

Fair Housing Trends – What You Should Know

Presentation for the Washington
Affordable Housing Management
Conference



Who We Are

The Seattle Office for Civil Rights provides **leadership** in the areas of civil rights and equal opportunity and works to **eliminate discrimination** in housing, employment, and public accommodations.

We also provide civil rights **trainings and education**, **propose legislation and policies**, oversee the City's **Race & Social Justice Initiative**, and support four commissions.

Civil Rights Enforcement

Policy Development

Race & Social Justice Initiative (RSJI)

Community Investments

Commissions



Civil Rights Enforcement

Ensure equitable access in employment, housing, public places, and contracting by enforcing the City's antidiscrimination and civil rights protections.

Outreach and Community Engagement

- Education
- Engagement
- Outreach
- Training

Investigations

- Intake
- Investigations
- Early resolution
- Mediation services

Code Compliance and Testing

- Testing
- Code compliance
- Technical assistance

Citywide Title VI Program

- Compliance
- Training
- Coordination



Objectives

- Provide basic fair housing concepts.
- Discuss common fair housing trends.
- Learn strategies to address a fair housing issues.



Disclaimer

- Materials are for educational purposes only. The content, examples, scenarios, or responses to questions do not constitute legal advice or create or infer an agency decision.
- The presenter's views are not necessarily the opinions or positions of the City of Seattle.
- The presenter may not comment on any open or active investigations.



