



## Fair Housing Best Practices Policy

### Statement of Values:

Our goal as an industry is to create properties that are welcoming and effectively serve all types of people. We believe our communities are best served when decent housing is available to all people, regardless of income or personal characteristics. We want to continually further fair housing, to ensure that members of all protected classes have equal access to housing within the community of their choice, to make sure that none of our actions or rules has a disparate impact on a particular group of people.

All of us recognize that we may have internal biases of which we may be unaware. We know that the process of furthering fair housing and equity in our communities is a continual process of assessment, learning and evaluating our results. We see fair housing as an ideal that requires continual effort, not an end to be reached.

*These Fair Housing Best Practices may be modified from time to time by Oregon ON staff. The document will be maintained on our website and shared with both current and incoming members.*

## **Oregon Opportunity Network Fair Housing Best Practices: A Resource**

These Best Practices are offered as a resource for Oregon ON members to use in furthering fair housing. A number of fair housing documents providing detailed information about the history and requirements of fair housing law are already readily available. Some even specifically address special challenges for affordable housing providers (see *Fair Housing: A Guide for Nonprofit Housing Providers* and *A Guide to Fair Housing for Nonprofit Housing and Shelter Providers*, both put out by the Fair Housing Council of Oregon, [www.fhco.org](http://www.fhco.org)). The following Best Practices are intended to enhance those excellent materials by providing specific recommendations for Oregon ON members to use in their pursuit of furthering fair housing. Wherever possible, we have included links to available resources. Practices are meant to apply to both third-party and self-managed properties.

The Best Practice recommendations are organized into categories. The categories were selected by industry professionals who shared the areas they saw as most vulnerable to discrimination. For each of those areas we have developed suggested best practices.

### Project Siting

- Housing is a building block for opportunity. It helps to define the schools, jobs, services, recreation and transportation that the residents will use. If the quality of these services is high, the residents will have greater opportunity. Conversely, if the quality of these services is low, residents may have limited opportunity for well-being. When developing a new project, think about locations in terms of how it will further fair housing. Sometimes affordable housing is the last piece of a puzzle in a strong neighborhood; other times it is a key to revitalizing a low opportunity area. If your project falls into the second category, service partnerships and commitments can help to expand opportunity.
- Developers should be able to evaluate and describe the fair housing implications of the site they selected. In the context of furthering fair housing, why did you choose this site?
  - Coalition for Livable Futures developed an Equity Atlas for the Portland Metro area. Their goal is to encourage policy makers who promote sustainable development to ensure that access to affordable housing, parks, good food, schools, transportation and vibrant social opportunities is available to everyone in the region. Their research shows which areas in the region are most/least affordable and which provide the best resources for individuals and families. <http://www.equityatlas.org/>

## Overall management

- Agency staff should participate in fair housing trainings at hire and at least annually. Key positions that need to have regular fair housing training include site staff, maintenance staff, office staff, resident services staff, asset management staff and board members. If you do not self-manage your properties, you should call for high standards of training for your property management company in your contracts, and monitor the level of fair housing training that is actually received.
  - Fair Housing Council of Oregon offers trainings which can be customized to meet specific agency needs.
  - Metro Multifamily and other groups also offer trainings. Each has its own focus and style, talk to other housing providers to choose one that is a good match for your organization and your property management company.
  - Oregon ON will commit to providing an annual free or low cost training session available to all members.
- Provide frequent reminders that keep the goal of furthering fair housing alive in your agency's and properties' culture. Some suggestions:
  - Adopt an equity policy and plan that sets goals and evaluates results in all of your programs.
  - Display fair housing posters prominently.
  - Keep posters in your office that list all the protected classes (federal, state and local).
  - Incorporate fair housing reminders into regular staff meetings and newsletters.
  - Include fair housing-related materials in tenant rental agreements and newsletters – make clear your property does not tolerate discrimination or tenant-on-tenant harassment, write up stories that celebrate diversity among tenants, provide opportunities that encourage resident interactions, print reminders of tenants' rights and responsibilities under fair housing.
  - Sponsor fair housing poster contests for kids living on site.
- Work to achieve diversity in staffing throughout your organization so all applicants feel welcome and accepted. If you contract for property management services, evaluate and monitor the performance of your property management company in creating a diverse workforce.
  - Hire staff that reflects the resident population, especially if residents speak languages other than English. Place world language/culture skills and expertise with all protected classes high on your skill list for hiring.

- Post job openings on-site and consider recruiting on-site and/or maintenance staff from among residents. Some sponsors offer job training opportunities to residents in property management skills.
- When selecting staff who will interact with the residents (e.g., on-site property managers or maintenance staff, resident service coordinators, front office or accounts receivable staff), screen for cultural sensitivity and their commitment to furthering fair housing.

## Marketing

- Market your property to promote diversity and use tools that are designed to enhance diversity.
  - This might include advertising, listing units with community partners, or word of mouth. Be aware of how each strategy might increase or decrease diversity at the project.
- Provide marketing materials, applications, and websites in multiple languages.
  - Use “I Speak” cards to help non-English speakers identify which language they speak. You can print cards in various languages from the following websites:
    - <http://www.lep.gov/ISpeakCards2004.pdf>
    - <http://www.cultureconnectinc.org/ispeak.html>
    - <http://www.cdss.ca.gov/civilrights/PG584.htm>
  - Partner with organizations that can refer diverse residents to your property.
  - Immigrant and Refugee Community Organization ([www.irco.org](http://www.irco.org)) offers both translation and interpretation services through their International Language Bank.
  - Cultivate relationships with service organizations in your area that serve multinational populations, they may be able to interpret for prospective or current residents.
  - Students in language classes (even high school) may be willing to translate documents (with faculty supervision) as part of a project.
  - Think about establishing partnerships to attract a broad range of diversity to the project—race/ethnicity, people with disabilities, families, religious groups, sexual orientation, etc.
- Have written screening criteria and information about project amenities and rents on hand to ensure everyone is given the same information. Pay particular attention to materials that change frequently such as specials or unit availability. Provide information in multiple languages whenever possible.

