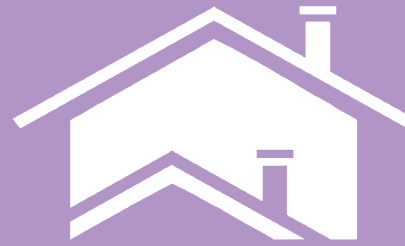




Fair Housing Council of
Montgomery County
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Glenside, PA 19038

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www.fairhousingmontco.org

Open House

Newsletter of the Fair Housing Council of Montgomery County
Issue XXVIII Spring 2007

IN THIS ISSUE:

ANNUAL EDITION FOR
HOUSING PROVIDERS

UPCOMING EVENT FREE TRAINING

Now is your chance to receive free training—get caught complying with fair housing laws now and avoid costly fair housing violations in the future.



Fair Housing Laws
Best Practices in:
Application Process
Serving Families with Children
Serving Persons with Disabilities
Advertising
“Hot” Topics
Recent Fair Housing Cases

Saturday, April 14, 2007
10:00 a.m. to 12:30 p.m.

Check in starts at 9:30 a.m.

Human Services Building
Community Room—1st Floor
1430 DeKalb Street
Norristown, PA 19404

Registration Form on Page 7

BOARD OF DIRECTORS

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IN THIS ISSUE:

Annual Fair Housing for Housing Providers Edition—devoted exclusively to providing current information on fair housing issues of importance for landlords and housing providers. While we recognize that being a landlord can be difficult—we offer this edition to highlight useful new information and reminders so you can understand your responsibilities under federal and state fair housing laws. Over the past year the Council has trained hundreds of landlords in the region and provided information to thousands. We remain committed to conducting outreach, offering trainings and compliance workshops and issuing publication such as this—to help you comply with the law! Contact us with your questions, whether its about reasonable accommodations for tenants with disabilities or occupancy and families—the Council is your resource for accurate fair housing information.

WHAT'S NEW Housing Discrimination and Domestic Violence

Sometimes landlords believe they can ensure safety on their properties by keeping victims of domestic violence out. To do this, landlords sometimes evict victims of domestic violence or deny applications from women who have experienced domestic violence in the past. These landlords often explain their actions by pointing to “zero tolerance polices” that permit the eviction of a tenant if criminal activity occurs in her home. Such polices may be a violation of federal fair housing laws. Recently the courts have recognized that discrimination against victims of domestic violence is illegal sex discrimination.

Discrimination against women who have faced domestic violence is often based on gender stereotypes about battered women. In addition, because most domestic violence victims are women, polices and practices that discriminate against victims of domestic violence harm more women than men. This results in a “disparate impact” on women compared to men. Disparate impact means that even if a landlord does not intend to discriminate against women, the landlord’s actions are still harmful to women as a group, while they do not have the same harmful effect on men as a group.*

Additionally, there have been other changes in the area of housing discrimination and domestic violence—
(continued on page 2)

The Fair Housing Council of Montgomery County is committed to ensuring equal housing opportunities regardless of race, national origin, religion, gender, age, disability, or familial status.

We carry out our mission through education and outreach, complaint reception, resolution, advocacy, monitoring of discriminatory housing practices and assistance in finding affordable housing.

Housing Discrimination (continued from page 1) one is the **Violence Against Women Act** (VAWA) a federal law that specifically prohibits discrimination against victims of domestic violence who live in public housing or who use Section 8 vouchers. In general, the law provides in part that criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. The law also provides that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of that violence and will not be "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence. HUD has issued guidance on VAWA in PIH Notice 2006-42 which can be obtained on www.hudclips.org.

Examples of discrimination that may be illegal:

- ◆ A landlord or public housing authority learns that an applicant has experienced domestic violence and rejects her application for tenancy as a result.
- ◆ A tenant is abused by an intimate partner in her home and the landlord or PHA seeks to evict her immediately afterwards.
- ◆ A PHA terminates a housing voucher because the tenant has called the police to the home for protection from abuse.
- ◆ A landlord finds out that a tenant is in an abusive relationship and suddenly begins applying rules that are not applied to other tenants.

*The information was taken in part from the [Housing Discrimination and Domestic Violence Fact Sheet](#) authored by the [ACLU Women's Rights Project](#).



GUIDANCE from DOJ and HUD on REASONABLE ACCOMMODATIONS for PEOPLE with DISABILITIES

The Departments of Justice and Housing and Urban Development are jointly responsible for enforcing the federal Fair Housing Act. In response to complaints alleging violations of the reasonable accommodation provisions of the Act they issued a joint statement providing technical assistance regarding reasonable accommodations. The guidance answers 19 questions ranging from the definition of a disability to examples of accommodation and what constitutes a "direct threat." A must-have publication. For a complete copy of the statement go to www.usdoj.gov or contact the FHCMC for a copy.