Fair Housing Overview



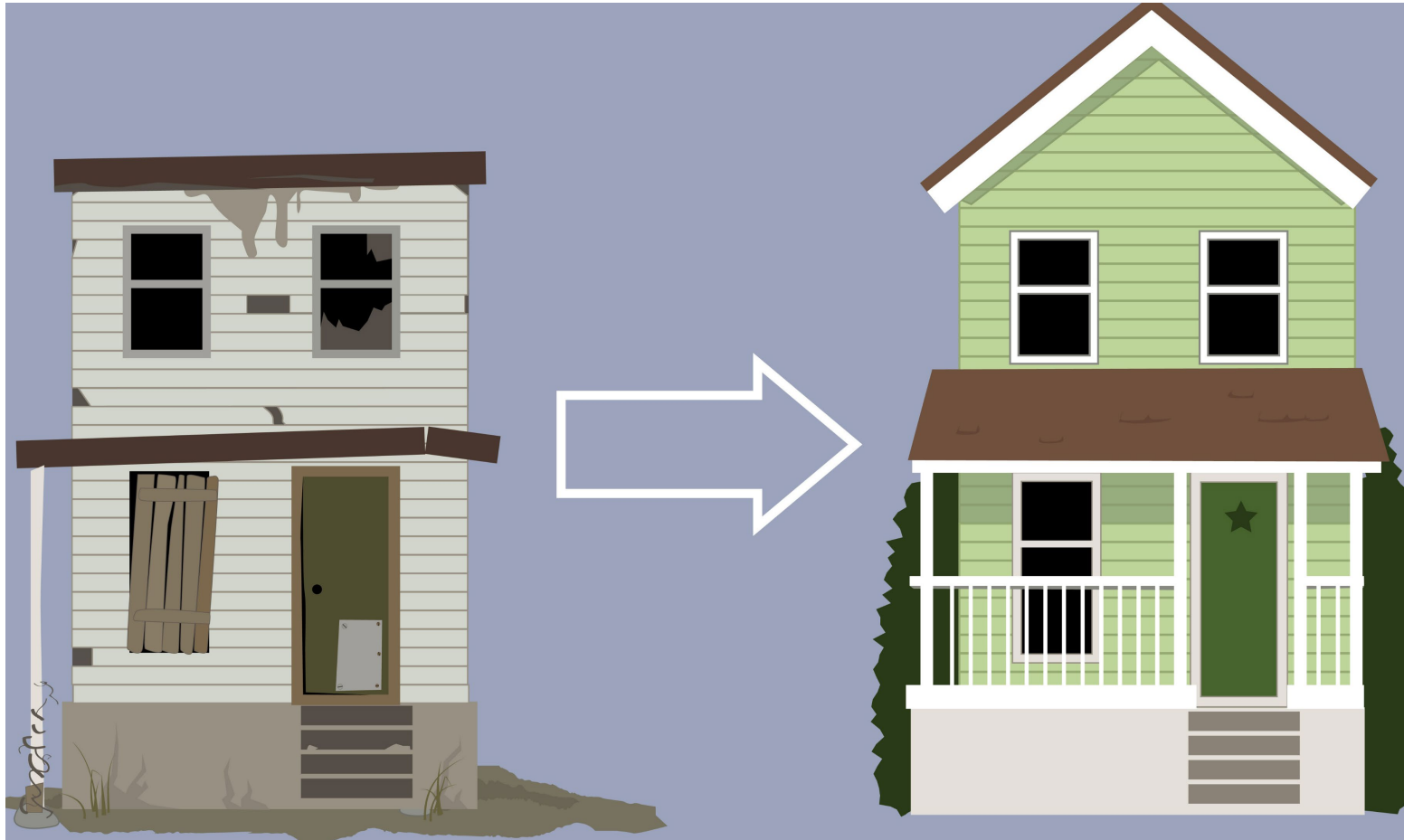
Fair Housing Laws



SMC 14.08 Open Housing Ordinance



Why Equity?



What is Fair Housing?

Fair housing is the right of everyone to have equitable access to housing and housing services

- 🏠 Rental and sales
- 🏠 Mortgages and appraisals
- 🏠 Insurance
- 🏠 Advertising

Fair Housing Protections

- Apartments
- Houses
- Condos
- Rooming houses
- Transitional housing
- Mobile home parks
- Cooperatives
- Some shelters

Dwellings include

- Property owners
- Property managers
- Leasing agents
- Real estate agents
- Mortgage lenders
- HOA board members
- Contractors
- Marketing reps
- Maintenance staff

Applies to

Protected Classes

Can have multiple reasons and protected classes

Association with someone of a protected class

Retaliation for exercising fair housing rights

Criminal history is not a protected class but covered disparate impact analysis or Seattle law



Federal
Race
Color
National Origin
Religion
Sex
Disability
Familial Status

Washington State
Sexual Orientation
Gender Identity
Veteran/Military Status
Creed
Citizenship/Immigration Status
Use of a Service Animal
Section 8 or housing subsidy
Alternative source of income

Seattle
Ancestry
Political Ideology
Marital Status
Pregnancy Outcomes
Caste



Citizenship and Immigration Status

Citizenship is the relationship between an individual and a state to which one owes allegiance and entitled protections.

Immigration is the process through which individuals become permanent residents or citizens of another country.

Citation: [Britannica.com/topic/](https://www.britannica.com/topic/)



Caste

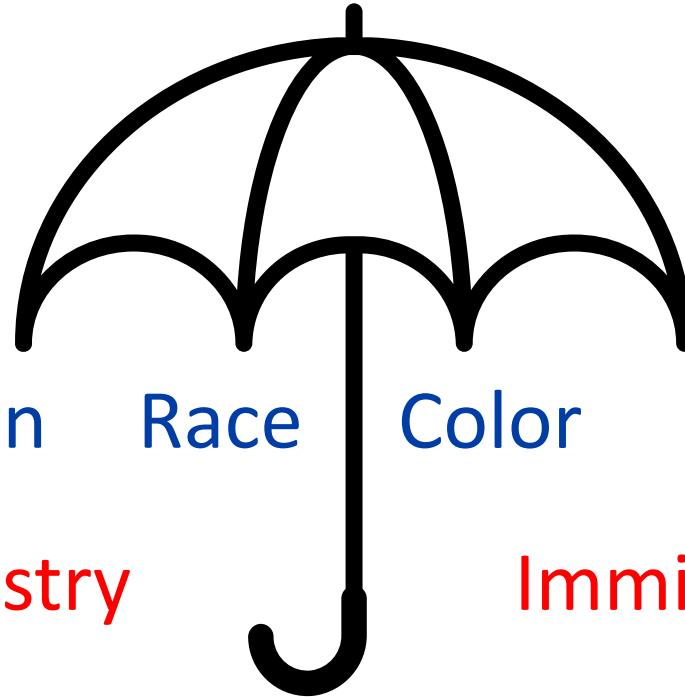
System of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.

