



Fair Housing for Adult Foster Care Home Providers

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Fair Housing Council of Oregon

www.fhco.org



Fair Housing Laws

- These are not only in your Residents' Bill of Rights, but are federal, state & local laws
- These laws apply to **all dwellings**
- These laws make it **illegal to discriminate** against a resident or to treat a resident differently because of their:

Protected Classes

- Race
- National Origin (Ethnicity)
- Religion or Rejection of Religion
- Disability
- Sex/Gender
- Marital Status
- Source of Income
- Sexual Orientation
- Gender Identity



It Is Legal to Discriminate Against...

Applicants who don't meet screening requirements:

- Level of care needed
 - As opposed to type of disability
 - "Is this person a good fit"...
- Payment history
- Criminal history
- History in other placements (behaviors)
- Use **consistent criteria** in selecting residents.



It Is Legal to Discriminate Against...

Residents who violate the
rules

But rules must be
enforced **consistently**

Be careful about making
exceptions!

No special privileges for
residents provider likes
more than other
residents



Everyone Must Comply with Fair Housing Laws

- Operators



- All Employees

- Family members of
Operators



- Residents

All Housing Transactions are Covered

- Denial of housing
- Giving out false information about availability
 - Operator who polled residents
- Steering to other homes based on protected class
 - No “cherry picking” on disabilities, just level of care



- Not applying policies and rules equally to all residents & not responding to violations of the rules consistently
- Making discriminatory statements
 - Inappropriate comments from or among staff/family members
- Discriminating against residents' guests (residents can invite the guests of their choosing)
- Involuntary transfer for a discriminatory reason



Watch Out for Favoritism

Providers should be **friendly** with all residents; but watch out for the perception of favoritism...



Harassment, Intimidation, Threats & Coercion are Illegal

- Religious harassment
- Harassing someone because of their sexual orientation or gender identity
- Sexual harassment
- Provider required to protect your residents if they are harassed by other residents.



Basic Fair Housing Concepts

- Home operators need to be **consistent**:
 - With application criteria
 - In applying house rules
 - In responding to violations of the house rules
- The focus should always be on actual behavior, **not assumptions** (What people have actually done, not who they are)
- Don't let **personal beliefs** about groups of people spill over into your business. Respect the residents' privacy.

Beware of Neutral-Sounding Policies with “Discriminatory Impact”

- You must fly the flag on certain holidays



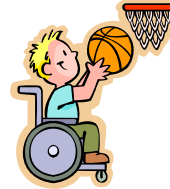
- You must attend Bible Study



Disabilities

- **Definition: Any physical or mental condition that substantially impairs a major life activity:**

- Walking
- Seeing
- Hearing
- Breathing
- Thinking
- Caring for oneself



Respect Residents' Right to Confidentiality

Don't share information about a resident's disability with other residents...



Residents with Disabilities Have the Right to “Reasonable Accommodation”:

A resident may request an exception to a standard policy, rule or procedure because of their disability.



The request Must be “Reasonable”

- Not too costly
- Not an undue burden
- Not part of your job description



Not a Danger to Other Residents



Assistance Animals

- Assistance, service, aid, companion and therapy animals -treated as the same under fair housing law



- Fair Housing Law is different from ADA



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Animals Can Assist in Many Ways

- Sight
- Hearing
- Balance
- Fetching things
- Blood sugar levels
- Seizures
- Migraines
- Anxiety



Animals Can Assist in Many Ways

- PTSD
- Depression
- Lowering blood pressure
- Regulating heart rates
- Autism
- ADD



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When Assistance Animals Go Bad...





Focus on Compliance, Behavior



Have an assistance animal agreement:

- Focus on damage, noise, restraints
- Address common areas
- Can require vaccinations, licensing (local regulations)
- No fees or deposits

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Dueling Disabilities

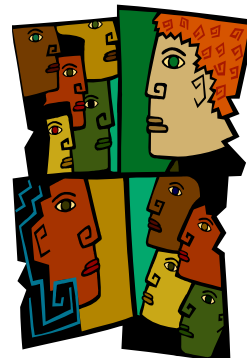
How would you address two residents with conflicting disabilities?



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A Few Tips to Remember

- Be aware of assumptions and of cultural differences
- Use consistent policies and procedures with all residents- don't treat some residents better than others
- Focus on people's actual behavior, not assumptions.



More Tips

- **Keep written records**
 - Keep a file for each resident
 - Keep notices and logs if appropriate
 - A complaint can be filed up to two years later
- **Make sure anyone supervised is aware of their fair housing responsibilities**



These laws are enforced!

- Complaints usually come in through the Fair Housing Council. Advocacy may resolve it.
- Enforcement is through Oregon Civil Rights Division (BOLI), HUD, attorneys
- Investigation/Conciliation
- Damages
- **Illegal to retaliate** if a resident files a complaint
- Shades of gray-court cases continue to clarify fair housing law



How Fair Housing Laws Benefit You as a Provider

- Care home provider wants to rent a property and owner's insurance company refuses
 - Not because company won't insure in-home businesses, but because of the risks involved with people who have disabilities
- NIMBY-Neighbors opposing an adult foster care home in their neighborhood