RESOURCES

For Landlords

www.fairhousingmontco.org

Web site of the Fair Housing Council of Montgomery County—fair housing guidebook for housing providers, fair housing information, upcoming events and news.

www.hud.gov/fairhousing

Web site for fair housing and other housing related resources, contains downloadable "equal housing opportunity" logos and HUD fair housing posters.

www.phrc.state.pa.us

PA Human Relations Commission web site, resource for landlords on PA. Anti-discrimination laws, responsibilities of owners of real property and real estate agents and brokers.

www.fairhousing.com

Serves both the fair housing community and the general public. The goal of the site is to provide timely news and information regarding issues of housing discrimination.

www.pa-apt-assoc.com

PA Apartment Association, offers standard lease forms.

www.fairhousinglaw.org

The Leadership Council's website on fair housing laws and PSA materials.

www.usdoj.gov

Web site for the Department of Justice civil rights/housing division.

www.fairhousingfirst.org

Sponsored by the U.S. Department of Housing and Urban Development (HUD) designed to promote compliance with the Fair Housing Act design and construction requirements.

The Fair Housing Act prohibits discrimination in housing on the basis of:

- Race or color
- National origin
- Religion
- Sex
- Familial status
- Disability

Under the Fair Housing Act, the following activities are illegal:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Set different terms, conditions, or privileges for sale or rental
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- For profit, persuade owners to sell or rent (blockbusting)
- Deny any access to or membership in a facility or service (such as a multiple listing service) related to the sale of housing
- Refuse to make reasonable accommodations in rules or services if necessary for a disabled person to use the housing
- Refuse to allow a disabled person to make reasonable accommodations to his/her dwelling
- Threaten or interfere with anyone making a fair housing complaint

BEST PRACTICES

To Avoid Fair Housing Violations

As a housing provider, you are responsible for understanding the Fair Housing Act and its relevance to your housing policies. Here are some tips to ensure that your business practices are non-discriminatory:

1 Develop Standard Procedures and Clear Policies.

Determine exactly how your rental agents will deal with prospective tenants. The crucial requirement is that all persons who inquire about renting a unit be treated in the same manner and provided the same information about renting at your site.

2 Make sure your policies are based upon legitimate business reasons.

Review your tenant selection criteria and make sure you can justify that each policy is backed by a legitimate business necessity. Put your screening policies in writing and make sure they are given to all prospective applicants. For example: do you have a first come first serve policy or do you prioritize on when a deposit is received; what are your occupancy standards; what background screening do you conduct; what are your income and credit guidelines. The more information you provide to applicants up front, the less likely it is that your policies will result in confusion and potential claims of discrimination.

3 Train all employees to follow your policies.

Take affirmative steps to ensure that policies are followed at all times by training and monitoring your employees. Review your standardized rental office procedures with all employees at regular intervals.

4 Be consistent.

Whatever policies and screening criteria you decide upon make sure that you are consistent in following them with all applicants.

5 Make It Known That You Obey Fair Housing Laws.

- Provide fair housing training for all employees.
- Provide all employees with written non-discrimination policy and ask that they sign a memorandum of understanding that states your intention to terminate the employment of any employee who violates fair housing laws.
- Hang a fair housing poster in a clearly visible location in the room where rental business occurs. Standard Fair Housing posters can be acquired by calling the HUD Distribution Center at (800) 767-7468 and requesting publication HUD-9281.
- Use an equal opportunity logo or statement on all brochures and pamphlets.
- Avoid advertising that could be construed as an attempt to select or discourage persons on the basis of any of the protected classes.



TIPS ON Immigration Issues

These are treacherous times for landlords—trying to navigate both fair housing laws and local ordinances and keep your property code compliant. Here are some relevant questions and answers.

Is it legal for a landlord to inquire about the legal status of their tenants?

While the Fair Housing Act prohibits discrimination based on national origin, it makes no specific mention of a person's legal status. In 2001 HUD issued guidance that said it is not a violation of the law for landlords to ask applicants to provide documentation of legal status if the landlord requires ALL applicants to provide this information. Asking for immigration or citizenship documentation only from people who speak with an accent or seem to be "foreign" IS a civil rights violation. Most federally subsidized housing (i.e. Section 8 or public housing) require proof of legal residency to qualify.

Is it a crime to rent to a person who is not a legal resident?

Under federal and state law it is not a crime to rent to undocumented immigrants. This means landlords don't have to reject tenants solely based upon their immigration status. Currently, there is some confusion about this because a few localities have attempted to enact laws that are more restrictive than federal and state laws. The legality of these local ordinances are currently being looked at by the courts and may be found to be in violation of the Fair Housing Act and other laws.

Is it illegal for a landlord to require a social security number from an applicant in order to rent an apartment?

No, it's not illegal to require a social security number (SSN) from an applicant for the purposes of establishing identity or to obtain credit checks as long as it is asked of all applicants. But landlords should accept alternatives to SSN such as an Individual Taxpayer Identification Number (ITIN), a Voter Registration Card, Temporary Resident Cards, Employment Authorization Cards, or a drivers license to establish proof of identity.

