



Wicomico County Purchasing
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Date: 10/23/2015

Addendum # 1

Bid: Learning Management System and Fair Housing Introductory Course

The following are answers to various questions that have been asked by prospective proposers:

- Wicomico County is looking for the winning proposer to host the LMS. Wicomico County, the City of Salisbury, and the Shore Housing Resource Board will plan to provide a link to the LMS on its website – this is the extent of the integration with other systems.
- Regarding Page 7: “The system should allow for the future expansion to a pay-per-class scenario:” This component of the system may be built later since this is for future expansion and not planned to be added at launch.
- Regarding Page 7: “Would like LMS to coordinate with SHRB’s existing brand:” For clarification, the LMS should compliment the SHRB’s website, which can be found at <http://shorehousingrb.com/>. The “brand” referenced means the layout and color scheme of the SHRB website.
- SHRB preliminarily expects 50-75 users for this system in its first year, however the goal is to have 100 users take this class and exam. The total number is not known at this point. The SHRB plans to constantly market the existence of this course so the number of users may increase over time.
- SCORM 1.2 and WCAG 2.0 Level AA adherence for accessibility are acceptable.
- The courseware should be accessible minimally on operating systems Windows XP and newer, and on internet browsers Google Chrome and Internet Explorer.
- The source material covers 100% of the course’s content.

Addendum No. 1

- An open source solution, such as Moodle, is acceptable. Additionally, the SHRB is open to other 3rd party integration solutions selected by the vendor.
- The introductory video will be approximately 15 minutes, and an actor will be provided. A script, along with the exam, will also be provided to the winning proposer.
- The location, props, and equipment for shooting the introductory video will need to be provided by the proposer and approved by the SHRB.
- A proposer can include multiple different development approaches and price points for a solution.
- The website will need to be fully SSL protected, include a single sign on option, and historical completion records will need to be uploaded.
- Automated external interfaces to other systems or data migration is not needed.
- There were questions regarding mobile/tablet compatibility and alternative language options. These options are not be needed at the LMS' launch, however there is the possibility of this need in the future.
- The SHRB is willing to use customizable, pre-defined themes if the vendor has them, rather than using a "from scratch" theme.
- SHRB expects 10-15 graphic images of high resolution with the LMS.
- The only interactivity expected with the user is a welcome course, the modules, and a required final exam.
- The exam will be provided all at once, with the course provided sequentially. "Gating" will be required. Each gated module is to be completed in a sequential order.
- A certificate should be provided at the end of the course, downloadable, which proves completion of the course. A feedback form containing a survey and evaluation should also be provided.
- The SHRB has an anticipated go-live date of January 31, 2016.
- The SHRB projects this course to be ongoing. This course will be up and running for at least two years after its launch. Please provide ongoing costs associated for hosting in your proposal along with start-up costs.
- The SHRB has no video streaming platform in place, no preferred videography or editing tool, no needed incorporated interactive learning strategy, and no current Fair Housing Introductory Course or project similar to this in existence.

Addendum No. 1

- The work on the LMS can be completed by the vendor off-site. The proposer can establish meetings as needed.
- The deadline for questions will be October 23, 2015.
- The Modules and Final Exam follow this addendum. Please note that the following is a work in progress and subject to change..

End of Addendum Number One

Submitted by
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Welcome to Shore Housing Resource Board, Inc. (SHRB) online Introduction to Fair Housing training. Shore Housing Resource Board is a nonprofit organization comprised of business, government and other nonprofit organizations and individuals working for Fair Housing in the Tri-County area of Wicomico, Worcester and Somerset Counties in Maryland.

This training course was **proved** by a grant from the City of Salisbury to address the requirements of federal fair housing laws for the housing developer, realtors, bankers, insurers, landlords and management agents. An emphasis will be placed on “reasonable accommodations” and “reasonable modifications”. Wicomico County supported this effort by providing a grant from its Community Development Block Grant (CDBG) program – fair housing initiative.

Future additions will be made to this training course. Please know these training modules are not intended to be comprehensive, but **do** provide an **introduction** to each of the topics included in this course. If persons need additional information regarding the Fair Housing Act, please contact legal counsel.

The format for the Fair Housing courses includes four introductory training modules.

Training Module #1 – Overview of the Federal Fair Housing Laws

Training Module #2 – Overview of the Protected Classes

Training Module #3 – Overview of Fair Housing Accessibility

Training Module #4 – Overview of Reasonable Accommodation and Modification

Once all four Fair Housing training modules are completed, you will be given the opportunity to take a fair housing examination. The examination will consist of **35** multiple choice questions. Upon **the** completion of the examination, you as course taker will receive a certificate of completion. **The course taker will receive a “Certificate of Completion” upon completing the examination.**

Welcome to the **Introduction to Fair Housing Training Module #1** – the overview of Federal Housing Fair Housing Laws, my name is _____ . And we will begin with,

Training Module #1 Overview of the Federal Fair Housing Laws

First of all what is Fair Housing? One of our most fundamental rights is to live peaceably where we choose. Fair Housing is the right of all people to buy, sell or rent residential property, and to live where they wish without discriminatory criteria. Having chosen a place to live, we are guaranteed the right to reside there peacefully without regard to race, color, religion, national origin, sex, marital status, familial status, disability or sexual orientation.

The **prevailing** federal fair housing law is the Fair Housing Act. The Fair Housing Act introduced meaningful federal enforcement mechanisms. Title VIII of the Civil Rights Act of 1968, the Fair Housing Act was passed by Congress four days after the assassination of Martin Luther King, Jr. This legislation prohibits discrimination by direct providers of housing (landlords and real estate companies) as well as other entities (such as municipalities, banks and other lending institutions, and homeowners insurance companies). Discrimination in other housing-related activities such as advertising, zoning practices, and new construction design is

also covered. As a result of this legislation, the practices of redlining and the writing of racially restrictive covenants into deeds were deemed illegal.

When originally passed in 1968, the Fair Housing Act only covered four protective classes: race, color, religion, and national origin. Sex was added as a protective class in 1974. In 1988, disability and familial status (including children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18) were included as protective classes as well.

There are three primary Federal Civil Rights Laws that influenced the housing industry as it relates to Fair Housing: *the Fair Housing Act*, *Section 504 of the Rehabilitation Act of 1973* and *the Americans with Disabilities Act*.

The Fair Housing Act is enforced administratively by the U.S. Department of Housing and Urban Development (HUD). People who believe that they have been harmed by a violation of the Act may file administrative complaints with HUD, and HUD conducts an impartial investigation of the claims.

The Act also authorizes federal lawsuits by the U.S. Department of Justice, and private lawsuits that can be filed in federal or state courts by individuals. Many state and local fair housing enforcement agencies also have authority to investigate violations and bring enforcement actions. The general authority for all of these enforcement activities is found in the Fair Housing Act. So the enforcement authority given under the Act is quite broad.

