



## Possible Indicators of Discriminatory Treatment Activity 7

(Objective 4: Increase readiness and confidence in securing rental property.)

- Handout 7

### Possible Ways to Facilitate Activity:

- Instructors can request participants to circle the four that are not.
- Instructors can use page 5 and have participants sort them into piles.
- Instructors can poll participants, possibly in a virtual format.

### Answer Key and Explanations:

Statement one is potentially discriminatory treatment. If you are told no apartments are available, but you continue to see ads for the property, an “apartments available” sign still up, or discover other people are told apartments are available this could potentially be discrimination.

Statement two is **not potentially discriminatory treatment**. Landlords are permitted to not rent to someone who has a criminal history. Someone who has a criminal history could offer to pay an additional amount, pay a larger downpayment or offer to help with outside tasks in an effort to persuade a landlord. However, ultimately the landlord does not have to rent to someone with a criminal record. “Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status.” — Fair Housing Act

<https://www.justice.gov/crt/fair-housing-act-1#disability>

Statement three is potentially discriminatory treatment. A housing provider who gives one person confusing or contradictory information about housing costs or availability and answers another person’s questions clearly or differently could be discriminatory. If possible, get information in writing so that potential discrimination can be clearly documented.

Statement four is potentially discriminatory treatment. If one person is told of a long waiting list and another person is told that there is no waiting list or a short waiting list, this could be potential discrimination.





## Module B: Checking Out the Rental Property and the Landlord

Statement five is potentially discriminatory treatment, but could be difficult to prove. If one person's call is returned immediately and another person's isn't, it is hard to prove that the person didn't lose the phone number or simply forget. If a pattern can be observed of multiple phone calls not being returned and another person's calls are returned, then it could be potential discrimination.

Statement six is **not discriminatory treatment**. Poor past rental history is not a protected class and landlords could request additional rent or a larger downpayment to help decrease their financial risk.

Statement seven is potentially discriminatory treatment. Multi-family dwellings of four or more units built after 1991 must have certain features that make them handicap accessible. Reasonable accommodations must also be made, at the expense of the person with the disability, to the existing premises if such modifications may be necessary to afford such person full enjoyment of the premises. <https://www.justice.gov/crt/fair-housing-act-1#disability>, [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/reasonable\\_accommodations\\_and\\_modifications](https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications)

Statement eight is **not potential discrimination**. Having a pet is not considered a right. However, the Fair Housing Act does prohibit discrimination against those who use service animals. You must be allowed full and equal access to all housing facilities, and may not be charged extra for having a service animal. You may have to pay for any damage your animal causes.

Statement nine is potentially discriminatory treatment. Family status (whether or not you have children) is a protected class and can not affect what floor, apartment, or area you are able to live in.

Statement ten is potentially discriminatory treatment. The rental terms and conditions should be the same (or very similar) throughout all of the rental units. If the landlord is instituting a change (for instance a rent increase), it should apply to all new tenants and current tenants as they renew their rental agreements.

Statement eleven is **not potentially discriminatory treatment**. Landlords are permitted to restrict people who smoke from their property. Smoking is not considered a right and smokers are not protected under discrimination laws.

Statement twelve directing individuals to a particular area of a complex, or a specific part of a building - perhaps an area where most tenants are people with children, people with disabilities, or people of color is potentially discriminatory treatment.





## Handout 7: Possible Indicators of Discriminatory Treatment

Circle the statements below that are possible indicators of discriminatory treatment.

1. You are told no housing units are available, but you continue to see ads for the property.
2. A landlord says that they do not rent to people who have a criminal history.
3. A housing provider gives you confusing or contradictory information about housing costs or availability.
4. You are told of very long waiting lists for housing.
5. A housing provider doesn't return your phone calls.
6. You are told that because of your past evictions, you would have to pay an extra \$50/month.
7. An apartment complex or condominium development is not physically accessible to you.
8. You have a dog and the landlord says that they do not allow pets.
9. Your family is told they can only live on the first floor of a building because there are children in your household.
10. You are told of rental terms and conditions that seem unusual, or especially restrictive or stringent.
11. The landlord asks if you are a smoker. When you reply yes, you are told they won't rent to you.
12. You feel that you've been directed to a particular area of a complex, or a specific part of a building - perhaps an area where most tenants are people with children, people with disabilities, or people of color.





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12. You feel that you've been directed to a particular area of a complex, or a specific part of a building - perhaps an area where most tenants are people with children, people with disabilities, or people of color.

