

## **Fair Housing Alert**

*by NNEHIF Asset Management Team*

*Federal Fair Housing prohibits discrimination on these 8 classifications: Race; Color; National Origin; Sex; Age; Disability; Religion; and Familial Status (families with children under the age of 18).*

If I were to ask any of the property managers with whom we work whether the properties violated Fair Housing Policies, each one would answer no. Though most people do not intentionally violate Fair Housing Laws, changing state regulations and federal interpretations should make it a priority to become familiarized with Fair Housing Laws and Fair Housing issues. Low income housing tax credit properties are to be rented in a manner consistent with the Fair Housing Act.

Much of the training and articles that talk about Fair Housing focuses on Reasonable Accommodations for persons with disabilities. Some examples of Reasonable Accommodations that a landlord might be asked to provide are allowing a visually impaired tenant to keep a guide dog in a building with a “no pets” policy or honoring a request from a mobility-impaired tenant for a reserved space near his/her apartment if necessary to assure that he/she can have access to his/her apartment. While you are processing Reasonable Accommodation requests, keep in mind that housing does not need to be made available to a person who is a direct threat to the health or safety of others or who are currently using illegal drugs.

There are a variety of other issues that come up with regard to programs and preferences that are LIHTC-related. Applications for housing must never ask discriminatory questions. Even if a housing project has been set up for persons with disabilities, you may not have a question that asks if the applicant or family member is disabled. You can ask if an applicant or family member would qualify for housing that is available only to persons with disabilities (or the category of disability served). Although the questions are essentially the same, HUD does allow for the second question, while stating that asking if someone is disabled does violate the law. You can see where it would be easy to overlook this question on an application.

Many of the properties in the NNEHIF portfolio have programs that address specific groups of people, primarily housing for people with disabilities. To target the population with the housing need, preferences have been made in the tenant selection plan to give certain groups housing preferences. These preferences cannot violate any of the classifications covered under the Fair Housing Law. HUD does have exceptions for elderly housing, but those are the only exceptions.

In the same sense, landlords cannot evict people that violate any of the classifications covered under Fair Housing Law. For example, landlords must treat male and female tenants equally. So if a landlord does not usually evict tenants who are victims of violent crimes but evicts women who are abused by their spouses, this could be illegal sex discrimination. Sometimes landlords react to domestic violence and sexual assault by taking action against the victim. Sex discrimination in housing is illegal and most victims of domestic violence are women. So if a

landlord takes action against a tenant because of domestic violence, this may also be illegal discrimination based on Fair Housing Laws.

Although the intent is not to discriminate, sometimes an application or tenant selection plan has language that may violate the Fair Housing Act. Please check your applications and tenant selection plans to ensure compliance. You can get more information on fair housing laws by visiting The National Fair Housing Advocate Online at [www.fairhousing.com](http://www.fairhousing.com) or on HUD's website <http://www.hud.gov/offices/fheo/index.cfm>