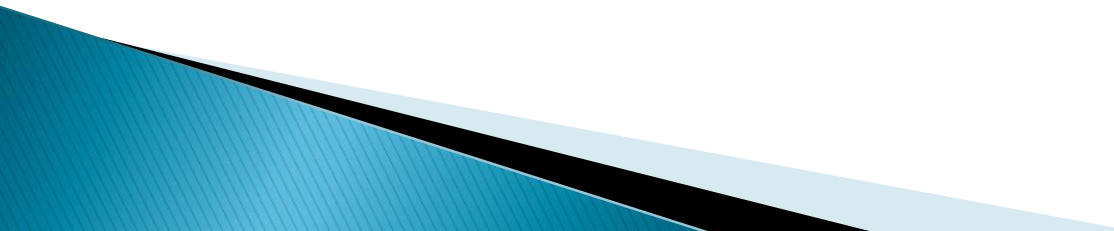


# Public Health and Safety Concerns

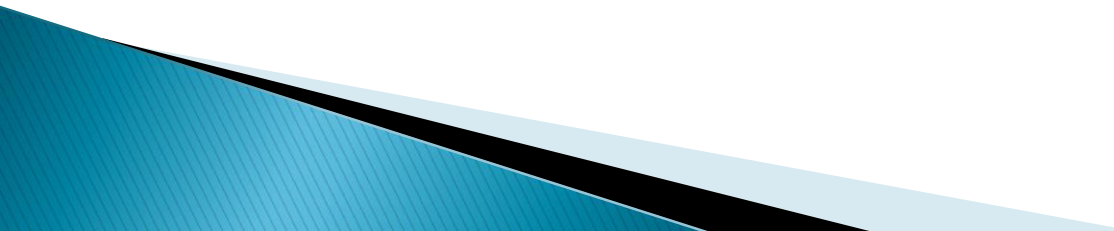
- If unruly, disruptive, aggressive behavior occurs repeatedly, the affordable housing provider may request that the resident not bring the animal into common areas until steps have been taken to mitigate the behavior, or ask that the animal be removed from the premises. (10/30-day notices)

# Definition of housing discrimination

The act of treating someone differently in a housing transaction on account of race, color, sex, religion, national origin, families with children and handicap.

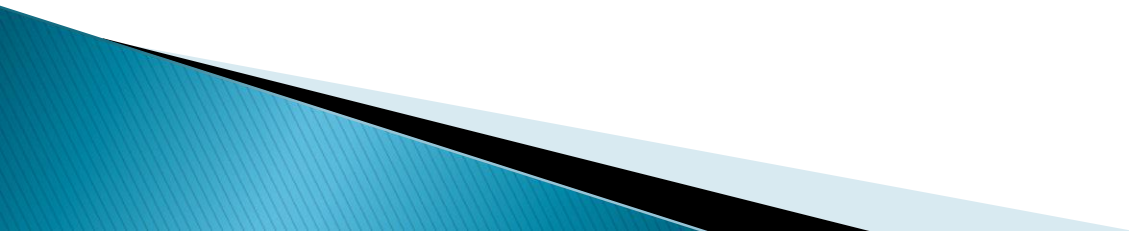


# Discrimination

- ▶ Everyone discriminates/bias.
  - ▶ The Law defines what is illegal.
  - ▶ Illegal discrimination is based on the protected classes.
- 

# Definition of housing discrimination

It is not the intent but the effect/impact of what we do that may cause discrimination.





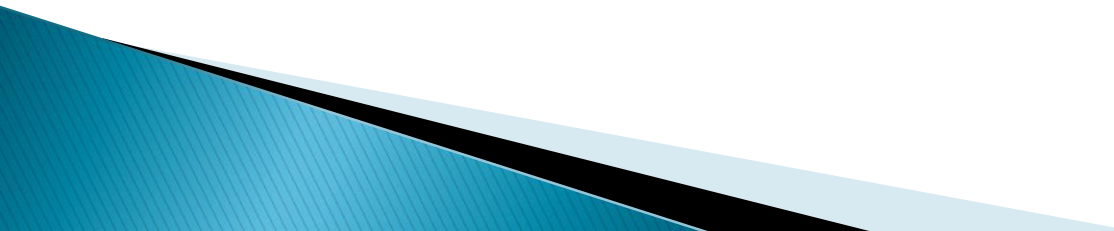
# Unintentional or Accidental Discrimination