Where violations of the law are established, remedies under the Fair Housing Act may include the award of compensatory damages to victims of discrimination, sometimes numbering in the hundreds of thousands of dollars, orders for comprehensive corrective action, and awards of punitive damages to victims or civil penalties to the government. In design and construction cases, remedies also may require retrofitting housing that has already been constructed to make it comply with the Act's design and construction requirements.

The Federal Fair Housing Act prohibits:

- ◆ Refuse to rent or sell housing
- ◆ Refuse to negotiate for housing or make unavailable
- ◆ Set different terms, conditions, or privileges for sale or rental
- ◆ Provide different housing services or facilities
- ◆ Falsely deny that housing is available for inspection, sale or rental
- ◆ Deny any access to or membership in a facility or service (such as a multiple listing service) related to the sale of housing
- ◆ Refuse to make reasonable accommodations in rules or services if necessary for a disabled person to use the housing
- ◆ Refuse to allow a disabled person to make reasonable accommodations to his/her dwelling
- ◆ Threaten or interfere with anyone making a fair housing complaint

First, the Fair Housing Act makes it unlawful to refuse to rent or sell, make housing unavailable or otherwise refuse to negotiate on the basis of a protected class. A person has the right to rent or purchase a unit if they are a qualified renter or buyer.

The second form of discrimination makes it unlawful to discriminate in the terms, conditions, privileges, services or facilities of housing. This simply means that before or during tenancy a housing provider may not treat a person in a protected class differently in lease provisions, rent, the use of public and common area spaces, and other terms of conditions of housing. No discriminatory terms and conditions can be used in renting or selling.

The Act also states that housing providers cannot falsely deny that housing is unavailable for inspection, sale or rental. This provision requires a housing provider to make **available** the same information regarding the community to everyone, regardless of their protected class. The act makes it unlawful to make, print, or publish any advertisement that indicates a preference, limitation, or discrimination based on a protected class. Under this provision, a housing provider may not advertise a preference for a certain class, or that a certain protected class is not welcome at the property.

In 1988, Congress amended the Fair Housing Act to **protect** persons with disabilities and families with children. It is illegal for a housing provider to refuse to allow a tenant with a disability to make modifications, at the tenant's expense, which would permit the tenant to fully enjoy the premises. A housing provider must provide reasonable accommodations in its rules, policies, practices, or services that may be necessary because of disability; as well as the certain multifamily housing must include accessibility for persons with disabilities. This will be discussed in greater detail in the Reasonable Accommodations and Accessibility sections.

So let's go over some of what we discussed so far by taking a quiz:

Fair housing law(s) prohibits all of the following, except

- a. Refusal to show, sell, or rent a property because of disability
- b. Expressing a preference for young adults in a listing comment
- c. Evicting a current user of illegal drugs
- d. Marketing your listings exclusively in a religious publication

The answer is C. Evicting a current user of illegal drugs. Drug addiction isn't covered under any of the protected classes. In fact, the Fair Housing Act specifically states that current illegal drug users aren't handicapped.

Let's try a few more for fun!

Under the federal fair housing law, the seven protected classes include

- a. Race, color, source of income, handicap, national origin, marital status, religion
- b. Race, color, religion, sex, handicap, familial status, national origin
- c. Race, sexual orientation, sex, familial status, handicap, age national origin
- d. None of the above

The correct answer is B. Race, color, religion, sex, handicap, familial status, national origin. Although some interest groups have tried to lobby to include sexual orientation, and marital status, these aren't protected classes under the federal law, but are sometimes protected by certain local state fair housing laws.

It is best not to ask how many children will be living in the apartment/home.

- a. True
- b. False

The correct answer is true.

Which of the following are violations or potential violations of the Fair Housing Act?

- a. A seller tells you he doesn't want to sell to African Americans
- b. A sales associate puts the phrase "adults only" in a MLS listing
- c. Both a and b
- d. None of the above

The correct answer is C; both A and B. Excluding prospective buyers on the basis of race is always a violation. Although it's potentially a violation to discriminate on the basis of familial status, "adults only" is acceptable when the housing is specifically designated for older persons pursuant to a state, local, or federal program designed to accommodate the needs of elderly persons. Or the community must be occupied solely by persons who are 62, or older, or house at least one person who is 55 or older in at least 80 percent of the occupied units and adhere to a policy that demonstrates an intent to house and provide services who are 55 or older.

Under federal fair housing laws, it is legal to prohibit which of the following in a housing unit?

- a. Smoking
- b. A live-in caregiver for a resident with a disability
- c. Drinking alcohol
- d. Both a and c

The correct answer is D; both A and C. Tenants' activities, such as smoking and drinking, aren't protected.

Another Federal Civil Rights Law that impacted the housing industry was Section 504 of the Rehabilitation Act of 1973 which prohibits housing providers who receive federal financial assistance from discriminating against qualified persons with disabilities in the sale or rental of housing; discriminating in the terms and conditions of housing; failing to provide reasonable accommodations to persons with disabilities; and failing to include accessibility features in certain types of multi-family housing. For example, the United States Department of Housing and Community Development (HUD) is a federal agency that provides federal financial assistance in the housing industry. The Act prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD.

The final Federal Civil Rights Law **enacted to prohibit housing discrimination and being reviewed in Training Module #1**, is the Americans with Disabilities Act of 1990 (ADA). The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services. The current text of the ADA includes changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January

1, 2009. The ADA was originally enacted in public law format and later rearranged and published in the United States Code.

There are two Titles of the ADA that are applicable to the housing industry: Title II and Title III. Title II prohibits discrimination on the basis of disability by public entities. Subtitle A protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments. It extends the prohibition of discrimination in federally assisted programs established by section 504 of the Rehabilitation Act of 1973 to all activities of State and local governments, including those that do not receive Federal financial assistance, and incorporates specific prohibitions of discrimination on the basis of disability from titles I, III, and V of the Americans with Disabilities Act. This rule, therefore, adopts the general prohibitions of discrimination established under section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

Title III of the Americans with Disabilities Act of 1990 (ADA) deals with public accommodations and services operated by private entities. Title III of the ADA states that no individuals shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.

EXAMPLE # 1:

A private residential apartment complex includes a swimming pool for use by apartment tenants and their guests. The complex also sells pool “memberships” generally to the public. The pool qualifies as a place of public accommodation.

EXAMPLE # 2:

A residential condominium association maintains a longstanding policy of restricting use of its party room to owners, residents, and their guests. Consistent with that policy, it refuses to rent the room to local businesses and community organizations as a meeting place for educational seminars. The party room is not a place of public accommodation.

EXAMPLE # 3:

A private residential apartment complex contains a rental office. The rental office is a place of public accommodation.

The 1968 Fair Housing Act provided three means of enforcing its anti-bias rules:

- The U.S. Department of Justice may bring lawsuits where a "pattern or practice" of housing discrimination exists or where alleged discrimination raises an issue of general public importance -- e.g., widespread discrimination by a defendant seller, developer or rental firm.

- Administrative complaints can be made to the U.S. Department of Housing and Urban Development (HUD). Such complaints could, theoretically, end up in the courts if pursued by the **aggrieved** victim.
- Private plaintiffs can proceed directly to court with charges of housing discrimination.

