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Sample course material:

Housing Discrimination

When renting or selling property, many owners and landlords run into a myriad of potential hazards: from noisy disrespectful tenants to stringent local housing codes or zoning ordinances. Often, however, many legal problems that plague landlords can be avoided with just a little bit of knowledge. Problems often arise because many investment property owners are unaware that their policies or practices are discriminatory. Some landlords have suffered six-figure legal awards against them for violating fair housing laws that they were not even aware existed. Federal and state laws prohibit discrimination against specified classes of people, and these laws impact the ability of landlords to screen and select tenants, and even limit advertising their properties.

For example, many landlords run into trouble when renting to tenants with children. Some rental property owners are concerned about renting to families with children because of features on the property that may be dangerous for kids, like a pool, or the property may not have any safe areas to play. Although the landlord may truly have children's best interests in mind, it is the tenant's right to decide whether the property is safe for their children. Of course, the landlord must take reasonable steps to ensure that the property safe. Landlords and owners should give rental applicants information on the full range of vacant space or rental units available and these prospective tenants must be able to decide which units they want to see. Most rental property owners or landlords will

suggest to a prospective tenant with children that they see only rental units on the furthest end of the complex so their small children are kept away from the pool. A landlord might have good intentions when they suggest this, however, such a practice is a blatant violation of current federal fair housing laws, as they restrict housing options and can be used by some dishonest landlords as an excuse to cover up their intentional discriminatory actions. Residential rental properties must be offered to all applicants, including those with children.

Landlords will also attempt to charge rental applicants with children higher rents or security deposits, or offer different rental terms, like shorter lease terms, fewer unit amenities, or different payment options — all practices that are illegal. Landlords must make property facilities available for all tenants regardless of whether or not they like their color of their skin, their sexual orientation, their familial status or handicap. Except for certain HUD-certified seniors only properties, federal and state law has all but eliminated "adults only" residential housing. However, because there's less regulation of nonresidential properties, some commercial property owners may be within their legal rights to use their business judgment to refuse or discourage an applicant with plans to use the leased space as a daycare or other business that caters to children.

Other examples of discrimination would include:

- Denying an apartment to a single parent because of their child
- Telling minorities that housing is unavailable when it actually is
- Refusing to rent to a deaf person for fear that he/she might not be able to hear the fire alarm
- Enforcing a no pet policy against blind persons who use guide dogs
- Flatly denying children access to the complex swimming pool — reasonable safety rules are acceptable
- Only renting to families with children under 12 years of age
- Requiring that mentally handicapped persons prove their ability to live independently

Fair housing laws do not require landlords to rent to people in protected classes if there is a legitimate reason to deny their applications. Some legitimate reasons include a record of eviction, an incomplete application, poor references or credit, or listing false information on the rental application. Basically, a landlord may not consider a person's protected class status either in part or in whole when choosing to rent to the person or during the tenancy. Applications have one legitimate purpose — to give the landlord information about whether the applicant will be a good tenant.