



Central Ohio
Fair Housing
Association, Inc.

Fair Housing for
Maintenance-Service
Personnel

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History of Fair Housing

On April 11, 1968, President Lyndon Johnson signed the Civil Rights Act of 1968, which was meant as a follow-up to the Civil Rights Act of 1964. The 1968 act expanded on previous acts and prohibited discrimination concerning the sale, rental, and financing of housing based on race, color, religion, national origin, (and as amended) sex, disability and familial status (the presence of children 17 and under in a household). Title VIII of the Act is the Fair Housing Act of 1968.

The Fair Housing Amendments Act of 1988 and many state and local laws describe specific prohibited acts of discrimination in the rental or sale of real property based on protected classes. Some prohibitions exist in regards to all protected classes. Others were designed to protect specific classes. Currently, federal fair housing laws protect seven classes of persons. State and municipal governments wanting to enact other protected classes can do so in a variety of ways through local legislation and through working with HUD on a process known as "equivalency."

Examples of additional classes protected by state and local governments across the nation include age, source of income, occupation, marital status, sexual orientation, and unfavorable discharge from the military. It is important to look at the definitions and clearly understand the Federal, State and Local Protected Classes. The following is a list of protected class by jurisdiction and there is a glossary of definitions for local jurisdictions later in this text. It must be noted that other local Ohio jurisdictions other than Columbus have their own additional protected classes like Piqua and Yellow Springs. Always check with the jurisdiction you have rentals in to see if they go beyond the state and federal classes listed below.

<u>Federal</u>	<u>State of Ohio</u>	<u>City of Columbus</u>
Race	All federal	All federal
Color	Ancestry	All State
Religion	Military Status	Sexual Orientation
Sex		Gender Identity
Handicap		Age
Familial Status		
National Origin		

Which Law Prevails?

What if, for example, the local law does not prohibit discrimination based on handicap/disability, but the federal law does? The federal law prevails. Federal statutes should be considered as the minimum laws. However, you must comply with local, state, and federal laws at all times. An overall rule of thumb is to comply with the law that places the greatest burden or provides the greatest protection against discrimination.

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Prohibitions for all classes

- refusal to sell or rent
- limiting use of common or community facilities
- making housing unavailable
- applying more burdensome criteria to a particular prospective tenant than that applied to others
- discrimination against any person in the terms, conditions, or privileges of sale or rental of a dwelling or provision of services or facilities of the property
- making, printing, or publishing any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates a preference, limitation, or discriminatory intent
- representing that a dwelling is not available for inspection, sale, or rental when in fact the dwelling is available
- steering prospective tenants to, or away from, a particular dwelling, building, unit or community; making choices and assumptions for the prospective tenant
- inducing, or attempting to induce, any person to sell or rent a dwelling by representations regarding the entry, or prospective entry, in the neighborhood of particular persons (block busting)
- **Fail to provide or denying maintenance or repairs** 24 CFR 100.65, 100.70

Glossary of Protected Classes

Age- means at least forty (40) years old.

Ancestry- One's lineage, or the people who were in one's family in past times. Ancestry is not a protected class under the federal Fair Housing Act, but it is covered under some state and local laws, including in the State of Ohio.

Color- The shade of a person's skin. One person might discriminate against another of the same race on the basis of color; for example, a light-skinned African American might discriminate against a dark-skinned African American. Color is a protected class under Title VIII of the Civil Rights Act of 1968.

Disability- Physical or mental impairment substantially limiting one or more of a person's major life activities. Disability is a protected class under the Fair Housing Amendments Act of 1988, which uses the term "handicap."

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Familial status- Refers to situations in which one or more persons under age 18 live with parent(s) or legal guardian(s) as well as to situations involving pregnancy or adoption. Familial status is a protected class under the Fair Housing Amendments Act of 1988.

Gender- A person's gender (male, female, or other) and gender expression. Sex is a protected class under Title VIII of the Civil Rights Act of 1968 as amended in 1974. Conditions related to pregnancy or childbirth are also covered under the protected class of sex.

Gender Identity- The gender-related identity, appearance, mannerisms or other characteristics of an individual, regardless of the individual's designated sex at birth.

Military status- Refers to a person's engagement in the uniformed services including the armed forces, the Ohio organized militia, and the National Guard. Military status is not a protected class under federal law but is covered by some state and local laws, including the State of Ohio.