The 1968 ACT, however, provided only limited mechanisms for enforcement, allowing the Justice Department to go to court only in "pattern and practice" cases or when a group of persons was discriminated against in a manner that "raises an issue of general public importance." **The Supreme Court in 1972 essentially called HUD's role in enforcing fair housing, "minimal."**

The need for further action was additionally reinforced **as a result of** 1987 HUD estimates that **indicated** as many as two million instances of housing discrimination were occurring each year. Twenty years after passing the Fair Housing Act, Congress sought to strengthen the law's enforcement provisions and passed the Fair Housing Amendments Act of 1988, signed by President Reagan on September 13, 1988. The key provisions of the 1988 act include:

- Extensions of the law's basic protection against discrimination in housing to families with children and to people with disabilities.
- Reform of the enforcement and remedies portion of the law, including requirements that the Justice Department represent individual victims of housing discrimination after receiving referrals from HUD. In addition, the enforcement and remedies provisions established a system of administrative judges to decide discrimination disputes and to award actual damages, injunctive relief and civil penalties of up to \$50,000.

Ok let's have a review. Answer the following questions:

Based on federal fair housing law, which of the following people would be protected:

- A divorced female, single parent
- A 35-year old single, Jewish man
- A 50-year old white man
- All of the above

The correct answer would be D. The 50-year old white man is protected if he's discriminated against on the basis of his race. However, his age isn't relevant since age isn't a protected class under federal fair housing laws.

Publishers and advertisers are exempt from the Fair Housing Act when designing or printing an ad that expresses preference, limitation or discrimination on the basis of protected classes.

- True
- False

The correct answer is B. The Act "prohibits the making, printing and publishing of advertisements which state a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status or national origin."

The next part of this training is Module #2 – **Overview of the Protected Classes.**

In this module, we will discuss the protected classes in more detail, as well as, cite pertinent information that will assist you with this topic. As **previously** stated, (before) the seven protected

classes under fair housing law **are** (is) race, color, religion, sex, handicap, familial status, and national origin.

Race or Religion

Overt discrimination against persons of a certain race or religion (“No blacks allowed”) is unusual but incredibly (does) still occurs. Far more common is **covert** discrimination **which** is accomplished by **subtle** indirect methods. For example, the landlord who turns away every black applicant is discriminating just as much as the one who announces that none need apply. **An** apartment ad that says “safe Christian community” violates federal law, since applicants might reasonably conclude that Christians are preferred as tenants.

National Origin

Discrimination based on national origin is illegal, whether it’s deliberate or carried out indirectly. For instance, an ad that offers special discounts to members of the Italian-American Club would be a likely candidate for a discrimination charge. And landlords cannot require proof of citizenship or immigration papers from applicants of one ethnicity but not from others, since doing so places a burden on one group that is not imposed on everyone else. For example, in California, it's illegal to ask any applicant or tenant about immigration or citizenship status.

Familial Status or Age

Landlords are not allowed to explicitly or indirectly turn you away based on your family status or your age.

Discrimination Against Families

While some landlords don’t like renting to tenants with children **for fear of** the noise and **property damage** that **they** (kids) might cause; the federal Fair Housing Acts prohibit discriminating on this basis. A landlord may not legally turn away or evict a tenant because he or she has children or because an applicant or tenant is pregnant. Even if the landlord has a **note**worthy motive, such as believing that children won’t be safe in the building or the neighborhood, **it is illegal to deny the tenancy on that basis or to take other discriminatory actions such as segregating these families in certain parts of the property (usually to the rear of the property)**. Some landlords try to get around the laws prohibiting discrimination against families by setting unreasonably low occupancy limits, such as only two people for a two bedroom unit. This too is illegal, as it has the effect of excluding families. **Federal law through an opinion letter written by the Department of Housing and Urban Development has established minimum occupancy standards that regulate how low occupancy can go and still be legal.** In general, landlords must allow at least two persons per bedroom. Landlords can be more restrictive only in rare instances, when they can show that legitimate business reasons justify a more restrictive standard. For example, a policy of only three persons in a two-bedroom unit might pass muster if the landlord can prove it is truly based on the **plumbing system limitations** or some other aspect of the building’s infrastructure.

Age Discrimination

The federal Fair Housing Acts do not expressly ban discrimination based on age. (Nevertheless) **However**, it is definitely forbidden under the broader prohibition against discrimination on the basis of familial status. A landlord cannot refuse to rent to an older person or impose special terms and conditions on the tenancy unless these same standards are applied to everyone. **If an applicant has** excellent references and credit history, a landlord has no legal basis for refusing you, even if you are 85 and **partially** rely on regular assistance **from** a nearby adult child or friend. **A** landlord could, **however**, legally give the rental to someone else with equal or better

references or financial stability. **But** if your current landlord reveals that you suffer from advanced senility to the **degree, as evidenced** by you often wander into the wrong apartment, frequently forget to pay the rent, or are unable to undertake basic housekeeping chores; the prospective landlord can refuse to rent to you **based on this age-neutral evidence that demonstrates you are not likely to be a stable, reliable tenant.**

Handicap/Disability

Federal law prohibits discrimination against people who:

- have a physical or mental disability that substantially limits one or more major life activities—including, but not limited to, hearing, mobility and visual impairments; chronic alcoholism (but only if it is being addressed through a recovery program); mental illness; mental retardation; being HIV-positive, having AIDS or AIDS-Related Complex
- have a history or record of such a disability, or
- are regarded by others to have such a disability.

Mental or Emotional Impairments

If you had, have, or appear to have mental or emotional impairments, you must be evaluated and treated by the landlord on the basis of your financial stability and history as a tenant, not on the basis of your mental health. If you cannot meet the good-tenant criteria **established by** the landlord **and applied** to all applicants (such as a minimum rent-to-income ratio), you may be rejected on that basis.

Discriminatory Questions and Actions

Landlords are **prohibited by law from asking if you suffer** from a disability or illness. **Nor can they** ask to see **your** medical records. **A landlord, no matter how well intentioned, cannot decide for you where or how you are to live on the property; such is a decision that he would otherwise not make if you were not disabled.** For example, if there are two units for rent—one on the ground floor and one three stories up—the landlord must show both units to a wheelchair-bound applicant unless the applicant asks to see only one.

The Rights of Disabled Tenants to Live in an Accessible Place

Federal law protects disabled tenants after they have moved into a rental unit as well as during the application process. **Landlords must reasonably accommodate the needs of disabled tenants at the landlord's expense.** This means that a disabled tenant can expect the landlord, **to a reasonable degree,** to adjust rules, procedures, **and/or** services in order to provide reasonable accessibility and **equal enjoyment of their** dwelling unit or a common space. Examples include providing a parking space for a movement-impaired tenant and accepting a guide or service animal in an otherwise “no pet **allowed**” building. However, landlords need not undertake changes that would seriously impair their ability to run their business, such as installing an elevator to the third floor to accommodate a wheelchair-bound tenant's wish to live there. Fortunately, where a landlord's legal duty to reasonably accommodate the needs of a disabled tenant ends, his obligation to allow the tenant to modify the living space may begin. A disabled tenant has the right to modify his living space, at the tenant's expense, to the extent necessary to make the space safe and comfortable. There are two caveats to this rule: First, the landlord is not required to allow you to make major structural alterations. Second, if the modifications will make the unit unacceptable to the next tenant, the disabled tenant must agree

to undo the modification **upon** moving out. The landlord has the right to insist that the tenant put money in an escrow account to cover the eventual cost of returning the unit to its original condition. Examples of modifications undertaken by a disabled tenant include the lowering of countertops, installation of a ramp, or repositioning the light switches.

