



US Housing
CONSULTANTS

FAIR HOUSING:
House Rules &
Occupancy
Standards



FAIR HOUSING:

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Note: There may be areas of the manual that will not be covered during the allotted time and the information is supplied as supplemental information.

History of Civil Rights & The Fair Housing Act

- **January 1, 1863** – The Emancipation Proclamation was issued, which freed slaves held in the states that were still fighting the Civil War.
- **December 18, 1865** – The Thirteenth Amendment was adopted which abolished slavery and involuntary servitude except as punishment for a crime.
- **April 9, 1866** – The Civil Rights Act of 1866
The Civil Rights Act of 1866 was the first federal law enacted regarding civil rights.

“...and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime where of the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, to be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.”

- **July 9, 1868** – The Fourteenth Amendment of the US Constitution was adopted which addressed citizenship rights and equal legal protection.
- **May 18, 1896** – Plessy v. Ferguson (163 U.S. 537) – The US Supreme Court ruled that racially separate but equal facilities did not violate the Fourteenth Amendment of the US Constitution. This ruling made segregation legal.
- **May 3, 1948** – Shelley v. Kraemer (334 U.S. 1) – The US Supreme Court decided that racially restrictive housing covenants are prohibited by the Equal Protections Clause in the Fourteenth Amendment of the US Constitution, and that such covenants cannot be enforced in a court of law.
- **May 17, 1954** –
 - **Brown v. Board of Education of Topeka (347 U.S. 483)** – The US Supreme Court ruled that racially segregated schools violate the Fourteenth Amendment of the US Constitution. This ruling effectively overturned Plessy v. Ferguson ruling from 58 years prior, but only as it related to public educational facilities.
 - **Bolling v. Sharpe (347 U.S. 497)** – The US Supreme Court ruled that racially segregated schools violate the Fifth Amendment of the US Constitution.
- **November 13, 1956** – Browder v. Gayle (352 U.S. 903) – The Supreme Court of the United States upheld the Alabama district court decision, ruling that the enforced segregation on busses operating in the city of Montgomery violated the Fourteenth Amendment of the US Constitution.
- **July 2, 1964** – The Civil Rights Act of 1964 (P.L. 88-352) was signed into law by President Lyndon B. Johnson. Title VI of the Act prohibits discrimination on the grounds of race, color, or national origin by any program receiving federal assistance.
- **April 11, 1968** – The Civil Rights Act of 1968 (P.L. 90-284) was signed into law by President Lyndon B. Johnson. Title VIII of the Act, The Fair Housing Act, prohibits discrimination in the sale or rental of housing based on a person's protected class. At the time of its enactment, the Act prohibited discrimination against **race, religion, color, or national origin**.
- **August 22, 1974** – With the passing of the Housing and Community Development Act of 1974 (P.L. 93-383), **sex** was added as a protected class under the Fair Housing Act.
- **September 13, 1988** – President Ronald Reagan signed the Fair Housing Amendments Act of 1988 (P.L. 100-430) into law. The Act added **disability** and **familial status** as protected classes under Title VIII of the Fair Housing Act.

FAIR HOUSING: House Rules & Occupancy Standards

References & Notes

Fair Housing Introduction

Overview of the Federally Protected Classes

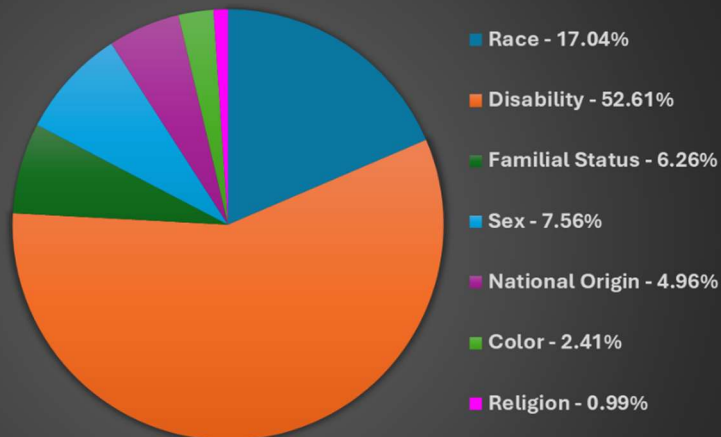
The Fair Housing Act prohibits discrimination in covered housing based on any of the seven federally protected classes:

1. **Race** (added as a protected class in 1968)
2. **Religion** (added as a protected class in 1968)
3. **National Origin** (added as a protected class in 1968)
4. **Color** (added as a protected class in 1968)
5. **Sex** (added as a protected class in 1974)
6. **Disability** (added as a protected class in 1988)
7. **Familial Status** (added as a protected class in 1988)



**EQUAL HOUSING
OPPORTUNITY**

**Housing Discrimination Complaints by
Basis of Discrimination**



https://nationalfairhousing.org/wp-content/uploads/2023/04/2024-Fair-Housing-Trends-Report-FINAL_07.2024.pdf
/page 9

Additional Protected Classes

State and Local Protected Classes

While there are seven federally protected classes, it is important to be aware that there may be additional protected classes based on the state or county where the housing is located.

Additional HUD Protected Classes

"In addition, housing providers that receive HUD funding or have loans insured by the Federal Housing Administration (FHA), as well as lenders insured by FHA, are subject to HUD's Equal Access Rule, which requires equal access to HUD programs without regard to a person's actual or perceived sexual orientation, gender identity, or marital status."

Examples –

A gay man is evicted because his landlord believes he will infect other tenants with HIV/AIDS. This situation constitutes illegal disability discrimination under the Fair Housing Act because the man is perceived to have a disability, HIV/AIDS.

A transgender woman is asked by the owner of her apartment building not to dress in women's clothing in the common areas of the property. This is a violation of the Fair Housing Act's prohibition of sex discrimination.

A property manager refuses to rent an apartment to a prospective tenant who is transgender. If the housing denial is because of the prospective tenant's non-conformity with gender stereotypes, it constitutes illegal discrimination on the basis of sex under the Fair Housing Act.

A female prospective tenant alleges that a landlord refused to rent to her because she wears masculine clothes and engages in other physical expressions that are stereotypically male. If true, this may violate the Fair Housing Act's prohibition of discrimination based on sex.

Fair Housing Introduction, cont.

Applicability

The Fair Housing Act does not apply to the following real estate transactions:

- ✗ A single-family house that is sold or rented by an owner, but only if the house is sold or rented without using a real estate agent or rental service.
- ✗ Owner-occupied dwellings with four units or less.

Even if a housing owner meets one of the above exceptions, when advertising the rental of the house or unit within the house, the advertising must still meet the non-discriminatory advertising requirements that are mandated in the Fair Housing.

Additional Exceptions

- **Senior Housing – Exemption to Familial Status**

The provisions in the Fair Housing Act regarding familial status do not apply to housing provided under any Federal or State program that HUD determines is specifically designed and operated to assist elderly persons, as defined in the Federal or State program.

- **55 and Older** – At least 80% of its occupied units must be occupied by at least one person who is 55 years of age or older.
- **62 and Older** – All units are occupied by members, all of whom are 62 years of age or older.

- **Religious Organizations**

The Fair Housing Act does not prohibit religious organizations from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons unless membership in such religion is restricted on account of race, color, or national origin.

This means that the above exception only allows religious organizations the ability to restrict housing or give a housing preference to individuals who practice the same faith as the religious organization and does not give the religious organization free license to discriminate based on other protected classes.

FAIR HOUSING: House Rules & Occupancy Standards

References & Notes

Fair Housing Prohibited Acts

There are many specific discriminatory actions that are prohibited by the Fair Housing Act that relate to the sale and rental of housing.

- A. Steering
- B. Refusal to Rent or Negotiate Housing
- C. Falsely Denying the Availability of Housing
- D. Enforcing Discriminatory Policies, Terms, and Conditions
- E. Discriminatory Evictions
- F. Refusal to make Reasonable Modifications or Accommodations for Those with Disabilities
- G. Discriminatory Advertising



Enforcing Discriminatory Policies, Terms, & Conditions

This occurs when a housing provider enforces policies, terms or conditions that discriminate against a protected class, such as:

- Selectively enforced or discriminatory Screening Criteria
- Discriminatory Rules of Conduct and Facility Rules
- Discriminatory Occupancy Standards
- Offering different lease terms based on protected classes
- Charging fees (or increased amount of a fee) based on protected classes
- Increase unit inspection frequency based on a protected class

Screening Criteria



As providers of affordable housing, there are certain criteria that must be met in order for a household to be eligible to occupy an affordable housing unit, depending on the governing affordable housing program.