Examples:

- Providing move-in specials because someone speaks the same dialect or same village.
- Harassing a tenant because their family belongs to a lower class or occupation.

Intersectionality of Caste and Protected Classes

Caste



National Origin

Race

Color

Religion

Citizenship

Ancestry

Immigration Status



Types of Discrimination



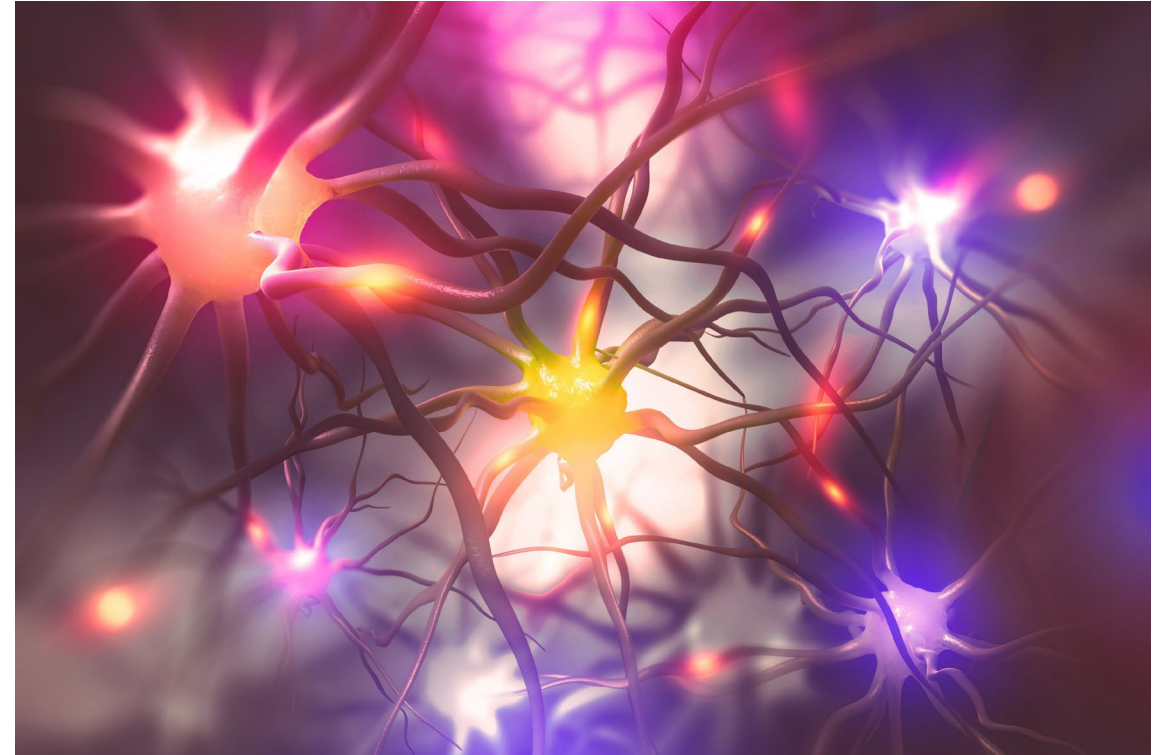
- Different treatment
- Disparate impact
- Reasonable accommodation or modification
- Harassment
- Retaliation

Unconscious Bias

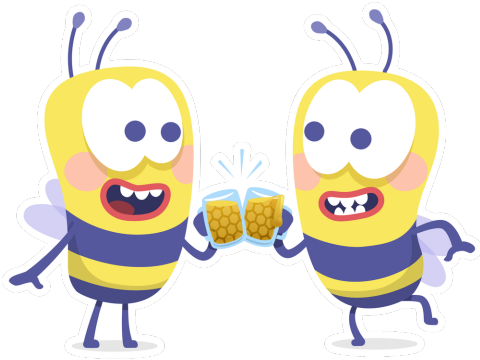


What is Bias?

