

BOARD OF ADVISORS

Prof. F. Willis Caruso, Esq.

Co-Executive Director
John Marshall Law School
Fair Housing Legal
Support Center
Chicago, IL

Nanette Cavarretta, CAPS, CAM

Regional Manager
Epoch Management, Inc.
Winter Park, FL

Douglas D. Chasick, CPM®, CAPS, CAS, ADV. RAM, CLP, SLE, CDEI

The Apartment Doctor
Melbourne Beach, FL

William D. Edwards, Esq.

Ulmer & Berne LLP
Cleveland, OH

Avery Friedman, Esq.

Chief Counsel
Fair Housing Council
Cleveland, OH

Nadeen W. Green, Esq.

Senior Counsel
For Rent Media Solutions™
Atlanta, GA

Robin Hein, Esq.

Fowler, Hein, Cheatwood
& Williams, PA
Atlanta, GA

Theresa L. Kitay, Esq.

Marina del Rey, CA

Edward G. Kramer, Esq.

Fair Housing Law Clinic
The Housing Advocates, Inc.
Cleveland, OH

David T. Quezada

FHEO Center Director
U.S. Dept. of Housing &
Urban Development
Los Angeles, CA

Shirley Robertson, CPM®, ARM, ADV. RAM, CLP

Director Equal Housing
Opportunity & ADA
Southern Management
Corp.
Vienna, VA

D.J. Ryan

Fair Housing Specialist
Director of Client Education
Kimball, Tirey &
St. John LLP
San Diego, CA

Anne Sadovsky, CAPS, CAM

Anne Sadovsky & Co.
Dallas, TX

Kathelene Williams, Esq.

The Law Firm of Williams
& Edelstein, P.C.
Norcross, GA

Carl D. York, CPM® EMERITUS, CAM, CAPS

Vice President
Sentinel Real Estate Corp.
Fishers, IN

Contributing Editor: **Carol Johnson Perkins, Esq.**

Executive Editor: **Heather Ogilvie**

Director of Production: **Kathryn Homenick**

Director of Operations: **Michael Koplín**

Fair Housing Coach [ISSN 1520-3093 (PRINT), 1938-3142 (ONLINE)] is published by Vendome Group, LLC, 6 East 32nd Street, New York, NY 10016.

Volume 15, Issue 10

Subscriptions/Customer Service: To subscribe or for assistance with your subscription, call 1-800-519-3692 or go to our Web site, www.vendomerealestatemediacom. Subscription rate: \$335 for 12 issues. **To Contact the Editor:** Fax: 212-228-1308; Email: hogilvie@vendomegrp.com

Disclaimer: This publication provides general coverage of its subject area. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional advice or services. If legal advice or other expert assistance is required, the services of a competent professional should be sought. The publisher shall not be responsible for any damages resulting from any error, inaccuracy, or omission contained in this publication.

© 2013 by Vendome Group, LLC. All rights reserved. No part of *Fair Housing Coach* may be reproduced, distributed, transmitted, displayed, published, or broadcast in any form or in any media without prior written permission of the publisher. To request permission to reuse this content in any form, including distribution in educational, professional, or promotional contexts, or to reproduce material in new works, please contact the Copyright Clearance Center at info@copyright.com or (978) 750-8400. For custom reprints, e-prints, or logo licensing, please contact Donna Paglia at (216) 373-1210 or dpaglia@vendomegrp.com.

FAIR HOUSING QUIZ

INSTRUCTIONS: Each of the following questions has only one correct answer. On a separate piece of paper, write down the number of each question, followed by the answer you think is correct—for example, (1) b, (2) a, and so on.

COACH'S TIP: The correct answers (with explanations) follow the test. Good luck!

QUESTION #1

Fair housing law prohibits communities from denying housing to anyone who's a member of a protected class. True or false?

- a. True. b. False.

QUESTION #2

In checking references on an application for a vacant unit, the community learns that an applicant has been evicted for failure to pay rent at his last two rentals. The community may deny the application based on its standard screening policy without violating fair housing law. True or false?

- a. True. b. False.

QUESTION #3

A community could be accused of discrimination just from the way it handles phone calls or emails from prospects.

- a. True. b. False.

QUESTION #4

An African-American couple visits the leasing office asking about available one-bedroom units. There are two units available, but the leasing agent shows the couple only one. She doesn't mention the other unit because she has heard the resident in the neighboring unit making racially insensitive comments. Since she's trying to protect the couple from racial discrimination, her actions would not violate fair housing law. True or false?

