Navigating a Fair Housing Complaint: An Investigator’s Perspective

Michael Chin, Seattle Office for Civil Rights
Tina McLeod, Tacoma Office of Equity & Human Rights
Inland Northwest Fair Housing Conference
April 14, 2016

Workshop Objectives

- Overview of fair housing laws
- Enforcement of fair housing
- How to respond to a fair housing complaint
- Best practices: responding to a complaint
- Best practices: how to avoid a fair housing complaint

Overview of Fair Housing

- What is fair housing?
- What types of housing are covered?
- What are the jurisdictional requirements?
- Everyone has a right to file a fair housing complaint
Who Enforces the Fair Housing laws?
- U.S. Department of Housing and Urban Development
- Washington State Human Rights Commission
- King County Office for Civil Rights
- Seattle Office for Civil Rights
- Tacoma Office of Equity & Human Rights

What is the Role of the Investigator?
- Investigate
- Neutral fact-finder
- Encourages settlement
- Renders a determination based on evidence gathered and legal analysis

Fair Housing Exercise
- Fair Housing Video
  - http://www.youtube.com/watch?v=azjdzQYXEkg
- Small Group Discussion
  - What are the potential fair housing issues in the video?
  - If you are the property manager, what are your next steps?
- Group Share
Sample Fair Housing Complaint

Responding to a fair housing complaint

- Answering the Complaint
  - Brief narrative of Charging Party's tenancy
  - Who was involved?
    - Staff, residents, witnesses, decision-makers
  - What happened?
    - Tell your side of events
  - When did it occur?
    - Chronology of events that occurred
  - Where did it happen?
    - Property location and unit
  - Why or how did you make your decision?
  - Confidentiality
    - Redact as appropriate
    - Provide relevant information that maintains confidentiality

Supporting Documents may include:

- Rental application
- Lease agreement
- Resident file (relevant parts)
- Correspondence
- Notices and eviction documents
- Staff or witness documents or correspondence
- Staff or witness(es) to interview
- Police reports
- Reasonable accommodation/modification documents
What is comparator information?

- Demonstrates that same or similarly situated persons are treated in the same manner regardless of their protected class(es)
- Ensures that practices and policies are consistent and implemented by all staff
- Protected class(es) was not a factor in the decision making

<table>
<thead>
<tr>
<th>Resident</th>
<th>Date</th>
<th>Notice</th>
<th>Protected Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>John</td>
<td>1/15/2016</td>
<td>Late rent notice</td>
<td>White</td>
</tr>
<tr>
<td>Bill</td>
<td>1/15/2016</td>
<td>Late rent notice</td>
<td>African American</td>
</tr>
<tr>
<td>Charging Party</td>
<td>1/15/2015</td>
<td>Late rent notice</td>
<td>Asian</td>
</tr>
</tbody>
</table>

Practice Tip 1: If you receive a fair housing complaint

- Take a deep breath!
- Cooperate with the investigation
- Be open to settlement
- Be professional

Practice Tip 2: Responding to a complaint

- Provide summary and supporting documentation
- Investigate to gather more information, if necessary
Practice Tip 3: Prevent a fair housing complaint

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

Questions

Michael Chin
Seattle Office for Civil Rights
mike.chin@seattle.gov

Tina McLeod
Tacoma Office of Equity & Human Rights
tmcleod@cityoftacoma.org