National origin- Refers to the country in which a person was born or from which the person's ancestors came. National origin is a protected class under Title VIII of the Civil Rights Act of 1968.

Race- A group of people coming from the same common ancestors (for example, Blacks or African Americans, Whites or Caucasians). Race is a protected class under Title VIII of the Civil Rights Act of 1968.

Religion- A person's religion faith, observance, and practice. Religion is a protected class under Title VIII of the Civil Rights Act of 1968.

Sexual orientation- "Sexual orientation" means a person's actual or perceived homosexuality; bisexuality; or heterosexuality, by orientation or practice, by and between consenting adults.

Fair Housing Hot Topics for Service Technicians, Vendors, and other professionals whose work intersects with residential housing

Housing for Older Persons

Discrimination based on familial status is illegal unless the property qualifies as "Housing for Older Persons" under the Fair Housing Act. Housing for older persons may lawfully exclude families with children. Real estate professionals who market housing to older persons should make sure that the facility or community has stated, in writing that it complies with the requirements for the exemption. In order to qualify for the exemptions the following the conditions must be met.

- Housing in which at least eighty percent (80%) of the housing units are occupied by one person 55 years of age or older

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- The housing facility or community publishes and adheres to policies and procedures that demonstrate its intent to be housing for older persons
- The housing facility or community complies with rules issued by HUD for verification of occupancy.

Familial Status - Prohibitions

The 1988 Fair Housing Act Amendments prohibit housing discrimination against families with children under the age of 18 (households with any person under the age of 18). Protection is extended to pregnant women and persons in the process of securing legal custody of children through adoption, divorce, or written permission of parents or legal guardians.

Familial Status & Building Safety

If building amenities are not safe for children, the agent still cannot reasonably refuse to rent to families with children. Unsafe amenities should be corrected instead. The parents choose whether they want to live there. The management company or property owner cannot refuse access by children to areas such as swimming pools, weight rooms, and saunas even though HUD does give us some examples of allowable restrictions. For example, it might be reasonable to disallow children under 5 from accessing a hot tub. In other words, the management company or property owners may impose reasonable health and safety rules that limit access by unaccompanied children to such areas. A key word is "reasonable." The building's rules should not make use of building amenities by families difficult. In addition, property owners should take steps that minimize the risk of injury to children who were previously excluded from a particular building or development.

2016 New Rule on Harassment under the Fair Housing Act

- Discrimination prohibited under the rule includes the
 - "maintenance or repairs of ... rental dwellings,"
 - "denying or limiting the use of privileges, services, or facilities associated with a dwelling," and
 - threatening, intimidating or interfering with persons "in their enjoyment of a dwelling."
- "All of this indicates circumstances in which residents—as opposed to just applicants — benefit from the Act's protections throughout their residency."

Rule recognizes two types of harassment claims:

- "quid pro quo harassment" occurs when a person is subjected to an unwelcome request or demand because of the person's protected characteristic
- "hostile environment harassment" occurs when, because of a protected characteristic, a person is subjected to unwelcome conduct that is sufficiently

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severe or pervasive such that it interferes with or deprives the victim of his or her right to use and enjoy the housing or to exercise other rights protected by the Act.

Liability for harassment

- “A housing provider (including a homeowner's association) or property manager is liable under the Act for negligently failing to take corrective action against a third-party harasser when the provider or manager knew or should have known of the harassment and had the power to end it.”
- Keep in mind this quote from the rule: “The power to take prompt action to correct a discriminatory housing practice by a third-party depends upon the extent of control or any other legal responsibility the person may have with respect to the conduct of such third-party.”

Some examples of who can accrue liability under the rule

- Owners of Property Management and Realty Companies
- Condo and Homeowner Associations
- Vendors such as HVAC, lawn-care etc.
- Staff of Property Management and Realty Companies
- Third Party's

What is a Third Party?

- In the context of the rule, liability for discriminatory conduct by a “third-party” is appropriately limited to a non-employee or non-agent who engaged in quid pro quo or hostile environment harassment of which the housing provider knew or should have known and had the power to correct. This could be a vendor, a resident of a property, a guest of a resident, etc.

Three elements to establish a housing provider's liability for third-party harassment:

- The third-party created a hostile environment for the plaintiff or complainant;
- The housing provider knew or should have known about the conduct creating the hostile environment; and
- The housing provider failed to take prompt action to correct and end the harassment while having the power to do so.

