

## Fair Housing Sample Policies

- 1- Fair Housing Policy and Non-Discrimination Statement
- 2- Screening Policy
- 3- Occupancy Policy
- 4- Reasonable Modification/Accommodation Policy

Please note these are basic policies and represent only samples for your community. Before adopting for your business, you **and your counsel** should review each policy in detail to ensure they comply with local ordinances and fit your particular operating procedures. The terms of your lease should not be in conflict with your policies.

MHI and/or NCC offer no warranty, either express or implied, that adopting these policies will shield you from a claim under the Fair Housing Act.



It is recommended that housing providers identify that they offer equal housing opportunities to their customers by posting this logo at their place of business and include it in all advertising. Fair Housing logos are downloadable at:

<http://portal.hud.gov/hudportal/HUD?src=/library/bookshelf11/hudgraphics/fheologo>



## **{Community's} Fair Housing Policy**

{Community}, including its employees, is committed to following the letter and spirit of the Federal Fair Housing law by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to race, color, religion, sex, handicap, familial status, national origin or other protected status.

{Community}, including its employees, is also committed to following the letter and spirit of {insert name of state act}, by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to {insert state protected classes}

{Community}, including its employees, is also committed to following the letter and spirit of {insert name of local ordinance and local government here}, by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to {insert protected classes of local ordinance here}

{Community} is committed to keeping informed about fair housing laws and practices, and will not tolerate non-compliance. This commitment will be demonstrated through the general practices of {Community} and through advertising and the media that everyone is welcome and no one is excluded. {Community} will additionally inform our clients and customers about their rights and responsibilities under the fair housing laws.

### **Non-discrimination Statement**

{Community} complies with the letter and spirit of the Fair Housing Act, the {insert name of state act}, and the {insert name of local ordinance and governing body, if any} that prohibits housing discrimination to certain persons under each law. No qualified person will be denied housing or otherwise discouraged from obtaining housing at {Community} because of his/her status under these laws.



## **{Community's} Screening Policy**

*Note: If you use a landlord/tenant service for your credit checks we suggest you contact them to determine if they have screening guidelines and procedures for you to reproduce or include as your written policy. The information below must be reviewed, and where appropriate changed, to comply with your standard operating procedures. This is only a sample policy and should be used as a guidance for memorializing your screening practice.*

*Additionally, HUD has recently issued guidance for screening based upon criminal background records. You and your counsel should review this guidance before: a) including questions on arrests and convictions in your application, and b) screening based upon criminal convictions. HUD has determined that screening based solely on arrests (without convictions) is discriminatory.*

{Community}, including its employees, is committed to following the letter and spirit of all federal, state and local fair housing laws by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to race, color, religion, sex, handicap, familial status, national origin or other protected status contained in state or local statutes.

{Community} reserves the right to approve or deny any application whereby the following criteria is not met.

{Community} requires all residents 18 years of age or older to apply for residency. In an effort to help you understand the manner in which we evaluate your qualifications to become a resident and to assist you in determining for yourself whether you qualify prior to submitting an Application for Residency, the following are {Community's} basic policies and procedures.

Any person of legal age may submit an Application for Residency. Each application will be evaluated in a fair and uniform manner based on credit worthiness, including but not limited to income stability, negative rental or credit history, {noting proviso above – insert additional criteria here}. Only the applicant's status regarding these issues will be evaluated. {Community} will not take into account any status protected in its Fair Housing Policy.

{Community} cannot enter into a lease, accept rent payments or security deposits until 5 days after the receipt of required disclosures and the prospective resident's review of the Rent/Fee Schedule and the current Rules and Regulations.

In this regards, {Community} requires the following:

### **Identification**

- All applicants 18 years of age and older must provide identification in order to verify the identity of the applicant. If identification is provided in the form of a government issued photo I.D., {Community} will not keep a copy. If no photo identification is available, an applicant must provide sufficient proof to verify identity.

### **Application**

- Everyone 18 years of age and older must complete and sign {Community's} standard residency application. In the event an applicant has a guarantor, the guarantor must file a joint application, follow this policy and agree to its terms. Incomplete or falsified applications will not be accepted for further processing.
- Large print applications are available upon request.
- {Community} charges a {\$ } fee for all applications.
- If the application meets all guidelines, {Community} will accept the application and proceed to consider the applicant's qualifications for residency.

### **Income Verification**

- Once an application has been accepted, the applicant must provide an employment history and sufficient proof of current income, including but not limited to two recent pay stubs, a letter offering the applicant employment, bank statements, etc.

### **Residence Verification**

- Once an application has been accepted, the applicant must provide a listing of places the applicant has resided over the previous {insert time frame here}, and include any instances where the applicant has been evicted from that particular residence.

### **Credit Verification**

- Once an application has been accepted, {Community} will run a credit check on the applicant.

Following a review of the information provided above, {Community} will notify the applicant {variable – in writing} whether the application was approved or denied. Availability of units is based upon {first approved/first served basis – or whatever non-discriminatory determination used.}



### **{Community's} Occupancy Policy**

*Note – check local ordinances to confirm your policy complies with local occupancy standards. The variable provided at the end of the policy protects against a claim of discrimination based upon familial status.*

{Community} adheres to the Department of Housing and Urban Development Guidance on Occupancy Standards and {insert name of local ordinance and governing body}. Due to the guidelines set forth therein, the maximum occupancy within a manufactured home in {Community} shall be two (2) persons per bedroom.

{Variable – A preborn infant or one (1) infant under the age of 12 months shall not be considered when calculating this occupancy requirement. At the time of renewal, a child who is at least twelve (12) months old will be counted as an additional person for purposes of determining the maximum occupancy allowed. Residents who have exceeded the occupancy restrictions during a lease term due to newborn family members will not be required to move to a larger dwelling until the end of their current lease or renewal term (not including any month to month automatic renewal extensions). }



## **{Community's} Reasonable Modifications/Accommodation Policy**

No qualified individual with disabilities will be excluded, solely on the basis of disability from participation in or the benefits of programs or activities administered by {Community}. {Community} will provide reasonable accommodations to all applicants, residents, and employees, who need such accommodations to be able to enjoy the benefits of the housing and employment provided by {Community}. In addition, reasonable modifications will be provided to the structure and features of the dwelling, as well as public and common use areas of the property should such modifications be necessary to provide full enjoyment of the premises, providing such modifications do not result in an administrative and financial burden to {Community} or threat to the other residents of {Community}.

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that allows a person with a disability to use and enjoy a dwelling, as well as public and common use areas of {Community}. A reasonable modification is a structural change made to a resident's dwelling or to the common areas of {Community}, which is necessary to enable a resident with a disability to have full use of and enjoyment of the housing.

Requests for modification/accommodation must be in writing and accompanied by verification from a doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about the person's available information. When additional information is necessary, {Community} will notify the person seeking the modification/accommodation about what information is needed and offer a reasonable time to provide the information. If, after a reasonable period of time, the requester fails to provide the necessary information, {Community} may base the decision on the available information. {Community} adheres to the Department of Housing and Urban Development Guidance on Service Animals and Assistance Animals for People with Disabilities, as well as {insert state or local act, if any}. {Community} will evaluate each request on a case by case basis, in a timely and professional manner.

The reasonableness of a particular modification/accommodation depends on various factors, including but not limited to undue financial and administrative burden, or unreasonable fundamental alteration of a dwelling or structure, as well as whether the request poses a threat to other residents of {Community}.

If the initial modification/accommodation proposed by the tenant is determined to be unreasonable and more than one alternative is available, {Community} may offer a modification/accommodation that still meets the resident's needs.

SAMPLE