PUBLICATIONS Available

Free-of-Charge from the Fair Housing Council of Montgomery County

Fair Housing Guidebook—a 24 page training guide book that provides an overview of the federal fair housing laws, a great resource for landlords and housing providers.

Fair Housing Highlights—Bi-Monthly Publication in a FAQ format that address common issues such as landlord tenant law, security deposits, reasonable accommodation, sexual harassment, immigrations.

Predatory Lending—Don't Borrow Trouble of Suburban Philadelphia educational materials.

Fact Sheets

Fair Housing: It's The Law
Mortgage Discrimination
Appraisals
Steering
Insurance

Flyers

Landlord Outreach: Fair Housing: It's the Law
Familial Status Discrimination
Hate Crimes
Predatory Lending
Blockbusting

All of our publications, flyers, newsletters, highlights and educational materials are available on our website www.fairhousingmontco.org and are available in Spanish and can be translated into other languages upon request.

WHAT'S NEW

Guidance from HUD on LEP Requirements

HUD's LEP requirements apply to recipients of federal financial assistance. Public housing authorities and subsidized housing providers are covered and must make reasonable efforts to provide language assistance to ensure meaningful access for people with limited English proficiency to programs and services. The goal of the LEP guidance is to eliminate disparities in access to housing for those with LEP.

Here are a few selected FAQ from HUD's website www.hud.gov on LEP requirements:

Who are limited English proficient (LEP) persons?

For persons who, as a result of national origin, do not speak English as their primary language and who have a limited ability to speak, read, write, or understand. For purposes of Title VI and the LEP Guidance, persons may be entitled to language assistance with respect to a particular service, benefit, or encounter.



Who must comply with the Title VI LEP obligations?

All programs and operations of entities that receive financial assistance from the federal government, including but not limited to state agencies, local agencies and for-profit and non-profit entities, must comply with the Title VI requirements. A listing of most, but not necessarily all, HUD programs that are federally assisted may be found at the "List of Federally Assisted Programs" published in the Federal Register on November 24, 2004 (69 FR 68700). Sub-recipients must also comply (i.e., when federal funds are passed through a recipient to a sub-recipient). As an example, Federal Housing Administration (FHA) insurance is not considered federal financial assistance, and participants in that program are not required to comply with Title VI's LEP obligations, unless they receive federal financial assistance as well. [24 CFR 1.2 (e)].

Does a person's citizenship and immigration status determine the applicability of the Title VI LEP obligations?

United States citizenship does not determine whether a person is LEP. It is possible for a person who is a United States citizen to be LEP. It is also possible for a person who is not a United States citizen to be fluent in the English language. Title VI is interpreted to apply to citizens, documented non-citizens, and undocumented non-citizens. Some HUD programs require recipients to document citizenship or eligible immigrant status of beneficiaries; other programs do not. Title VI LEP obligations apply to every beneficiary who meets the program requirements, regardless of the beneficiary's citizenship status.

What are examples of language assistance?

Language assistance that a recipient might provide to LEP persons includes, but is not limited to:

- Oral interpretation services;
- Bilingual staff;
- Telephone service lines interpreter;
- Written translation services;
- Notices to staff and recipients of the availability of LEP services; or
- Referrals to community liaisons proficient in the language of LEP persons.

Where can I find more information on LEP?

Review HUD's LEP Guidance. Additional information may also be obtained through the federal-wide **LEP website** and **HUD's LEP website**. A HUD-funded recipient who has questions regarding providing meaningful access to LEP persons may contact Pamela D. Walsh, Director, Program Standards and Compliance Division, HUD/FHEO, at (202) 402-2288. You may also **email your question**.

ADVERTISING

Tips

- 1 Describe the property—not the desired residents. It's illegal to include anything in an ad that implies a preference for certain types of residents or certain characteristics.
- 2 If you use human models in your advertising—make sure the people depicted represent all types of people. Stay away from using all white models or only showing young, active models—the pictures should not convey a message that shows a preference for a particular type of resident.
- 3 Use secular phrases and symbols to describe holidays, not religious symbols.
- 4 Avoid including information about the property's residential composition, such as racial demographics or the absence of children in the community.
- 5 Include a fair housing logo or statement in you ad to show your commitment to being an equal housing opportunity provider.
- 6 Advertise in a broad array of markets to get the broadest outreach.



FAIR HOUSING Workshop

To register send the completed form to:
Fair Housing Council of Montgomery County
105 East Glenside Avenue, Suite E, Glenside, PA 19038
Phone: 215.576.7711 x10
Fax: 215.576.1509
e-mail: balbert@fairhousingmontco.org

NAME & TITLE: _____

AGENCY: _____

ADDRESS: _____

PHONE: _____ FAX: _____

E-MAIL: _____

Registration is required. Continental breakfast will be available.