- Learned positive and negative stereotypes
- Bias is pervasive
- Most people are unaware of their biases
- Bias levels vary and can change
- Biases predict behavior



Examples of Biases in Housing



Similarity



Contrast Effect



First Impression



Halo / Horn Effect

Adapted from Seattle Human Resources

Micro-Aggressions

Verbal and non-verbal behaviors that communicate hostile, derogatory, or negative messages at a protected class

All lives matter.

You speak English well.

Where are you really from?

I don't see your skin color.

The only race is the human race.



Adapted from Seattle Human Resources

How to Minimize Bias and Micro-Aggressions

- Self-Awareness
- Slow Down
- Intergroup Contact
- Commitment



Different Treatment and Disparate Impact



Different Treatment and Disparate Impact

Different Treatment

- A tenant is a member of a protected class
- The tenant is treated differently because of their protected class
- Similar tenants are not subject to the same treatment

Disparate Impact is a neutral practice that has a discriminatory effect on certain protected classes.



Disparate Impact

- Categorically excluding applicants with a criminal history.
- Requiring proof of U.S. citizenship or driver's license as a screening criteria.
- Charging a higher security deposit to international students.
- Offering only gender binary options (male/female) on application forms.
- Restricting occupancy requirements for a rental unit.
- Refusing to make repairs reported by a public housing inspection.



Examples of Different Treatment

Advertising and Screening	During Tenancy	Post Tenancy
“No children”	Enforcing rules inconsistently	Not applying the same standards for move-out
Steering applicants to certain units or neighborhoods	Not providing services, upgrades, and maintenance	Not returning security deposit
Applying different screening criteria	Rule that targets or impacts a protected class	Giving unfavorable references



Scenario 1

Samir and Quinn are a married couple that live in an apartment. Samir is a volunteer educator but does not have a paying job. Quinn works as a private consultant. Quinn is called to active duty for the U.S. Army. The housing provider tells Samir they have to move out, since they will be unable to pay rent after Quinn is deployed. Can the housing provider do that?

