

**In This Edition:**

Fair Housing in the News.....P 2  
 FHCO Welcomes Back Staff.....P 3  
 Service Animals: The ADA vs. FHA....P 3  
 Volunteers Enhance FHCO.org.....P 4  
 Poster Winners Announced.....P 5  
 Housing Authority Promotes Contest...P 6  
 MLS Promotes Poster Contest .....P 7  
 Poster Judge Retires & Plans for 2012 Contest P 8  
 Senior Housing and Fair Housing.....P 9  
 Common Disability Requests.....P11  
 Immigrants and Real Estate.....P13  
 Free Advertising in Metro Region.....P14  
 Lead Poisoning Discrimination.....P15  
 Bus Tours are a Hit.....P16  
 Fair Housing Month Sponsors.....P18

This newsletter is a publication of the Fair Housing Council (FHCO), which is dedicated to educating the public about illegal housing discrimination.

The FHCO provides information of importance to:

- CIVIL RIGHTS ADVOCATES
- RENTERS, PRIVATE LANDLORDS, AND PROFESSIONAL PROPERTY MANAGERS
- SUBSIDIZED HOUSING PROVIDERS AND HOUSING AUTHORITIES
- HOME BUYERS AND SELLERS
- REAL ESTATE SALES PROFESSIONALS, MORTGAGE LENDERS, AND LOAN CUSTOMERS
- PRIVATE ARCHITECTS AND BUILDERS AS WELL AS CDCS
- HOMEOWNERS' ASSOCIATIONS
- REAL ESTATE ATTORNEYS
- HOME INSURANCE COMPANIES
- REAL ESTATE APPRAISERS
- PLANNING AND ZONING OFFICIALS, ETC.

Within this newsletter we offer updates on our projects and progress, as well as industry news and case law. By sharing this information, we hope to empower individuals and organizations to protect their civil rights in housing and to promote business practices consistent with the letter and the spirit of the Fair Housing Act.

We know you care about these issues as well. Together we can make strides toward the ultimate goal of eradicating illegal housing discrimination.



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**From the Director's Desk...**

Greetings and Salutations!

This past April marked 43 years since the passage of the Fair Housing Act. November 2011 will mark 21 years since the Fair Housing Council of Oregon (FHCO) first opened its doors. Our organization has come a long way from those early days. What has remained constant, though, is our mission to eliminate illegal housing discrimination throughout Oregon and SW Washington. We have always embraced a holistic approach to ending illegal housing discrimination that focuses on doing outreach to promote the concept of fair housing to the public, educating the public about fair housing laws, and enforcing the



Moly Good, Executive Director

law through investigation, advocacy and filing complaints. Each of these functions is vital to fulfilling our mission, and we pursue them with passion and vigor.

We work with our community partners to spread the message of fair housing so that all segments of society are aware of where to get help with fair housing problems. We do this in many ways, including distributing information and promoting PSAs. We also conduct our annual poster contest

for children in 1st through 8th grade, and our bus tour of historic discrimination in Portland.

Hand-in-hand with outreach is education. We train property owners and managers, real estate agents, social service providers, and housing consumers on fair housing law. We have collaborated with advocates and providers to develop fair housing guidebooks for shelters, affordable housing projects, and homeowner's associations. We also provide technical assistance on fair housing issues. These efforts are critical to ensure that our society is one where everyone is free to access the housing of their choice.

Effective education and outreach can only take us so far. That is why robust enforcement of fair housing laws is perhaps the most key lynchpin to achieving our mission. Our staff screen approximately 2000 calls a year to identify potential fair housing violations.

*continued on page 17*

'Need fair housing information?

Visit [www.FHCO.org](http://www.FHCO.org)



HOME | TRANSLATIONS | JOIN US/CONTRIBUTE | CONTACT RESIZE A Search



**information for HOUSING CONSUMERS**  
renters, buyers, loan applicants, etc.

**information for HOUSING PROVIDERS**  
landlords, builders, sales brokers, etc.

The Fair Housing Council of Oregon (FHCO) is a nonprofit civil rights organization driven to eliminate illegal housing discrimination through enforcement and education across Oregon and southwest Washington.

*The Promise of Opportunity* is a publication of the Fair Housing Council of Oregon (FHCO).

**WHO WE ARE:**

**OUR MISSION** To eliminate illegal housing discrimination and promote equal access to housing.

**NONPROFIT** The FHCO is a nonprofit organization serving Oregon and SW Washington. We deal specifically with federal, state, and local fair housing laws.

**WHAT WE DO:**

**EDUCATE** We place a high importance on education and outreach, ensuring the public is familiar with their fair housing rights and responsibilities.

**ENFORCE** We provide access to enforcement to assure fair housing laws are followed and the public is protected.

**TO JOIN THE FHCO:**

Download a membership form at: [www.FHCO.org/join\\_us.htm](http://www.FHCO.org/join_us.htm)

Mail the form to: FHCO, 506 SW Sixth Avenue, Suite 1111, Portland OR 97204

Or email it to us at: [information@FHCO.org](mailto:information@FHCO.org)

Thank you for your support, Moley Good, Executive Director

**FHCO BOARD OF DIRECTORS**

The FHCO benefits from its Board members' broad backgrounds—attorneys, leaders in the housing industry, business professionals, and representatives from the nonprofit sector.

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 Luke Griffin, Enforcement Coordinator  
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all stories available online  
**FAIR HOUSING IN THE NEWS**  
 at [www.FHCO.org/breaking\\_news.htm](http://www.FHCO.org/breaking_news.htm)

These and other fair housing-related news items are posted at [www.FHCO.org](http://www.FHCO.org)

<p>06/14/2011                  06/13/2011                  06/11/2011                  06/11/2011                  06/10/2011                  06/05/2011                  05/31/2011                  05/26/2011                  05/23/2011                  05/20/2011                  05/19/2011                  05/13/2011                  05/12/2011                  05/11/2011                  05/11/2011                  05/10/2011</p> <p>05/09/2011                  04/30/2011                  04/30/2011                  04/28/2011                  04/21/2011</p> <p>04/21/2011                  04/17/2011                  04/08/2011</p> <p>04/08/2011</p> <p>04/06/2011</p> <p>04/01/2011                  02/25/2011</p> <p>02/24/2011                  02/23/2011</p> <p>02/23/2011                  02/23/2011</p> <p>02/17/2011</p> <p>02/09/2011                  02/02/2011                  01/31/11</p> <p>01/26/2011</p> <p>1/20/11                  1/20/11</p>	<p>Landlord Ordered to Pay In Race Case, Birmingham News                  Oregon's Section 8 Policy Complicates Housing Search, Oregonian                  Pdx's Bold Plan to Expose Rental Discrimination, Oregonian                  Fish Presents Comprehensive Fair Housing Plan, Oregonian                  Should Rainbows Be Banned In Schools?, The Week                  Descendants of Supreme Court Decision Unite, Washington Post                  Community Holds Anti-LGBD Violence Protest, Blogout.justout.com                  Pdx Police Probe Beating of 2 Gay Men, KGW Channel 8                  Family Status Lawsuit Filed, NY                  Letter to Pdx from Center for Intercultural Organizing                  DOJ Files Disability Suit in 3 States, DOJ Media Release                  Commissioner Fish's Reply to Senator Winter                  Study Uncovers Housing Discrimination, Fox 12 News                  Discrimination 'Haunts' Local Renters, Portland Tribune                  A Rental Market Rife with Racism, The Oregonian                  Portland Commissioner Nick Fish Responds to Audit                  Testing Results, Portland Memo                  Audit Finds Discrimination in 64% of Tests, The Oregonian                  2010 Census Shows PDX Diversity Dwindling, Oregonian                  Lessons Learned?, The Oregonian                  PDX Racism and Rental Housing Report, The Skanner                  Audit Shows Bias in Rental Screening Process, City of                  Portland Media Release                  Discrimination Found in Rentals, Polk County Itemizer Observer Article                  County Rentals Flunk Discrimination Test, Eastern Oregonian                  FHCO Phone Tests Finds Landlords Break Fair Housing                  Rules, Corvallis Gazette Times                  HUD to Focus on Ensuring Equal Access for Lesbian,                  Gay, Bisexual and Transgender Persons, HUD Media                  Release                  Undercover Investigation Finds Loan Mod Fraud Common,                  NFHA Media Release, NFHA Report, and NFHA                  PowerPoint with Maps and Photos from the Investigation                  PA Man Pleads Guilty of Cross Burning, DOJ Media Release                  HUD Issues Guidance On Discrimination Complaints From DV Victims, HUD                  Media Release                  Oregon's 2010 Census Shows Striking Latino and Asian Gains, The Oregonian                  U.S. Census 2010's First Look at Race and Hispanic Origin Data, US Census                  Media Release                  More Interesting Data From Oregon's 2010 Census, The Oregonian                  Oregon 2010 Census Data Shows Latino and Asian Gains, US Census Media                  Release                  HUD Clarifies ADA Changes Do Not Affect RAs in Housing, HUD Media                  Release                  Assessing Claims of Housing Discrimination Against DV Victims, HUD Memo                  How Segregated is Your Community?, Huffington Post Article                  Judge Denies Motion to Dismiss in NY Disability Case Against                  Management Co., DOJ Media Release                  Management Co. Settles NY Race, Color, and National Origin Case,                  Settlement Agreement                  HUD on Medical Marijuana in Subsidized Housing, HUD Memo                  HUD Proposes New Rule on Equal Access Regardless of Sexual                  Orientation or Gender Identity, NFHA Media Release &amp; HUD Federal Register</p>
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Audit Testing in the News

