

## Basic rule to avoid discriminating...

Discrimination most commonly takes place in situations where there are families with children, people of different ethnic backgrounds, gender, or persons with disabilities.

The basic rule to prevent discriminatory housing practices is to *treat everyone equally*. For instance, you cannot ask for two references from some people and five references from others, just because you "feel" it's necessary. You must be consistent. *Treat everyone the same.*

## The most commonly asked questions regarding discrimination covered by the Federal Fair Housing Law:

**?** Is it legal to charge a higher deposit or raise the rent to a person with a disability when they request to make a modification to the unit they want to rent? Or, can I charge a higher security deposit to families with children?

*In both cases, the answer is No. Nor can you charge a per person rate or deposit so that families with children pay more for the same apartment.*

**?** Can our management firm assign all families with children to one building, even if the facilities are equal to all the other buildings in our complex?

*No. Families can live anywhere they want. The same goes for people with disabilities. You cannot put someone who's blind on the first floor "for their safety" unless he or she requests it.*

**?** Can I refuse to rent to people who have AIDS or are HIV positive? If I have already rented to them, can I evict them because I consider them to be a "threat to others?"

*No to both. Nor can you divulge information about them without their consent.*

**?** As a manager, can I determine how bedrooms will be shared if the children are of the opposite sex or if one is disabled and has lots of equipment?

*No. That is the parent's responsibility. However, a housing provider may have reasonable occupancy standards as a written policy.*

**?** Can I assume that a person who is deaf, blind

or in a wheelchair cannot "live independently" and refuse to rent to them?

*No. That is discriminatory.*

**?** Can I refuse to rent to someone who has a guide dog if I have a "no pet" policy?

*Guide dogs and other animals, such as hearing dogs, are considered "auxiliary aids", not pets, and you cannot refuse to rent to their owners or charge a pet deposit.*

**?** Because our apartment community was designed to house adults and built prior to changes in the housing laws, there are no playground facilities. As a property owner, must I now provide these accommodations to residents with children?

*Under the law, no, but you cannot deny rental to families with children.*

**?** I allow children, ages 0-12 in my units, but prefer not to allow families with teenagers to rent. Am I within the law since I do not exclude all families with children from my apartments?

*No. You cannot restrict children's ages.*

**?** Must the community room, rental office and common areas be made accessible to people with disabilities?

*There are requirements under both the Fair Housing Act and the Americans With Disabilities Act that apply. The rental office must be made accessible, as well as any common area that is rented out for public use, or a reasonable accommodation must be made. It is strongly advised that you read the federal regulations in order to understand the concept of "readily achievable" and your obligations under the ADA.*

**?** What are considered reasonable accommodations or reasonable modifications for a person with disability?

*A reasonable accommodation includes the landlord's responsibility to make changes in policies and procedures such as allowing a person with a disability to park next to his or her unit. Reasonable modifications include the installation of grab bars in the bathroom, widening doors, building a ramp to accommodate a wheelchair, and installing a signal light for the hearing impaired.*

**?** Who is required to pay for these modifications?

*The resident must pay for them. At the time a person makes the request, you can agree on the modifications in writing: what is to be done; what is to be restored to its original state on the interior when the person vacates; work is to be done with permits and according to code, etc. Restoration is generally reserved for changes that interfere with the next resident's ability to live there. You may not require restoration for the exterior.*

**?** Can I require that an escrow account be set up to return the unit to its original form when the resident vacates?

*Yes, but only for major renovations on the interior, such as lowering countertops. Any interest earned belongs to the resident.*

**?** If I am a Section 8 private landlord, must I pay to have modifications done for a person with a disability who rents from me?

*No. Under the Fair Housing Act, private landlords do not have to pay, but if you are receiving federal monies, contact HUD for clarification.*

**?** Can I advertise that I rent only to students?

*Yes. However, you cannot say that you will rent only to married students or American students versus foreign students.*

**?** Can I advertise using human models of only one ethnic background?

*No. If advertising is utilized with human models, you must depict the minority and majority in a positive light.*

**?** If an Asian woman comes to me with three Asian friends who all want separate apartments, can I rent to them in the same building?