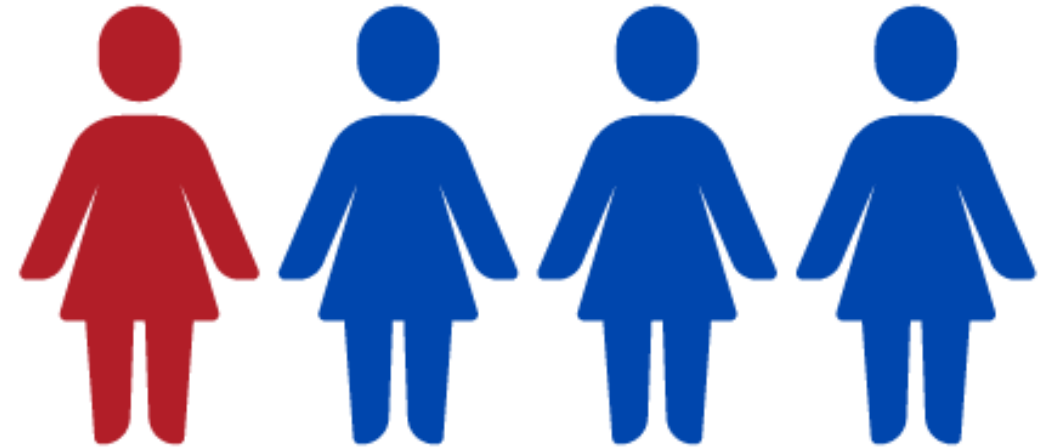


Reasonable Accommodation and Modification



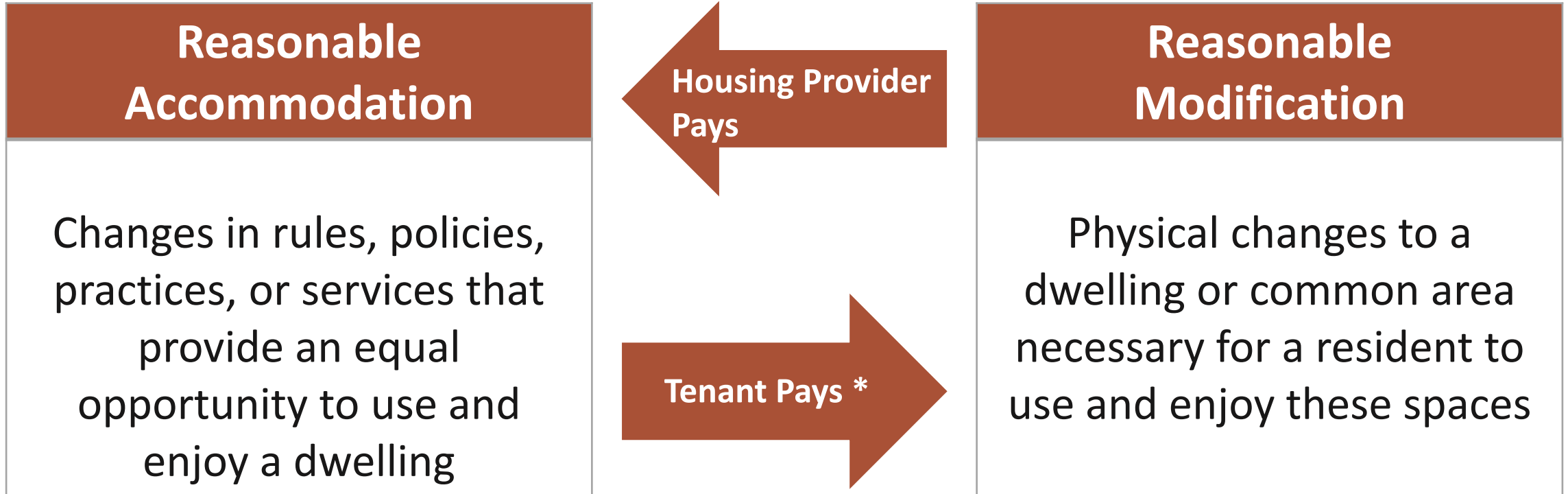
Definition of Disability

- Sensory, mental or physical impairment
- Common or uncommon
- Mitigated or unmitigated