- ▶ Even if you have no intention of preferring one renter over the other, you can still get accused of housing discrimination. Unintentional discrimination is referred to as disparate impact.
- ▶ Back in 2015, the Supreme Court provided further clarification on anti-discrimination laws regarding disparate impact for the Fair Housing Act. The June 2015 ruling, saw a 5-4 decision that an action can be considered discriminatory even if the *intent* was not.

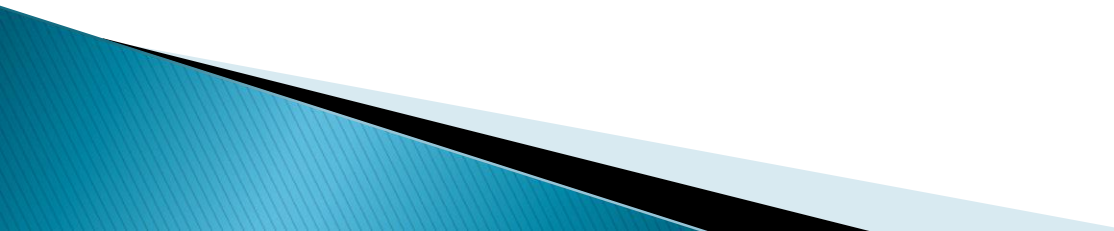


# Disparate Impact Example

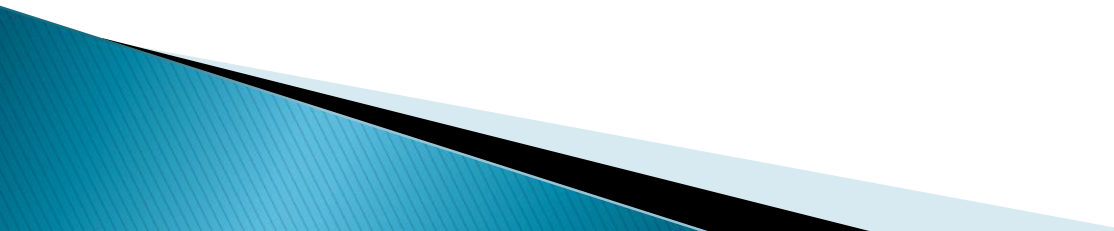
With respect to maintenance operations, a site could face a disparate impact claim based on a policy to focus maintenance efforts on certain areas or properties, to the exclusion of others, if it has a discriminatory effect based on the protected characteristics of the members living there. Such a claim could arise, for example, if the site devotes all its attention to maintaining market-rate units or buildings while ignoring basic maintenance chores in lower-rent units or buildings.



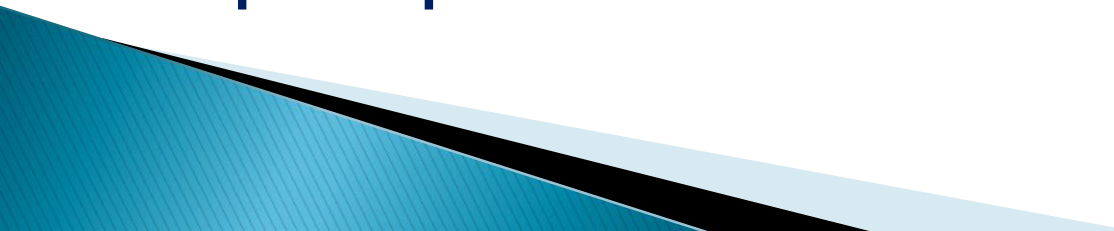
# The 10 Most Common Fair Housing Mistakes

1. Failure to keep good files/records.
  2. Inconsistency in the application of rules.
  3. Retaliation against residents.
  4. Promoting an all-adult complex.
- 

