

LANDLORD/PROPERTY MANAGER'S GUIDE TO FAIR HOUSING

As a property manager or landlord, you must know how important it is to adhere to any and all laws.

This applies to eviction laws, landlord-tenant laws, and civil laws in general.

Another important set of laws, however, are the fair housing laws.

These housing laws dictate numerous aspects of a landlord's business, and it is crucial to be familiar with them.

So, in this landlord's guide to fair housing laws, we'll be discussing what they are, how they can be violated, and how to avoid violations.

What Is The Fair Housing Act?

The Fair Housing Act is a crucial piece of legislation that was passed in 1968 as part of the Civil Rights Act.

It was designed to protect individuals from discrimination when it comes to housing, and it covers a wide range of protected classes, including race, religion, national origin, and disability.

One of the main goals of the Fair Housing Act is to ensure that everyone has an equal opportunity to live in the neighborhood of their choice. This means that landlords and property owners are not allowed to discriminate against potential tenants or buyers based on their protected class.

The Fair Housing Act created a byproduct, the federal Fair Housing Laws, which are meant to enforce the act. Below, we'll talk some more about the Fair Housing Laws that came from the act.

What Are Fair Housing Laws?

Fair housing laws are a set of regulations that are designed to protect individuals from discrimination when it comes to housing.

These laws apply to all types of housing, including rentals, sales, and mortgages, and they cover a wide range of protected classes, which we will discuss below.

Fair housing laws apply to all stages of the housing process, including advertising, showing properties, and negotiating lease or sale terms. This means that landlords and property owners are not allowed to advertise their properties in a way that discriminates against certain groups of people.

Landlords also have to consider the local fair housing laws in their area to be sure that they are in compliance.

Above, we mentioned something about protected classes. It is essential for landlords to be familiar with these protected classes to make sure that they are not violating the law.

Below, we'll discuss the protected classes of the Fair Housing Act.

What Are The Protected Classes?

Under the Fair Housing Act, a protected class is a characteristic of any individual that is protected from discrimination under the Fair Housing Laws.

So, in simple terms, landlords and property managers cannot discriminate based on these protected classes:

- Race
- Religion
- National Origin
- Color
- Sex
- Familial Status
- Disability

This means that the Fair Housing Laws protect all of these classes and discriminating based on them can be considered a serious offense.

So, we have talked a lot about what the laws are and *who* they protect, but we haven't learned much about *how* they are violated.

In the next section, let's discuss some of the common Fair Housing Law violations.

Common Fair Housing Law Violations

As a landlord, it's important to understand and adhere to fair housing laws in order to avoid discrimination against tenants.

Violating these laws can have serious consequences, including fines and legal action. Here are some common ways that landlords may violate fair housing laws:

Refusing to rent to someone

It's illegal for landlords to refuse to rent to someone because of their race, color, national origin, religion, sex, familial status, or disability. This includes advertising a rental property in a way that indicates a preference for or against certain groups of people.

Treating tenants differently

Landlords may not provide different services or amenities to tenants based on their race, religion, or other protected characteristic. For example, a landlord may not provide a more desirable unit to a tenant of a certain race or religion.

Asking prohibited questions

Landlords may not ask about a prospective tenant's race, religion, national origin, or family status during the rental application process. This includes asking about the number or age of children in a prospective tenant's household.

Failing to make reasonable accommodations

Landlords have an obligation to make reasonable accommodations for tenants with disabilities, such as providing wheelchair ramps or allowing service animals. Failing to do so may be considered a violation of fair housing laws.

Discriminating against tenants based on their source of income

Landlords may not discriminate against tenants based on their source of income.

As a landlord, doing any of these will not only violate the federal Fair Housing Act but state and local laws as well.

So, it's important that they know how to *avoid* these violations, which is exactly what we're going to cover below.

Avoiding Fair Housing Law Violations

Violating fair housing laws can result in significant fines, legal action, and damage to your reputation.

So, here are some tips to help you avoid violating fair housing laws as a landlord.

Understand the fair housing laws that apply to you

Fair housing laws vary by state and locality, so it is essential to familiarize yourself with the specific laws that apply to your rental properties.

These laws may include the federal Fair Housing Act, as well as state and local fair housing laws. Some common areas covered by fair housing laws include discrimination based on race, color, national origin, religion, sex, familial status, and disability.

Use consistent screening criteria

To ensure that you are treating all potential tenants equally, it is important to use consistent screening criteria when evaluating applications.

This includes verifying income, running credit checks, and verifying employment, among other things. Be sure to apply these criteria consistently to all applicants to avoid any appearance of discrimination.

Do not discriminate based on protected classes

It is illegal to discriminate against potential tenants based on any of the protected characteristics outlined in fair housing laws.

This includes things like refusing to rent to someone because of their race or religion, or charging higher rent to someone because of their disability. It is also illegal to make any statements or use any advertising that may be seen as discriminatory.

Make reasonable accommodations

If a tenant has a disability and requires a reasonable accommodation to fully use and enjoy their rental unit, you are required to make that accommodation unless it would be an undue burden.

Examples of reasonable accommodations may include adding a wheelchair ramp or installing grab bars in the bathroom.

Use caution when making repairs or renovations

If you are making repairs or renovations to your rental properties, it is important to ensure that these changes do not discriminate against tenants with disabilities.

This may include adding features like wheelchair ramps or making sure that doorways and other spaces are wide enough to accommodate mobility aids.

Finally, after learning everything we need to know about Fair Housing Law violations, it's also important to know about the exceptions to the law.

Below, we'll talk about some of the exceptions to the Fair Housing Act.

Fair Housing Laws Exemptions

As a landlord, it is important to note that there are certain exceptions to Fair Housing Laws that may apply to specific circumstances.

Here are some common exceptions to fair housing laws that landlords should be aware of:

Owner-occupied buildings with four or fewer units

If you own a building that is occupied by four or fewer units, and you occupy one of those units as your primary residence, you may not be subject to fair housing laws.

However, it is important to note that this exception only applies to buildings with four or fewer units, and you may still be subject to fair

housing laws if you own a larger building or if you do not occupy one of the units as your primary residence.

Religious organizations

Fair housing laws do not apply to religious organizations, including schools and universities operated by religious organizations.

This means that these organizations may be able to discriminate based on religion when it comes to renting out housing units.

Single-family homes

Fair housing laws do not apply to rentals of single-family homes if the owner does not own more than three single-family homes and does not use a real estate agent or broker to rent out the homes.

However, it is important to note that this exception does not apply to duplexes, triplexes, or other multi-family homes, even if the owner only owns one of these types of properties.

Renting to a member of the same family

Landlords are generally allowed to rent to a member of their own family without being subject to fair housing laws.

Note that this exception only applies to members of the landlord's immediate family and does not apply to extended family members or unrelated individuals.

Renting based on age

Fair housing laws do not specifically prohibit discrimination based on age, although some state and local laws may provide additional protections for older individuals.

Bottom Line

The Fair Housing Laws are a complex set of laws meant to protect against housing discrimination, and it is essential that landlords are extremely up to date on them.

Not knowing about these laws can cause landlords to make mistakes that can cost them a lot of money or even lead to legal consequences.