Landlords are entitled to ask for proof that the accommodation or modification being requested will address your disability — otherwise, a landlord has no way of knowing whether your request is legitimate or a ruse to obtain special treatment. Ask your physician, therapist, counselor, or any other third-party professional who knows **or treats** you, and understands your situation; **to provide** a letter attesting **that your request will meet your needs**. To protect your privacy, explain to the physician or other writer that there's no need to explain the disability. The writer need only certify that **you** are under his or her care and that the changes **requested** are appropriate to **address** your situation.

Limited Protection for Alcoholics and Drug Users

Federal fair housing law extends limited protection to two carefully defined groups:

- recovering alcoholics—those who actively and regularly participate in a medically based treatment or AA program
- former drug addicts—including those who have prior convictions for illegal drug use (but not for drug dealing or manufacture).

It is important to remember that, despite these protections, other aspects of a recovering alcoholic's (or a former drug addict's) past might legally serve as the basis for a denial of housing. For example, if you are a recovering alcoholic who has bad credit, a spotty employment history, or negative references from your previous landlords; a landlord may reject you for these reasons just as readily as any other applicant with these flaws. What a landlord cannot do is reject a prospective tenant solely on the basis of his status as a former addict or recovering alcoholic.

Sex and Sexual Harassment

A person cannot be denied a place to live (or have special rules imposed on **them**) **reas** solely because they're a female or male. Even well-intentioned policies are off-limits—for example, fearful that single women are more likely to be burglarized and assaulted than male tenants; a landlord cannot require single females to live in upper-story apartments, **even if those units are less prone to break-ins**. Sexual harassment is another form of unlawful sexual discrimination. For example, it's illegal to refuse to rent to a person who resists the landlord's sexual advances or to make life difficult for a tenant who has resisted such advances.

Property Exempt from Federal Antidiscrimination Laws

Unfortunately, not every rental is covered by the federal fair housing laws. The following types of property are exempt:

- owner-occupied buildings with four or fewer rental units
- single-family housing rented without the use of advertising or without a real estate broker, as long as the landlord owns no more than three such homes at any one time
- certain types of housing operated by religious organizations and private clubs that limit occupancy to their own members, and
- with respect to age discrimination only, housing reserved exclusively for senior citizens. There are two kinds of senior citizen housing exempted: communities where every tenant is 62 years of age or older, or "55 and older" communities in which at least 80% of the occupied units must be occupied by at least one person 55 years or older.

Fortunately for some tenants, many state fair housing laws cover properties or situations that are exempt under federal law. For example, owner-occupied buildings with four or fewer rental units are exempt under federal law but are protected under California law.

It's quiz time again; the fair housing laws prohibit all of the following, except

- a. Refusal to show, sell, or rent a property, because of disability
- b. Expressing a preference for young adults in a listing comment
- c. Evicting a current user of illegal drugs
- d. Marketing your listings exclusively in a religious publication

The correct answer is C, evicting a current user of illegal drugs. Drug addiction isn't covered under any of the protected classes. In fact, the Fair Housing Act specifically states that current illegal drug users aren't handicapped.

Let's take a few minutes and discuss briefly the importance of fair housing testing.

What is Fair Housing Testing?

Fair Housing Testing is a way to measure the quality, quantity, and content of information; and customer service given by a housing provider based on a protected class under fair housing law to potential renters, home buyers, etc.

In a rental test scenario, testers with in all characteristics as similar as possible, except the protected class involved, are to visit the site of a housing provider (within an appointed time period) and inquire about the availability of housing. Afterwards, the testers objectively record in detail everything that happened during the test — what was said, what was offered, what price was quoted for an available apartment, etc. Later, the test coordinator compares the testers' objective reports to determine whether a difference in treatment, based on the protected class, occurred.

Why is Fair Housing Testing Important?

Fair housing testing is an invaluable tool in measuring the practices of housing providers relating to the Fair Housing Act. Some unlawful housing discrimination practices can only be discovered through fair housing testing. Information gathered through fair housing testing can be used as evidence to support a client's administrative housing discrimination complaint with the Department of Housing and Urban Development or a private lawsuit against a housing provider. The U.S. Supreme Court has recognized and affirmed the importance of fair housing testing in fighting housing discrimination.

The Fair Housing Act is enforced by:

The Department of Housing and Urban Development
The Department of Justice
State and local fair housing enforcement agencies
Private lawsuits in federal or state court

As stated previously, the Fair Housing Act is enforced administratively by the U.S. Department of Housing and Urban Development (HUD). People who believe that they have been harmed due to a violation of the Act may file administrative complaints with HUD, and HUD can conduct an

impartial investigation of the claim.

The Act also authorizes federal lawsuits by the U.S. Department of Justice, and private lawsuits that can be filed in federal or state courts by individuals. Many state and local fair housing enforcement agencies also have authority to investigate violations and bring enforcement actions. The general authority for all of these enforcement activities is found in the Fair Housing Act. So the enforcement authority given under the Act is quite broad.

Where violations of the law are established, remedies under the Fair Housing Act may include the award of compensatory damages to victims of discrimination, sometimes numbering in the hundreds of thousands of dollars, orders for comprehensive corrective action, and awards of punitive damages to victims or civil penalties to the government. In design and construction cases, remedies also may require retrofitting housing that has already been constructed to make it comply with the Act's design and construction requirements.

Let's continue with training Module #3 – **Overview of Fair Housing Accessibility**.

There are three key federal laws that provide accessibility requirements for housing.

2. Fair Housing Amendments Act (FHAA)
3. Section 504 of the Rehabilitation Act of 1973
4. Americans with Disabilities Act (ADA)

Who is Protected?

The FHAA added disability and familial status (families with children) as protected classes under the Civil Rights Act. The legislation adopts the definition of disability found in Section 504 of the Rehabilitation Act of 1973, as amended. This definition includes **any person with a physical or mental impairment**, has a record of having such an impairment, or is regarded as having such an impairment that substantially limits one or more major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

Types of Housing Facilities Covered.

This law pertains to all types of housing, whether privately or publicly funded. Some examples of types of facilities include, but are not limited to condominiums, cooperatives, mobile homes, trailer parks, time shares, and any unit that is designed or used as a residence. It also includes any land or vacant property, which is sold or leased as residential property.