- a. True. b. False.

QUESTION #5

A white resident may pursue a fair housing claim if the community, its staff, or others harass or discriminate against her because she entertains African-American friends. True or false?

- a. True. b. False.

QUESTION #6

A prospect confides that he doesn't want to "feel like a minority" in his own home and asks about the type of people living in the community. The leasing agent could trigger a fair housing problem if she answers by describing the racial or ethnic makeup of the community's residents. True or false?

- a. True. b. False.

QUESTION #7

Only legal immigrants are protected under federal fair housing law. True or false?

- a. True. b. False.

FAIR HOUSING QUIZ

QUESTION #8

Despite complaints about strong cooking odors in the hallway, a community could trigger a fair housing complaint by banning the use of curry or other strong spices in the building. True or false?

- a. True. b. False.

QUESTION #9

Only women can bring claims of sex discrimination under federal fair housing law. True or false?

- a. True. b. False.

QUESTION #10

There have been rumors about an employee pressuring female residents for “dates” in return for favors, such as giving them a break on late rent payments. Although no one has complained, the community should investigate whether the employee has engaged in sexual harassment. True or false?

- a. True. b. False.

QUESTION #11

During the screening process, you learn of frequent complaints and calls to police about domestic disturbances involving an applicant and her ex-boyfriend. If you reject her application because she seems like too much trouble, it could trigger a fair housing claim. True or false?

- a. True. b. False.

QUESTION #12

Although federal fair housing law doesn't explicitly ban discrimination based on sexual orientation, treating applicants or residents differently because of their sexual orientation could lead to a discrimination complaint. True or false?

- a. True. b. False.

QUESTION #13

Saying “Merry Christmas” and posting pictures of Santa Claus doesn't violate fair housing law. True or false?

- a. True. b. False.

QUESTION #14

The federal ban on housing discrimination based on religion applies only to members of established religions. True or false?

- a. True. b. False.

QUESTION #15

A prospect responded to an online ad for a small studio unit. When she arrives for the showing, it's apparent that she's

in the late stages of pregnancy. You believe that the unit is too small for two people, but you must offer to show her the unit to avoid a discrimination claim based on familial status. True or false?

- a. True. b. False.

QUESTION #16

If no special circumstances are present, federal law allows communities to apply occupancy standards that limit the number of people in two-bedroom units to four people. True or false?

- a. True. b. False.

QUESTION #17

It's okay to tell families with young children that they should rent a unit near the playground instead of the pond, since the children would be safer and happier there. True or false?

- a. True. b. False.

QUESTION #18

The community just finished an extensive landscaping project to reseed lawns and replace plantings. To protect its investment, the community may adopt a rule prohibiting children from playing outside without violating fair housing law. True or false?

- a. True. b. False.

QUESTION #19

Under fair housing law, communities that qualify as “housing for older persons” may lawfully exclude families with minor children. True or false?

- a. True. b. False.

QUESTION #20

Communities that qualify as senior housing are exempt from discrimination claims under fair housing law. True or false?

- a. True. b. False.

QUESTION #21

The FHA's broad definition of “disability” applies to a broad array of physical and mental impairments. True or false?

- a. True. b. False.

QUESTION #22

An individual who doesn't have a qualifying impairment can file a disability discrimination claim under federal fair housing law. True or false?

- a. True. b. False.

FAIR HOUSING QUIZ

QUESTION #23

An applicant lists his current address as a drug treatment facility. To reduce the potential of criminal activity, the community may reject his application without violating fair housing law. True or false?

- a. True. b. False.

QUESTION #24

If a resident breaches his lease by repeatedly threatening his neighbors, the community can't evict him if he has a disability. True or false?

- a. True. b. False.

QUESTION #25

During the screening process, it is a violation of fair housing law if you ask the applicant any disability-related questions. True or false?

- a. True. b. False.

QUESTION #26

Whenever a resident says he wants or needs an exception to your rules because of a disability, then you should treat it as a request for a reasonable accommodation. True or false?

- a. True. b. False.

QUESTION #27

Communities may refuse to consider reasonable accommodation requests unless the person making the request fills out a required form. True or false?

- a. True. b. False.

QUESTION #28

It's unlawful to require everyone requesting a reasonable accommodation to provide documentation to verify that he has a disability and a disability-related need for the requested accommodation. True or false?

- a. True. b. False.

QUESTION #29

If a community bans motorized vehicles, it must allow a resident with a mobility impairment to use a motorized wheelchair as a reasonable accommodation as long as he pays an extra security deposit to offset any property damage he may cause while using the device. True or false?