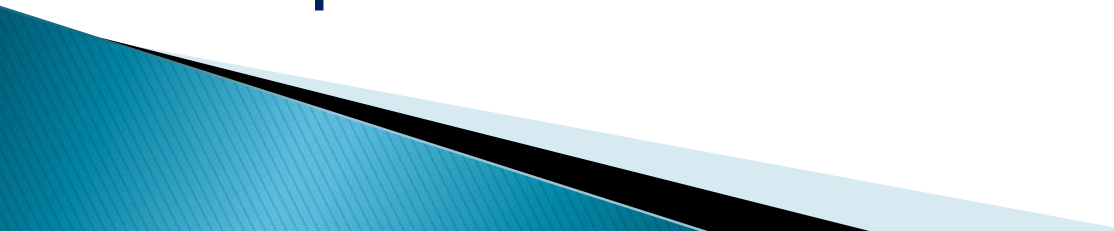
# The 10 Most Common Fair Housing Mistakes

- 5. Violation of familial status out of concerns for safety.
  - 6. Failure to reasonably accommodate a resident with a disability.
  - 7. Failure to clearly convey your commitment to fair housing.
- 

# The 10 Most Common Fair Housing Mistakes

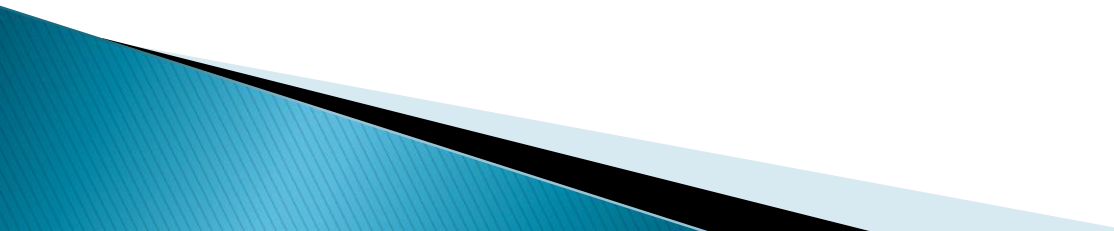
8. Failure to train All staff members in fair housing law (recommended annually)
  9. Unreasonable occupancy standards.
  10. Failure to communicate with prospective residents and applicants.
- 

# Make Decisions Based on Business Reasons

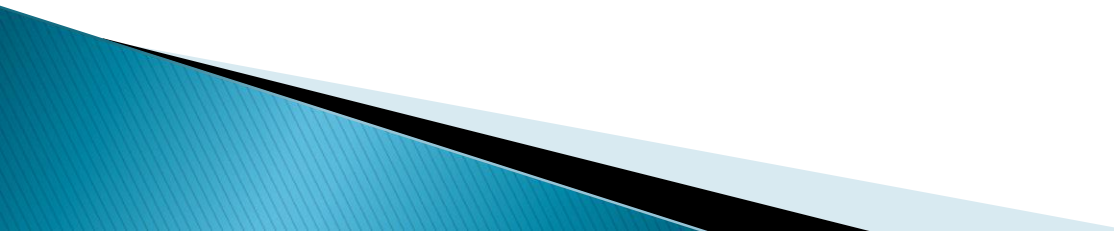
- ▶ You are legally free to choose among prospective residents if your decisions are based on legitimate business criteria.
  - ▶ Don't make decisions or choices based on personal/emotional reasons.
- 

# Make Decisions Based on Business Reasons

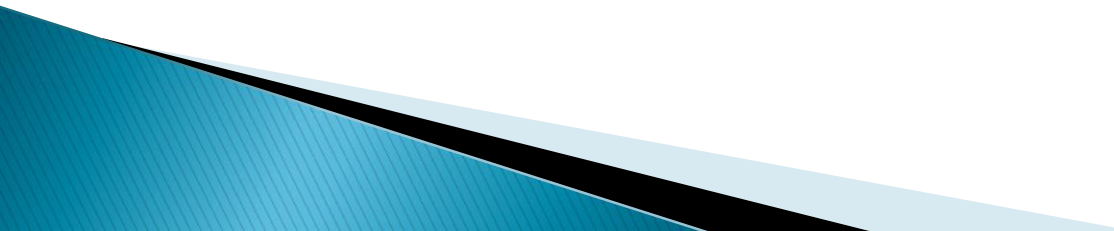
You are entitled to reject applicants with bad credit histories, income that you reasonably regard as insufficient to pay the rent, or past behavior, such as property damage or consistent late rent payments, that makes someone a bad risk.