Catch up on this and other Breaking News at  
[www.FHCO.org/breaking\\_news.htm!](http://www.FHCO.org/breaking_news.htm)

## Fair Housing Council Welcomes Back Staff



### Nicolé Edner, Intake Specialist

Nicolé has worked with the Fair Housing Council on a part-time basis since 2004. Nicolé served first as the Administrative Project Manager until 2009 when she joined the Education / Outreach Department. In both capacities, she coordinated the FHCO's annual [Poster Contest](#) and the "[Anywhere But Here](#)" [display](#), among many other tasks.

After visiting Morocco in late 2010-2011, she returned to the FHCO as an Intake Specialist in the Enforcement Dept. As such, Nicolé helps field calls on our free Fair Housing Hotline (800/424-3247 Ext. 2) assisting callers with fair housing questions.

You can get to know the rest of our staff at [www.FHCO.org/staff.htm](http://www.FHCO.org/staff.htm).

## Service Animals: The ADA vs. The Fair Housing Act

**The Americans with Disability Act (ADA) was recently changed with regard to service animals. How does this affect disability-related animals in housing?**

The ADA is not the Fair Housing Act (FHA). Changes to the ADA have no effect on the FHA. In fact, to a great extent, the ADA has little to do with housing at all. Unfortunately, the ADA has been in the news a good deal and articles about it rarely delve into the fact that disability-related animals in housing is a different critter all together.

The ADA deals with civil rights in public accommodation in public places such as businesses, restaurants, buses, and the like. The only place it touches the housing industry is where it speaks to 1) the accessibility needs of model homes and sales / rental offices and 2) the accessibility requirements of any publicly available places within a housing complex (for example, a community center available for anyone to rent for private functions).

The FHA, on the other hand, deals only and specifically with housing. The portion of this federal law that addresses disability as a protected class includes provisions for reasonable accommodations and modifications. The request for a disability-related animal despite a no-pets (or other pet-restricted) policy is, in fact, one of the more common reasonable accommodation requests we see. And it's not surprising given the range of services such animals can provide and knowing that an even broader array of medical conditions that can benefit from such treatment is staggering.

In housing, under the FHA, it doesn't matter what you call them (service animals, companion animals, therapy animals, working animals, etc.); if the animal exists to serve the individual's disability it is not legally a pet and may not be treated as such. That means no pet fees, pet deposits, or pet rent. Housing providers (landlords, homeowners associations, home insurers, etc.) may not restrict such animals by breed or species in housing. One may not be asked or required to provide proof of training or certification for such animals in housing. Housing providers may have assistance animal rules as long as they're no more restrictive any pet rules at the same property. Now, as with any other accommodation / modification request, the disability-animal request must, too, be "reasonable" and the resident is responsible for their animal. That means that housing providers would be within their rights to respond to the service bird that shrieks at two in the morning, the companion cat that attacks other residents, or the seeing-eye-dog that soils the carpet.

For a wealth of information on disability as a protected class visit <http://www.FHCO.org/disability.htm>. For service animal-specific information look to <http://www.FHCO.org/serviceanimals.htm> which includes a memo from HUD on the new ADA regulations and what that means for service animals in housing under the FHA and Section 504 of the Rehabilitation Act.

You can download and pass on our Reasonable Accommodation / Modification Guide for Perplexed Medical or Therapeutic Professionals at [www.FHCO.org/pdfs/RAguide.pdf](http://www.FHCO.org/pdfs/RAguide.pdf). And, check out several related sample documents at <http://www.FHCO.org/forms.htm>.

Article by FHCO Staff

**The ADA is not the Fair Housing Act (FHA).**

**The ADA has little to do with housing.**

**Changes to the ADA have no effect on the FHA.**

Earlier this year we put out a request for a few volunteers to help with specific projects and a few ongoing tasks for our website, [www.FHCO.org](http://www.FHCO.org). We had an amazing response and have benefited from the help of several individuals. We'd like to show our appreciation by introducing a couple of these individuals here and showcasing the work they've done with us.

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### **Maria Walters, Written to Be Read, [www.writtentoberead.com](http://www.writtentoberead.com)**

When Maria started her own freelance writing business in January, a friend pointed her to FHCO's call for website volunteers, and it turned out to be a perfect fit. Maria was able to completely overhaul the "Tours" page of the FHCO website in anticipation of April's Fair Housing Month activities. She incorporated an interactive slideshow and completely rewrote the web page content, while improving the page loading speed. You can see Maria's handiwork at [www.FHCO.org/tours.htm](http://www.FHCO.org/tours.htm).



Since the FHCO page rewrite, Maria has gone on to serve multiple clients with ongoing blogging and newsletter writing services. FHCO's Jo Becker speaks highly of Maria's services, saying, "She was fast and yet still thoughtful in the work she did. We recommend her most highly!" Maria especially enjoys working with small businesses and helping them establish their presence on the web.

**"Volunteers do not necessarily have the time;  
they just have the heart!"**

Elizabeth Andrew



### **Mary Dagget, Income Property Management**

Despite her many volunteer activities and her work in the housing industry, Mary graciously offered to help keep the "Breaking News" feature of FHCO's website up-to-date. The "Breaking News" can be found on both the entry page ([www.FHCO.org](http://www.FHCO.org)) and at [www.FHCO.org/breaking\\_news.htm](http://www.FHCO.org/breaking_news.htm) which includes an extended, historical inventory of news items.

Mary joined Income Property Management (IPM) in March 2001 where she has worked with the accounting and property management departments. In 2005, Mary accepted the position she holds today as the Human Resource and Marketing Specialist. In her spare time, she works with groups and small businesses to develop their social media presence and search engine optimization.