Unwelcome Conduct can be:

- written, verbal, or other conduct and does not require physical contact; threatening imagery; damaging property; threatening physical harm to an individual, family member, assistance animal or pet; or impeding the physical access of a person with a mobility impairment; could be spoken or written, such as requests for sexual favors; gestures, signs, and images directed at the aggrieved

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persons; use of racial, religious or ethnic epithets, derogatory statements or expressions of a sexual nature, taunting or teasing related to a person's disability, or threatening statements; the use of email, text messages, or social media.

Occupancy standards:

- protect tenants from unsafe and unhealthy conditions
- avoid overcrowding
- protect government subsidies
- protect physical assets

Local laws may define occupancy standards for rental properties in your local areas. This information can be obtained by contacting the local governmental jurisdiction. In the absence of local laws, building owners and managers may wish to develop occupancy standards in order to limit the number of people who can live in rental properties for the reasons noted above and with the HUD Guidelines below.

HUD Guidelines

A 1991 memo by HUD General Counsel Frank Keating provides guidance for determining whether neutral occupancy limits are reasonable under the Fair Housing Act. The Keating Memo states that, as a general rule, HUD believes that an occupancy policy of "one person per bedroom plus one" (i.e., two persons per bedroom) is reasonable under the Fair Housing Act. Owners and managers may develop and implement reasonable occupancy requirements based on such factors as the number and size of sleeping areas or bedrooms and the overall size of the dwelling unit. When reviewing occupancy cases, HUD will consider the size and number of bedrooms and other special circumstances. Following are some examples:

Configuration of the unit example: In the case of a family of five wishing to rent a unit of two bedrooms plus den, a strict two person per bedroom occupancy standard could be regarded as over-restrictive if the rooms are spacious and the den is a separate room.

Size of bedrooms and unit example: If a mobile home is advertised as a "two bedroom" home, but one bedroom is extremely small, it could be reasonable for the property manager to limit occupancy to two people.

Age of children example: It may be an acceptable standard to allow two adult parents to rent a one-bedroom apartment with their infant child, but not if the child is a teenager.

Other physical limitations of the housing example: In setting an occupancy standard, the capacity of septic, sewer, and other building systems can be considered.

State and local laws example: Each state may be different. In Delaware, for example, four unrelated persons in a unit is the maximum limit.

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If HUD reviews a case, it will interpret the guidelines and consider this information on a case-by-case basis. Occupancy standards that represent a subterfuge for excluding a substantial number of families with children are a violation of the Fair Housing Act.

Columbus Occupancy standards are found in the Columbus City Codes - Chapter 4541 - MINIMUM SPACE AND USE REQUIREMENTS

Significant Sections for fair housing consideration

4541.01 - Sleeping area requirements; retrieved from https://www.municode.com/library/oh/columbus/codes/code_of_ordinances?nodeId=TIT45HOCO_CH4541MISPUSRE

Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor space for each occupant thereof.

For purposes of this section, a **child under one year of age shall not be counted as an additional occupant.**

4541.04 - Basement or cellar occupancy. Except as modified herein, no basement or cellar space shall be used as a sleeping room, dwelling unit or rooming unit unless it meets all standards as set forth in this Housing Code and meets the following additional requirements:

(a) The floor and walls shall be impervious to leakage or seepage of underground or surface water and shall be well drained and protected against dampness; (b) The total window area and openable window area of each room so used shall meet the requirements of Sections 4523.01 and 4523.02 respectively. (c) Access can be gained to each room so used without passage through a furnace room. (d) Each room so used shall have no pipes, ducts or other obstructions less than six feet and six inches above the floor level which interfere with normal use of the room or area. (e) Each room so used shall be separated from the heating equipment, incinerators, or other equally hazardous equipment by a standard partition when required by, and as specified in, the Columbus Building Code.

(Ord. 356-75.)

4541.06 - Closets. Each dwelling unit shall be provided with approximately thirty-six (36) cubic feet of clothes closet space or suitable alternative for the first bedroom plus eighteen (18) cubic feet for each additional bedroom. At least one-half (½) of the total required clothes closet space shall be located within the dwelling unit.

Franklin County Regulations governing residential housing are found at the Franklin County Public Health site: <http://myfcph.org/regs.php>. The regulations concentrate on

the sanitary conditions and do not speak to occupancy for rooms used for sleeping purposes. Thus, outside of Columbus, use the HUD Guidelines in connection with any local laws found in municipal codes governing occupancy.