# Be Consistent


- ▶ Consistency is crucial when dealing with prospective residents.
  - ▶ Treat all residents equally.
  - ▶ What you do for one, you must be willing to do for all.
- 

# Practices that are Legal Property Managers May

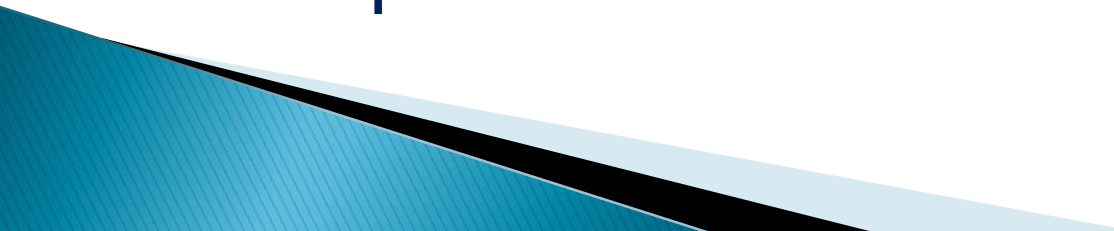
- Set reasonable occupancy standards.
  - Set criteria for accepting applications.
  - Set resident rules for their properties.
  - Evict lease or rule violators.
- 



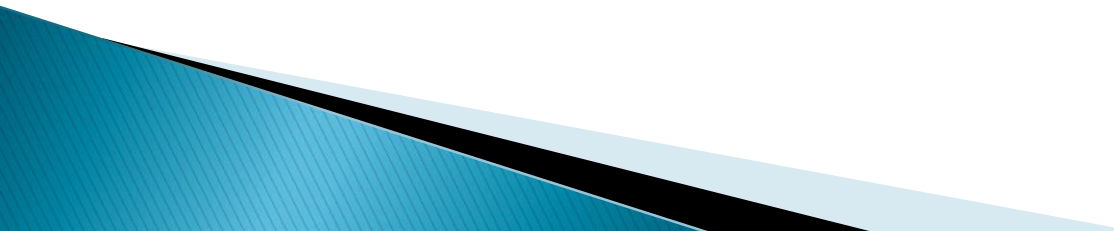
# Eviction

- ▶ Property managers should not be afraid to evict a resident for legitimate reasons because of a fear of a fair housing violation claim. The rules set by the landlord apply to all residents equally.
  - ▶ When contemplating an eviction for other than non-payment ask yourself the following two questions:
    - (1) Has there been a serious violation of the lease agreement?
    - (2) Do you and have you evicted other residents for the same type of problems or behavior?
- 


# Eviction

- ▶ Property managers should not be afraid to evict a resident for If the answer to these questions is yes, then an eviction would be warranted under the circumstances.
  - ▶ Resident files should contain records of all complaints against the resident and what has been done in response to each of the complaints.
- 

# Be Detailed in Your Eviction Process

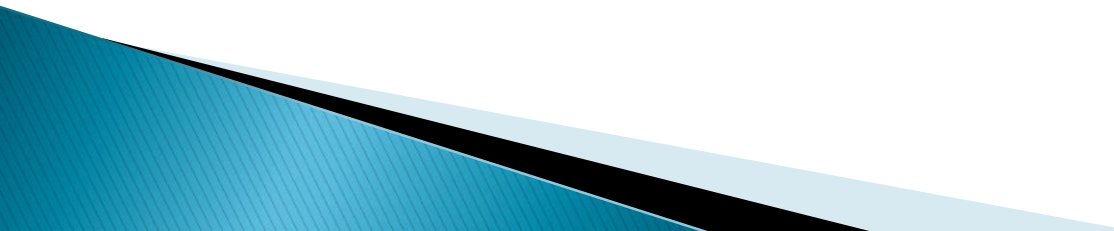
- ▶ Under fair housing laws, residents can be evicted for legitimate reasons such as non-payment of rent.
  - ▶ For other causes be sure there has been a serious violation of the lease or a history of eviction of others for similar actions.
- 