In addition to her responsibilities at IPM, Mary has volunteered with Metro Multifamily Housing Association (MMHA) working on the ACE Awards, Spectrum, and Marketing Committees. In 2009, she held the position of Marketing Chair and worked to create a style guide and streamline their marketing image. Mary has also introduced MMHA to the wonderful world of social media by creating LinkedIn and Facebook pages for the organization. She is currently a member of the Board of Directors for MMHA.

Mary has also worked with Hands On Greater Portland, an organization that coordinates volunteers with opportunities to give their time to over 400 nonprofit partner organizations. She acted as the Marketing Committee Chair for Hands On Greater Portland for two years and served on the Serve-a-thon committee; the organization's annual fundraiser that brings over 1000 volunteers out work at over 11 different area schools and non-profit organizations in a one day event. She has also sat on the Board of Growing With Music, a nonprofit that brings music and movement classes to at-risk teenage parents and their children.

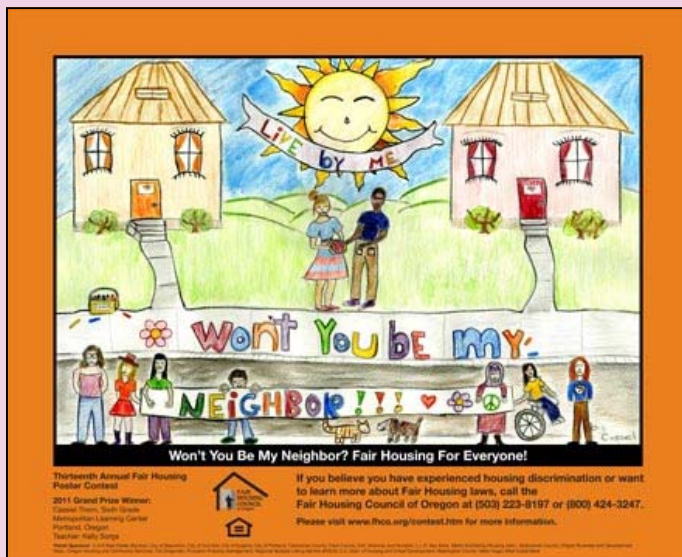
In 1999, Mary won a Student Spotlight Award from the Portland chapter of the Public Relations Society of America. "I'm not surprised," says FHCO's Jo Becker, "Mary has a passion and a knack for marketing and outreach and she's good at it!"

# FHCO's Poster Contest 2011: Winners Announced

The 13th Annual Fair Housing Poster Contest was deemed a great success. Entries from all over the state came flooding into the office. Housing authorities, property managers, girl and boy scout troops, community centers, teachers, social service groups, landlords, Boys & Girls clubs, charter schools, public schools, and libraries joined together to make this year's Poster Contest the most successful to date.

Not only was the artistic talent outstanding, but we received a record number of entries this year—487 in all! After much deliberation and careful observation our judges finally made their decision on this year's Grand Prize Winner: Ms. Cassiel Thom from Portland.

## The 2011 Grand Prize Poster Winner:



Cassiel is a sixth grader from Multnomah Learning Center, but first learned about the poster contest from REACH Community Development, Inc. She was able to join us for our April 28th Fair Housing Month event where she autographed posters, posed for pictures, and met the entire FHCO staff and representatives from jurisdictions across Oregon and SW Washington.

In Cassiel's words, "Fair housing means one family"... and she believes this is what fair housing is really all about. As you can see from her beautiful artwork, this is certainly reflected in her poster.

As for this budding artist's future plans—we would advise everyone to keep their ears and eyes peeled for this young woman's name and face. After finishing up with middle school and high school, Cassiel would like to attend Julliard so she is able to continue on with her art career. Best of luck, Cassiel. It was a pleasure meeting you. We look forward to seeing you again next year.

To see the names and artwork of all the runners up visit [www.FHCO.org/contest.htm](http://www.FHCO.org/contest.htm).

A big thank you to all of our judges and sponsors:

Judges:

Kelsey Brunson, Regional Multiple Listing Services  
John Gainer, FHCO  
Jan Hildreth, ReMax Powerpros  
Meghan Meyer, local artist  
Ken Pryor, Oregon Housing and Community Services  
Teryn Wright, Wright Designs

Sponsors:

Oregon Infrastructure Finance Authority  
Oregon Housing and Community Services



*Cassiel is pictured with Chuck Hauk, FHCO Board Vice-President*

# Housing Authority Engages Children with Poster Contest



A young artist prepares to craft a masterpiece

"I explained they didn't have to be great artists— they just needed to be creative and keep it neat." At first glance Bruce Shenanigan, an accountant for the Housing Authority (HA) of Yamhill County, may not be the first pick for a children's art enthusiast. But do not make assumptions, under this finance exterior is a man who loves art and community.

Since Bruce arrived at the HA, he has taken it upon himself to organize a number of poster contests. And this year he turned his attention to the FHCO poster contest. Bruce admits, "I get pretty excited when there's talk about creating colorful posters for a cause."

"I'm already exploring new ideas and planning ways to make future events even more successful."

Bruce Shenanigan, Housing Authority of Yamhill

This is the HA's first year participating in FHCO's poster contest and they did it with a bang. They submitted in over 50 posters from four of their complexes throughout Yamhill County. The affair was a truly collaborative effort. Using flyers they created, in both Spanish and English, the HA promoted four drawing workshops at which Bruce gathered together parents, children from the HA's properties, resident property managers, and HA staff in community rooms at their residential properties. A local art supplies vendor, The Merri Artist, donated supplies for the events.

"The Fair Housing Poster Contest created an opportunity for everyone present to become more aware and open to other cultures," explains Bruce. "This kind of activity can have a spillover effect." As Bruce handed out the art supplies at one of the workshops, he encouraged the kids to develop their own ideas and to think about what fair housing meant in their lives. He asked, "What do you think when you see a black hand holding a white hand?" One little girl spoke up, "Scary," she said. Bruce said that it was an honest and important moment for everyone in the room. "I smiled and thanked her for sharing her response," he said. "Then I told the group, 'That is exactly why we're here today... working on these posters together. Because there's nothing—really nothing at all—scary about two people shaking hands—is there? And what difference does it make if your skin happens to be darker than your friend's skin anyway? It makes no difference at all.'" Reflecting back on that exchange, Bruce says, "That interaction will stand among the more memorable events in my life. Lessons like that broaden our horizons and thereby enhances the overall quality of life in our communities."

Bruce asked the children 'What do you think when you see a black hand holding a white hand'? One little girl spoke up, "Scary," she said. Bruce said that it was an honest and important moment for everyone in the room.

"I smiled and thanked her..." he said. "Then I told the group, 'That is exactly why we're here today... working on these posters together. Reflecting back on that exchange, Bruce says, "That interaction will stand among the more memorable events in my life."

Bruce Shenanigan,  
Housing Authority of Yamhill

This is type of education and collaboration gets to the core of what National Fair Housing Month was created for back in 1968. And lucky for FHCO, we think we have him hooked for next year's contest. When asked if he was participating in the 14th annual poster contest he said, "I'm already exploring new ideas and planning ways to make future events even more successful." Thank you, Bruce for all you do. We look forward to seeing you next year!

Bruce organized his own competition amongst the children who participated and collected their entries together to share.

You can see all the kids' beautiful entries here:

<http://www.hayc.org/pdfs/FairHousingPosterContestEntries.pdf>



Children eagerly express their visions of "fair housing" at one of the Housing Authority's workshops.

# Multiple Listing Service and Members Promote FHCO's Poster Contest

This year the Regional Multiple Listing Service™ (RMLS™) helped us spread the word about fair housing and our annual poster contest by offering competition to their own subscribing members. RMLS™ offered up \$100 certificates for art supplies to three Realtor® members with a plan for getting out the word about the poster contest to schools and youth groups in their local areas. The lucky winners who showed great initiative were Sheila Done with Century 21 Wright & Associates, Joy Hurley of Coldwell Banker Professional Group, and Wendy Wampach with RE/Max equity group.