*If the individuals request apartments that happen to be in the same building, it is acceptable. You cannot make the choice for them.*

**?** If my other residents complain about residents with disabilities because they don't like the "looks" of them or their behavior, am I within my legal rights not to renew the lease for people with disabilities?

*No. Other people's prejudices cannot be used as a determining factor in choosing or retaining residents.*

**B**oth the Federal Laws and Colorado Fair Housing Laws protect people from discrimination based upon race, color, religion, national origin, sex, disability, and familial status. The Colorado Fair Housing Law also covers marital status, creed, and ancestry.

There are five Colorado cities (Denver, Boulder, Aspen, Telluride, and Crested Butte) that have developed their own local ordinances that cover sexual orientation, as well as other issues over and above what is included in the Federal and State laws.

**This brochure is the result of a grant awarded to the Denver Community Housing Resource Board (D-CHRB) from HUD and H&NDS.**

Through this cooperative effort, our goal is to assist housing providers, housing seekers, and residents to understand their rights and responsibilities under the various anti-discrimination laws.

The questions presented here are not meant to be all inclusive of the types of discrimination that occur, but to help you become more aware and informed.

**Remember, ignorance does not excuse you from obeying the law.**



### **A discrimination charge can be filed...**

by a person who believes he or she has been discriminated against in a housing matter. A charge may be filed with the U.S. Department of Housing and Urban Development (HUD) at its regional office, or with the Colorado Civil Rights Commission Division at any of its state offices.

### **For more complete guidelines, contact:**

**Department of Housing and Urban Development**  
Office of Fair Housing and Equal Opportunity  
633 17th St., Denver, CO 80202  
303-672-5430 Ext. 1364 • 1-800-877-7353  
1-800-669-9777 (V/TDD)  
1-800-927-9275 (TDD)

**Colorado Civil Rights Division**  
Central Office  
1560 Broadway, Suite 1050  
Denver, CO 80202  
(303) 894-2997 or 1-800-262-4845  
TTY - For the Hearing Impaired  
(303) 866-3010

**Human Rights and Community Relations Office**  
201 W. Colfax  
Denver, CO 80203  
720-913-8454

### **For general information regarding resident/landlord disputes, contact:**

**Colorado Division of Real Estate**  
303-894-2166 • [www.dora.st.co.us](http://www.dora.st.co.us)

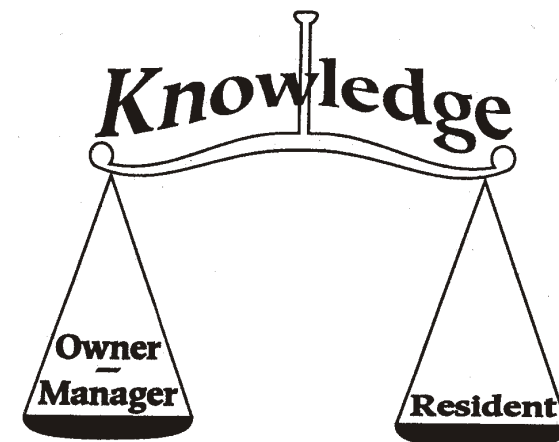
**Colorado Legal Services**  
303-837-1313 • [www.coloradolegalservices.org](http://www.coloradolegalservices.org)

**Landlord/Tenant Relations**  
Community Housing Services  
303-831-1935 • [www.chsico.org](http://www.chsico.org)

**Housing for All**  
303-863-7466 • Email: [hfair@aol.com](mailto:hfair@aol.com)

Contact the CHRB for other resources.  
303-964-2789 or 303-725-8680  
[info@chrb.net](mailto:info@chrb.net) • [www.chrb.net](http://www.chrb.net)

# **Bridging the Gap**



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## **How to prevent discriminatory practices in the apartment industry**

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### **Answers to commonly asked questions about discrimination**



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