Fair Housing Tips for Welcoming People with Disabilities

A brochure by this name, *Fair Housing Tips for Welcoming People with Disabilities*, is available at the website www.cofha.com/rental.

Definition: Under both the ADA and FHA, an individual is considered disabled if: A person with a “handicap” or “disability” is defined in the FHA as someone: (1) with a “physical or mental impairment that substantially limits one or more major life activities”; or (2) who has a record of having such an impairment; or (3) who is regarded as having such an impairment.

Explanation:

- *they have any physical or mental impairment that substantially limits one or more major life activities* like walking, talking, caring for oneself, learning, working, etc.
- *they have a record of physical or mental impairment* such as a history of a malady that is now in remission but can return with debilitating symptoms like unsteady walking or poor vision or confused thinking.
- *they are regarded as having an impairment* such as a person being denied an apartment because a staff person perceived that the person was disabled but was not disabled. One text¹ says: For instance, a landlord believes a tenant has a disability, but the tenant has no such condition or has a condition that does not interfere with daily life. If the landlord tries to evict this tenant, he may be held liable for discrimination in regarding the tenant as having a disability.

It is important to know that the use of the definition might not be appropriate in activities like gaining entrance into a facility that was built for a particular type person(s), e.g. a residential facility for people with mental illness that are at risk for homelessness. This program will have a definition designed to help screen applicants for their eligibility into the program.

The definition in the Fair Housing Act is used in screening applicants or helping residents who need some type of exception to rules, policies, procedures, or normal activities. Examples are reserved parking, allowing the presence of an assistance animal, or painting an apartment a color disallowed by management rules. These exceptions are called **reasonable accommodations**. This fair housing definition of disability is also used in helping determine requests for changes in the physical structure of a building. Requests such as adding grab bars, widening a door, adding a visual fire alarm, etc. are called requests for **reasonable modifications**.

Handicap/Disability - Prohibitions

- discrimination in the rental or sale of a dwelling, or in the provision of services or facilities in connection with the dwelling, against a renter or buyer because of a handicap, that of a person residing in the dwelling, or that of anyone associated with that renter or buyer
- refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises necessary to afford full enjoyment of the premises. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for modification on the renter agreeing to restore the premises to the condition that existed before the modification
- refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford equal opportunity to use and enjoy the dwelling
- failure to design and construct covered multifamily dwellings for first occupancy in such a manner that the dwelling's public and common use portions are readily accessible to and usable by handicapped persons

Disability and Asking Questions

Housing providers may not ask unlawful questions with respect to the existence, nature, or severity of a handicap, unless it is necessary to qualify that person for a special government housing unit.

Although property managers and owners are not allowed to ask these types of questions, they must be prepared to accommodate requests for modifications of the structure and accommodations in rules, policies and procedures when those requests are reasonable and do not burden the housing provider. (See below) In most cases, if a tenant requires special accommodations or modification, he or she will ask for it.

The Fair Housing Act does not require a housing provider to accept all handicapped applicants without regard to their abilities to meet standard, nondiscriminatory tenant selection and screening criteria. Housing providers are required to use the same objective criteria to evaluate the applications of all tenants. You must ask every prospective tenant the same questions in the same manner. Permissible inquiries are limited to whether a tenant can meet the obligations of tenancy, the status of previous rental history, and whether the prospective tenant is a current user and/or distributor of illegal drugs. If such questions are to be asked, they must be asked of all prospective tenants, not just a few, or those who "look suspicious."

"Access" requirement under Fair Housing

The idea of fair housing is to equalize housing opportunity. Only in the case of disability does the law require the provider to take affirmative steps to increase access. These three fair housing requirements do not apply in the case of other protected classes. The three requirements are:

1. Accessible common areas and "readily adaptable" ground floor dwelling units in most newly constructed multi-family apartment buildings. The act also requires accessible exterior routes into the building and ground floor units.
2. Structural modification to increase accessibility. Housing providers must allow the tenant to make reasonable structural changes, at the tenant's expense, so the tenant has full use and enjoyment of the dwelling unit. The use of any public funding in development or financing of the housing being offered, may obligate the landlord to pay for these modifications. If you need guidance on a specific housing development, you should contact the Fair Housing Center. In market rate units the financial obligation rests with the client or prospective client. The accommodations also must be "readily achievable." Ramping a seven inch step is usually achievable while adding an elevator to a two story 4 unit building is usually not easily achievable.
3. Reasonable accommodations in rules, policies, procedures, and practices. This legal obligation applies most often in the rental arena. The housing provider must make reasonable adjustments in rules when necessary both because of a disability and to acquire or maintain the tenancy. One of the most common accommodations is to pet policies. If someone needs a service or companion animal, managers, tenants, and complex staff should regard this tool in the same light one views a wheelchair or walker. As a result, in all situations, extra charges for service or companion animals are forbidden.