RMLS™ has long been a friend of the FHCO. In addition to this competition, they also helped sponsor this year's Fair Housing Month activities, as they have for many years. We mail out over 2,000 flyers about the poster contest annually and personally distribute another 1,000 while in the field, but nothing beats one-on-one promotion within the community. As RMLS's President and CEO, Kurt von Wasmuth, says, "The FHCO's poster contest is such a great way to get kids involved." We appreciate and applaud RMLS's support and enthusiasm; to which Kurt adds, "We knew that our subscribers would love to get involved, too, so we held a contest of our own. The art supplies our winners earned went to schools that could really use them and that's the real reward."

RMLS™ is a regional Realtor-owned and member driven multiple listing service (MLS). An MLS is an electronic database that provides a marketplace where real estate professionals share information about properties listed for sale and to offer compensation on behalf of their clients. RMLS™ serves approximately 11,000 agents in over 2,200 offices throughout Oregon and SW Washington. Their database holds over 1 million listings—including over 35,000 currently active listings—and more than 2 million tax records.

## **RMLS™ Winner & Poster Promoter: Wendy Wampach, RE/Max equity group, [www.clarkcountyhomegirl.com](http://www.clarkcountyhomegirl.com)**

Wendy is a volunteer Art Discovery Coordinator and teaches art classes at the elementary school in her area. She eagerly took it upon herself to send our poster contest flyer to the head of her school district and to other Art Coordinators like herself. Her efforts reached 21 grade schools and 300 art volunteers. Wendy says, "Schools love contests and I love that this contest goes hand-in-hand with a cause that ties into the professional and volunteer work I do."



Wendy was glad to hear we send the poster info. to so many schools and youth groups but concurred that, "you really need a voice behind the mailing to reach children and the community directly." Wendy encourages others to volunteer with their local school. In her experience, teachers love volunteers to come into the classrooms, even if they're not involved with a formal program like the Art Discovery Program. She challenges readers to reach out to their local schools to spread the word about the fair housing poster contest early next year. A little footwork and one email message to the head of the district was all it took but, she says, "anyone can do it!"

## **RMLS™ Winner & Poster Promoter: Joy Hurley, Coldwell Banker Professional Group, [www.joyhurley.com](http://www.joyhurley.com)**

Joy serves on the board of a youth resource center in her area. The center provides preschool and after-school programs for at-risk kids in her area. Being as involved as she is, she knew that the Center had just announced that they were low on art supplies needed for the year. Winning RMLS's competition came at just the right time and was a huge boon to the organization.

Joy—who says she'd never heard of the FHCO contest before learning about it from RMLS™—also forwarded the contest brochure to her school district asking them to post it on their website and to her county's Brownies and Girl Scouts programs electronically. She said she found the process—the details provided on the brochure and the submission process itself—very easy and self-explanatory.

Joy reports that the center is about to have their own poster contest in conjunction with a fundraiser for the non-profit organization. "The FHCO contest was a fun way to get us warmed up!"



## **RMLS™ Winner & Poster Promoter: Sheila Done, Century 21 Wright & Associates, [www.SheilaDone.com](http://www.SheilaDone.com)**

Sheila and her husband are actively involved in their children's school. In fact, they're typically there on a weekly basis helping grade papers, escorting field trips, etc. When Sheila heard of FHCO's contest she was excited to bring it to the school.

Her plan involved tacking the contest brochure onto the school's front doors—what a great strategy that puts the info. directly in front of every child, teacher, and parent that comes and goes from the building. She also has email addresses for all of the school's teachers to send the info. Electronically, but, that being said, Sheila is quick to point out that anyone can access such contact information via most schools' websites.

"It was a quick and easy plan anyone could do," Sheila says, encouraging readers to give it a try. "My kids loved sitting down to create their contest submissions and we're looking forward to doing it all again next year!"

If you would like to be involved with next year's poster contest, visit page 8 for some win-win-win tips!

# Fond Farewells to Contest Judge; Looking Forward to the 2012 Poster Contest

If you're interested in helping spread the news about next year's contest let us know!

We would love your help with localized promotion of the contest be it at your school / youth group, office, trade association, religious organization, or other group in the community.

Visit [www.FHCO.org/contest.htm](http://www.FHCO.org/contest.htm) mid-January for next year's contest theme and submission deadline. There will also be a revised contest brochure posted there for you to download-and-print or save-and-forward.

If you do plan to promote the Fair Housing Poster Contest please let us know so we can track and support your efforts and, ultimately, share your successes!



## A WIN-WIN-WIN-WIN!

### A Win for Kids, Schools, and Youth Groups:

- A lifelong lesson in civil rights and housing choice
- A ready-made, age-appropriate student exercise
- A fun and creative contest with cash prizes

*What You Can Do:* If you or someone you know is directly involved with schools or youth groups promote the contest to teachers and administrators; seek material donations from community organizations.

### A Win for Housing Industry Trade Associations:

- A reminder of the importance of fair housing laws
- A ready-made opportunity for associations to engage their members in a community activity
- A fun and easy way to raise awareness about the association's support of an important issue

*What You Can Do:* Call a task force to oversee the project; ask your Board to support the contest locally; gather a list of local school or youth group for interested members to contact directly; assign individual members who are interested a specific school or teacher to reach out to; solicit materials donations from members; designate the association as a drop-off location for entries; offer to mail / deliver entries for children; promote the contest to your members as well as the larger community.

### A Win for Individual Housing Providers:

- A reminder of the importance of fair housing laws
- A ready-made opportunity for individual members to pass on fun and useful information to the clients and residents they work with
- A fun and easy way to get your name out there while publicly endorsing equity laws

*What You Can Do:* Talk to your kids' or grandkids' teachers; tell your neighbors; promote the contest in your own personal newsletters and marketing materials; designate your office as a drop-off location for entries; offer to mail / deliver entries for children.

### A Win for the Community at Large:

- A reminder that fair housing protects us all
- A ready-made opportunity to profile local talent
- A fun and easy way to build community

*What You Can Do:* Support children by collaborating with local businesses to promote the contest and / or donate materials; collect local entries in order to feature copies of the submissions in local restaurants and businesses before sending them on to the FHCO to compete.

The poster contest this year was bittersweet as it marked the end of an era. Teryn Wright of Wright Designs began contracting with FHCO back in 1995 as a designer, and was the main designer when FHCO held its first poster contest in 1999.



Teryn Wright,  
Freelance Designer &  
FHCO Poster Judge

Teryn has worked as a freelancer for FHCO on artwork for conference brochures, training program materials, bus advertisements, logos, FHCO folder designs, and of course, the poster contest materials.

However, this was Teryn's last year designing for FHCO. She is leaving us for the world of retirement.

"There are a lot of memories I will take with me," Teryn reminisces, "It never fails to make me smile to think of the year that one class drew lots of space aliens in their artwork. Perhaps space aliens are a protected class, although I am not sure what category they would fall under... Maybe national origin?"

What stands out most to Teryn about the poster contest is when the kids really "get" what fair housing means. "In their entries, they show a real diversity of people and housing situations and I find that very encouraging."

Teryn is not quite sure what the future will hold but she is looking forward to having the extra time on her hands to spend in the great outdoors with her husband; putting her health membership to better use; visiting family in the Midwest; and catching up on a stack of books she wants to read. "I am going to take my time deciding what comes next," she said.

Teryn's sunny nature, unmatched promptness, collaborative work style, keen eye for artistic talent, and warm smile will be sorely missed. However, we hope to bring her back as a judge next year. "I'll come knocking on your door if I don't hear from you," said Teryn, "That is, unless I'm sunbathing on an exotic island in my retirement."