- a. True. b. False.

QUESTION #30

A resident, who uses a wheelchair due to a mobility disorder, asks for a staff member to drive her to medical appointments as a reasonable accommodation for her disability.

Since she has a disability-related need for the accommodation, then the community must grant her request. True or false?

- a. True. b. False.

QUESTION #31

Several months after moving into the community, a resident says she's disabled and requests a specially designated parking space near her. The community may deny the request because she didn't ask for the space when she moved in. True or false?

- a. True. b. False.

QUESTION #32

A community must consider a request for a special parking space even if the resident doesn't appear to have a disability. True or false?

- a. True. b. False.

QUESTION #33

The community allows residents to have small pets, weighing less than 25 pounds, in their units. The community must make an exception to the weight restriction for a blind applicant who wants to keep a 60-pound guide dog. True or false?

- a. True. b. False.

QUESTION #34

Only dogs that are specially trained to perform tasks for individuals with disabilities qualify as assistance animals under federal fair housing law. True or false?

- a. True. b. False.

QUESTION #35

A resident in a wheelchair asks for permission to build a wheelchair ramp to the entrance of his unit. He offers to pay all the costs and agrees to have the ramp removed at his own expense when he leaves. The community may deny the request if it believes that installation of the ramp would detract from building's appearance. True or false?

- a. True. b. False.

QUESTION #36

Several years ago, a resident filed a fair housing complaint against your community, but the case was dismissed. Later, she has repeatedly failed to pay her rent in full or on time, but you can't evict her because of her prior discrimination complaint. True or false?

- a. True. b. False.

FAIR HOUSING QUIZ

QUESTION #37

An employee can sue the community under fair housing law. True or false?

- a. True. b. False.

QUESTION #38

A community could be accused of a fair housing violation if it advertises vacant one-bedroom units as “Perfect for singles!” and “Ideal for empty-nesters.” True or false?

- a. True. b. False.

QUESTION #39

The rules banning discriminatory advertising don’t apply to online ads and marketing on the Internet or social media sites. True or false?

- a. True. b. False.

QUESTION #40

If a community has a large population of Latino residents, then it wouldn’t violate fair housing law by advertising only in Spanish-language media and Web sites. True or false?

- a. True. b. False.

ANSWERS & EXPLANATIONS

QUESTION #1

Correct answer: b

The FHA prohibits communities from denying housing based on race, color, national origin, religion, sex, disability, and familial status. However, the law does not require communities to accept applicants who don’t meet reasonable screening standards, regardless of whether they are members of a protected class.

QUESTION #2

Correct answer: a

The community may reject the application based on information about rental history obtained during a reference check, as long as it applies the same standards to all applicants, regardless of their race, color, religion, sex, nationality, familial status, or disability.

QUESTION #3

Correct answer: a

You could face a fair housing complaint based on the way you handle telephone calls or emails from prospects. Treating people differently because of the way they sound on the phone could lead to a complaint of linguistic profiling based on race or national origin. And fair housing experts warn against “email profiling”—treating prospects differently based on perceived race or ethnicity from the name used in an email.

QUESTION #4

Correct answer: b

Even if well meaning, the leasing agent could be accused of unlawful steering—that is, limiting the couple’s housing choices by directing them away from a particular unit because of their race.

QUESTION #5

Correct answer: a

Fair housing law bars discrimination against residents—whatever their personal characteristics—because of their association with members of a protected group. It’s unlawful to take any adverse action against a resident because of biases against her friends or guests.

QUESTION #6

Correct answer: a

It’s risky to answer questions about the racial or ethnic characteristics of your residents, particularly if the person posing as a prospect turns out to be a fair housing tester. Comments on the personal characteristics of your residents could suggest that your community has a preference for or against certain people based on a protected characteristic.

QUESTION #7

Correct answer: b

The law bans housing discrimination based on race, color, national origin, religion, sex, familial status, and disability—regardless of the victim’s immigration status, according to HUD.

QUESTION #8

Correct answer: a

A policy to prohibit the use of curry or other strong spices in the building would probably have a disproportionate effect on residents from certain cultures or ethnic backgrounds, which could trigger a fair housing claim based on national origin.

ANSWERS & EXPLANATIONS

QUESTION #9

Correct answer: b

As used in federal fair housing law, sex generally refers to a person's gender, so it's unlawful to discriminate against either men or women because of their gender.