Assistance Animal Guidelines for staff from www.cofha.com.

This page on the Central Ohio Fair Housing Association's website is very informative and should be used in staff meetings and other gatherings for quick reviews of this material. The following are the guidelines for staff, but there are guidelines for residents, links to insurance information about assistance animals, links to the HUD 2013 policy and guidance on Assistance Animals and other important features.

Practical Guidelines for Housing Providers and Property Managers to follow in Assistance Animal Accommodation

Property management must review all requests a tenant with a disability makes for reasonable accommodations, including requests for an assistance animal accommodation. A property manager might require the tenant to provide a third party verification from a "reliable source," when the disability of the tenant and/or the need for the accommodation are not obvious. HUD has provided guidance on assistance animals that

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needs to be used in conjunction with this assistance animal guidance. In 2004 the U.S. Dept. of Justice and Dept. of Housing & Urban Development wrote in a Joint Statement that:

a medical professional, a peer support group, a non-medical assistance agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability.

In 2013 HUD issued a Service Animal Policy that gave additional guidance on Emotional Support Animal verifications:

The housing provider may ask persons who are seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability.

When property management requires proof that the tenant has a disability and that the accommodation assists the person with that disability, they still cannot require the tenant to provide information about the nature or severity of the disability.

Pet Rules and “no Pets” Rules

If you allow tenants to have common household pets and you place limitations on the size, weight, and type of pets allowed, these rules do not apply to assistance animals. Assistance animals may be any type of animal and any breed, size or weight, and an accommodation may involve more than one assistance animal. If your insurance provider says you have to restrict breeds, you should contact HUD, a fair housing center, or an attorney about this possible infraction of the law.

If a housing complex has a "no pets" rule, such rules do not apply to assistance animals. If property management has documentation that the tenant has a disability and needs the assistance animal as a result, then the tenant can live with the animal despite the no pets rule.

Deposit and Fees

AN ASSISTANCE ANIMAL IS NOT A PET. Regardless of whether your property allows pets, a tenant who uses an assistance animal is not required to make a pet deposit or pay a pet-related move-in cleaning fee. You may charge a general cleaning or damage deposit charged to all tenants. The tenant is liable for any damage the animal actually causes.

Awareness Training: Good property management will ensure that staff and other tenants are properly trained in the facility's assistance animal policies, including the following rules –

- Allowing an assistance animal to accompany the tenant at all times and everywhere on the property except where animals are specifically prohibited (such as in the pool).
- Do not pet or touch an assistance animal. Petting an assistance animal when it is working distracts the animal from the task at hand.
- Do not feed an assistance animal. The animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
- Do not deliberately startle an assistance animal. Avoid making noises at the animal (barking, whistling, etc.).
- Do not separate or attempt to separate a tenant/handler from her or his assistance animal.
- Avoid initiating conversation about the assistance animal, the tenant's disabilities or other assistance animals one has known. If you are curious, you may ask if the tenant/handler would like to discuss it, but be aware that many people with disabilities may not care to share personal details.
- Remember, not all disabilities are visible. The nature of the person's disability is a private matter, and you are not entitled to inquire for details.
- If other tenants complain about the fact that they are not allowed to have a pet and want to know why you have made an exception, simply state that your company complies with the fair housing laws. You can also refer your tenants to the fair housing laws or your local fair housing agency for further details.
- Assistance animals do not need to wear any special identifying gear such as tags, harnesses or capes. Assistance animal owners/handlers are not required to carry any paperwork documenting the animal as an assistance animal.
- A tenant may train his or her own assistance animal and is not required to provide any information about training or the specific tasks the animal performs.

Animal Care and Supervision

The tenant/handler has the responsibility to care for and supervise the animal. The tenant must retain full control of the animal at all times. This generally means that while the animal is in common areas, it is on a leash, in a carrier, or otherwise in the direct control of the animal owner/handler. When in the presence of others, the animal is expected to be well behaved.