## Senior Housing and Fair Housing Laws

*Do you own, sell, live in, or manage senior housing? If so, you should know that community rules implemented by owners, managers, landlords, housing authorities, condo / homeowners associations, manufactured home parks, designated senior housing communities (55+ or 62+), and even assisted living or other long term care facilities must comply with federal, state, and local fair housing laws. If you're involved with senior housing in any way, please read on...*

*Following is a straightforward and potentially eye-opening article written by Nadeen Green. Ms. Green is an attorney who has spoken on fair housing topics to residential rental audiences across the country since the Fair Housing Amendments Act's inception in 1989.*

*Here at the Fair Housing Council (FHCO) we make ourselves available to those who feel their fair housing rights have been violated, as well as to those with fair housing questions, including both housing consumers (residents, renters, buyers, etc.) and housing providers (landlords, facilities, designated senior communities, Realtors®, etc.)! If you have questions call our free Hotline at 800/424-3247 Ext. 2.*



Robert G. Schwemm, a leading fair housing authority at the University of Kentucky Law School, once commented to a room full of fair housing advocates and litigators that "The seniors [housing] industry is not aware that it is subject to the Fair Housing Act." We can only hope that he was right, because otherwise the recurring violations of this civil rights law are not just a mistake, they are intentional. Either way, for those communities that provide housing for seniors, it needs to be clearly understood that there is liability for non-compliance of fair housing law as it relates to seniors. While non-compliance can occur in a variety of areas, this article will focus on the issues surrounding the topic of "independent living."

### **The Fair Housing Act**

Prior to 1988, the Fair Housing Act (FHA), which governs almost all housing in the United States, did not prohibit private sector housing discrimination on the basis of disability. As a consequence, many housing providers,

explicitly required that residents (either renters or owners) be "capable of independent living" in order to rent or buy. In practice such policies generally excluded applicants who needed assistance with the activities of daily living while also imposing subjective judgments about who could or could not fulfill the basic obligations of living in the housing. Although appearing neutral on their face, such policies had a harsh effect on people with disabilities.

Taking this and other factors into account the FHA was amended in 1988 to prohibit discrimination based on disability. In using the outdated term "handicap" the amendments employ a broad definition of disability. Specifically, the FHA bars discrimination based on a person possessing "a physical or mental impairment which substantially limits one or more... major life activities..." With this the Congress, and subsequently HUD, have sought to make disability irrelevant in the housing context. This effort includes both senior specific housing communities (55+ or 62+, retirement communities, public housing sector and conventional, market-rate sector) and conventional communities where seniors seek housing.

Beginning in 1990 with *Cason v. Rochester Housing Authority*, a series of federal court cases has clearly interpreted the FHA's ban on handicap discrimination to prohibit housing providers from imposing a requirement that anyone be capable of "independent living." In *Cason* the defendant's "ability to live independently" policy called for screening out any applicant who was not able "to perform those functions of adult living for and by him/her self." These activities included "the ability to perform basic housekeeping and personal care." Three disabled individuals (two of them seniors) brought a claim against the housing authority after it had rejected them for failing to meet this eligibility requirement. The court ruled for the plaintiffs, concluding that this requirement and the inquiries conducted by the defendant's staff to implement it "are in clear violation of federal law."

In rejecting the defendant's argument that its "ability to live independently" requirement should be upheld because the Authority had only relied on it to turn down a small fraction of handicapped applicants (17 of 276), the *Cason* opinion pointed out that this requirement still had a substantial discriminatory effect on people with disabilities because "no non-handicapped persons" were denied housing on this basis. Additionally, the Authority unsuccessfully argued that it lacked the staff and resources to provide support services; according to the court, plaintiffs "require

*continued on page 10*

## Senior Housing and Fair Housing Laws, *continued from page 9*

nothing of the sort from the Authority; rather, many handicapped applicants receive support from Medicaid or other assistance programs. [Anyone] who is able to meet the objective requirements of tenancy should not be denied housing simply because she receives medical assistance or other aid."

Despite these clear indications of federal law, there continues to be ongoing confusion within the industry as to "independent living" policies.

### Practices to Avoid

As discrimination lawsuits can be very expensive, including compensatory and punitive damages, civil penalties, and plaintiffs' attorney's fees, what should property owners and managers know to avoid litigation?

First, the Fair Housing Amendments Act's legislative history points out that "The FHAA is not intended to give [housing providers]...the right to ask...blanket questions about the individuals' disabilities...only an inquiry into a [person's] ability to meet tenancy [or ownership] requirements would be justified. Thus, in assessing an application for tenancy [or ownership], [one] may ask an individual the questions that he or she asks of all other applicants that relate directly to the tenancy [or ownership] but may not ask blanket questions with regard to whether the individual has a disability. Nor may [one] ask [anyone] to waive his right to confidentiality concerning his medical condition or history."

Therefore, senior housing providers need to understand that they can only ask a person with a disability (PWD) the same questions as are asked of all applicants/residents that relate directly to their being a resident:

- \* Can you pay the rent/mortgage?
- \* Can you get along with your neighbors?
- \* Can you fulfill housekeeping obligations (if relevant)?
- \* Can you obey the lease (or other reasonable covenants) and the law?

Note that these are "yes/no" questions. Not "how" questions, which are impermissible.

Often when housing providers are told the above, they raise the "yes, but" issue that they are concerned about their liability. However, landlords and property managers have tort liability only as to negligent behavior as it relates to everyone; there is no higher duty of care (unless there is community participation in certain government programs) as to PWDs or seniors. The abstract concern of a senior housing provider is not a justification for the denial of an application, the termination or non-renewal of a lease, an eviction, or a refusal to sell.

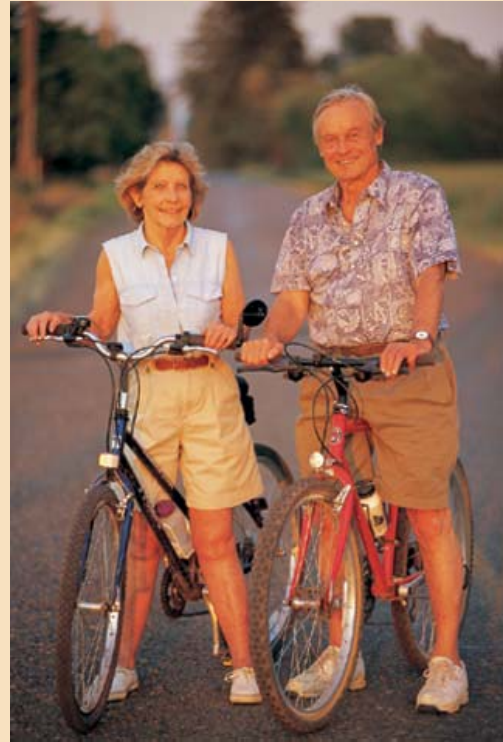
Quite simply, a senior does not have to be able to live independently to be able to rent or own within a senior community. As the courts have held that tenants are free to meet the obligations of tenancy with or without assistance, a senior need only to meet the criteria related to the four questions above in order to obtain housing.

While a senior may have crippling arthritis, perhaps their adult child will write and send the rent checks (but this detail is of no concern for the landlord). While the mobility impaired senior may not be able to take the trash to the dumpster, perhaps their caregiver will do so (again, how the trash is taken to the dumpster is not anyone else's concern). In theory, a senior could lapse into a vegetative state the day after signing a year's lease or buying into a community, and as long as that senior meets the above criteria, it is not the concern of anyone at the community as to how that is being made to happen.