QUESTION #10

Correct answer: a

Fair housing law considers sexual harassment as a form of discrimination on the basis of sex. One form of sexual harassment occurs when the resident is pressured to accept unwelcome sexual advances in exchange for something related to the tenancy. Community owners face significant liability in sexual harassment cases, so it's a good idea to look into the rumors, even in the absence of a formal complaint.

QUESTION #11

Correct answer: a

Excluding the applicant because of her past history of domestic violence could lead to a sex discrimination claim under federal fair housing law, according to HUD. Depending on the circumstances, you could also be accused of violating other state or federal laws banning discrimination against victims of domestic violence.

QUESTION #12

Correct answer: a

Treating people differently could lead to a federal fair housing complaint of sex discrimination in cases involving sexual stereotyping—that is, discrimination against an individual whose personal characteristics don't conform to gender stereotypes. For example, HUD says that it could pursue a claim by a female prospect who alleges that she was denied housing because she wears masculine clothes and engages in other physical expressions that are stereotypically male.

Communities could also face a discrimination claim under applicable state or local laws, while federally funded communities are subject to HUD rules banning housing discrimination based on sexual orientation, gender identity, or marital status in all HUD's core programs.

QUESTION #13

Correct answer: a

Although religious symbols or phrases could suggest an unlawful religious preference, HUD has said that use of secularized terms or symbols, such as Santa Claus, or phrases such as "Merry Christmas," do not violate federal fair housing law. Nevertheless, fair housing experts advise

communities to emphasize the general festivity of the season, rather than particular holidays or religions, to avoid any impression that you favor one religious group over another.

QUESTION #14

Correct answer: b

Although the FHA doesn't define "religion," fair housing experts say the law's protections are broad enough to prohibit discrimination against individuals who are not affiliated with a particular religion or don't ascribe to particular religious beliefs.

QUESTION #15

Correct answer: a

The FHA's ban on discrimination based on familial status applies not only to households with one or more children under 18, but also to anyone who is pregnant or in the process of securing legal custody of a child under 18.

QUESTION #16

Correct answer: a

As a general guideline, HUD says an occupancy policy of two persons per bedroom is reasonable under federal fair housing law, although there may be exceptions based on the size or configuration of the unit, size of the bedrooms, state or local laws, and other factors.

QUESTION #17

Correct answer: b

Guiding families with children to—or away—from certain units or areas within your community is a violation of fair housing law. The FHA prohibits "steering"—that is, encouraging or discouraging prospects to live in a particular part of the community because of their race, sex, color, national origin, disability, religion, or familial status. That means that it's unlawful to steer families with children to a particular area, even if you think the children would be happier or safer there.

QUESTION #18

Correct answer: b

Adopting rules that unduly interfere with the ability of families with minor children to use and enjoy the community's facilities could trigger a discrimination complaint based on familial status. Rather than targeting children playing outdoors, it would be better for the community to adopt rules to keep anyone from damaging the newly landscaped areas.

ANSWERS & EXPLANATIONS

QUESTION #19

Correct answer: a

Housing communities that comply with strict technical requirements to qualify as “housing for older persons” are exempt from the general rules that protect families with children.

QUESTION #20

Correct answer: b

The FHA’s senior housing exemption protects qualified communities only from discrimination claims based on familial status—not from claims based on race, color, national origin, religion, sex, disability, or any other characteristic protected under state or local law.

QUESTION #21

Correct answer: a

Under fair housing law, disability means a physical or mental impairment that substantially limits one or more major life activities. Examples include orthopedic, visual, speech, and hearing impairments; cancer, heart disease, and other medical conditions; and mental retardation, emotional illness, and other mental conditions.

QUESTION #22

Correct answer: a

The disability provisions also protect individuals who don’t have a qualifying impairment, but have a “record of” or are “regarded as” having such an impairment. An individual with a record of impairment is someone with a history of, or having been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. Being “regarded as” having an impairment means being treated by others as having such a limitation.

QUESTION #23

Correct answer: b

Fair housing law protects individuals who are recovering from substance abuse, so it would be unlawful for the community to deny housing to the applicant based solely on the fact that his current address is a drug treatment facility.

QUESTION #24

Correct answer: b

You may take action—including eviction—against a resident with a disability whose tenancy would amount to a “direct threat” to the health or safety of other individuals or would result in substantial physical damage to the prop-

erty of others, unless the threat can be eliminated or significantly reduced by reasonable accommodation. In general, that means determining whether his residency is a “direct threat” and whether anything can be done to resolve the matter, short of eviction.

