

Fair Housing Law



Passed in the wake of the Civil Rights Act of 1964, the Fair Housing Act of 1968 requires that landlords not discriminate against potential tenants based on race, nationality, gender, religion, family status, disability, or - to put it plainly - anything having to do with a prospect's appearance or affiliations. Landlords who do not comply with the Fair Housing Act risk lawsuits, thus it's important to know how to ensure you comply with this law in your tenant screening process.

A Brief History

Amidst substantial discrimination in America during the 1960s, one issue that became prominent during the decade was housing. Many landlords refused to lease units to residents based on a number of personal characteristics and traits, chiefly race and religion, though many other factors played a role in property owners refusing to rent to certain people.

In 1968, following the assassination of Dr. Martin Luther King, Jr, President Lyndon Johnson signed the Fair Housing Act into law, mandating that all landlords treat every applicant equally. Organizations

and groups including the NAACP and the National Committee Against Discrimination In Housing lobbied heavily for the passing of the legislation.

After the bill was passed, President Richard Nixon appointed representatives to head the U.S. Department of Housing and Urban Development, which ensured the FHA was being implemented nationwide.

Complying with the FHA

Many landlords who have been in the business for a considerable amount of time know the ins and outs of the process of searching for tenants for their properties, including how to run credit checks and interview applicants. However, numerous first-time property owners may not know how to find renters for their units - or the FHA rules regarding their tenant search.

The legal resource website NoLo suggests landlords take the time to learn everything about the FHA, as the legislation requires property owners to be up to date regarding all facets of the law. In addition to the federal housing legislation, the site states local municipalities and state governments may have their own specific regulations apart from the FHA that you might need to know about before leasing out your rental property.

According to the American Apartment Owners Association, landlords can ensure that they are complying completely with the FHA by being consistent. What AAOA means by this is that being consistent in how and where you advertise a property, what application you require prospective tenants fill out and what questions you ask applicants in the interview process can help make sure you comply with the FHA and avoid any legal action taken against you from applicants turned away.

For instance, Bigger Pockets states that by only advertising your property's units at your church means you are discriminating against possible renters who don't believe in your religion. Because of this, it's vital to post listings of your property in public places or online - basically, where everyone has access to an ad regarding your property.

Should you deny an applicant at your property, NoLo recommends you keep detailed files on record as a safeguard against a lawsuit from someone you or your property management team rejected at your property. If you're able to comprehensively document why you turned away an applicant, you can use that file in court, if needed, to prove you complied with the FHA.