Additionally, as independent living is not a lawful requirement for housing, advertising for those capable of independent living is unlawful as well. Not too long ago the Intermountain Fair Housing Council (Idaho) filed a lawsuit alleging a violation of the Fair Housing Act due in part to the marketing of a community as an "active adult community." "There's no such thing as an 'active adult community' to be advertised," said Richard Mabbutt, the Council's executive director. The suit is seeking \$56,000 in actual and punitive damages and \$34,500 in other expenses. It also asks for the establishment of a \$273,500 victims' compensation fund to repay unidentified victims.

To further illustrate this issue, here is an excerpt from an Office of Equal Opportunity email to a senior housing provider: "We have taken note of several communities that have used the terms "active adult community" to describe their community. In fact, the Director has initiated several fair housing complaints against...housing communities for using phrasing that is inconsistent with the intent that the housing community intends to operate as housing for older persons 55 years of age or older."

Quite simply, the use of the terms "independent living" and "active adult" are not only likely unlawful, their use will encourage fair housing testers to visit those communities that self-describe themselves with these terms. While in theory such tester visits should not be a problem for



*continued on page 12*

# Common Disability Requests

Under fair housing laws, housing providers (sales agents, landlords, lenders, home insurance carriers, homeowners associations, shelters, etc.) must address the needs of current or prospective housing consumers who have disabilities by making reasonable accommodations and allowing reasonable modifications. A reasonable accommodation is an adjustment in rules, procedures or services that gives a person with a disability an equal opportunity to use and enjoy their dwelling and common areas. A reasonable modification is a change to the physical structure of a dwelling or common area that is needed to allow a person with a disability full enjoyment of the premises.

It is expected that housing providers will incur some costs associated with granting a reasonable accommodation. However, reasonable modifications are often the resident's expense to bear, except in subsidized rental housing.

Housing providers may not ask applicants or residents if they have a disability, ask for details about the condition, or ask to see medical records. It is entirely up to the individual with a disability to determine if s/he needs help, and whether or not to disclose that they have a disability in order to ask for assistance. While it is advisable that such requests be made in writing, housing providers may not require this and, fundamentally, every request must be considered.

## Examples of Common Requests:

Vision Disabilities	Hearing Disabilities	Cognitive Disabilities	Psychiatric Disabilities	HIV, AIDs or other "Stigma" Conditions	Environmental Disabilities	Physical Disabilities
<ul style="list-style-type: none"> <li>• A guide dog.</li> <li>• Ample interior and exterior lighting.</li> <li>• Read notices aloud or provide them in large print or in Braille.</li> <li>• Provide large print or Braille numbers on doors.</li> <li>• Remove objects that protrude into hallways / pathways.</li> <li>• Put non-slip, color-contrast strips on stairs.</li> </ul>	<ul style="list-style-type: none"> <li>• A visual doorbell signal.</li> <li>• A visual smoke alarm system.</li> <li>• Add voice amplification to common area telephones.</li> <li>• Install a TTY in the rental office.</li> <li>• Provide sign language interpreters for important meetings.</li> <li>• A service animal.</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the rental agreement and tenancy rules.</li> <li>• Write rental documents and notices in clear, simple terms.</li> <li>• Show how to use appliances.</li> <li>• Provide simple door locks or security systems.</li> <li>• Provide a monthly reminder that the rent is due.</li> <li>• Show location of the water shut-off valve and explain when to use it.</li> </ul>	<ul style="list-style-type: none"> <li>• A service animal.</li> <li>• Move a resident to a quieter unit, if requested.</li> <li>• A live-in personal care attendant / caregiver.</li> </ul>	<ul style="list-style-type: none"> <li>• A live-in personal care attendant / caregiver.</li> <li>• Allow a community person to come in to educate neighbors about the condition and help dispel fears and misperceptions.</li> </ul>	<ul style="list-style-type: none"> <li>• Use of non-toxic cleaning products and fertilizers.</li> <li>• Removal of carpet from the unit.</li> <li>• Removal of ballast or fluorescent lights.</li> <li>• Post "no smoking" signs in common areas. This is actually required by Oregon and Washington state laws in all common areas.</li> <li>• Consider a "no smoking" policy for an entire building.</li> </ul>	<ul style="list-style-type: none"> <li>• Be sure the onsite office is accessible. This is already required of most housing complexes under the Americans with Disabilities Act and / or the Fair Housing Act's Design &amp; Construction requirements.</li> <li>• A live-in personal care attendant / caregiver.</li> <li>• Lever door handles vs. twist knobs.</li> <li>• Adjustments to automatic door closers.</li> <li>• Clear shrubs from pathways and trim to low height.</li> <li>• Insulate exposed kitchen and bathroom pipes.</li> <li>• Install anti-skid tape on floors and stairs.</li> <li>• A move to a lower floor or more accessible unit, if requested.</li> <li>• Widening doorways.</li> <li>• Installation of ramps, grab bar, etc.</li> <li>• Lowering of closet rods, counter tops,</li> <li>• Thermostat and other environmental controls, etc.</li> <li>• Designated parking close to the individual's unit.</li> </ul>

*continued on page 12*

## Common Disability Requests

*continued from page 11*

If an accommodation or modification is requested, and either the disability is not obvious, or the nexus between the disability and the accommodation or modification is not obvious, it is okay to ask for third-party verification that the person has a disability and that what has been requested is necessary (not just a pleasantry) because of the disability. This verification typically comes in the form of a letter of verification from a doctor or other qualified third party who has knowledge about the person's disability and can vouch for the need for assistance.

While this is a sampling of common requests, it is by no means exhaustive. The needs of those with disabilities can be as unique and wide ranging as there are individuals with disabilities. Remember, every request must be considered even if the housing consumer doesn't use the specific words "accommodation" or "modification" and even if the request is not made in writing.

For a great deal more information, including the reason one can deny a request, sample reasonable accommodations / modifications forms, etc., visit the "Resources Related to Disability as a Protected Class" section at [www.FHCO.org/links.htm](http://www.FHCO.org/links.htm). Also, read the Joint Statement from the Department of Housing and Urban Development and the Department of Justice on reasonable accommodations ([www.usdoj.gov/crt/housing/joint\\_statement\\_ra\\_5-17-04.pdf](http://www.usdoj.gov/crt/housing/joint_statement_ra_5-17-04.pdf)) and reasonable modifications ([www.usdoj.gov/crt/housing/fairhousing/reasonable\\_modifications\\_mar08.pdf](http://www.usdoj.gov/crt/housing/fairhousing/reasonable_modifications_mar08.pdf)).

Article by FHCO Staff

## Senior Housing and FH Laws

*continued from page 10*

those communities conducting themselves in accordance with fair housing laws, the scrutiny of testing can lead to charges of discrimination and lawsuits. The affected senior housing provider may prevail in the legal arena, but the cost (in both time and money) to defend against those charges or lawsuits will nonetheless be high.

While old age is not a disability, the likelihood of a disability rises as one gets older; in fact, being blessed with years almost guarantees that a person will have at least one disability if not more. Baby boomers are now beginning to enter their senior years, and they are the generation that came of age during the era of civil rights and consumer empowerment. They are already making their voices heard in the marketplace; the housing industry does not need to be hearing those same voices in the courts.

*Here at the Fair Housing Council (FHCO) we hope you'll consider us a resource. Again, if you have questions about your housing community rules and fair housing laws, call our free Hotline at 800/424-3247 Ext. 2.*



won't you contribute to our efforts?

JOIN US

Ask your employer if they will make a matching gift to the FHCO. Donations are tax deductible and employer matches double the impact of your gift.

You can further increase your impact by [telling a friend](#)  
(or three or four) about our work!