In addition to the criteria that owner/agents must implement to stay in compliance with the applicable housing program, owner/agents are allowed to incorporate additional screening requirements into the application process.

Housing providers ensure that these additional requirements do not violate the Fair Housing Act.

Criminal Screening

Many housing providers screen potential tenants by conducting a criminal background check. It is critical that the criminal background policy not discriminate or cause a disparate impact on a protected class.

Disparate Impact Claims

A disparate impact claim can occur when a housing provider has a facially neutral policy, but the policy has a discriminatory impact on a protected class.

HUD Guidance on Screening for Criminal History

In April of 2016, HUD provided guidance that addresses screening for criminal history. Specifically, the guidance addresses how the methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action, such as refusing to rent or renew a lease, based on an individual's criminal history.



The notice provided the following framework that will be used in disparate impact claims.

- **Step 1.** Evaluating Whether the Criminal History Policy or Practice Has a Discriminatory Effect
- **Step 2.** Evaluating Whether the Challenged Policy or Practice is Necessary to Achieve a Substantial, Legitimate, Nondiscriminatory Interest
- **Step 3.** Evaluating Whether There Is a Less Discriminatory Alternative

Step 1. Evaluating Whether the Criminal History Policy or Practice Has a Discriminatory Effect

First, a plaintiff or HUD must prove that the criminal history screening policy results in a disparate impact on a group of persons because of their race or national origin. This burden of proof is satisfied by providing evidence that proves that the challenged practice actually or predictably results in a disparate impact. Such evidence can be based on state, local or national statistics.

HUD cites the following example in this April notice, *"In 2013, African Americans were arrested at a rate more than double their proportion of the general population. Moreover, in 2014, African Americans comprised approximately 36 percent of the total prison population in the United States, but only about 12 percent of the country's total population. In other words, African Americans were incarcerated at a rate nearly three times their proportion of the general population. Hispanics were similarly incarcerated at a rate disproportionate to their share of the population, but only about 17 percent of the total U.S. population. In contrast, non-Hispanic Whites comprised approximately 62 percent of the total U.S. population but only about 34 percent of the prison population in 2014. Across all age groups, the imprisonment rates for African American males is almost six times greater than for White males, and for Hispanic males, it is over twice that for non-Hispanic White males."*

Screening Criteria, cont.

HUD Guidance on Screening for Criminal History, cont.

Step 2. Evaluating Whether the Challenged Policy or Practice is Necessary to Achieve a Substantial, Legitimate, Nondiscriminatory Interest

The next step of the “*discriminatory effects analysis*” shifts the burden to the housing provider to prove that the policy or practice is justified. To demonstrate that the policy is justified, the housing provider must prove that the policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest of the provider.

The nondiscriminatory interest provided by the housing provider may not be hypothetical or speculative. The housing provider must be able to provide evidence proving not only that the housing provider has a “*substantial, legitimate, nondiscriminatory interest*” supporting the criminal screening policy but that the challenged policy actually achieves that interest.

Many housing providers have declared the protection of other residents and their property as the reason for such policies or practices. While courts may consider such interests to be both substantial and legitimate, a housing provider must still prove based on reliable evidence that its policy or practice of making housing decisions based on criminal history does, in fact, assist in protecting resident safety and/or property.

“Bald assertions based on generalizations or stereotypes that any individual with an arrest or conviction record poses a greater risk than any individual without such a record are not sufficient to satisfy this burden.”

Exclusions Because of Prior Arrest

In this guidance, HUD quoted the Supreme Court, “*The mere fact that a man has been arrested has very little if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense.*”



It is for that reason, HUD states that a housing provider who denies housing to a person on the basis of arrests not resulting in conviction cannot prove that the exclusion actually assists in protecting the residents’ safety and/or property.

Exclusions Because of Prior Conviction



In general, a record of being convicted of a crime will serve as sufficient evidence to prove that an individual was engaged in criminal conduct.