**1 in 4 people
have a disability**

Accommodations and Modifications



*Except when the housing is federally funded

Accommodation and Modification Process

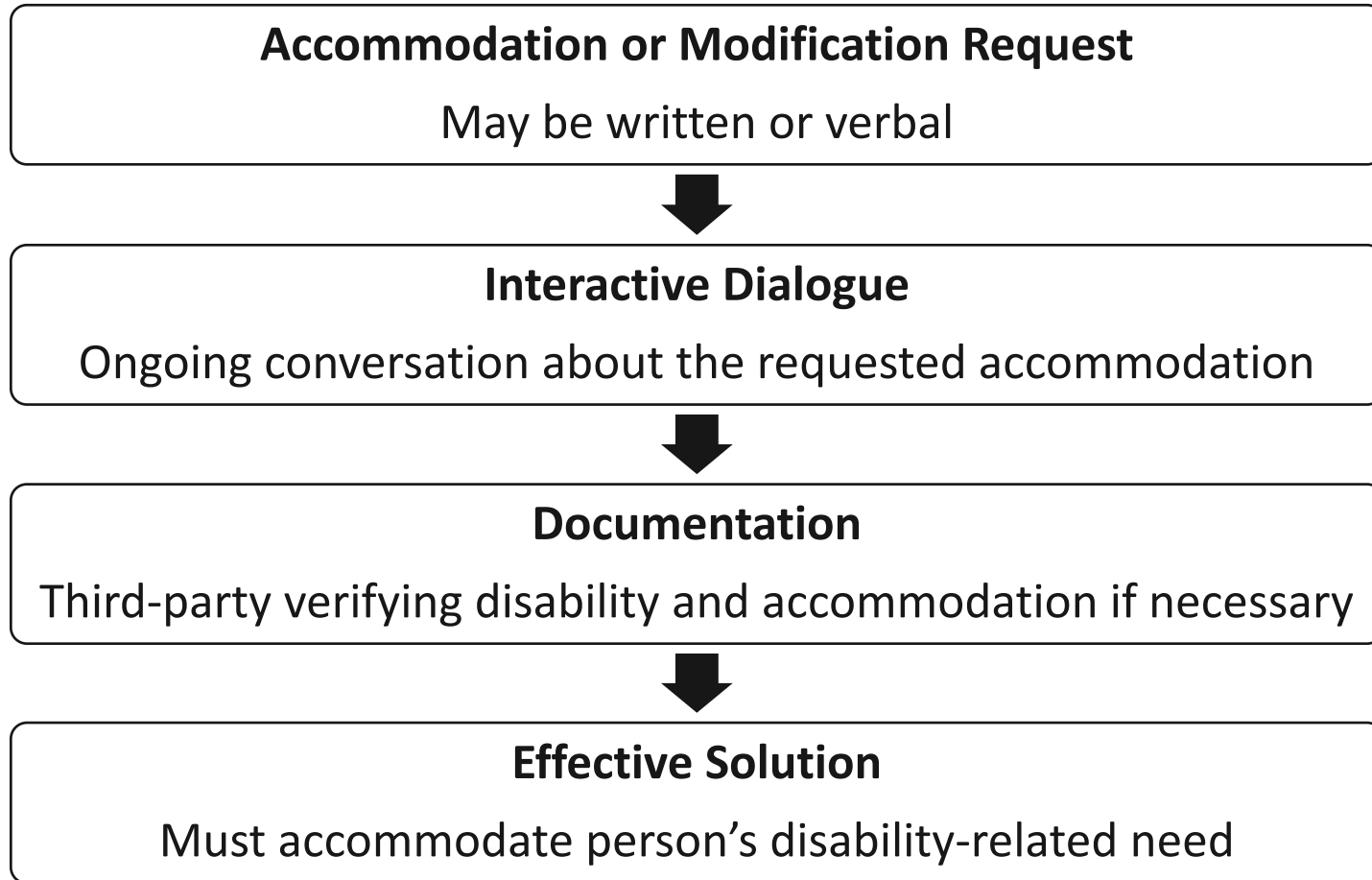
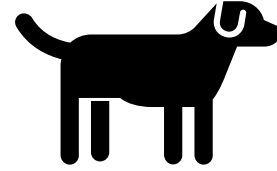


Image: cdn.pixabay.com



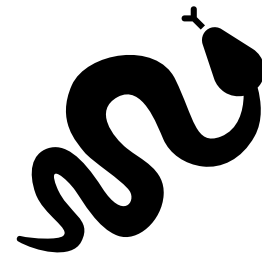
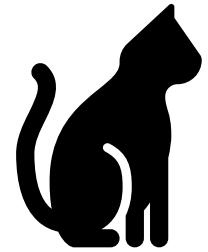
Service Animals

Therapy
Emotional
Service
Assistance
Comfort
Companion



The definition of service animal is broad

No training or certification required



“No pet” policies do not apply

Scenario 2

Daniela (she/her) is a renter with a physical disability. She made a written request a month ago for management to pay for and install a grab bar in the bathroom of her unit but hasn't heard back. Daniela complains this is discriminatory. What should management do?