QUESTION #25

Correct answer: b

There’s a general rule against asking applicants about whether they or a family member have a disability or about the nature and severity of such a disability. However, the law allows certain disability-related questions during the screening process, provided that they are asked of all applicants, regardless of whether they have a disability. For example, you may ask applicants whether they may be qualified for units that are available only to individuals with a disability (or particular type of disability) or for a priority available only to individuals with disabilities.

QUESTION #26

Correct answer: a

A resident is making a request for a reasonable accommodation whenever he makes clear that he is requesting an exception, change, or adjustment to a rule, policy, practice, or service because of a disability, according to federal guidelines. The FHA doesn’t require the person making the request to mention fair housing law or to use the words “reasonable accommodation.”

QUESTION #27

Correct answer: b

You may ask anyone requesting a reasonable accommodation to fill out a standard form, but it’s unlawful to ignore a request if he refuses to use your form.

QUESTION #28

Correct answer: a

Communities may not ask for disability-related information if the individual’s disability and the need for the requested accommodation are obvious or apparent.

QUESTION #29

Correct answer: b

Fair housing law prohibits communities from assessing additional fees or deposits as a condition of granting a request for a reasonable accommodation. Nevertheless, you may charge him for the cost of repairing any damage caused by use of the motorized wheelchair if your practice is to assess residents for any damage they cause to the premises.

ANSWERS & EXPLANATIONS

QUESTION #30

Correct answer: b

Communities may deny a request for a disability-related accommodation when providing the accommodation would be unreasonable—that is, it would impose an undue financial and administrative burden on the community or fundamentally change its operations, according to federal guidelines. If the community doesn't provide transportation for its residents, then granting the request would require a fundamental change in the nature of the community's operations.

QUESTION #31

Correct answer: b

The FHA doesn't require that a reasonable accommodation request be made in a particular manner or at a particular time, so the community must evaluate whether the resident is entitled to the requested parking accommodation.

QUESTION #32

Correct answer: a

The community must consider the resident's request for a special parking space, even if he doesn't have an obvious disability. To evaluate the request, however, the community may request reliable information that is necessary to verify that he has a disability and that he has a disability-related need for the parking space.

QUESTION #33

Correct answer: a

The community must make an exception to its pet weight restrictions to allow the blind applicant to keep his guide dog as a reasonable accommodation for an individual with a disability. Fair housing law requires communities to make reasonable accommodations to rules, policies, practices, or services, when necessary to afford a person with a disability an equal opportunity to use and enjoy their housing.

QUESTION #34

Correct answer: b

Federal fair housing law recognizes that assistance animals may include a wide variety of species, which provide various forms of assistance—including emotional support—with or without specialized training.

QUESTION #35

Correct answer: b

Under the FHA, it's unlawful to refuse to let a resident with a disability to make reasonable modifications to the housing unit or common use areas at the resident's expense if such modifications are necessary for a person with a disability to

use the housing. Where reasonable, the community may permit changes only if the resident agrees to restore the property to its original condition when she moves.

QUESTION #36

Correct answer: b

You don't have to tolerate a resident's serious lease violations just because she has filed a prior discrimination complaint against your community. She could file a retaliation claim, but to win, she would have to prove that you evicted her because of her prior fair housing complaint. Since it's been years since she filed that complaint, you should be able to fend off a retaliation claim as long as you can prove that you had a legitimate, nondiscriminatory reason for evicting her—and didn't single her out to get back at her.

QUESTION #37

Correct answer: a

An employee could sue the community for retaliation under fair housing law if, for example, the employer disciplined her because she cooperated with officials during a HUD investigation or helped a resident pursue his rights under fair housing law.

QUESTION #38

Correct answer: a

The community could be accused of violating the FHA's ban on discriminatory advertising. Ads stressing that the units are suitable for singles and empty nesters could suggest to an "ordinary reader" that the community has an unlawful preference against renting to families with children.

QUESTION #39

Correct answer: b

The FHA's ban on discriminatory statements applies to all advertising and marketing—whether in print or online. The community could face liability if its online ads reflect an unlawful preference for or against potential residents based on a characteristic protected under federal, state, and local law. Fair housing experts also warn that communities could be accused of a fair housing violation for posting discriminatory statements on Facebook or other social media sites.

QUESTION #40

Correct answer: b

In general, the law permits communities to market to certain groups only if it's part of a broad and inclusive marketing campaign and there's a valid, nondiscriminatory reason for doing so. Unless it's part of a broad, inclusive marketing campaign, target marketing in only Spanish-language media and Web sites could trigger fair housing problems.