

10 Things Landlords Should Know About Fair Housing

Sounds pretty simple if there are just 10 things landlords should know with regard to Fair Housing law. Of course, there are more than just 10 items, but it's an excellent start — and knowing about Fair Housing will help lead to understanding what should and should not be done when renting property.

1 ADVERTISING — When advertising, landlords should describe property attributes and/or amenities, not what they are or are not looking for in a tenant.

3 SCREENING APPLICANTS — Landlords should have a written rental policy detailing the criteria necessary for approving tenants for their properties. The rental policy should include occupancy guidelines, availability policy, rental criteria (i.e. employment history/income, credit standards, etc.) with an explanation of what the criteria are, an outline of the application process and that it adheres to all applicable Fair Housing laws.

5 APARTMENT RULES — It is absolutely acceptable for a landlord to have a set of “house rules” for all residents to live by. The house rules should be basic, non-discriminatory, and enforced uniformly against each tenant.

2 STEERING — “Steering” occurs when a landlord attempts to direct an applicant, for whatever reason, to a specific area of the property. To help avoid claims of “steering” by a prospective tenant, landlords should show all available properties. 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.

4 OCCUPANCY — In 1996 Congress enacted a law based upon a 1991 HUD memo stating that a 2-person-per-bedroom occupancy standard was acceptable in most situations. This is by no means a strict guideline and can change depending on a number of factors.



6 REASONABLE ACCOMMODATION — A reasonable accommodation is at the tenant's request and when a landlord voluntarily makes exceptions to his/her standard rules or policies to accommodate the tenant's disability. The requested accommodation must be reasonable and should not present an undue burden on the landlord. In general, landlords are not obligated to offer an accommodation to a tenant, but should wait for a tenant to request the accommodation.

7 REASONABLE MODIFICATION — Landlords may require a disabled tenant to pay for modifications to the property and require that those modifications be removed when the tenant vacates the property. As with accommodations, the modifications must be reasonable.

8 RECORD KEEPING — Landlords need to keep records on all prospective tenants, in addition to current/past tenants. Being able to produce consistent records showing nondiscriminatory applications of written screening criteria in every case can help defend a Fair Housing claim.

9 STAFF TRAINING — Every time a new employee joins the landlord's business, there should be a training meeting about Fair Housing laws and how to comply with them.

10 EVICTION — The rules set by the landlord apply to all tenants equally. When contemplating an eviction for other than non-payment of rent, landlords are advised to ask themselves 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? If the answer to these questions is yes, then an eviction would be warranted under the circumstances.



**Fair Housing.
It's Not An Option.
It's The LAW!**