Scenario 3

Zuri lives in unit 105 with a cat as a companion animal for their PTSD. Marisa lives near Zuri in unit 107 on the ground floor and uses a walker and has severe allergies to cats. Both Zuri and Marisa have made reasonable accommodations to the property manager. What should the manager do?



Harassment



Harassment

1. Unwelcome or offensive behavior due to protected class
2. The behavior was severe or pervasive
3. The housing provider knew or should have known
4. The housing provider failed to act



Examples of Harassment

Verbal	Visual	Physical
Derogatory comments	Cartoons	Excessive hugs
Jokes	Offensive images	Assault
Slurs	Memes	Massages



Scenario 4

Apartment cleaner Shannon overhears a male resident making sexual comments to his female neighbor, who seems very uncomfortable. Is this a fair housing issue? What should Shannon do?

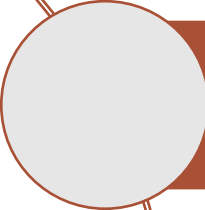
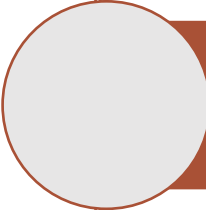
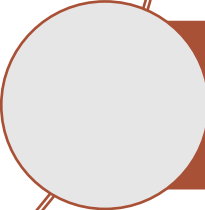


Retaliation



Retaliation

Any conduct or action which adversely affects an individual who asserts a fair housing right. Covered activities include:

-  Tenant is evicted after telling the manager they believe they were discriminated against
-  Tenant is written up because they helped another tenant file a discrimination claim
-  Tenant's rent is raised after testifying in a discrimination case

Scenario 5

Rent is due on the 5th, but Noor often pays on the 7th, and the owner has never given Noor a late payment notice. When the owner doesn't make a quick repair, Noor complains that it's discrimination because Noor is from Pakistan. On the 5th of the next month, the owner gives Noor a 3-day pay or vacate notice for overdue rent. Under fair housing laws, is this notice discriminatory? Why or why not?



First-in-Time



First-in-Time: Notice Requirements

LANDLORDS MUST PROVIDE WRITTEN NOTICE OF:

Criteria used to screen applicants + minimum standard a person needs to move forward in the application process

All information or documentation needed for the landlord to determine if an applicant meets the criteria

Written notice of how to request additional time to complete an application for meaningful access or reasonable accommodation for a disability

If a unit is set aside for vulnerable populations



Image: freepngimg.com



First-in-Time: Applications



LANDLORDS MUST:

Note the date and time an application is submitted

Screen applications in chronological order

Offer tenancy to the first applicant who meets the criteria

Provide applicant 48 hours to accept

If applicant does not accept, move to the next applicant

An application is **complete** when all the information listed in the landlord's notice is provided.

- If more information is needed, the application is not automatically considered incomplete.
- Landlords must give applicants 72 hours to provide additional information.
- If not provided in 72 hours, then the application can be considered incomplete.

Scenario 6

Blackberry Ridge Apartments has several applicants competing for the same apartment. Can the manager accept several applications, then choose which one is best based on experience?



Alternative Source of Income and Subsidies





Alternative source of income is verifiable income that is not from employment.

Subsidies may include short- or long-term subsidies from a government, non-profit, or other assistance program.

OVERVIEW

Prohibits discrimination against renters using alternative sources of income to pay for housing

Requires landlord cooperation with subsidy programs

Requires landlord acceptance of written pledges of payments from subsidy programs to settle bills

Sets income screening requirements

Prohibits preferred employer programs

Fair Chance Housing and Eviction Records Ordinance



Fair Chance Housing and Eviction Records

- **Advertising:** Prohibits housing providers from excluding applicants with criminal history.
- **Notice:** Requires housing providers to provide notice of the law on applications.
- **Screening:** Prohibits people from **taking adverse action** based on criminal history information EXCEPT for the sex offender registry that has a juvenile exception.
 - **Sex Offender Registry:** If a housing provider takes an adverse action against an applicant with criminal history, they must have a legitimate business reason.
- **Retaliation:** Protections for asserting rights under this law.

