

Housing Providers' Rights

What Housing Providers Can Expect from a Tenant:

- Timely rental payments
- Proper care of the unit
- Prompt reporting of maintenance needs
- Respectful treatment of other tenants
- Proper notice when vacating the unit
- Appropriate supervision of children, guests, and pets
- Notification of any changes in tenant occupancy

Housing Providers Have the Right to:

- Accept the first qualified prospective tenant. Make sure a prospective tenant meets all your requirements.
- Request information about income, credit, current and prior residence and personal references.
- Ask the names of all people who will occupy the premises.
- Require reasonable income in relation to rent charged. However, if an applicant is a voucher holder, that income threshold must be based on the amount of rent that will be paid by the tenant, not the entire rent. The source of income, e.g. government assistance (including housing vouchers), alimony/child support or investments, cannot be a criterion.
- Require a security deposit. The law allows up to two months of rent for unfurnished rentals and up to three months for furnished ones. There is no such thing as a nonrefundable deposit.

FHANC offers periodic fair housing training seminars. Please contact us if you are interested in joining our mailing list to be notified of future seminars, or if you want to schedule a private training.

Fair Housing Laws

Federal and state laws require housing providers to treat all applicants and tenants equally (with some exceptions, such as reasonable accommodations).

Applicants or tenants cannot be treated differently because of their race, color, national origin, religion, sex/gender (includes gender identity), familial status (children under the age of 18 in the family), and mental or physical disability. California state laws include additional protections, prohibiting discrimination on the basis of age, ancestry, citizenship, sexual orientation, immigration status, primary language, marital status, source of income, or any other arbitrary reason.

Based on these protected classes, it is illegal to:

- Refuse to rent, lease, or sell most types of housing.
- Represent that housing is not available when it is.
- Set different terms, conditions, or privileges for housing or for use of housing facilities, or enforce rules for some tenants only.
- Quote higher rent or security deposit for some tenants.
- Make necessary repairs for some tenants only and not others.
- Steer potential tenants to other complexes or certain parts of a complex.
- Advertise in a discriminatory manner.

Fair Housing Advocates of Northern California (FHANC)

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Wheelchair accessible
Se habla español

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HOUSING PROVIDERS' RIGHTS AND RESPONSIBILITIES UNDER FAIR HOUSING LAWS



**FAIR HOUSING ADVOCATES
OF NORTHERN CALIFORNIA**

www.fairhousingnorcal.org



Good Management Practices to Prevent Discrimination

- Be consistent, fair, and reasonable. Apply all rental policies equally. Provide all your managers with fair housing training.
- Provide accurate, complete information about available units and equal treatment to all who inquire.
- Do not request marital status, disability, national origin, or race on your applications.
- Accept the first application that meets all of your requirements. If you deny an application, keep a record of the reasons for the denial for at least three years.
- Perform a move-in/move-out inspection when a tenant vacates to avoid security deposit disputes. Refund security deposits as state law mandates. Notify tenants of their right to request a pre-move-out inspection.
- Respond to your tenants' concerns and needs. Establish reasonable rules for recreation and use of premises.
- Avoid words like "Adult or Mature Couple" or "Professional" in your ads. Describe the property features instead.

FAMILIAL STATUS DISCRIMINATION

Both federal and state laws prohibit discrimination against families with children. Complexes and mobile home parks specifically designed and advertised for seniors are exempt.

Examples of practices that could be discriminatory:

- Restricting families with children from renting units on upper levels, with balconies, near the pool, etc.
- Quoting higher rent, security deposits, or utilities to families with children.
- Having overly restrictive rules and regulations for families with children regarding the use of the complex facilities or play areas.
- Stating that the unit is not safe or appropriate for children or that there is no place for children to play.

Suggestions for renting to families with children:

- Inspect your grounds carefully for potential safety problems. Don't use liability or safety concerns as an excuse not to rent to families with children.
- Make sure you have sufficient liability insurance coverage.
- Set reasonable occupancy standards. The state guideline is two people per bedroom, plus one extra person per unit.



Discrimination Based on Disability

Tenants with mental or physical disabilities are protected under federal and state fair housing laws. Under these laws, it is illegal to:

- Refuse to rent to a person because that person has a disability.
- Refuse to make reasonable accommodations in rules, practices, services, or policies, such as allowing a service or emotional support animal, reserving a parking space close to the unit, etc.
- Refuse to allow a reasonable structural modification such as a wheelchair ramp, grab bar installation, etc. The tenant must pay for the modifications unless the unit is subsidized.
- Refuse to engage in an interactive dialogue about a reasonable accommodation or modification.
- Ask for the nature of a tenant's disability if a reasonable modification or accommodation is requested. You can ask for verification of the disability.
- Deny an accommodation or modification unless it would impose an undue financial or administrative burden or require a fundamental alteration in the nature of the housing provider's program.