

A Slip of the Tongue Can Cost You Money! (Fair Housing No-No's)

By D. J. Ryan

How do you respond to prospective residents when they ask questions that are discriminatory? Have you had an owner client, who may not be knowledgeable about fair housing laws, ask you to give out information that you believed was discriminatory? Are you unsure of what you can or can't say to avoid fair housing violations? These are some of the most common concerns expressed by managers, leasing professionals, and owners in fair housing training. With the number of complaints on the rise, not to mention the amount of penalties and fines, housing providers must be familiar with the laws and must THINK before they speak. The following list may inspire you to re-evaluate the statements that you or your staff might be making.

References to a Person's Protected Class

- Gosh, that's an interesting last name. What nationality is it?
- Is this for you and your husband?
- Do you have children?
- Are you sure you can live alone safely? [Disabled]

Discouraging or "Chilling" Comments

- We have a very quiet property, mostly older people, but we will consider children.
- This isn't a very safe neighborhood [school district] for children.
- This property isn't very safe for children because of the [fill in the blanks] balconies, creek, fountain, busy street, cliff, stairs, crime, etc.
- You know we don't have a playground or any place for children to play here.

"Steering"

- This property wasn't designed for children. But the "Acme" Apartments down the street has a great playground.
- We prefer to have our families with children live in our ground floor units or near the playground.

Comments That Indicate the Presence of Other Discriminatory Practices

- Sorry, but our units are not accessible, so we can't rent to you.
- We'll have to charge you a higher security deposit because of your guide dog [or because your wheelchair might damage the door frames]. [Disabled]
- Sorry, we don't rent to anyone on welfare.

Discriminatory Questions Asked by Applicants and Residents

- Housing providers are often asked discriminatory questions by applicants and residents.
- Prospective residents commonly ask, "What kind of people live here?" or "Who lives next door?" Appropriate responses include: "We are an equal opportunity housing provider." or "Everyone who lives here meets our rental qualifications." If they persist, say, "I'm sorry, but responding to that kind of question violates fair housing law."

Sometimes an applicant may request a unit that is "not next to" someone from a protected class, or an existing resident may ask that you not rent to a family with children, for example, next door to them. Again, it is safest to respond with, "We are an equal opportunity housing provider and all of our units are open to anyone who meets our eligibility standards." If pushed, remind the applicant that because of fair housing laws, you are not able to respond to their request.

Why Can't I say That?

If you [or an owner client] don't understand why some of these comments are discriminatory, or are not familiar with the fair housing laws that underlie them, it's time to give your fair housing IQ and educational boost – or you and the owner may find yourselves on the receiving end of a costly complaint.

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