Everyone deserves a
Fair Chance at housing

*If you've been denied housing because of criminal history,
call 206.684.4500 or visit seattle.gov/fairhousing*



Exclusions

- Federally assisted housing subject to federal regulations that require denial of tenancy for:
 - lifetime sex offender registration; or
 - conviction of methamphetamine production in public housing
- Rental housing where owner occupies part of the unit
- Accessory dwelling unit or detached accessory dwelling unit where owner maintains a permanent residence on the same lot

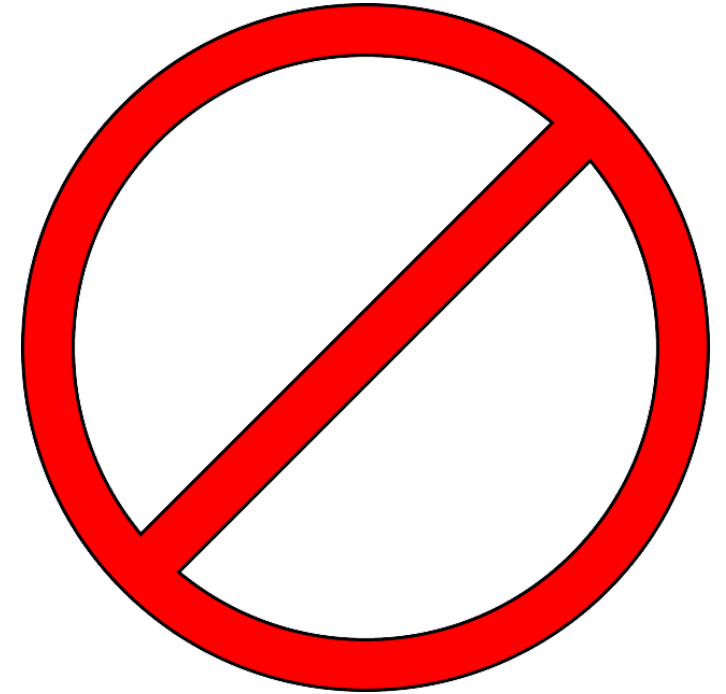


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2020 Eviction Records Protections

- Expands definition of eviction history (includes court filings, notices, and notice of intent to evict).
- Requires providing tenants this notice: “The landlord is prohibited from taking an adverse action against a tenant based on eviction history occurring during or within six months after the end of the civil emergency proclaimed by Mayor Durkan on March 3, 2020, and that the Seattle Office for Civil Rights is the department that will enforce any violations of this ordinance.”
- Creates rebuttable presumption that a landlord who sees the history used it in reaching an adverse decision.
- Adds COVID-19 as good cause for an Order of Limited Dissemination (except for evictions based on imminent threats)

2020 Eviction Records Protections

EXCEPTIONS:

- Unlawful detainer action or action on a termination notice is due to actions by the tenant constituting an **imminent threat to health or safety** of neighbors or landlord
- **Federally assisted housing** where there is an **exclusion for adverse actions** when denial of tenancy is required by federal regulations.



Practice Tip 1

Be professional.

- Be aware of your biases.
- Understand your role and responsibilities.
- Be open to settlement options.
- Cooperate with the investigation.
- Avoid practices that can be considered retaliation.



Practice Tip 2

Respond to complaints.

- Provide summary and supporting documentation.
- Investigate to gather more information, if necessary.
- Be professional and objective in your response.



Practice Tip 3

Prevent a fair housing complaint.

- Be aware of your biases
- Know the law and protected classes.
- Review policies for unintended consequences.
- Document your resident policies and practices.
- Avoid practices that may be considered retaliation.
- Use effective communication with applicants and residents.



Thank You!

Seattle Office for Civil Rights
(206) 684-4500 Main Line
(206) 684-4503 TTY

Mike Chin, mike.chin@seattle.gov

For tenants: discrimination@seattle.gov

For property managers: discriminationquestions@seattle.gov