That said, HUD reminds owner/agents employing such a policy that they must be able to prove that the policy or practice is required to “*achieve a substantial, legitimate, nondiscriminatory interest.*” HUD further states that a “*policy or practice that fails to consider the nature, severity, and recency of criminal conduct is unlikely to be proven necessary to serve a ‘substantial, legitimate, nondiscriminatory interest’ of the provider.*”

Screening Criteria, cont.

HUD Guidance on Screening for Criminal History, cont.

Step 3. Evaluating Whether There Is a Less Discriminatory Alternative

The final step of the “*discriminatory effects analysis*” is only applicable if a housing provider successfully proves that its criminal history policy or practice is necessary to achieve its substantial, legitimate, nondiscriminatory interest. If this occurs, then the burden shifts back to the plaintiff or HUD to prove that such interest could be served by another practice that has a less discriminatory effect.

Of course, the identification of a “*less discriminatory alternative*” will depend on the specific policy or practice being challenged. However, generally speaking, an individualized assessment of relevant information outside of what is reflected in an individual’s criminal record is likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into consideration.

Relevant, individualized evidence might include:

- the facts or circumstances surrounding the criminal conduct;
- the age of the individual at the time of the conduct;
- evidence that the individual has maintained a good tenant history before and/or after the conviction or conduct; and
- evidence of rehabilitation efforts.

If a housing provider uses criminal records or other criminal history information as a pretext for unequal treatment of a protected class, this can be a fair housing violation.

HUD provides the following example: “*For example, intentional discrimination in violation of the Act may be proven based on evidence that a housing provider rejected an Hispanic applicant based on his criminal record, but admitted a non-Hispanic White applicant with a comparable criminal record. Similarly, if a housing provider has a policy of not renting to persons with certain convictions but makes exceptions to it for Whites but not African Americans, intentional discrimination exists.*”

Automated Third-Party Tenant Screening Companies

In March of 2019, the U.S. District Court of Connecticut ruled that credit reporting agencies who provide tenant screening services to housing providers must comply with the Fair Housing Act.

- *Connecticut Fair Housing Center, et al. v. CoreLogic Rental Property Solutions*

Practical Tips

- ☐ Put your screening and program eligibility requirements in writing and distribute to every applicant with every application.
- ☐ Include in the written screening plan the amounts, terms, and conditions of:
 - Application Fees
 - Security Deposits
 - Exceptions to Criteria (i.e., exception for a low credit rating that is due to medical bills) , these exceptions should be included in the screening criteria and should be applied consistently.
- ☐ Apply screening requirements consistently for all applicants.
- ☐ When requested, consider reasonable accommodations to the screening criteria.



FAIR HOUSING: House Rules & Occupancy Standards

References & Notes

Rules of Conduct (a.k.a House Rules)

Most housing providers incorporate rules of conduct into their lease agreements in order to ensure that the actions of residents (and their guests) do not damage the property or interfere with other residents' peaceful enjoyment of their home. So, while it is important for a housing provider to enforce conduct rules, it is even more important that housing providers make certain that their rules of conduct do not include rules that could be deemed to be discriminatory against any one of the protected classes.

House Rules & Religion

Religion is not defined within the Fair Housing Act. In general, religion can be described as an organized system of beliefs or devotion to a religion, faith, or observance. While there is not a definitive list, many available estimates show that there are over 4,000 different religions in the world. It should also be noted; just as an individual cannot be discriminated against based on their religious beliefs, an individual also cannot be discriminated against based on the individual's *lack* of religious beliefs.

Decorations

Tenant Decorations:

If a housing provider permits tenants to decorate the exterior of their unit door and/or patio/balcony, then the housing provider may not prohibit tenants from decorating using religious imagery.

From the Department of Justice Civil Rights Webpage:

"If people are permitted to put decorations on their apartment doors, religious individuals should be able to put religious items or decorations on their doors, such as a Jewish Mezuzah or a cross. Similarly, when condominiums or apartments have a common room that can be reserved by residents for private activities like parties or book studies, residents seeking to hold a Bible study or other private religious activity may not be discriminated against."

Note: While the Fair Housing Act permits accommodations for persons with disabilities, the Act does not address religious accommodations.



