The Fair Housing Act

Prohibits discrimination by direct providers of housing (such as landlords) whose discriminatory practices make housing unavailable to persons because of their protected class.

EQUAL ACCESS
EQUAL OPPORTUNITY
What is the Risk to My Community?

Property Managers and Boards of Directors are in a power position to decide who moves in, how rules are enforced, what policies are in place.

Civil penalties may be levied up to $16,000 for a first violation and $65,000 for future violations. In cases where the Justice Department is involved civil penalties can be even more and go up to $100,000.

You may not be covered by your Officers and Directors’ liability insurance policy if the law was violated.
Three Forms of Discrimination

1. Difference in treatment tied to a protected class
2. Failure to allow or provide a reasonable accommodation or modification
3. Discriminatory Effect/ Disparate Impact
<table>
<thead>
<tr>
<th>Protected Class</th>
<th>Federal</th>
<th>Minnesota</th>
<th>Wisconsin</th>
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</thead>
<tbody>
<tr>
<td>Race</td>
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<tr>
<td>Color</td>
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<tr>
<td>National Origin</td>
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<tr>
<td>Religion</td>
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<tr>
<td>Sex</td>
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</tr>
<tr>
<td>Disability</td>
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<td>X</td>
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</tr>
<tr>
<td>Family Status</td>
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</tr>
<tr>
<td>Age</td>
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<tr>
<td>Marital Status</td>
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</tr>
<tr>
<td>Sexual Orientation</td>
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<tr>
<td>Receive Public Assistance</td>
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<tr>
<td>Source of Lawful Income</td>
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<tr>
<td>Ancestry</td>
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<tr>
<td>Victim of Domestic Abuse or Stalking</td>
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## Definitions

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
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</thead>
</table>
| **Race, Color, and National Origin, Ancestry:** | • Race includes all races  
• National Origin could mean the place where an individual was born, or where their ancestors are from. |
| **Disability:**                 | • Mental or physical impairments that substantially limit one or more major life activities.  
• May not be visible |
| **Sex or Sexual Orientation:**  | • Includes sexual harassment  
• Includes gender identity |
| **Familial Status:**            | • The presence of children in the household under 18 |
What kind of treatment is prohibited?

- Discriminatory ads ("No Kids")
- Refusing to sell or rent
- Offering different terms, conditions, or privileges
- Falsely stating a unit has been rented
- Refusing to reasonably accommodate a person with a disability

Exception: Application of local, state, or federal restrictions regarding the maximum number of people allowed to occupy a dwelling shall not be regarded as familial status discrimination.
Reasonable Accommodation

• Change, exception or adjustment to a rule, policy, practice
• There must be an identifiable relationship between the requested accommodation and the individual's disability

Reasonable Modification

• Structural change made to existing premises
• Can be made any time during a tenancy
• Not limited to home, extends to all the common areas
• Typically made at the resident’s expense
**Assistance Animals are Not Pets!**

ROCs cannot charge deposits or other fees if the animal is an assistance animal and cannot apply pet rules to an assistance animal.

Those eligible to have an assistance animal include: 1) individuals with disabilities, 2) individuals who have a person(s) residing with them that have a disability, and 3) a person who visits a resident that has a disability.

How Assistance Animals are defined under FHA and Section 504. Assistance Animal(s):

- Provide support, assistance, or services
- Include emotional support or therapy animals
- Is not only limited to dog(s)
- Not required to be individually trained or certified
- No breed, weight, or size restriction

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**SERVICE DOGS**
Any dog trained to perform tasks for an individual with a disability.

**EMOTIONAL SUPPORT DOGS**
Medically prescribed animals providing therapeutic benefit through dedicated companionship.

**THERAPY DOGS**
Animal-assisted therapy involving animals as a form of treatment.
Discriminatory Effect
“Disparate Impact”

Intent vs. Impact:
your intentions do not determine or excuse your impact
Criminal History-Based Practices and Policies

Screening Must Consider:
- The type of the crime
- The length of time since conviction
- Arrests versus convictions
Best Practices

Have your Onsite and anyone dealing with residents and applicants do training in the basics of Fair Housing on an annual or semi-annual basis.

Use gender-neutral language in all ROC communications, signage, and application materials.

Use mutual language in advertising and communication. NO SKATEBOARDING vs. NO KIDS SKATEBOARDING.

Have an Animal Policy in place separate from the Pet Policy.

Document any requested accommodations in writing using a Reasonable Accommodation Form.

Any public access dwelling (onsite offices, storm shelters, etc.) must have accommodations for ADA accessibility.

Revisit your Community Rules and make sure they are complying with Reasonable Accommodation and Modification rules, FHA, Section 504, and the ADA.

Be sure to have clear, specific reasoning for criminal history-based policies and practices that can be supported by evidence.