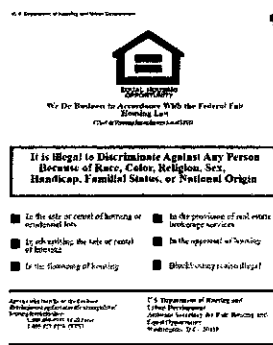


2015 Fall Fair Housing



Are you using the logo and displaying the poster in your office?



What is Fair Housing?

- The Fair Housing Act makes it unlawful to discriminate in the sale, rental and financing of a dwelling. There are seven protected classes: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX/SEXUAL HARASSMENT, FAMILIAL STATUS, HANDICAP
- Protected class refers to a specific group of people guaranteed protection against any form of discrimination in housing. Fair treatment in enforcing policies and equal availability to all service and amenities.

Who is Responsible for Fair Housing Compliance?

- Fair Housing compliance is the responsibility of everyone on your team: Owners, Management, Leasing, Maintenance and Grounds.
- When using outside contractors/vendors you may want to consider adding a Fair Housing Agreement when performing work at your property. Courts have held that such contractors may be viewed as an extension of the property

Fair Housing Education in Property Management and or Rental Properties

- Those employed in the multi family industry and are not educated on Fair Housing yearly are 6 times higher to violate Fair Housing laws and will pay 9 times higher fines.
- Upper management has the least Fair Housing training and because of this, fair housing training is not stressed

Fair Housing Education in Property Management and or Rental Properties Continued...

- Every aspect of property management must be trained, owners, grounds, property managers, leasing professionals, assistant managers, house keepers, painters and outside contractors.
- Top FIVE Reasons Property Owners\Employees end up being Sued:
 1. Upper management is unfamiliar with Fair Housing Laws
 2. No fair housing policies in place
 3. No staff training
 4. Not managing employee behavior
 5. Not properly responding to complaints

Fair Housing Touches Everything

- Telephone conversations
- Guest Cards
- Applicants
- Marketing Tools
- Wait List
- Property tours
- Maintenance Request

Sex and Sexual Harassment

- At one time Sexual Harassment was only in employment, now it is in place under the seven protected class SEX.
- Owner\Property Management have an obligation to keep residents from being harassed by other residents, staff, contractors, etc.

Sex and Sexual Harassment Continued

- A policy needs to be in place for sexual harassment, be sure to include "Retaliation is strictly prohibited"
- Do not delay in responding when a resident files a complaint with the office to harassment
- Document all information
- QUESTIONS????

Disability and Request for Accommodations & Modifications

- The Fair Housing Law states a person is considered handicapped if they or someone associated with that person has:
- A physical or mental impairment that substantially limits one or more life major life
- A record of such disability
- Is regarded as having such a disability
- One's ability to care for one self
- Performing manual task
- Walking, seeing, hearing, talking, breathing, learning

Fair Housing Law on Disability\Handicapped Continued...

- It also includes: Alcoholism, Mental Illness, AIDS, Mental Retardation, Depression, Autism
- Update to include: Chemical Sensitivity, Second and third hand smoke, Hoarding, ADD
- You may ask for verification if the disability is not obvious, however this may come from a third party (care taker, physiologist, chiropractor, etc)

Accommodations & Modifications Do I need to Comply?

- Updates on statistics
- Over 50% of Fair Housing Complaints filed with HUD are because of a disability and property management did not comply with a modification or accommodation. This percent has increased by 10% in the last five years
- Did you know One in Five Americans have some form of a disability

Differential Treatment & Disparate Impact

- Differential Treatment: Treating people from protected classes differently, intentionally or unintentionally
- Disparate Impact: A neutral appearing action or policy that applied equally to everyone still results in a negative impact on some classes
- Policies and Procedures may be considered discriminatory if it would discriminate against a protected class

Hearing Impaired

- The largest region discriminating on hearing impaired & relay services are: Louisiana, Alabama and Mississippi. Testers are out there beware
- Relay services is very easy to use and understand
- You must comply and use relay services. Additional information sheets are in the handout for your future use

Accommodation

- A reasonable accommodation are changes to the rules, policies, practices and services that may be required to allow a disabled person to use and enjoy the property. It also means any accommodation that does not impose an undue financial or administrative burden on the property or anything that does not change the nature of the business. Examples: Accepting mail in applications, Allowing a service animal to live in at a pet free property, replacing sounding smoke detectors with flashing smoke detectors.