# Be Detailed in Your Eviction Process

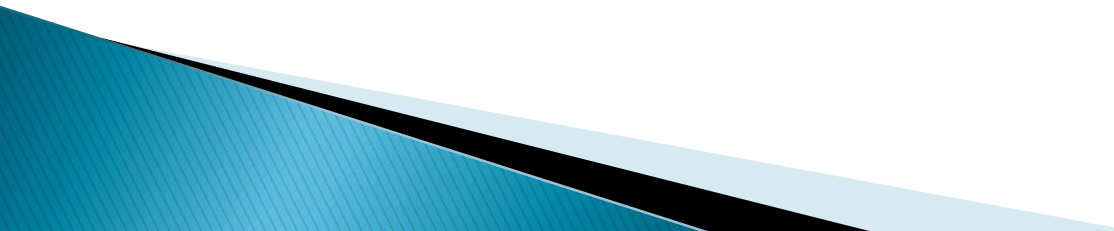
- ▶ Detailed files should contain a record of all complaints by neighbors and what has been done to respond to each.
  - ▶ Document! Document! Document!
    - Warning letters/eviction notices
    - Written complaints by third parties/neighbors
    - Written logs kept by management
    - Police records
    - Photographs
- 

# Practices that are Illegal


It is against the law to do any of the following because of race, color, national origin, religion, sex, familial status or disability:

- Refusing to rent or sell housing.
  - Refusing to negotiate for housing.
  - Making housing unavailable or denying that housing is available.
- 

# Practices that are Illegal

- Setting different terms, conditions or privileges for the sale or rental of housing, a mortgage, home loan, homeowners' insurance or any other real estate transaction.
  - Advertising in a discriminatory way.
  - Threatening, coercing or intimidating anyone exercising a fair housing right or assisting others in exercising those rights.
- 

# Avoid Steering

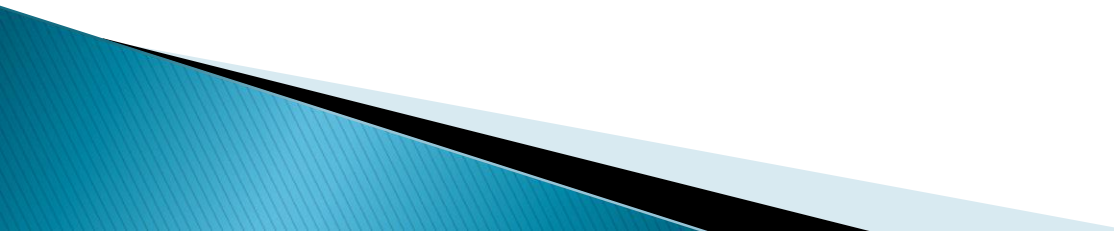
- ▶ “Steering” occurs when a property manager/leasing agent attempts to direct a resident, for whatever reason, to a specific area of the property.
  - ▶ To help avoid claims of steering by a prospective resident, property managers/leasing agents should show all available apartments to prospects, let the prospect decide what to see and what to skip, and finally present only facts about the property and the community, not about other residents or neighbors.
- 




# Avoid Steering

- ▶ “Property managers should never say “you would really like this particular apartment because it is nice and quiet with few children around”, or “there are lots of other children in the same age group as your own” as both statements may be considered a violation of fair housing law.
- ▶ Failing to show a disabled person the recreational areas (on the assumption the prospect would not use those facilities) may create potential liability. However, if a prospective resident expressly states they are not interested in seeing a specific area it is okay to skip that area. Even if asked, landlords should never comment on the “types” of persons who live in the community.

