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# ◆ Open House ◆

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Newsletter of the Fair Housing Council of Montgomery County

Issue XXI

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105 E. GLENSIDE AVE.  
SUITE E  
GLENSIDE, PA 19038  
TELE: (215) 576-7711  
FAX: (215) 576-1509

[www.fairhousingmontco.org](http://www.fairhousingmontco.org)

## *'Everything You Always Wanted To Know About Not Breaking Fair Housing Laws...But Were Afraid to Ask!'*

This is the time of year when the Council issues its ***Fair Housing For Housing Providers*** newsletter—an edition devoted exclusively to special issues affecting landlords and housing providers. We recognize that being a landlord in today's society can sometimes be difficult—i.e. a myriad of rules and regulations, dealing with difficult tenants, keeping the property maintained—all while meeting the obvious need to make a living from your investment.

So at least we want to render the fair housing component easier. We've packed this issue with lots of useful tips and information—including a fair housing quiz, a few select case summaries taken directly from our files illustrating 'worst practices', a landlord's "Bill of Rights & Responsibilities", and last but not least, our suggestions on "best practices". And frankly, we also want to counter a misperception among some in the real estate community that fair housing agencies are lying in wait for an unsuspecting landlord to trip up and unknowingly violate some obscure provision of the fair housing law... ultimately leading to legal hassles, and a huge fine. The fact is, we work hard to ensure that housing providers **KNOW THE LAW**—so they don't discriminate. That's why publications like this, landlord outreach and education, and compliance seminars are a big part of our mission and staff resources.

But it's really not that hard. Not if you treat people fairly. Know the law— not just landlord-tenant law but the fair housing laws as well. Make sure your staff is intimately acquainted with these laws. Put policies in writing. Make decisions (i.e. selection of tenants/eviction procedures) based on *objective* criteria—not subjective "feelings".

Just as we do for tenants who call us, if you or any housing provider has questions and issues—we are here for you. Our main goal is ensuring fair housing for everyone! Enjoy the issue.

*How Much Do You Know about  
Fair Housing Laws?  
TAKE THE FAIR HOUSING QUIZ!!!!*

1. Is it a violation of fair housing law to offer an applicant who uses a wheelchair only first floor units, assuming it will be easier for them to use?
2. Can residents who use a wheelchair be charged a higher security deposit due to greater “wear and tear” in the apartment?
3. A housing development has a long-standing “No Pets” policy. Must a landlord still allow a tenant to have a service or companion animal ?
4. Is a maintenance person’s repeated sexual advances towards a tenant considered sexual harassment under fair housing laws?
5. If a tenant requests a reserved parking space but doesn’t look disabled, can a landlord request a copy of her medical records so he can determine if the person really needs a reserved parking space?
6. Must a landlord direct a husband and pregnant wife to a two bedroom apartment based on occupancy standards?
7. Are boys and girls over a certain age required by law to have separate bedrooms?
8. May landlords restrict residents with children to ground floor units for safety purposes and to decrease noise levels?
9. An owner has privately directed his property manager not to rent to Hispanics “if you want to keep your job”. Can the manager be held liable for fair housing violations if he complies with the owner’s directive?
10. Must a landlord comply with a request by a blind applicant to put the lease materials in Braille ?



## *Fair Housing Quiz, cont.*

1. **YES.** Steering is illegal, despite good intentions. Making assumptions about applicant's preferences and not offering applicants all available units is a violation of the law.
2. **NO.** Setting different terms for renting (such as a higher security deposit) on a particular person or group based on their being a member of a protected class (person with a disability) is a violation of the fair housing laws.
3. **YES.** A landlord must allow for a reasonable accommodation in her "no pets" policy where a person with a disability has a need for a service animal to aid his disability and to fully enjoy the use of his home. The service animal is NOT considered a "pet" in this situation.
4. **YES**—if it is unwelcome. Sexual harassment in housing is gender discrimination under fair housing laws which protect women & men from coercion, threats, or intimidation when interfering with their housing rights.
5. **NO.** If a tenant requests a reasonable accommodation the landlord can require that the tenant provide proof that he/she needs the accommodation and demonstrate that there is a relationship between the request and the disability, but it is not up to the housing provider to question the diagnosis, review medical records or make assumptions as to how a disability affects a person.
6. **NO.** Housing providers may not inquire about pregnancy or children under the fair housing laws; inquiries may be made only about the number of occupants that will live in the home. Generally infants under the age of one year are not considered in occupancy.
7. **NO.** Mandating that boys and girls have separate bedrooms is a violation of the fair housing laws. The decision over sleeping arrangements in a household is left to that family, not the housing provider.
8. **NO.** Such policies limit the housing choices for families with children (which are not limiting for people without children) and violate the fair housing laws.
9. **YES.** To comply with those types of discriminatory policies, excluding people of a particular group, is a violation of the fair housing laws. Both the property manager and the owner could be held liable for practicing under those policies.
10. **YES.** Unless the landlord can demonstrate that putting materials in alternative format is a financial burden they must take immediate steps to accommodate the person's request.