Units Covered by the Fair Housing Act

The Fair Housing Act design and construction requirements apply to "covered multifamily dwellings" designed and constructed "for first occupancy" after March 13, 1991. A building was not designed or constructed for first occupancy if:

- It was occupied by March 13, 1991
- If the last building permit or renewal of a building permit was issued on or before June 15, 1990

Buildings where the last building permit was issued on or before June 15, 1990 are not covered by the design and construction requirements. Even if the last building permit was issued after

June 15, 1990, if the property was occupied before March 13, 1991, it is not covered. HUD adopted these dates to allow time for the requirements to be considered during the design and construction phase of new properties.

The "first occupancy" language in the statute has been defined in HUD's Fair Housing Act regulations as "a building that has never before been used for any purpose." This means buildings that are rehabilitated are not covered by the design and construction requirements even if the rehabilitation occurs after March 13, 1991 and even if it is substantial rehabilitation.

A dwelling unit includes:

- A single-family unit in buildings with four or more units
- An apartment
- A room in which people sleep even if they share kitchens or bathrooms, like transitional housing

The design and construction requirements apply to "covered multifamily dwellings". Covered multifamily dwellings are:

1. All dwelling units in buildings containing four or more dwelling units if the buildings have one or more elevators AND
2. All ground floor units in other buildings containing four or more units, without an elevator.

This includes housing for **rent** or for **sale**, and applies whether the housing is privately or publicly funded.

Condominiums and apartment buildings are covered by the design and construction requirements. So are time-shares, dormitories, transitional housing, homeless shelters that are used as a residence, student housing, assisted living housing, and others.

Requirements

In order to be in compliance with the Fair Housing Act, there are seven basic *design and construction requirements* that must be met. These requirements are:

Requirement 1. An accessible building entrance on an accessible route.

All covered multifamily dwellings must have at least one accessible building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site.

- An accessible route means a continuous, unobstructed path connecting accessible elements and spaces within a building or site that can be negotiated by a person with a disability who uses a wheelchair, and that is also safe for and usable by people with other disabilities.
- An accessible entrance is a building entrance connected by an accessible route to public transit stops, accessible parking and passenger loading zones, or public streets and sidewalks.

Requirement 2. Accessible public and common use areas.

Covered housing must have accessible and usable public and common-use areas. Public and common-use areas cover all parts of the housing outside individual units. They include -- for

example -- building-wide fire alarms, parking lots, storage areas, indoor and outdoor recreational areas, lobbies, mailrooms and mailboxes, and laundry areas.

Requirement 3. Usable doors (usable by a person in a wheelchair).

All doors that allow passage into and within all premises must be wide enough to allow passage by persons using wheelchairs.

Requirement 4. Accessible route into and through the dwelling unit.

There must be an accessible route into and through each covered unit.

Requirement 5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

Light switches, electrical outlets, thermostats and other environmental controls must be in accessible locations.

Requirement 6. Reinforced walls in bathrooms for later installation of grab bars.

Reinforcements in bathroom walls must be installed, so that grab bars can be added when needed. The law does not require installation of grab bars in bathrooms.

Requirement 7. Usable kitchens and bathrooms.

Kitchens and bathrooms must be usable - that is, designed and constructed so an individual in a wheelchair can maneuver in the space provided.

It's time for a quiz; which of the following features are required in ground floor units of non-elevator multifamily building of four units or more built after March 1991?

- a. An accessible building entrance or an accessible route for persons in wheelchairs?
- b. Accessible and usable public and common use areas?
- c. Light switches, electrical outlets, thermostat, and other environmental controls in accessible locations
- d. All of the above.

The correct answer is D. There are a total of seven requirements: the other four are (1) doors designed to be usable by person in wheelchairs, (2) an accessible route into and through the dwelling unit, (3) reinforcements in bathroom walls for later installation of grab bars, and (4) kitchen and bathroom space organized so an individual in a wheelchair can maneuver about the space.

So let's discuss the final training module #4 – **Reasonable Accommodation and Modification.**

REASONABLE ACCOMMODATIONS

It is a violation of the Fair Housing Act for any person to refuse to make a reasonable accommodation in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas. This means that the manager of an apartment complex must allow an exception to a rule or policy if it would **deny** a disabled tenant an equal opportunity to use and enjoy an apartment at the complex. An accommodation that permits disabled tenants to experience the full benefit of tenancy must be made unless the accommodation imposes an undue financial or administrative burden on

a housing provider or requires a fundamental alteration in the nature of its program.

With regard to a disabled tenant or disabled applicant's reasonable accommodation request, the owner or manager of the apartment complex can request verification that the tenant or applicant is disabled and needs the requested accommodation to use and enjoy the apartment or community. However, the owner or manager cannot request information about the nature, extent, or severity of a person's disability. Furthermore, if after a disabled tenant makes a reasonable accommodation request, the housing provider delays responding **to the request within** a reasonable amount of time, that delay may be construed as a failure to provide a reasonable accommodation.

EXAMPLE# 1:

A blind person who utilizes a guide dog applies to rent a one bedroom unit at an apartment complex. The apartment complex has a "no pets" policy, but the blind applicant otherwise qualifies for the one bedroom unit. **However without the guide dog**, the blind person would not have an equal opportunity to use and enjoy an apartment at the complex. Therefore, the owner or manager of the apartment complex must make an exception to the "no pets" policy and allow the blind person to live in the apartment with the guide dog.

EXAMPLE# 2:

A disabled tenant with a mobility impairment has difficulty walking more than short distances. The apartment complex where the disabled tenant lives has a "first come, **first serve**" parking policy for its tenants. **Therefore, in order to prevent problems getting from his car to his apartment, the tenant, as a result of his disability, requests that management grant a reasonable accommodation in its parking policy and reserve a parking space for him near his apartment.** This accommodation is necessary to afford the disabled tenant an equal opportunity to use and enjoy a unit at the complex. **The manager must, therefore, grant the accommodation and reserve a parking space for the disabled tenant.**

EXAMPLE# 3:

A disabled tenant has difficulty doing her laundry as a result of her disability. The apartment complex where she lives has a community rule that prohibits non-tenants from using the laundry rooms. If requested by the disabled tenant, the owner or manager of the apartment complex **must waive the rule and allow a friend, family member, or personal care attendant of the disabled tenant to use the complex's laundry rooms to do the tenant's laundry.**

EXAMPLE# 4:

A tenant needs a live-in aide to help care for him. Thus, the tenant requests that management of the apartment complex reasonably accommodate him by allowing his live-in aid to move in to assist him with his daily activities. If the tenant is disabled and needs the live-in aide to have an equal opportunity to use and enjoy his unit, then management must grant the accommodation.

EXAMPLE# 5:

A local association for the hearing impaired informs the manager of an apartment complex that a prospective renter with a hearing impairment needs a sign language interpreter during the application process. **Providing a sign language interpreter is**

a reasonable accommodation because it allows the prospective hearing impaired renter to have equal access to the complex and an equal opportunity to use and enjoy a dwelling unit. The owner of the apartment complex must pay for this service because (1) it would be a reasonable accommodation under the Fair Housing Act and (2) a public accommodation may not impose a surcharge on a disabled person to cover the costs of auxiliary aids or services, unless it imposes an undue burden or fundamental alteration in the nature of its program.

