

Emerging Fair Housing Act Issues, and Strategies to Manage Them

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2015

November 17-19
Hilton San Diego Bayfront
San Diego, CA

The Fair Housing Act

Prohibits the following actions based on race, color, national origin, religion, sex, familial status or disability:

- Refusing to rent or sell housing
- Refusing to negotiate for housing
- Making housing unavailable
- Setting different terms, conditions or privileges for sale or rental of a dwelling
- Providing different housing services or facilities
- Falsely denying that housing is available for inspection, sale, or rental
- For profit, persuading owners to sell or rent (blockbusting)
- Denying anyone access to or membership in a facility or service (related to the sale or rental of housing)



The Fair Housing Act

Also prohibits:

- Threatening, coercing, intimidating or interfering with anyone exercising a fair housing right or assisting others who exercise that right
- Advertising or making any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap.
- Refusing to allow disabled residents to make reasonable modifications to a dwelling unit or common use areas
- Refusing to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing
- Designing and constructing properties that are inaccessible to persons with disabilities



Emerging Issues in Advertising

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Testimonials

I just wanted to thank you for providing an excellent service.

Roommates.com was by far the best roommate matching system I found on the net. I did find a place with another member of your site and it looks like things are going to work out great. - Mike

I just had a general comment to make about the service you guys have offered here. I'm a newcomer, and really appreciate the fact that I can register, log on, and check any new messages in such a simple manner. Nothing bothers me more than complicated paths, and you guys have made this seem like a walk in the park! Keep up the fabulous service, great work! :) very satisfied user - Blair

September 12th: 138,199 Active Listings

Search the database

Select Criteria

I'm seeking a: Female / Male

Between ages: 18 & 99

Who: Needs a place to live

Within: 15 miles

Of: Enter city
Select state...

Search Canada



craigslist

post to classifieds
my account

search craigslist

for sale

event calendar

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

help, faq, abuse, legal
avoid scams & fraud
personal safety tips
terms of use
system status

about craigslist
craigslist is hiring in sf
craigslist open source
craigslist blog
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craigslist TV
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craig connects

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community

activities lost+found
artists musicians
childcare local news
general politics
groups rideshare
pets volunteers
events classes

personals

strictly platonic
women seek women
women seeking men
men seeking women
men seeking men
misc romance
casual encounters
missed connections
rants and raves

discussion forums

adopt haku philos
apple health photo
arts help p.o.c.
atheist history politics
autos housing psych
beauty jobs queer
bikes jokes recover
celebs kink religion
comp legal romance
crafts linux science
diet m4m spirit
divorce manners sports
dying marriage tax
eco media travel
educ money ti
feedback motocy vegan
film music w4w
fitness nonprofit wed
flirt open wine
food outdoor women
frugal over 50 words
gaming parent writing
garden pets yoga

housing

apts / housing
rooms / shared
sublets / temporary
housing wanted
housing swap
vacation rentals
parking / storage
office / commercial
real estate for sale

for sale

antiques appliances
baby+kid arts+crafts
barter abutv/fns
bikes auto parts
boats beauty+hiht
books cars+trucks
business cds/dvd/vhs
computer cell phones
free clothes+acc
furniture garage sale
general electronics
household farm+garden
jewelry heavy equip
materials ns+camp motorcycles
sporting music instr
tickets photo+video
tools toys+games
wanted video gaming

services

beauty automotive
creative farm+garden
computer household
cycle labor/move
event skill'd trade
financial real estate
legal sm biz ads
lessons therapeutic
marine travel/vac
pet write/ed/tr8

jobs

accounting+finance
admin / office
arch / engineering
art / media / design
biotech / science
business / mgmt
customer service
education
food / bev / hosp
general labor
government
human resources
internet engineers
legal / paralegal
manufacturing
marketing / pr / ad
medical / health
nonprofit sector
real estate
recruiter
retail / wholesale
sales / biz dev
salon / spa / fitness
security
skilled trade / craft
software / qa / dba
systems / network
technical support
transport
tv / film / video
web / info design
writing / editing
[ETC]
[part-time]

gigs

Crew computer
event creative
labor domestic
talent writing

resumes

nearby ci

allentown
albion
batonroue
banghanton
buffalo
cascadia
central nj
chautauque
cumberland val
eastern wv
emira
finger lakes
fredrick
hartburg
lhaica
lancaster
north jersey
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Emerging Issues in Design and Construction