- Use the HUD required Affirmative Fair Housing Marketing plan as an opportunity to really think about affirmative marketing. Distribute and follow the plan.
- Make sure your leasing office is accessible and show accessible units whenever possible.
- Develop an inventory of accessible units within your portfolio with descriptions, locations, unit numbers, etc. Affirmatively market accessible units to persons with disabilities, by describing the unit as such in marketing materials. Contact organizations serving the disability community when those units become vacant.

### Applications

- Be consistent and clear with your screening and waitlist criteria (don't use the words "may" or "could"). Have reasons for all screening criteria (why have you chosen them?). Only include objective and necessary criteria that serve the purpose of protecting the project and residents.
- Evaluate your screening criteria periodically. What is the turndown rate? Can you tell if protected classes are disproportionately impacted by the criteria? Is the criterion accurately predicting successful residents? If you have a high turndown rate or high numbers of unsuccessful residents, it might be a signal to reconsider your criteria.
- Make sure that your property management company is using screening criteria you approve.
- Be aware of screening criteria that may have a disparate impact on protected classes.
- As part of your screening policy, be explicit about whether you will require social security numbers, understanding that requiring social security numbers can have a disparate impact on some protected classes. Verify specific funding requirements for each property relating to using social security numbers for identification.
  - Screening professionals report that most information about prospective residents is available using only name, birthdate and recent addresses. Talk to different screening companies and your property manager about what information they can obtain with and without social security numbers.
- Electronic systems for waitlist can minimize inaccuracies. Some property managers have software specifically designed for managing waitlist, you can also use a simple excel spreadsheet. Either system should have some kind of controls so that the list can't get changed (print it out periodically, lock cells, etc.)
- Be thoughtful about not allowing unintentional biases, or the appearance of bias, into your application process. Either use a 3<sup>rd</sup> party screening company or set up your internal process to provide for objective decision making (for example, have

the person making the decision to approve/deny an application be someone who has never seen or met the applicant).

### Appeals Process

- Have a clear appeals process and make it available to all applicants. Some agencies provide information on their appeals process along with every rejection.
- Document the appeal and final decision in a consistent, complete and timely manner.
- Senior staff, not site staff, should be reviewing appeals.
- If you have demographic information, track the demographics of who appeals and what the outcome of appeals are to see if you find any disparity among protected classes.

### Welcoming Community

- Make creating a welcoming community for all residents a priority within your organization and at each property you own.
  - Provide appropriate services for your resident population and track who uses them.
  - Make sure service staff make events and services inclusive.
  - Make sure that staff are trained and equipped to deal with the full range of residents living in your community.
  - Some organizations complete short assessments after each activity organized by resident services noting factors such as who participated, who left early, whether residents felt safe and welcomed, etc.
  - Consider resident satisfaction surveys or other tools to get feedback from your residents on what is working well and what needs improvement.
  - Make it clear to residents that tenant-on-tenant discrimination or harassment will not be tolerated. Take complaints seriously, investigate complaints and take effective and prompt corrective action.
  - Quickly get rid of any potentially offensive materials in any public space.

### Reasonable Accommodation (RA)

- Have a clear written policy and make sure that staff is well trained. RA can be a challenging issue with a lot of nuances and evolving case law. RA requests should be reviewed by a consistent person who has expertise in this area. They should not be determined by on-site staff. If using a third party manager, your agency's asset manager (or other staff) should review RA files periodically to ensure consistency and proper documentation.

- Remember that there are rules and limitations that govern RA. Prior to approving a RA request, contact the person who submitted the third party verification of disability. Make sure they a) understand the legal definition of disabled and agree it applies to the applicant and b) acknowledge that the requested accommodation addresses the disability.
- Develop a strategy in advance for dealing with potential complaint from BOLI or a resident's legal representative (i.e., have a relationship with an appropriate attorney or other advisor who has reviewed your policies and procedures ahead of time).
- Evaluate all reasonable accommodation requests and outcomes to make sure that they are consistent and are not creating disparate impacts for protected classes.

### Data Analysis/Tracking

- Collecting and analyzing demographic data can be a useful tool to understand how well your project is serving both the intended population and the community at large.
  - Compare your properties' demographics to census data. As far as possible, tailor the census search to your project, limiting by geography, income restriction, or other factors to the extent such data is available.
  - If your property is not aligned with the demographics of the surrounding community, dig deeper to find out why. There may be good reasons for the differences, identifying them helps you better understand the property and population, as well as potentially showing where service gaps exist.
  - Look at the different stages of the resident relationship—application, leasing, resident service utilization, notices, evictions and other departures. Are there steps in the relationship that have different results for protected classes?
- Collecting and analyzing data can be time consuming, data can be difficult to obtain in some areas, and census data only tracks a few of the protected classifications.
  - A network of organizations across the state contract with the census bureau to help people and organizations access census data. The lead organization in Oregon is Portland State University's Population Research Center. Their services include links to census data, free trainings and handouts on working with census data, and help with individual research projects.  
<http://pdx.edu/prc/oregon-census-state-data-center>. A full list of participating organizations across the state can be found here:  
<http://www.pdx.edu/prc/affiliates-osdc-program>.

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