

SEVEN DEADLY SINS

By Jo Becker, Education/Outreach Specialist, Fair Housing Council of Oregon



Following is a whimsical yet none-the-less hard hitting article by Nadeen Green, an attorney who has spoken on fair housing topics to residential rental audiences across the country since the Fair Housing Amendments Act's inception in 1989.

Here at the Fair Housing Council (FHCO) we make ourselves available to those who feel their fair housing rights have been violated, as well as to those with fair housing questions, including housing providers! If you have a question about your rights or responsibilities under federal, state, and local fair housing laws, please visit us at FHCO.org or call our free Hotline at 1-800-424-3247.

Fair housing has been part of this country's federal civil rights since 1968, when in response to the assassination of Dr. King the Fair Housing Act was enacted. At that time the protected classes were four (race, color, religion, national origin) and now that list includes sex, familial status and disability. State and local laws often offer other protections, so be wise and learn about and follow those laws, too. While laws can be complicated (you've got to love lawyers), the premise of the Fair Housing Act is simple... "no person shall be subjected to discrimination because [of protected class status] in the sale, rental, or advertising of dwellings." Those of us who follow the cases, see that discrimination does happen and that perpetrators are punished. Those cases should be looked at not only as precedent and guidance, but also as a deterrent to similar bad or misguided behavior on the part of others. Nonetheless, there are those out there who don't care about, or don't know about, fair housing law, and the result is that the same sins continue to be committed. These sins may not kill you, but these sins could significantly impact or even wipe out your business...and that's deadly, indeed.

Builders and developers continue to build without regard to the Fair Housing Act's construction and design requirements. For all new housing construction, if there are four or more units (other than townhomes) under a roof, every unit which is on a ground floor and / or every unit which is elevator-accessible must be built with certain design elements in place for the disabled. And that just isn't happening. So our industry is regularly being sued, and the price tags in these cases for settlement and retrofit are in some cases in the millions of dollars. Build right is the message here!

Yes, children may live upstairs! So don't limit families with children to the ground floor of a condo or apartment building. This is not a complicated concept, yet again and again housing providers pay tens of thousands of dollars for restricting access to families with children to upstairs units.

And while we are on the subject of children, yes, boys and girls may share a bedroom. There are no age restrictions related to this. Quite simply, it is up to the grownups who live with the children to decide who will sleep in what room and with whom. Don't impose restrictions on the sleeping arrangements of your residents, whether adults or children or combinations thereof.

It's not all about Barbie®, but sometimes, looking at advertising, one would think it is. Human models are a great way to promote communities, but "if human models are used in display advertising campaigns, the models should be clearly definable as reasonably representing majority and minority groups in the metropolitan area". And what metropolitan area does not have majority and minority groups? White-only advertising continues to draw the attention and wrath of fair housing groups, who are often awarded thousands if not millions of dollars because of the "chilling effect" that this type of advertising has on others (i.e. non-whites). And for those of you with senior housing communities, a head's up – this law applies to you, too! Your only exemption from fair housing laws is that with the appropriate demographic at your community, you can turn away people with children <although it would still not be advisable to advertise "no kids" even in these communities>. Sex. No, this isn't just to catch your attention or to spice up an otherwise dull article. Unfortunately, with regular frequency, male landlords are making rental or maintenance contingent upon sexual favors coerced from their female residents. You don't need me to tell you this is wrong, so, enough said.

A service animal is not a pet! Ergo (I love using that word!), your pet restrictions, policies, and pet deposits / pet fees / pet rent do not apply. Keep in mind that service animals include both ones that assist those with physical disabilities (i.e. "working" animals) as well as ones that assist those with mental or emotional disabilities (i.e. companion animals). Don't wrongly deny anyone their right to have a service animal live with them at your community. One landlord who recently did just that had to pay \$314,000. <I'll add here that it doesn't matter what the animal is called (service animal, companion animal, assistance animal, therapy animal, etc.) so long as it is there to assist an individual with a disability it is not, and may not be treated as, a pet. Note that Americans with Disability Act (ADA) rules and definitions of service animals for public places specifically differs from that of the federal Fair Housing Act. Also, you cannot get around the no pet fee / deposit issue by simply charging a disabled individual with a service animal a higher security or cleaning charge – that's the same thing folks! Don't do it.>

¹Oregon law also protects marital status, (legal) source of income, and sexual orientation (inclusive of gender identity). Washington law covers marital status, sexual orientation, and honorably discharged veterans / military status. Additional protected classes have been added in particular geographic areas; visit FHCO.org/mission.htm and read the section entitled "View Local Protected Classes" for more information.