# *LANDLORD'S BILL of RIGHTS and RESPONSIBILITIES*

## *The Rights*






- ☺ *To select & screen for good tenants using standard criteria, such as income requirements, credit/rental history, or criminal background checks.*
- ☺ *To collect appropriate security deposit and rent. To have rent paid on time.*
- ☺ *To require the tenant to keep their unit in a clean and safe condition and prevent the property from being damaged or destroyed. To insist that tenants not violate housing codes or create hazardous conditions.*
- ☺ *To require tenants to abide by the terms and conditions of their lease.*
- ☺ *To have your rights as property owner and business person protected under the Pennsylvania Landlord –Tenant Law, the Fair Housing Act, and other legislation.*



## *The Responsibilities*

- ☺ *To apply this same tenant selection criteria equally to everyone without regard to race, color, creed, sex, disability, national origin, or presence of children in the household.*
- ☺ *To not collect illegal charges i.e. additional security deposits for children, or fees for service or support animals for disabled individuals. To return security deposits within 30 days of lease end, if there is no damage*
- ☺ *To keep premises in a fit, sanitary, safe and habitable condition– including common areas. To comply with all building & housing codes and make the necessary repairs promptly .*
- ☺ *To allow tenants with disabilities certain reasonable accommodations or modifications as required by the Fair Housing Act] so that they can comply with their lease*
- ☺ *To make sure you and your staff understand all applicable laws– including the PA Landlord-Tenant Law and Fair Housing Laws and abide by them in dealings with tenants, treating all in a fair and objective manner.*

### ***Resources for Landlords***

-  [www.hud.gov/fairhousing](http://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](http://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.irem3.org](http://www.irem3.org) – Institute of Real Estate Management web site, offers educational activities for members, including fair housing training
-  [www.fairhousingmontco.org](http://www.fairhousingmontco.org) – web site of the Fair Housing Council of Montgomery County – fair housing information, contact to arrange individual or group fair housing training.
-  [www.fairhousing.com](http://www.fairhousing.com) – the National Fair Housing Advocate, timely news stories on issue of housing discrimination and HUD resources.
-  [www.pa-apt-assoc.com](http://www.pa-apt-assoc.com)—PA Apartment Association, offers standard lease forms
-  [www.fairhousinglaw.org](http://www.fairhousinglaw.org)—the Leadership Council’s website on fair housing laws and PSA materials
-  [Fair Housing Coach](#), Brownstone Publishers 1-800-473-8786, newsletter subscription for practical application of fair housing laws for landlords and housing providers.
-  [What “Fair Housing” Means for People with Disabilities](#), Bazelon Center, A guide for consumer, advocates and landlords.
-  [Apartment Managers Fair Housing Toolkit](#), Brownstone Publisher, “how to” monthly newsletter for landlords.

# **You have a nice set of wheels but can't find a place to park them.**



Landlords must allow you to make reasonable accommodations to ensure full use of your apartment. Telling you that you can't install grab bars and ramps is against the law. You can fight back.

If you suspect unfair housing practices, contact HUD or your local Fair Housing Center. Everyone deserves a fair chance.



**FAIR HOUSING IS THE LAW!**

U.S. Department of Housing and Urban Development • 1-800-669-9777 • TDD 1-800-927-9275

## ***NEW GUIDANCE FROM DOJ AND HUD***

*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 recently 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.”*

*For a complete copy of the statement go to [www.usdoj.gov](http://www.usdoj.gov).*

*‘Worst Case’ Scenarios: How should these situations have been handled?*

1) Joan’s long time tenant—a single man— has gotten a job in another state and moved out. She places an ad for a one bedroom apartment in the local paper, renting at \$400 per month. Joan is soon contacted by a number of applicants, including Keneisha Thompson, a young mother with a 2 year old daughter. Wanting to be upfront, Joan tells Keneisha the apartment is too close to the RR tracks and to a nearby alley and it’s really not safe for a small child. Liability is an issue too— what if an accident happened on her property? Keneisha is disappointed but seems to understand. Joanna is shocked to be contacted a week later by the Fair Housing Council. **What went wrong?**

