## Navigating a Fair Housing Complaint: An Investigator's Perspective

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## 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

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## 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

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| Who Enforces the Fair Housing laws?  • U.S. Department of Housing and Urban Development  • Washington State Human Rights Commission  |  |
| <ul> <li>King County Office for Civil Rights</li> <li>Seattle Office for Civil Rights</li> </ul>   |  |
| ► Tacoma Office of Equity & Human Rights   |  |
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| What is the Role of the Investigator?  |  |
| <ul><li>Investigate</li><li>Neutral fact-finder</li></ul>  |  |
| ➤ Encourages settlement  |  |
| <ul> <li>Renders a determination based on evidence gathered<br/>and legal analysis</li> </ul>  |  |
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| Fair Housing Exercise  |  |
| ▶ Fair Housing Video   |  |
| http://www.youtube.com/watch?v=stjdnQYYEKg   |  |
| <ul> <li>Small Group Discussion</li> <li>What are the potential fair housing issues in the video?</li> <li>If you are the property manager, what are your next steps?</li> </ul> |  |
| ► Group Share  |  |
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| Sample Fai   | r Housing Comp   | laint   | ]   |      |  |
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|  | g to a fair housin   | g complaint   | _   |      |  |
| <ul> <li>Answering the</li> <li>Brief narrative</li> <li>Who was invo</li> </ul>   | e of Charging Party's tenancy  |   | _   |      |  |
| □ Staff, residen  ► <u>What</u> happen   | its, witnesses, decision-makers<br>ed?   |   | _   |      |  |
| □ Tell your side  ► <u>When</u> did it o □ Chronology  |  |   |     |      |  |
| ➤ <u>Where</u> did it l □ Property loc ➤ Why or how  |  |   |     |      |  |
| <ul> <li>▶ Confidentiality</li> <li>□ Redact as ap</li> </ul>  | у  | fidentiality  |     |      |  |
| <u></u>  |  |   |     |      |  |
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| Supporting  • Rental applicat  | Documents may  | include:  | -   |      |  |
| <ul> <li>Lease agreeme</li> </ul>  | ent  |   | -   |      |  |
| <ul><li>Resident file (r</li><li>Corresponder</li></ul>  | nce  |   | _   |      |  |
|  | viction documents<br>as documents or corres  | oondence  | _   |      |  |
| <ul><li>Staff or witnes</li></ul>  | ss(es) to interview  |   |     |      |  |
| <ul><li>Police reports</li><li>Reasonable ac</li></ul>   | commodation/modificat  | ion documents   |     |      |  |
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- 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

| Resident           | Date      | Notice              | Protected<br>Class  |
|--------------------|-----------|---------------------|---------------------|
| John               | 1/15/2016 | Late rent<br>notice | White               |
| Bill               | 1/15/2016 | Late rent<br>notice | African<br>American |
| <br>Charging Party | 1/15/2015 | Late rent<br>notice | Asian               |

Practice Tip 1: If you receive a fair housing complaint

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

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## 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                       |   |
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| ► Knowing the law and protected classes                                |   |
| ► Review policies for unintended consequences                          |   |
| <ul> <li>Document your resident policies and practices</li> </ul>      |   |
| <ul> <li>Avoid practices that may be considered retaliation</li> </ul> |   |
| ► Effective communication with applicants and residents                |   |
| ▶ Be aware of own biases   |   |
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| Questions  |   |
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