Modification

- A modification is a physical change to a property that allow a disabled person full use and enjoyment of the premises. A modification may be made to the interior of an apartment home or any common area not open to the public (laundry rooms, clubhouses, storage area, etc.)
- A modification does not need to be done at move in, it may be done at anytime
- Examples: Installing grab bars, lowering or removing kitchen cabinets, installing a ramp to the front door, removing carpet, widen a door way, reserved handicap parking for resident or care taker
- Who Pays: the resident may be charge for the modifications and pay to put the unit back to its original status

Reasonable vs. Necessity

- A request for an accommodation does not have to be in writing and does not need third party verification unless the disability is not visible
- An accommodation does not have to be done by the exact request of the resident, if there is a less burdensome\expensive way to do and meets the need of the resident you may do so
- Unreasonable: Undue financial burden to the owner, Fundamental Alterations, Direct Threat to other Residents or staff

Continued

- Service\Companion\Assistance Animals – HUD ruled in April of 2013 there is no breed, size or animal type restrictions. However, this would need to be reviewed on a case by case basis. Owners insurance policy has breed restrictions, would the breed be a direct threat to others etc.
- You cannot charge any pet rent, deposit etc for a service animal, however if there is damage by the animal you may charge for the damages
- You cannot require that a dog have training or a “certification” as an assistant animal.
- National Registries or ESA Prescription mills are not reliable sources for verification or online companies
- Caution what your polices state on accommodations

Important Facts to Remember

- Even if you are a no pet property, you must allow the service animal, however all the rules do not go out the window
- Smoking, be cautious if a resident has allergies or asthma and request for something to be done about the second\third hand smoke. EX: have non smoking buildings, additional weather stripping, smokeless ashtrays.
- Reserved Parking – If a resident request for a reserved parking spot because of their disability, you must comply. UPDATE: The parking spot does not need to be in blue with the handicap symbol, it needs to be reserved and marked for that resident

Important Facts Continued...

- Don't deny a request because it is not in writing, work with the resident.
- Don't delay in the request, to the resident it could be considered denial
- Management should be able to read between the lines
- Be sure your leasing office is accessible, it is open to the public

Testers are out there!!!

- Please be consistent when applying policies, rental criteria etc. Testers are testing locally, I have had management companies contact me on being shopped.
- Be aware of the new law on domestic violence victims and landlords, although it is NOT a protective class be sure you are consistent with procedures

Construction Rules on Properties built on or after March 13, 1991

- Applies to 4 or more apartment homes constructed
- All covered units must be on an accessible route
- Public and common use area must be easily accessible and useable by people with disabilities
- All doorways must be wide enough to allow entry by wheelchairs
- There must be accessible routes into and through the residence
- Light switches, thermostats & electrical outlets should be installed in accessible locations
- Bathroom walls should be reinforced to allow installation of grab bars if necessary
- Kitchens and bathrooms should be designed so that wheelchairs are easily maneuverable.
- If the property is two or more stories and there is no elevator all floor level units must be accessible, if there is an elevator all units must be accessible

2015/2016 Legislative Session

- Domestic Violence Victim and landlord bill passed in 2015 with 60 plus amendments. If you have not been educated on this bill, email tammyesponge@aagno.biz for more information.
- AAGNO\AAL will monitor all legislative bills in 2016, some possibilities to surface: criminal back ground check, landlord tenant law changes, income requirements

Fair Housing Recent Law Suits

- A case settled for \$1.25 million dollars, the owner\manager did not respond to a resident request to relocate from the 2nd floor to the 1st floor. The resident fell and went from paraplegic to quadriplegic
- Property Owner Sterling was ordered to pay \$2.725 million by evicting or non renewal of African Americans and Hispanics at his properties

Comply with Fair Housing by...

- Written Fair Housing policy that details its fair housing practices. Provide the policy to all staff members and contractor that work on the property. Be sure both applicants and residents are aware of it
- Post occupancy guidelines and have a statement of rental criteria in writing for all
- Don't create policies and procedures that are impossible to enforce or could be discriminatory to a protected class

Final Thoughts

- Fair Housing and being Educated is the responsibility of everyone one in every aspect in property management
- Team members and owners should attend fair housing a minimum of one time per year
- TESTERS are out there, do not think you will not be the one to be tested