EXAMPLE# 6:

A tenant who suffers from chemical sensitivity requests a manager to remove the carpeting in her apartment and stop using certain paints and pesticides. In addition, the tenant provides the manager with a doctor's note stating that she is disabled and provides a list of chemicals to which she is sensitive. Since people who suffer from chemical sensitivity are disabled because their impairment may substantially limit one or more major life activities, the manager must accommodate the disabled tenant unless the manager can prove that the accommodation is unreasonable because it would create an undue financial or administrative burden.

EXAMPLE# 7:

A tenant who lives in a one bedroom apartment on the second floor in a non-elevator, apartment building becomes disabled. Due to his disability, the tenant now requires the use of a wheelchair and is faced with accessibility problems with his unit. Therefore, the tenant requests that management release him from his lease, without incurring any financial penalties, so that he can move to a more accessible unit. If there are no accessible, one bedroom apartments available at the complex, the manager should grant the disabled tenant an early release from his lease without incurring any financial penalties, unless the manager can prove that the accommodation would create an undue financial or administrative burden.

EXAMPLE# 8:

A tenant who suffers from a mental disability receives an eviction notice for disturbing other residents and violating community rules. The disabled tenant requests that the manager reasonably accommodate her, due to her disability, by not proceeding with the proposed eviction action and allowing her time to get medical treatment and/or psychological counseling. The manager must grant the accommodation unless they can demonstrate that no reasonable accommodation will eliminate or acceptably minimize any risk the tenant may pose to other residents.

REASONABLE MODIFICATIONS

Under the Fair Housing Act, it is also unlawful for any person to refuse to permit , at the expense of the disabled person, reasonable modifications of existing premises, occupied or intended to be occupied by such person if the modifications are necessary to afford such person full enjoyment of the dwelling premises. A "modification" means any change to the public or common use areas of a building or any change to a dwelling unit.

It should be stated that although tenants are generally responsible to pay for the costs of modifications, however, this is not the case if the modifications should have already been in place. Most apartment complexes that were built for first occupancy after March 13, 1991, do not meet all of the accessibility requirements

under the Fair Housing Act. An owner of an apartment complex not in compliance with accessibility requirements must pay for any modification(s) that a tenant requests in order to bring the complex into compliance. Furthermore, if the tenant lives at an apartment complex that receives federal funds, the tenant can, in most cases, request that the owner of the apartment complex pay for the modifications, as an accommodation to the tenant regardless of the year of first occupancy.

In the case of a rental unit, the landlord where it is reasonable to do so, may condition permission for a modification by requiring that the renter agree to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

The landlord may not increase for handicapped persons any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. This means that landlords may not routinely require such escrow payments, but must instead make a case-by-case determination based on such factors as the extent and nature of the modification involved, the duration of the lease, and the credit and rental history of the individual tenant.

A landlord may condition permission for a modification based on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

EXAMPLE# 1:

An applicant for rental housing has a child who uses a wheelchair. The bathroom door in the dwelling unit is too narrow to permit the wheelchair to pass. The applicant asks the landlord for permission to widen the doorway at the applicant's own expense. It is unlawful for the landlord to refuse to permit the applicant to make the modification. Furthermore, the landlord may not, in usual circumstances, condition permission for the modification on the applicant paying for the doorway to be narrowed at the end of the lease because a wider doorway will not interfere with the landlord's or the next tenant's use and enjoyment of the premises.

EXAMPLE# 2:

A disabled tenant asks his landlord for permission to install grab bars in the bathroom at his own expense. It is necessary to reinforce the walls with blocking between studs in order to affix the grab bars. It is unlawful for the landlord to refuse to permit the tenant, at the tenant's own expense, from making the modifications necessary to add the grab bars. However, the landlord may condition permission for the modification based on the tenant agreeing to restore the bathroom to the condition that existed before the modification, reasonable wear and tear excepted. It would be reasonable for the landlord to require the tenant to remove the grab bars at the end of his tenancy. The landlord may also reasonably require that the wall to which the grab bars are to be attached be repaired and restored to its original condition, reasonable wear and tear excepted. However, it would be unreasonable for the landlord to require the tenant to

remove the blocking, since the reinforced walls will not interfere in any way with the landlord's or the next tenant's use and enjoyment of the premises **as it** may be needed by **a** future tenant.

When requesting a reasonable accommodation and/or modification, you should always:

1. Submit the request in writing to your landlord. In the letter, explain the accommodation and/or modification **needed** due to your disability;
2. Attach supporting medical documentation as it relates to the accommodation and/or modification that you are requesting. This can include letters from doctors, mental health practitioners, therapists, social workers, or other health care providers. In this letter, the health care provider should indicate whether you are disabled and whether he/she recommends the accommodation and/or modification that you are requesting, due to your disability. This letter does NOT need to disclose any of your disabilities, but instead, should just state that you are disabled and need the accommodation and/or modification, due to your disability;
3. Keep a copy of your request letter and any attachments for your records; and

Send your request letter and any attachments by certified mail return receipt requested in order to prove that the landlord received the request.

An accommodation is an exception to a policy or procedure of the housing provider, and modification is a request to physically change the property.

Disability Rights in Private and Public Housing: Regardless of whether you live in private or public housing, Federal laws provide the following rights to persons with disabilities:

Prohibits discrimination against persons with disabilities. It is unlawful for a housing provider to refuse to rent or sell to a person simply because of a disability. A housing provider may not impose different application or qualification criteria, rental fees or sales prices, and rental or sales terms or conditions than those required of or provided to persons who are not disabled.

Example: A housing provider may not refuse to rent to an otherwise qualified individual with a mental disability because s/he is uncomfortable with the individual's disability. Such an act would violate the Fair Housing Act because it denies a person housing solely on the basis of their disability.

Requires housing providers to make reasonable accommodations for persons with disabilities. A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. A housing provider should do everything s/he can to assist, but s/he is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden. Reasonable accommodations may be necessary at all stages of the housing process, including application, tenancy, or to prevent eviction.

Example: *A housing provider would make a reasonable accommodation for a tenant with mobility impairment by fulfilling the tenant's request for a reserved parking space in front of the entrance to their unit, even though all parking is unreserved.*

Requires housing providers to allow persons with disabilities to make reasonable modifications. A reasonable modification is a structural modification that is made to allow persons with disabilities the full enjoyment of the housing and related facilities.

Examples of a reasonable modification would include allowing a person with a disability to: *install a ramp into a building, lower the entry threshold of a unit, or install grab bars in a bathroom.*

Reasonable modifications are usually made at the resident's expense. However, there are resources available for helping to fund building modifications. Additionally, if you live in Federally assisted housing, the housing provider may be required to pay for the modification if it does not amount to an undue financial and administrative burden.

These requirements apply to most public and private housing. However, there are limited exemptions for owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

If you live in Federally assisted multifamily housing consisting of 5 or more units, 5 percent of these units (or at least one unit whichever is greater) must meet more stringent physical accessibility requirements. Additionally, 2 percent of units (or at least one unit whichever is greater) must be accessible for persons with visual or hearing disabilities.