# Practices that are Illegal

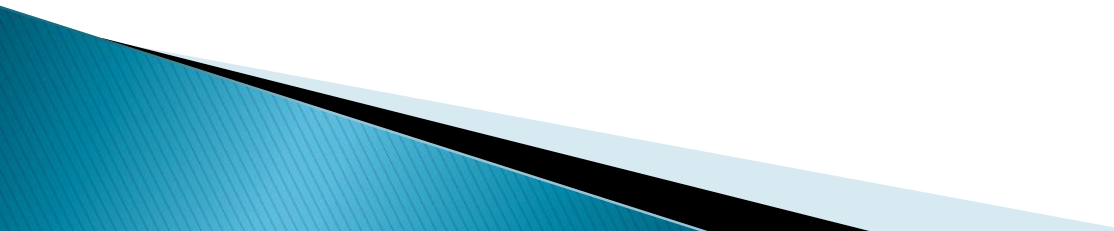
- ▶ Changing the locks, turning off utilities, or locking a resident out of the property..
  - ▶ Sexually harassing a resident.
  - ▶ Invasion of a resident's privacy.
- 

# Avoid Invasion of Resident's Right to Privacy

- ▶ Knock & Talk (RSC)
  - ▶ Letting someone other than the resident enter the rental unit without the resident's permission (municipal inspections and the police may be exceptions).
- 

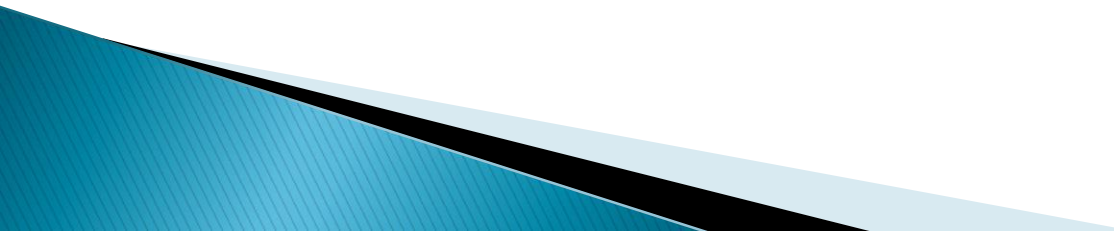
# Avoid Invasion of Resident's Right to Privacy

Giving information about the resident to strangers (such as gossiping about a resident's financial problems with other residents in the building).



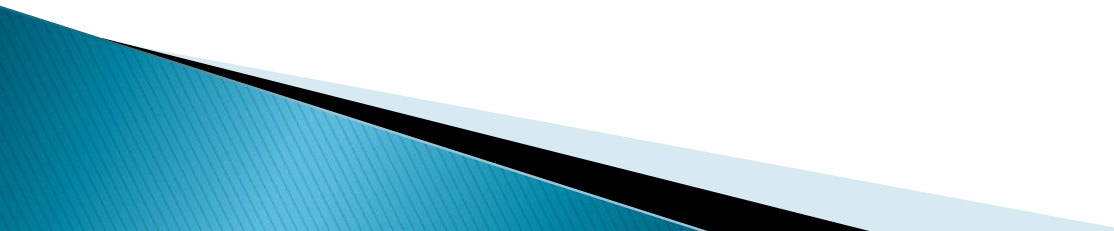
# Avoid Invasion of Resident's Right to Privacy

Property managers have the right to give out normal business information about a resident to businesses who ask and have a legitimate right to know for example, another landlord who wants to verify the date of a person's tenancy.



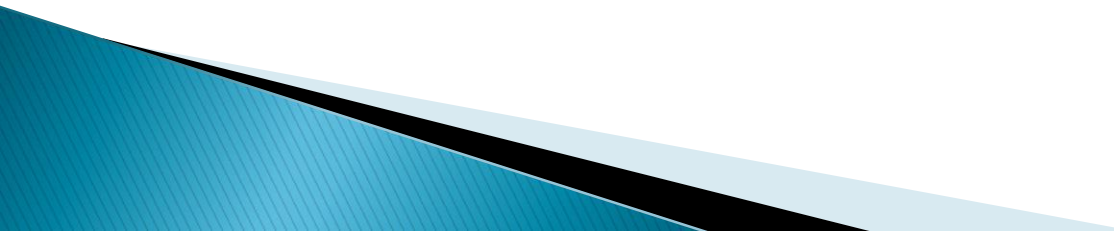
# Avoid Invasion of Resident's Right to Privacy

Calling (or visiting) the resident's workplace, unless there is an emergency or a family member is trying to access the rental property.