## Immigrants and Real Estate

*The following article was written for landlords. While the content is geared toward landlords, what follows is certainly relevant to other housing providers (Realtors®, sellers, etc.) but to housing consumers as well. There's a great deal of misinformation out there on this subject; we hope this provides clarity.*

There has been (and will continue to be) much ado about immigration and the status and rights of immigrants (both documented and undocumented) in the news. What implications does all of this have for those of you in the rental industry? Do you have a responsibility to verify that those you rent to live in the States legally? Can an undocumented immigrant legally rent property in the U.S.? What's your liability if you participate in a housing transaction with someone who doesn't have appropriate documentation to prove s/he is here legally?

I can imagine that on the issue of renting to immigrants you likely fall within one of three categories. I'll leave it to you to self-identify:

- 'Never considered the issue,
- You don't care who they are and where they come from so long as they pay the rent, take care of the property, and don't disturb the neighbors
- Your political beliefs dictate that it would be morally wrong to rent to anyone who cannot prove they are legal residents of the U.S.

Regardless of your personal opinions or political bent, you should know that, unlike employment law, nothing in housing law makes it illegal to rent to someone who is not in the country with proper documentation. Some jurisdictions around the country have tried to make it a crime. However, this has not been attempted federally or within the states of Oregon or Washington and, to the best of our knowledge, all of the laws that were passed elsewhere in the country have either already been overturned or are in the process of being challenged in court.

People living in the U.S. who either are here legally but are not U.S. citizens or who are here without documentation have many basic rights; fair housing laws address some of those rights. If you deny housing or otherwise discriminate in the level of service provided to applicants and residents because of their race, color, or national origin (as well as other protected classes at the federal, state and local levels) you have violated the law, regardless of whether or not the person lives here legally. An applicant's immigration or citizen status simply is not a relevant factor in performing rental, credit or criminal background checks.

As always, be careful of your assumptions. Assuming some people "look like" they're here legally and others don't can lead to violations of the fair housing laws. Again, denying applicants simply because of where they're from (either from the U.S. or from another nation) has a disproportionate impact on national origin as a protected class and is illegal. Be careful, too, of assumptions about household make up based on race or national origin. Don't assume "certain kinds of people" will rent a property then turn around and invite undocumented immigrants to stay with them. If this happens, it is more likely than not a lease violation and should be dealt with accordingly. Don't assume "certain kinds of people" have larger or extended families and base your rental decisions on that. Set reasonable occupancy standards and enforce them equally across all of your units.

So, what are your responsibilities? The Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) make no requirements of landlords in this regard. You are not an ICE or DHS agent and are not expected to be an expert on all the documentation needed to verify that someone entered the country legally. Frankly, I wouldn't want the liability that may come with trying to play cops and robbers.



So, how do you screen someone who either has no documentation or has alternative documentation such as a student or work visa, or Individual Taxpayer ID Number (ITIN)? First of all, talk with your screening company. Some have effective workarounds; others do not. Find one that does. Now, if the expense of a manual background check costs you more, you would be advised not to pass on the higher cost to the applicant. While that might, at first glance, appear to be a legitimate business expense, it can also be argued that it disproportionately impacts national origin as a protected class. For additional suggestions on alternative screening methods aimed at verifying the applicant is who they say they are, that they pay their bills on time, and to check their past rental and criminal histories visit [www.FHCO.org/pdfs/SuggestedAltDocs.pdf](http://www.FHCO.org/pdfs/SuggestedAltDocs.pdf).

What if an applicant provides a fake social security number when they apply to rent from you? Well, in that case, they have lied on their application and can be denied or evicted on that basis. We never recommend immigrants lie or use a false identification number. And we advise landlords to be careful not to treat applicants and residents differently because of where they come from. If you have questions about fair housing laws, let us know. That's what we're here for!

Article by Jo Becker, FHCO Staff

# HousingConnections.org

*"Your Tax Dollars At Work"*

- Use to advertise properties for sale or for rent
- Completely FREE SERVICE for the Portland-Vancouver region
- Thousands of searches weekly
- Active for 2-4 weeks; never purged

I have been using HousingConnections.org for over 2 years now and I get phone calls on a daily basis from prospective tenants. We manage a large portfolio of lower-income housing and every week we update our listings to keep the most current information for our vacancies on your website. We fill these vacancies with qualified renters quicker than if we did not use your free service. Thank you! *HC Landlord*

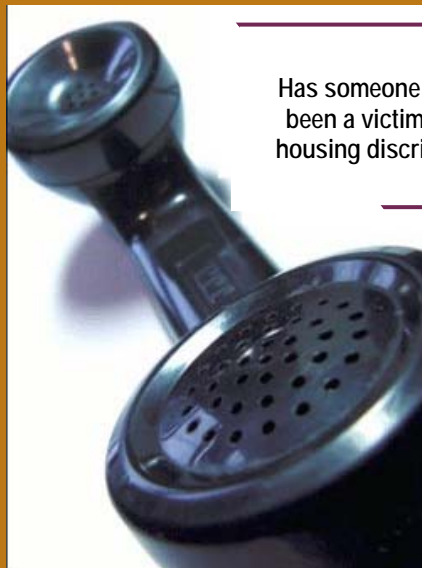
"I wanted you to know how helpful HousingConnections.org has been. I will be retiring soon & having access to housing options so that I can plan my retirement is very useful." *HC Home Searcher*

"I advertised in several papers and got only a few callers and no takers. Then I put my ad up here and got a very nice tenant within days. Thank you!" *HC Landlord* "We currently have 9 properties listed on HC. We have inquiries about our different senior communities that are directly linked to this website. Thank you!" *HC Landlord*

■ **NEED HELP? Call the Tech Line: 503/416-2706**

■ *Or hit the "Contact Us" link at bottom of the site*

Do you have  
fair housing  
questions?



Has someone you know  
been a victim of illegal  
housing discrimination?

Call us!  
800/424-3247  
Ext. 2

## Discriminated Against for having been Poisoned by Lead

Following is an excerpt from *Insight*, a newsletter published by Housing Opportunities Made Equal (HOME) in New York.

The question is whether or not a landlord can discriminate against a tenant because of lead poisoning. The answer: NO!

The story behind the answer lies with Jane Doe, a single mother with four children. After Jane Doe had given a security deposit for a three-bedroom, single-family house, one of her children was diagnosed with lead poisoning. The Health Department was notified and Ms. Doe was told to bring her daughter to Children's Hospital for treatments. Later, a representative from the Health Department called her at home and wanted to know her landlord's name and phone number. Ms. Doe explained that she would be moving soon and the inspector asked her where and asked her the new landlord's name and number in order to set up an inspection of the new apartment. Ms. Doe gave the inspector this information.

Approximately an hour after Ms. Doe spoke with the Health Department, the new landlord called her. She said that she had received a phone call from the Health Department and that she would not rent to Ms. Doe because her daughter had lead poisoning. The landlord stated that she could not take a child who has lead problems because she could not afford to have lead abatement done in her house. Ms. Doe tried to explain to the landlord that the Health Department just wanted to inspect the property. The landlord (inaccurately) told her that if the Health Department performed an inspection and found lead, she would be forced to do the lead abatement before the Health Department would allow her to rent to anyone. That day, the landlord gave Ms. Doe her security deposit back.

On the same day, Ms. Doe called Housing Opportunities Made Equal to make a complaint alleging that this landlord discriminated against her because of her

familial status (having children) and her child's lead poisoning disability. After determining that there was reason to believe discrimination had occurred, HOME tested for discrimination based on lead poisoning disability, found evidence to support Ms. Doe's allegation, and assisted Ms. Doe to file a case with the U.S. Department of Urban Development (HUD) alleging discrimination based on disability and familial status.

