Inclusive Rental Practices and Affirmative Marketing

Fair housing laws are intended to create a climate in which individuals, who are otherwise qualified for a housing transaction, can obtain the housing of their choice. Sometimes, the manner or location in which a landlord or other housing provider places advertising or offers services or housing may seem to exclude some groups. For example, suggesting that housing may not be safe for small children would be seen as deterring families with children from renting. Similarly, you might be perceived as discriminating against people from other countries if you advertised that only people who speak English were encouraged to apply to rent your available housing. (The fair housing laws protect everyone, regardless of their citizenship or immigration status.)

Affirmative marketing is a term used to mean that you are proactively seeking out people from all races and ethnic backgrounds, families as well as singles, and people with disabilities as well as those without disabilities to make them aware of your available housing. In short, affirmatively marketing your rentals or services demonstrates that you desire to increase the diversity of your client pool and are actively seeking out those folks who may be least likely to find out about your services through the ordinary means.

Affirmative marketing may include advertising rentals in ethnic or neighborhood newspapers as well as in the mainstream classified ads. It might also include translating your rental flyers and distributing them in ethnic grocery stores or posting rental housing notices at community organizations serving individuals with disabilities or families.

If your rental units have some accessible features, include that information in your advertising. Some people with disabilities may not need housing that is fully wheelchair accessible, they may need something with limited stairs, or lots of natural light, or a place where they can garden for therapeutic reasons, or many, many other options. Accessibility isn’t a one-size fits all term. The features that make your housing units unique may be exactly the features that someone has been looking for to fit their disability-related needs.

In addition to advertising to affirmatively expand your pool of potential clients, having rules, policies and rental practices that are inclusive is also an important element of fair housing. For example, rules that are targeted specifically to children (e.g. kids can’t be outside the apartment after dark) have been determined to be discriminatory. Also, a rule that stated one could not use specific ingredients in cooking (we have seen some that do not allow residents to cook with curry, or certain other spices) may have a discriminatory impact on some ethnic groups more so than others. When crafting rental policies, rules, screening criteria, etc., it is important to remember that anything you state which appears to discourage someone based upon the bases protected by the fair housing laws, could potentially result in a fair housing complaint against you. Landlord trade associations frequently sell forms which have already been reviewed to help you avoid discriminatory language.

Discrimination Complaints In Oregon & SW Washington

The Fair Housing Council of Oregon received over 3,000 Fair housing inquiries in 2006; nearly 400 were determined to be bona fide allegations of illegal housing discrimination. The National Fair Housing Alliance estimates that less than 1% of all violations are reported. In Oregon, 1 in 10 believe their Fair housing rights have been violated.

Approximately 25% of the complaints received in Oregon and SW Washington involve families with children. It is illegal for housing providers to discriminate against households with a child under 18 (including an expecting parent); nor can they steer families to certain units or impose rules aimed specially at children.

Over 30% of the complaints FHCO receives deal with disability. This is a broad and complex area of the law that is confusing to many. You should know that housing consumers with a mental or physical disability have the right to request a “reasonable accommodation” (a change to rules, policies, or procedures) or “reasonable modification” (physical change to the housing structure) in order to fully access, use, and enjoy their housing. There are few instances in which a housing provider can legally refuse a reasonable request. In the private market, the costs for such changes typically fall on the housing consumer. Providers have the right to verification of the need, and to assure that any changes are made to code, with any needed permits, and in a professional fashion.

You should also know that assistance / therapy / companion animals who assist those with disabilities should never be considered pets. While consumers are responsible for the care of their animals, as well as any damage that may occur, housing providers may never charge a pet fee or decline a disability-assistance animal on the basis of a ‘no pets’ policy.