# Avoid Invasion of Resident's Right to Privacy

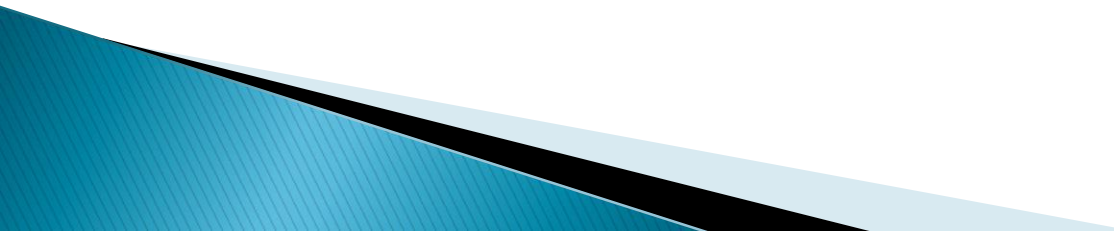
Restricting guests without cause. Leases and rental agreements may, however, set limits on guest visits in order to avoid having a guest turn into an illegal sub resident.)






# Avoid Invasion of Resident's Right to Privacy

Spying on the resident or visiting their rental too frequently just to check up on the resident or without a specific reason to do so.



# Avoid Invasion of Resident's Right to Privacy

- ▶ A property manager's intrusive behavior may be excused if the resident is dealing drugs or engaging in other illegal activity on the rental property.
  - ▶ Property managers who allows drug dealing on their rental property may face a lawsuit from other residents, neighbors, and government agencies.
- 

# Advertising




- ▶ Avoid advertising that could be construed as an attempt to select or discourage persons on the basis of any of the protected classes.
- ▶ Display Equal Housing Poster.

# Advertising



- ▶ Establish written criteria to qualify prospective residents and make it available to all applicants.
- ▶ Notify rejected applicants within a reasonable period of time and inform them why they have been rejected.

 TUESDAY, MAY 05, 2015

# HUD.GOV

## U.S. Department of Housing and Urban Development

Secretary Julián Castro



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## Fair Housing Laws and Presidential Executive Orders

The Fair Housing Laws:

### Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability. [More on the Fair Housing Act](#)

### Title VI of the Civil Rights Act of 1964

Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

### Section 504 of the Rehabilitation Act of 1973

Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

### Section 109 of Title I of the Housing and Community Development Act of 1974

Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant Program.

### Title II of the Americans with Disabilities Act of 1990

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## **THE UNRUH CIVIL RIGHTS ACT PROVIDES PROTECTION FROM DISCRIMINATION BY ALL BUSINESS ESTABLISHMENTS IN CALIFORNIA**

The unruh civil rights act provides protection from discrimination by all business establishments in California, including housing and public accommodations. The term "business establishments" may include governmental and public entities as well.

The language of the Unruh Civil Rights Act specifically outlaws discrimination in housing and public accommodations based on sex, race,

## **BUSINESSES COVERED UNDER THE LAW**

The Unruh Civil Rights Act requires "[f]ull and equal accommodations, advantages, facilities, privileges or services in all business establishments." This includes, but is not limited to, the following places:

- Hotels and motels
- Nonprofit organizations that have a business purpose or are a public accommodation
- Restaurants
- Theaters
- Hospitals
- Barber shops and beauty salons
- Housing accommodations – including rental housing and shared-economy housing



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Lisa Rice discusses fair housing with Soledad O'Brien

Video player showing Lisa Rice discussing fair housing with Soledad O'Brien. The video is titled "MATTER OF FACT" and has a duration of 04:12.