People with Disabilities in Federally Assisted Housing: Federal law makes it illegal for an otherwise qualified individual with a disability to be excluded, solely because of his or her disability, from programs receiving federal financial assistance. For more information on the rights of persons with disabilities in federally assisted housing as well as the responsibilities of housing providers who receive federal financial assistance, visit Section 504: Disability Rights in HUD Programs site; www.hud.gov.

Zoning and Land Use: It is unlawful for local governments to utilize land use and zoning policies to keep persons with disabilities from locating to their area. For more information, see the Joint Statement of DOJ and HUD on Group Homes, Local Land Use, and the Fair Housing Act.

State and Local Laws: Many states and localities have fair housing laws that are substantially equivalent to the Federal Fair Housing Act. Some of these laws prohibit discrimination on additional bases, such as source of income or marital status. Some of these laws may impose more stringent design and construction

standards for new multifamily housing.

The Americans with Disabilities Act: In most cases, the ADA does not apply to residential housing. Rather, the ADA applies to places of public accommodation such as restaurants, retail stores, libraries, and hospitals as well as commercial facilities such as offices buildings, warehouses, and factories. However, Title III of the ADA covers public and common use areas at housing developments when these public areas are, by their nature, open to the general public. For example, it covers the rental office since the rental office is open to the general public.

Title II of the ADA applies to all programs, services, and activities provided or made available by public entities. This includes housing when the housing is provided or made available by a public entity. For example, housing covered by Title II of the ADA includes public housing authorities that meet the ADA definition of "public entity," and housing operated by States or units of local government, such as housing on a State university campus.

It's at this point, congratulations **are** in order; you've completed Module 4 of the Fair Housing Online Training – Reasonable Accommodations and Modifications.

You may now proceed to the examination; Good Luck!

Fair Housing Exam

1. The Civil Rights Act of 1866 does which of the following?
 - a. Grants all citizens the same rights as white citizen to own, purchase, lease, transfer or use real property
 - b. Allows exemptions only for homes sold without the assistance of a real estate practitioner
 - c. Effectively prohibits all discrimination in real estate based on race
 - d. Both a and c

The correct answer is D, both a and c;

The Civil Rights Act of 1866 was passed on April 9, 1866 under the full title of “An Act to protect all Persons in the United States in their Vindication”. The Civil Rights Act of 1866 detailed the rights of all U.S. Citizens, including the right to buy and sell property, engage in business, make contracts, sue and give evidence in court. The Civil Rights Act of 1866 was an important step in the struggle for equality.

2. When a prospect inquires a realtor about the racial makeup of neighborhoods or schools, how should the realtor respond by saying:
 - a. “I believe the neighborhood has a few Hispanic families, I can check and get back with you.”
 - b. “The Fair Housing Act prohibits me from providing that kind of information. I recommend you contact the school district, municipal government, or the local library.”
 - c. “I wouldn’t worry about that, the neighborhood is safe and the schools are good.”
 - d. “Residents in this neighborhood value diversity, you’ll fit right in.”

The correct answer is B. In this instance, a realtor should also send prospects elsewhere for an answer to such questions, after reminding them of the fair housing laws.

3. A person has how much time from the date of the alleged housing discrimination to file an administrative complaint with HUD.
 - a. 20 days
 - b. 1 year
 - c. 20 years
 - d. 2 years

Correct answer is B. A complaint must be filed within one year of the date of the alleged discrimination.

4. In an advertisement for a small, two-bedroom house in a neighborhood where many families live, which of the following language is clearly improper under the Fair Housing Act?
 - a. Small, cozy home in quiet neighborhood
 - b. Two-bedroom home, near playground and senior center

- c. Family Friendly
- d. No Children

The correct answer is D. In general, it's best to describe the property and nearby amenities-not the potential buyer when advertising.

5. A property manager should recommend that an applicant of a particular race may feel more comfortable living at another development if there are not many persons of the same race living at the property manager's development.

- a. True
- b. False

Correct Answer is B.

It should never be the practice of a property manager to make any recommendation on race. The Fair Housing Act prohibits discrimination in the housing on the basis of race or color.

6. Under the Fair Housing Act, the tenant with a disability must bear the cost of widening a door within a dwelling unit if it is needed because of a wheelchair.

- a. True
- b. False

Correct Answer is A. Widening the door would be considered a reasonable modification under the Fair Housing Act so the tenant is responsible for the costs of making the modification.

7. A housing provider may have to make exceptions to a no pet's policy for a tenant who needs a service animal because of his or her disability.

- a. True
- b. False

Correct Answer is A.

Most cases involving housing and persons with disabilities are covered under the Fair Housing Amendments Act. Some are covered under Section 504 of the Rehabilitation Act, and some under the Americans with Disabilities Act.

8. Title II of the ADA applies to which of the following

- a. Housing developed with private funding
- b. Housing developed with federal financial assistance
- c. Housing developed with international funding
- d. Housing developed with state or local governmental funding

Correct Answer is D, Title II of the ADA applies to housing developed by state or local governments.

9. Section 504 applies to what type of housing.

- a. Housing constructed with funds from a private non-government loan
- b. Housing constructed with funds raised from investors
- c. Housing constructed with federal financial assistance
- d. All of the above

Correct Answer is C, Section 504 applies to housing constructed with federal financial assistance.

10. Which of the following features are required in ground floor units of non-elevator multifamily building of four units or more built after March 1991?

- a. An accessible building entrance or an accessible route for persons in wheelchairs?
- b. Accessible and usable public and common use areas?
- c. Light switches, electrical outlets, thermostat, and other environmental controls in accessible locations
- d. All of the above

The correct answer is D.

There are a total of seven requirements: the other four are (1) doors designed to be usable by person in wheelchairs, (2) an accessible route into and through the dwelling unit, (3) reinforcements in bathroom walls for later installation of grab bars, and (4) kitchen and bathroom space organized so an individual in a wheelchair can maneuver about the space.

11. Title III of the Americans with Disabilities Act of 1990 (ADA) deals with public accommodations and services operated by private entities.

- a. True
- b. False

The correct answer is A.

Title III of the ADA covers places which are privately – not publicly – owned, but which are open to the public. It also covers commercial facilities to the extent that any new construction or alteration must be made accessible; however it does not cover religious organizations or private clubs. Some examples of this: hotels and motels, restaurants, stores, doctor's office, libraries, day care facilities, and educational facilities.

12. Not allowing the construction of a wheelchair ramp on the apartment building owner's property is permissible, even if the tenant agrees to remove it as his/her own expense upon leaving.

- a. True
- b. False

The correct answer is B.

Under the Fair Housing Act, it is also unlawful for any person to refuse to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or intended to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises of a dwelling.

13. It is unlawful to use the term “Senior Housing” when marketing 55 and over housing.
- True
 - False

The correct answer is B.

