

BEST PRACTICES FOR ASSOCIATIONS AND PROPERTY MANAGERS

- Treat all applicants and residents alike regardless of race, color, religion, national origin, sex, disability, familial status or other characteristics that may be protected by state and/or local laws.
- Put eligibility criteria in writing and apply them in the same manner to all applicants.
- Establish the same terms and conditions for all applicants.
- Provide information about and/or show all applicants all available apartments for rent or units for sale.
- Never discourage applicants from applying or suggest they would be happier living elsewhere.
- Do not refuse to rent/sell to families with children unless the community qualifies for the “Housing for Older Persons” exemption under the Fair Housing Act.
- Establish a written procedure for responding to requests for reasonable accommodations and modifications from or on behalf of residents with disabilities.
- Review all promotional materials and advertisements to ensure that there is no suggestion of a preference, limitation or discrimination based on protected class.
- Require fair housing training for managers, board members, employees and real estate agents.



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FAIR HOUSING GUIDANCE FOR CONDOMINIUM, COOPERATIVE AND HOMEOWNERS' ASSOCIATIONS



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NFHA
National Fair Housing Alliance



THE FAIR HOUSING ACT APPLIES TO CONDOMINIUM, COOPERATIVE AND HOMEOWNERS' ASSOCIATIONS

The federal Fair Housing Act prohibits discrimination in housing-related transactions because of race, color, religion, national origin, sex, disability or familial status. Many state and local laws also prohibit housing discrimination based on several additional protected classes.

The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies, and condominium, cooperative and homeowners' associations must not discriminate because of one's membership in a protected class.

An association may have the right to approve or reject new residents and establish association policies and procedures, but it may not discriminate because of a protected characteristic while doing so.



AVOID FAIR HOUSING VIOLATIONS

Associations are responsible for the statements and actions of those who work on their behalf, such as board members, property managers, maintenance staff and real estate agents. Ensure that *all* staff are knowledgeable about their fair housing responsibilities.



COMMONLY ASKED QUESTIONS AND ANSWERS

What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes having a record of such an impairment or regarding someone as having such an impairment when they do not.

What is a reasonable accommodation?

Housing providers must permit reasonable accommodations requested by residents. A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. For example, reasonable accommodations include allowing an assistance animal even if you have a "no pets" policy. Another common example is creating a reserved accessible parking space for a specific resident.

What is a reasonable modification?

Housing providers must permit reasonable modifications requested by residents. A "reasonable modification" is a structural change made to existing premises occupied or to be occupied by a person with a disability, so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas. The resident pays the cost of the modification. Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a deaf or hard of hearing tenant to install strobes.

Are all requests considered reasonable?

A request for a reasonable accommodation may be denied if providing the accommodation would impose an undue financial and administrative burden on the housing provider or would fundamentally alter the nature of the provider's operations, determined on a case-by-case basis.

When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs.



May the association ask for details or proof that a person is disabled?

The housing provider may ask for verification of a person's disability, if it is not obvious or otherwise known to the housing provider, and may verify that a request is related to that disability. If requested, the individual may provide a written statement from a licensed medical or social service professional or other third party stating that the applicant/resident qualifies as an individual with a disability. **The housing provider may not ask the person with a disability or the certifying professional about the nature or severity of the individual's disability.**

What is familial status?

"Familial status" means the presence of children under 18 in the household. This includes pregnant women and persons in the process of adopting or securing custody of a child/children. Children include foster children and grandchildren as long as the person has legal custody or written permission.

If the only available units are on upper floors, may the community refuse to rent to families with children?

No. It is up to the applicants to determine whether they have any preference about floor levels.

Under what circumstances may a community or association exclude families with children?

Communities that qualify for the "Housing for Older Persons" exemption under the Fair Housing Act are permitted to exclude families with children under the age of 18. These communities must meet all the requirements of the exemption: In housing for persons 62 or older, every resident must be 62 or older; and in housing for persons age 55 or older, 80% of the units must have at least one person age 55 or older, and the community must meet other requirements, including completing surveys.