**Let's Make All Kids Lead-Free Kids**

Learning disabilities, hearing loss, and violent behavior are some of the effects lead paint can have on young children. If your home was built before 1978, lead paint on your walls, doors, windows and sills may be dangerous.

Call 800-424-5323 (LEAD) or [read more](#).

Lead paint poisoning affects over one million children today.

The local Lead Line number is 503/988-4000

Eventually a settlement was reached in this case. The defendants agreed to 1) pay Ms. Doe \$3,000, 2) not deny housing to any applicant based on protected class status in compliance with fair housing laws, and 3) abide by the residential Lead Based Hazard Reduction Act of 1992.

Clearly, this case illustrates the fact that those who deny housing to households with children and those with disabilities will not be protected from liability under the Fair Housing Act based on lead-based paint disclosure requirements or the very real risk of lead hazards.

Whether you are a renter or buyer, or you are (or represent) a landlord, a seller, or a homeowners association, you need to be familiar with the nexus between lead-paint and FHA requirements. You can learn more about lead based paint hazards and the requirements to disclose at [www.FHCO.org/lead.htm](http://www.FHCO.org/lead.htm). If you have further lead-related questions, contact the Lead Line at 503/988-4000 (a free service). You should also check out the Portland-based Community Energy Project's (CEP) "Living Lead Safe" program (503/284-6827). The CEP class would make an excellent office or community meeting presentation or even a wonderful offering an agent could set up for his / her clientele. It takes about an hour and it is mind blowing! Of course, if you have fair housing questions call our Fair Housing Hotline at 800/424-3247 Ext 2.

Article by FHCO Staff

# People LOVE The Fair Housing Council's Bus Tours!

Media coverage and pictures of past tours available at [www.FHCO.org/tours.htm](http://www.FHCO.org/tours.htm)

"Our entire company had the privilege of taking this tour two years ago and we are still talking about the great trip that revealed so much we never knew. It's a must for anyone who loves this city and wants to learn more about our hidden history."

"The first-person memories were priceless. The explanation of the changes in the Albina neighborhood was really interesting."

"Great tour! Everyone should take it. It should be required when you move to Portland."

"I loved the tour.

Much of the information presented is not widely known, but incredibly important.

Where we are today is very much shaped by this part of our past, and knowing that this past existed is integral to understanding where we are today. You guys did a great job!"

"I have never participated in something like this, I am so grateful for the opportunity to have been able to attend.

It truly has had a profound effect on me, being a minority.

Thank you for bringing this to folks like me who would have gone through life with blinders on."



## Program Details

This guided tour traces the ghosts of lost ethnic communities, forgotten hate crimes, Klan rallies, and communities that were rounded up and exiled based on their ethnic origins. The 2.5-hour field trip takes place in a comfortable, charter bus featuring historic first-hand accounts by local experts. An optional, 1.5-hour facilitated discussion and look at illegal housing discrimination today following the tour has become a highly praised part of the experience.

## Scheduling and Cost

For cost and scheduling details visit [www.FHCO.org/tours.htm](http://www.FHCO.org/tours.htm) or contact Diane Hess at [dhess@FHCO.org](mailto:dhess@FHCO.org) or (503) 223-8197 Ext. 108.

"I was brought to tears a number of times."

Fasten Your Seat Belts...

It's Been a Bumpy Ride.



**A Tour of Portland's Hidden History of Discrimination**

**Transport Yourself Back To...**



Artist Valerie Otani discusses the Japanese gates she designed at the Portland Expo Center where over 3,700 Japanese were detained in 1942.

...a time when Oregon's legislature deemed it illegal for African Americans to live in the state...

...a time when "sundown laws" prevented Asians and African Americans from staying in many local cities and towns...

...a time when Oregon was known as the most discriminatory state north of the Mason Dixon Line with more than 70,000 Ku Klux Klan members.

*From the Director's Desk...*  
*continued from page 1*

We offer victims three services: we investigate, we advocate, and we provide referrals. Testing is the most common investigative technique our office utilizes, but we do other things like interview witnesses and review documents. Once our investigation is complete we work with the victim to determine if we should engage in direct advocacy with the housing provider, refer them to a private attorney, or refer them to a government agency that formally investigates fair housing complaints. Our office will also file complaints on our own behalf.

We also assist jurisdictions in conducting an Analysis of Impediments to Fair Housing Choice (AI). This is an equity study that cities and counties must perform to indicate how they should best allocate resources to address fair housing issues. Recently we have offered our testing services to these jurisdictions, in the form of audit testing projects, to help them get a better idea of what fair housing problems their residents encounter. This work has identified problems that are not always visible.

In a test two or more trained individuals, who are matched in all characteristics (income, age, credit history, etc.) except for the protected class factor, contact the housing provider to inquire about renting or buying a dwelling unit. The testers report their observations to our staff in a format which assures the objectivity of the tester's experience. Staff members then compare each tester's report to determine if it shows different treatment. The individual testers do not know each other, nor do they know what type of discrimination they are testing.

Our audit testing projects give a "snapshot" of what is happening in a community. This allows the jurisdiction to accurately allocate resources to address these problems. To use one recent example, in response to our project for the City of Portland, the City has called for increased audit testing in its Fair Housing Action Plan to ensure that discriminatory practices are identified and addressed. It also helps guide jurisdictions on what type of education and outreach will best raise awareness and consciousness of fair housing rights and responsibilities.

Each project has its own limitations. The main one is the number of tests we are asked to do. That dictates how many protected classes, types of housing providers, and neighborhoods we can test for a given

project. For example, in Portland we did 50 tests, 25 based on race and 25 based on national origin. The results showed that 32 times our testers were treated differently. This is valuable information the City would not otherwise have without testing. As the City's Fair Housing Action Plan calls for, though, future projects will focus on additional protected classes. Finally, we are very active in pursuing violators. From May 2009



through May 2011 FHCO filed 56 complaints with the agencies responsible for formally investigating fair housing violations. These include complaints for individuals and complaints for FHCO on its own standing. Some of these have been settled, others are still being investigated, and still others are pending a hearing before an administrative law judge. We have also filed lawsuits, and are currently engaged in litigation in federal court.

We must be willing to look at ourselves and admit where we have failed to achieve an integrated society. This is not an easy feat. It requires us to ask uncomfortable questions about our society, our government and ourselves. It forces us to take a hard look at how we really treat one another. Yet we are not ruled by history. We are not doomed to continue repeating the mistakes of the past. We have to recognize and cast out illegal housing discrimination in order for our country to fulfill the promise of the American Dream. We have to embrace the value of an integrated society, and appreciate the benefits that flow to all Americans when we are truly free to live where we choose. That is the task before us. We are proud to work toward this goal, and we look forward to working with all our community partners toward this end.

a very special  
**THANK YOU**  
 to those who helped sponsor this year's fair housing month activities

Major Donors:



Fair Housing Month Sponsors:

**Gold Level Sponsorship:**

City of Beaverton  
 City of Corvallis  
 City of Eugene  
 City of Portland  
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 US Dept. of Housing and Urban Development  
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**Additional Supporters:**

City of Gresham  
 Guardian Property Management  
 Chuck Hauk

# What is a FHCO Member?

A FHCO member is an individual who is aware of the rights afforded him / her under federal, state, and local fair housing laws.

A FHCO member understands his / her responsibilities under fair housing laws.

A FHCO member is a business or organization that espouses and champions the spirit, as well as the letter of fair housing laws.

FHCO members transform their individual awareness into a larger group effort aimed at supporting fair and equitable housing practices across the marketplace.

**For twenty years the FHCO has been an authority on fair housing in Oregon and SW Washington and has served countless Oregonians and Washingtonians, whether members or not.**

**Won't you join our efforts today?**

[www.FHCO.org/join\\_us.htm](http://www.FHCO.org/join_us.htm)