Removal of an Assistance Animal

If an assistance animal misbehaves, the property manager may ask the tenant/handler to remove the animal from the immediate area. If the animal's improper behavior happens repeatedly, the manager may tell the tenant not to bring the animal into certain common

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areas, until significant steps have been taken to stop the behavior. This might include some type of specialized training for both the animal and the tenant.

Areas Off Limits to Assistance Animals

Management may designate certain areas off limits to assistance animals, such as swimming in the pool or inside the sauna room. Such designations should not infringe upon the right of a person with disabilities to full enjoyment of the amenities of the community

Accessibility in Newer Construction of Multi-Family Properties

Since 1991 HUD has required new construction of residential properties with more than four units under one roof to build all units with seven wheel-chair features if the building has an elevator and for buildings without an elevator, all of the units on the ground floor need to have these seven features. If you work in a property that was built recently but some of the features described below were not fully completed in an accessible manner, your company might be asked to do retrofits. The following has been taken from HUD's website <http://www.fairhousingfirst.org/>.

Fair Housing Accessibility Guidelines – for new multi-family buildings with 4 or more units – in elevator buildings, all units must comply; in multi-story units without an elevator, all ground floor units must comply.

- Requirement 1: Accessible building entrance on an accessible route

Covered multifamily dwellings shall be designed and constructed to have at least one building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual characteristics of the site.

- Requirement 2: Accessible and useable public and common use areas

Covered multifamily dwellings with a building entrance on an accessible route shall be designed in such a manner that the public and common use areas are readily accessible to and usable by handicapped persons.

- Requirement 3: Usable doors

Covered multifamily dwellings with a building entrance on an accessible route shall be designed in such a manner that all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs.

- Requirement 4: Accessible route into and through the covered dwelling unit

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Covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain an accessible route into and through the covered dwelling unit.

- Requirement 5: Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

Covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

- Requirement 6: Reinforcement for grab bars

Covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain grab bar reinforcements in bathroom walls to allow later installation of grab bars around toilet, tub shower stall and shower seat, where such facilities are provided.

- Requirement 7: Usable kitchens and bathrooms

Covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that all premises within covered multifamily dwelling units contain usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Maintenance of accessible features:

Maintenance of accessible features is a big issue in both housing and public accommodations. Many organizations think that installing a feature ends their FHA or ADA responsibility. Installation is the opposite; it is the beginning of the responsibility by law. Maintenance personnel are the staff that ensures continued access. Examples of activities or tasks for service techs to maintain might be:

1. Eliminating obstructions to accessible parking and access aisles.
2. Ensuring that accessible parking is used only by those with proper tags.
3. Making sure accessible routes (sidewalks, ramps, curb ramps) are unobstructed and in good shape (no gaps or faults in concrete that could impede a wheelchair).
4. Making sure there are no protruding objects that will be trip hazards for people with visual impairments.

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5. Snow and ice removal when appropriate.

Handling Maintenance and Repair Requests best practices for fair housing purposes

- Follow regular procedure for responding to a work order
- Follow procedure for work orders, addressing health and safety issues in all cases regardless of the health condition of the resident
- If a delay in service is expected, inform the resident of the reason for the delay
- Respond in order of request except in emergencies
- Refer requests for changes to units to the resident service staff
- Inform service staff of any apparent violations of resident rules
- Treat all residents the same
- Document your work

Contractors/Vendors and Non-Discrimination Policy

Vendors and other service providers who come on site to perform certain duties and provide materials and services should be informed of the non-discriminatory operating policies of the property. A vendor can be requested to sign a nondiscrimination statement that covers the statements and actions of the vendor's employees while on the property.

Maintenance Staff: Areas to limit Liability

Information and conversations with residents need to be professional and courteous. **Handling resident's questions** with respect and in a manner prescribed by an employer is important. Residents work well with staff when they are treated the same by all staff persons. Receiving different information from different staffers leads to confusion. Since we are in the age of cell phones, a service tech can always connect the person to upper management if they cannot answer a question or do things like say: Can I have the person who handles that question call you? What is a good time? This type of good service shows residents a good attitude and it goes a long way in solving problems. Whether or not a service tech is to use this suggestion must be decided upon by management. A service technician's manner of **one to one contact** must be discussed during training so that the will of management is affected. **Complaints** need to be handled in a manner that is prompt and responsive, whether the complaint is about another resident, a property conditions issues, or a vendor presence. Management should have a training on all of these areas. Last, **attitude** is important and a helpful attitude avoids obstacles. Some