Emerging Issues in Design and Construction

ACCESSIBLE AND USABLE PUBLIC AND COMMON USE SPACES

INTRODUCTION

The Fair Housing Accessibility Guidelines (the Guidelines) require public and common use areas and facilities in covered multifamily housing developments to be accessible to people with disabilities so they may benefit from and enjoy the amenities present in the housing development in which they live. Public and common use areas that must be accessible include, but are not limited to, such spaces and elements as selected on-site walks, parking, corridors, lobbies, drinking fountains and water coolers, swimming pool decks or aprons, playgrounds, rental offices, mailbox areas, trash rooms/refuse disposal areas, lounges, clubhouses, tennis courts, health spas, game rooms, wolver rooms and bathing facilities, laundries, community rooms, and portions of common use tenant storage.

The Guidelines require an accessible route (see page 2.15) to public and common use spaces, but not all features or elements within that space may be required to be accessible. The seating

provisions, or "where," "when," and "how many" elements and spaces must be accessible, will be addressed throughout this chapter. For example, where multiple recreational facilities are provided, the Guidelines do not require that each amenity be accessible, but rather that "sufficient numbers" be accessible to provide equitable use by people with disabilities.

In general, however, if each building on a site has its own trash room, lounge area, laundry room, game room, etc., then each of these in each building must be on an accessible route and comply with the applicable portions of an appropriate accessibility standard since they serve different buildings. For an overview of the scoping requirements refer to the illustrations on pages 2.8 through 2.11 and to the chart, taken from the Guidelines, entitled "Basic Components for Accessible and Usable Public and Common Use Areas or Facilities," reprinted on the next page.



2.3

“Where multiple recreational facilities are provided, the Guidelines do not require that each amenity be accessible, but rather that ‘sufficient numbers be accessible to provide equitable use by people with disabilities.’”



Emerging Issues in Disparate Impact Liability

(Slip Opinion)

OCTOBER TERM, 2014

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Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

TEXAS DEPARTMENT OF HOUSING AND
COMMUNITY AFFAIRS ET AL. v. INCLUSIVE
COMMUNITIES PROJECT, INC., ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT

No. 13–1871. Argued January 21, 2015—Decided June 25, 2015

The Federal Government provides low-income housing tax credits that are distributed to developers by designated state agencies. In Texas, the Department of Housing and Community Affairs (Department) distributes the credits. The Inclusive Communities Project, Inc. (ICP), a Texas-based nonprofit corporation that assists low-income families in obtaining affordable housing, brought a disparate-impact claim under §§804(a) and 805(a) of the Fair Housing Act (FHA), alleging that the Department and its officers had caused continued segregated housing patterns by allocating too many tax credits to housing in predominantly black inner-city areas and too few in predominantly white suburban neighborhoods. Relying on statistical evidence, the District Court concluded that the ICP had established a prima facie showing of disparate impact. After assuming the Department's proffered non-discriminatory interests were valid, it found that the Department failed to meet its burden to show that there were no less discriminatory alternatives for allocating the tax credits. While the Department's appeal was pending, the Secretary of Housing and Urban Development issued a regulation interpreting the FHA to encompass disparate-impact liability and establishing a burden-shifting framework for adjudicating such claims. The Fifth Circuit held that disparate-impact claims are cognizable under the FHA, but reversed and remanded on the merits, concluding that, in light of the new regulation, the District Court had improperly required the Department to prove less discriminatory alternatives.

The FHA was adopted shortly after the assassination of Dr. Martin Luther King, Jr. Recognizing that persistent racial segregation had

“An important and appropriate means of ensuring that disparate-impact liability is properly limited is to give housing authorities and private developers leeway to state and explain the valid interest their policies serve...”



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