2) Marcella, the leasing agent at Cranberry Place, is out to lunch, so Dan the project foreman, offers to show the units to any prospective tenants that stop by. Soon Jim Spear is happily touring the site with Dan and chatting about everything— the town homes, his war service, and how his life has been affected by his service—related disability. During the conversation, Jim mentions that he supplements his disability benefits with part time work as a consultant— making his combined income of over \$4700 per month quite adequate to afford the unit. Before leaving, Jim fills out a rental application that asks for his total monthly income and leaves a deposit check of \$625.00 for the available unit. Dan assures Jim that since approval is based upon income criteria and his personal recommendation to the owner (and Dan promises that he is going to put in a good word for him) —it seems like a sure thing. When Marcella returns, she checks Jim’s credit report. She misreads the report and decides that he cannot afford the unit. Additionally, his income is hard to substantiate and she notices a mortgage lien. Later that day, another applicant comes in and Marcella rents him the unit. Meanwhile, after anxiously waiting a few days to hear back from Cranberry Place, Jim calls and leaves several unreturned messages. A week later he finally talks to Marcella, who tells him the apartment he wanted was rented but offers him a smaller unit. Later that afternoon, she calls Jim and informs him that he, in fact, does not qualify for any unit in the development. Upset, he presses for an explanation, and demands to know the reason for the denial, but she refuses. Jim then contacts an attorney about filing a lawsuit alleging discrimination against persons with a disability, as covered by Title VIII of the Civil Rights Act of 1968, also called the Fair Housing Amendments Act. **Could this situation have been averted?**

3.) Benny, the manager of Monmouth Towers, a publicly-subsidized seniors complex, is in a quandary. One of his tenants, Deb Everett, who suffers from schizophrenia, had another of her “acting out” episodes 3 weeks ago. This time she was screaming profanities at other tenants in the lobby, and throwing things off tables and walls. The police were called and took Deb to the county hospital. Deb, who has been living there for several years, had been involved in a similar incident earlier in the year. After several tenants complained heatedly, Benny sent Deb an eviction letter, detailing the lease violations. Now Deb’s tearful daughter is in his office and she’s claiming housing discrimination and insisting that her mother get another chance. Deb’s daughter explains that around the time that her mother’s mental condition started to deteriorate, her mental health prescriptions were not being reimbursed. Because she couldn’t afford her medications, she stopped taking them. Since that time, the daughter successfully re-applied for prescription coverage and Deb is taking her medications again. She also presents a letter from Deb’s doctor requesting an accommodation. He wonders...What about the rights of the other tenants? **In light of the reasonable accommodation request, can he go ahead with the eviction ?**

**ANSWERS :**

1. Joan may be well- intentioned, but she is clearly violating the fair housing laws. Housing providers may not refuse to rent to families with children because they decide that the environment is “not safe enough” for a child. This decision is one for the parents—not the landlord!

2. Many missteps here. An untrained project foreman should not have been allowed to show the units in the absence of the leasing manager and make statements leading the prospective tenant Spear to believe he would be approved– especially based subjective recommendations from him and in light of the fact that they had a detailed discussion about his disability. The questions on the application were incomplete and did not provide a clear picture of Spear’s source of income and Marcella also never verified the income. Her reluctance to return calls and offering conflicting information about an available unit only reinforced Spear’s perception that he was being treated differently, since she gave no explanation for the denial.

3. No. Under the Fair Housing Act, a person with a disability can request a “reasonable accommodation” if they can show a relationship between the request and their disability. In this case we have documentation from Deb’s doctor that the behavior which led to her lease violations is tied to her disability and the unavailability of her medications. Therefore, unless Benny can demonstrate that it would be dangerous or an undue financial or administrative burden, he must at least try to accommodate her i.e. give her a chance to get back on her meds and become lease compliant. He should talk with Deb and her daughter to see if the accommodation i.e. more time/medication would help to curb the behavior that led to the lease violations. Of course, if the behavior continues and becomes a direct threat to the safety and well-being of other tenants, he would be justified in moving forward with terminating her lease

***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***

## **I. 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 rentals be treated in the same manner and that the sequence in which they are told about apartments, shown apartments, asked for credit references, etc. be identical for *all* and that the information given by the rental agent be the same in every case. It is important to establish written criteria by which you will qualify prospective tenants. These criteria should be available to all applicants. Applicants who are rejected should be notified within a reasonable period of time and should be told why they have been rejected. The Equal Credit Opportunity Act (ECOA) states that if you deny an applicant for a credit related transaction, they must be informed of the reason for the adverse decision.