Although the Fair Housing Act was amended in 1988 to prohibit discrimination on the basis of disability and familial status, Congress intended to preserve housing specifically designed to meet the needs of senior residents. Housing that meets the Fair Housing Act definition of housing for older persons is **exempt** from the law's familial status requirements, provided that:

- HUD has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State or local government program or
- It is occupied solely by persons who are 62 or older or
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

14. Federal Fair Housing Law applies to all properties including vacant land that can be used for housing.
- True
 - False

The correct answer is A.

According to the Fair Housing Act, a dwelling includes “any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof”.

15. Part of a good fair housing program is to put regular procedures in place, collect objective information from prospective buyers, allow prospects to set their own limits, provide prospects plenty of choices, and document all communications.
- True
 - False

The correct answer is A.

A housing provider wants to make sure that proper procedures are a part of their fair housing program. It will protect them as well as provide the client with all the needed tools to be successful in selecting housing options.

16. If local laws do not prohibit discrimination based on disability, the Federal laws prevail.
- True
 - False

The correct answer is A.

Whether express or implied, federal law will almost prevail when it interferes or conflicts with state law, except in circumstances where the federal law is deemed unconstitutional, or where the Supremacy Clause (indicates that federal law is the “supreme law of the land”) does not apply.

17. The key difference between the accessibility requirements of the Fair Housing Act and Section 504 include:

- a. The number of units which must include accessibility features
- b. The type of housing that is covered
- c. The elements within the units that must be accessible
- d. All of the above

The correct answer is D.

Each act requires different requirements depending upon the number of units, type of housing covered and the elements of the units that are accessible.

18. The property manager may deny a requested accommodation by a tenant with a disability if:

- a. The requested accommodation would impose an undue financial and administrative burden
- b. The requested accommodation would impose an inconvenience on the property manager
- c. The requested accommodation is an exception to a policy
- d. None of the above

The correct answer is A.

A housing provider must show that a reasonable accommodation is an undue burden or is unreasonable.

19. Under the federal fair housing law, the seven protected classes include

- a. Race, color, source of income, handicap, national origin, marital status, religion
- b. Race, color, religion, sex, handicap, familial status, national origin
- c. Race, sexual orientation, sex, familial status, handicap, age national origin
- d. None of the above

The correct answer is B.

The Fair Housing Act protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, national origin, religion, sex, disability and the presences of children.

20. A reasonable accommodation should be granted to someone who does not have a disability.

- a. True
- b. False

The correct answer is B.

A reasonable accommodation is for the purpose of providing a consideration to someone who has a disability. It's an exception or change that a housing provider makes to rules, policies, services or regulations that will assist a resident or applicant with a disability to take full advantage of a housing program and/or dwelling.

21. The three primary federal laws that prohibit housing discrimination are:

- a. Section 504, Fair Housing Act, and The Disability Act
- b. Fair Housing Act, The Planning Act, and ADA
- c. ADA, Fair Housing Act, and Section 504
- d. ADA, Fair Housing Act, and Section 502

The correct answer is C.

There are three primary Federal Civil Rights Laws that influenced the housing industry as it relates to Fair Housing: the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

22. If a person who lives in federally assisted multifamily housing consisting of 5 or more units, what percentage of the units must meet accessibility requirements?

- a. 3 percent (or at least one unit whichever is greater)
- b. 1 percent (or at least one unit whichever is lesser)
- c. 10 percent (or at least one unit whichever is greater)
- d. 5 percent (or at least one unit whichever is greater)

The correct answer is D.

All Federally assisted new construction housing developments with 5 or more units must design and construct 5 percent of the dwelling units, or at least one unit, whichever is greater, to be accessible for person with mobility disabilities. These units must be constructed in accordance with the Uniform Federal Accessibility Standards (UFAS) or a standard that is equivalent or stricter.

23. A reasonable modification is a structural modification that is made to allow persons with disabilities the full enjoyment of the housing and related facilities.

- a. True
- b. False

The correct answer is A.

A reasonable modification is a structural change made to an existing premises occupied by a person with a disability (and disability is typically defined as an individual with a physical or mental impairment that substantially limits one or more major life activity) in order to afford such a person the full enjoyment of the housing and related facilities.

24. The "first occupancy" language in the statute has been defined in HUD's Fair Housing Act regulations as "a building that has never before been used for any purpose."

- a. True
- b. False

The correct answer is A.

This means buildings that are rehabilitated are not covered by the design and construction requirements even if the rehabilitation occurs after March 13, 1991 and even if it is substantial rehabilitation.

25. Residents who use a wheelchair can be charged a higher security deposit because they will cause more wear and tear in the apartment.

- a. True
- b. False

The correct answer is B.

A landlord may not charge a higher security deposit for a tenant who has a disability. Liability is not an excuse to treat a tenant differently. This would be an example of enforcing different terms and conditions upon a tenant due to their disability.

26. The Fair Housing Act requires an aggrieved person to file an administrative complaint with HUD within one year of the alleged discriminatory housing practice and file a complaint in court within two years of the alleged discriminatory housing practice.

- a. True
- b. False

The correct answer is A.

It's important that an aggrieved person acts within the timeframe. File an administrative complaint with HUD within one year and file a complaint in court within two years of the alleged discriminatory housing practice.

27. A person have to file a complaint with HUD before filing a complaint in court.

- a. True
- b. False

The correct answer is B.

A person may file directly in court without first filing a complaint with HUD. The time limit for filing in court is two years from the date of the alleged discrimination. If a complaint has been filed with HUD, the two-year time period does not include the time that the HUD spent processing the case. If the HUD has completed its investigation and found evidence of discriminatory housing practices, HUD's attorneys will prosecute the case in court on behalf of the department.

28. An Asian applicant requests an above ground unit and the only available unit is next to another tenant who dislikes Asians. A landlord can reject the Asian applicant's request to avoid conflicts between the two residents.

- a. True
- b. False

The correct answer is B.

This is an example of "national origin" discrimination. A tenant has the right to live in any unit for which he/she qualifies. If there is racial tension between other tenants, a housing provider should take immediate action in order to avoid being held liable for a fair housing violation.

29. If a disabled person in a wheelchair requests an aboveground apartment, a landlord can reject this request and insist on putting them on the ground floor based on liability reasons.

- a. True
- b. False

The correct answer is B.

This is an example of "steering". Such policies limit the housing choices of people with disabilities. A person has the right to live in any unit for which he/she qualifies. Liability is never a reason to discriminate.

30. A tenant with a brain injury requests that a housing provider give a verbal reminder to pay rent once a month. The housing provider is not required to take on this responsibility.

- a. True
- b. False

This is an example of a Reasonable Accommodation. Unless a housing provider can show that giving monthly reminders to a tenant would impose an undue financial or administrative burden or fundamentally alter the way in which services are provided, then he/she must grant this request.

31. Disparate Impact is a legal doctrine under the Fair Housing Act which states that a policy may be considered discriminatory if it has a proportionate "adverse impact" against any group based on race, national origin, color, religion, sex, familial status or disability when there is no legitimate, discriminatory business need for the policy.

- a. True
- b. False

The correct answer is B.

The following words are in correct "proportionate" should be disproportionate and "discriminatory" should be non-discriminatory.