



Fair Housing Compliance Checklist

Protect your business (and your people!) from Fair Housing claims.

Fair Housing violations can have significant legal and financial consequences for multifamily organizations and their employees. As staffing challenges continue, more companies are hiring associates without property management experience. The lack of understanding could increase the risk of infractions and costly fines. The following training and policy checklist can help you navigate potential Fair Housing discrimination and stay in compliance.



POLICY CHECKLIST

- ✓ Policies should make it clear to employees that **treating applicants** or residents **differently** based on membership in a protected class **is prohibited**.
- ✓ Evaluate company policies for any **unintentional discriminatory effect** they could have on groups protected by federal, state, and local Fair Housing law.
- ✓ Ensure your sexual harassment policy lists prohibited behaviors and includes **multiple avenues for reporting**.
- ✓ Create a policy that **encourages employees to come forward** if they witness or become aware of sexual harassment or other forms of illegal discrimination taking place.
- ✓ Assistance animals are not pets, so be sure to **have policies specific to assistance animals** that are separate from pet policies.
- ✓ **Review your screening policies**, particularly regarding criminal background checks, to ensure they are in compliance with federal, state, and local laws.
- ✓ Assess policies and procedures for dealing with “nuisances” as defined by local nuisance ordinances and **evaluate whether they are compliant with the Fair Housing Act (FHA)**.



PROCEDURE CHECKLIST

- ✓ **Apply policies equally** to all residents; avoid any preferential treatment.
- ✓ Ensure that training **clearly addresses** the types of **behaviors** that could be sexual harassment.
- ✓ Train employees on how to **avoid discriminating against a protected class** (race, color, national origin, religion, sex, disability, and familial status), including ways they might discriminate unknowingly.
- ✓ **Avoid language** or imagery in marketing materials **that suggests you are targeting** people of a particular race, color, national origin, religion, disability status, familial status, or sex (including sexual orientation and gender identity).
- ✓ **Treat sexual orientation** and gender identity **like any other protected class**.
- ✓ **Avoid** advertisements and postings that state **“adults only”** or “no children allowed.”
- ✓ **Advise employees against using any language**, written or spoken, that could be construed as discouraging someone from leasing **based on their protected class**.
- ✓ **Avoid** comments or advertisements that express a **preference for residents without children**, and be careful that community rules don’t target children (e.g., say, “Skateboarding is prohibited on property” instead of “Children may not skateboard on property”).
- ✓ **Apply rules** about religious gatherings consistently, fairly, and **equally**.
- ✓ **Be consistent** and do not selectively apply local nuisance ordinances to residents.
- ✓ **Consult legal counsel before evicting** a resident who has accused your company of discrimination or harassment, regardless of the reason for eviction or whether the accusation was made directly to you or the authorities.
- ✓ **Promptly investigate all complaints** of harassment or discrimination.



Grace Hill Can Help!

Need more help with your policies and training? Talk to our Fair Housing experts today!

This checklist is not intended to be an exhaustive list of recommended Fair Housing training, policies, or procedures.