## **II. Educate Your Employees**

- ☺ Review your standardized rental office procedures with all employees at regular intervals
- ☺ Provide fair housing training for all employees
- ☺ Provide all employees with written non-discrimination policy
- ☺ Ask each employee to sign a memorandum of understanding that states your intention to terminate the employment of any employee who violates the fair housing laws.

## **III. Make It Known That You Obey Fair Housing Laws**

- ☺ Hang a fair housing poster in a clearly visible location in the room where rental business occurs.
- ☺ Use an equal opportunity logo or statement on all brochures, materials, and applications.
- ☺ Avoid advertising that could be construed as an attempt to select or discourage persons on the basis of any of the protected classes.
- ☺ Maintain a list of available apartments to be shown to rental applicants to ensure that all applicants are given the same information. Include on this list such things as the apartment number, the rent, utilities, security deposit, date of availability, and deposit required.

-Taken from FHCSF's Non-Discriminatory Rental Practices



**FAIR HOUSING T-SHIRT**

Since 1997 we have held our annual Fair Housing children’s program on combating housing discrimination. T-shirts have been made of the winning posters every year. All the t-shirts are available for \$10 and come in various sizes.

**TO PLACE YOUR ORDER CALL THE COUNCIL OR MAIL A CHECK TO:**

**Fair Housing Council of  
Montgomery Co.  
105 E. Glenside Ave., Suite E,  
Glenside, PA 19038**

**Help us fight against discrimination...  
BECOME A MEMBER!!!**

The Fair Housing Council of Montgomery County invites you to become a member. The Council is a private, non-profit organization dedicated to fighting housing discrimination in Montgomery County. As the only local agency whose sole mission is to ensure equal housing opportunities in Montgomery County, the Council has been working hard for you! By becoming a member, you can help guarantee that fair housing remains a part of your community.

With your support, the Council will continue providing educational programs to consumers and real estate professionals, advocacy for victims of housing discrimination and access to information on open and affordable housing in Montgomery County.

**YES, I'D LIKE TO BE A MEMBER OF THE FAIR HOUSING COUNCIL!**

Name or Organization \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Choose One— T-shirt

SIZE: \_\_\_ Small \_\_\_ Large \_\_\_ X-Large

**MEMBERSHIP RATES:**

☛ Individual (\$25)

☛ Nonprofit Org. (\$35)

☛ Corporate (\$50)

**MAKE CHECK PAYABLE TO: FAIR HOUSING COUNCIL OF MONTGOMERY COUNTY**  
**MAIL TO: 105 E. Glenside Ave., Suite E**  
**Glenside, PA 19038**

*Questions? Call us at (215)576-7711*

**THANK YOU FOR SUPPORTING THE FIGHT AGAINST  
HOUSING DISCRIMINATION!**



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Montgomery County  
105 E. Glenside Ave., Suite E  
Glenside, PA 19038

[www.fairhousingmontco.org](http://www.fairhousingmontco.org)

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**In This Issue...**

FAIR HOUSING BASICS FOR HOUSING PROVIDERS

**MONTGOMERY COUNTY FAIR HOUSING COUNCIL RECEIPT OF  
HUD AWARDS TO COMBAT HOUSING DISCRIMINATION**

The Fair Housing Council of Montgomery County has been selected to receive funding under the U.S. Department of Housing and Urban Development's Fair Housing Initiative Program (FHIP) Education and Outreach Initiative (EOI). The Council was awarded \$ 80,000 to combat housing discrimination in the Philadelphia region which includes Montgomery, Bucks, Delaware, Chester, and Philadelphia counties.

The project is designed to bring fair housing education and outreach services to underserved populations in the region by collaborating with over 15 organizations to raise the public's awareness of fair housing protections for families with children and people with disabilities. The Council will also provide information to elected officials in the region on barriers to fair housing.

Additionally, the Council is sub-recipient of a second HUD Grant to continue its fair housing enforcement program. The Council is working with the Fair Housing Council of Suburban Philadelphia and Tenants Action Group in Philadelphia on a coordinated regional approach to combat housing discrimination.

***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.***