Holiday Decorations:

During holidays, many housing providers decorate the property. When the property (i.e., office, common areas), care must be taken to ensure that the decorations do not give the impression that the housing provider favors one religion over another.

One option is to only use decorations and displays that are secular (e.g., decorated trees, Santa Claus, reindeer, elves, snow people).

Practical Tips

- ☐ Do not prohibit the use of community rooms for "religious" events, furthermore, do not limit the types of religions that may use the community rooms for events.
- ☐ If tenants are permitted to put decorations on their apartment doors, do not prohibit religious individuals from putting religious items or decorations on their doors, such as a Jewish mezuzah or a cross.



FAIR HOUSING: House Rules & Occupancy Standards

References & Notes

Rules of Conduct (a.k.a House Rules), cont.

House Rules & Familial Status

The Fair Housing Act provides the following definition of Familial Status:

"Familial Status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- 1. a parent or another person having legal custody of such individual or individuals; or*
- 2. the designee of such parent or other person having such custody, with the written permission of such parent or other person.*

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years."

The following are some of the areas where familial status discrimination can occur:

- House Rules
- Facility Rules
- Occupancy Standards

House Rules

House Rules are typically utilized to protect the property owner's asset and to ensure the peaceful enjoyment of residents. While these rules, or policies, may be written with the best of intentions as it relates to children, it is these rules that may result in discrimination.

When reviewing your House Rules, access any rule where minors are referenced and ask yourself these questions:

1. What is the desired outcome of this rule?
2. Does this rule need to be age-specific, or does the rule apply to everyone?
3. Is the rule safety-related?

The first two questions go hand in hand. By determining the desired outcome of the rule, you can then determine whether the rule needs to be age-specific.

In some cases, housing providers can have rules that are specific to an age IF the rule is safety-related.

https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/25/us_v_brisben_consent_order.pdf



FAIR HOUSING CASE – FAMILIAL STATUS UNITED STATES V. BRISBEN (2015)



- Defendant instituted restrictive policies directed at children and families with children, such as:
 - Required that children under the age of 16 be accompanied by an adult at all times
 - Prohibited children from riding bicycles on the property
 - Prohibited children from playing anywhere on the property except in a small, designated area
 - Banned skateboards and scooters from the property
- Case was settled, and the defendant was ordered to:
 - Pay \$60,000 in monetary penalties
 - Deposit in an interest-bearing escrow account the total sum of \$100,000 for the purpose of compensating the aggrieved persons whom the Court determines may have been harmed by the Defendants' discriminatory practices
 - Attend Fair Housing training and change discriminatory policies

FAIR HOUSING: House Rules & Occupancy Standards

References & Notes

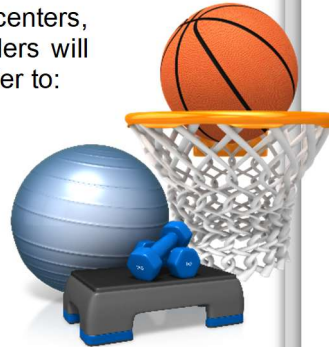
Rules of Conduct (a.k.a House Rules), cont.

Facility Rules & Familial Status

For properties providing amenities such as pools, fitness centers, basketball courts, tennis courts and businesses, housing providers will generally impose rules regarding the use of such amenities in order to:

- Protect the amenity from damage.
- Maintain noise levels so as to not disrupt the peaceful enjoyment of other residents.
- Protect the safety of the individual using the amenity.

Housing providers should ensure that their facility use rules do not include rules that could be deemed to be discriminatory against families with children.



Pools

Housing providers should not prohibit children from using the pool. Prohibiting children from using the pool at all will likely be considered discriminatory, even if the housing provider's concern is that small children could drown or otherwise injure themselves.

There are other more reasonable measures that housing providers can take to prevent drowning, such as requiring adult supervision. (See HUD v. Paradise Gardens)



- **Adult Supervision at Pools**

A housing provider can require that children under a certain age be accompanied by an adult; however, the age limit enforced must be based on objective criteria. It would not be reasonable to require that everyone under the age of 18 be accompanied by an adult, as that would not directly relate to safety.

When creating an age limit, take the following into consideration:

- What is the age requirement for a teen to be a Red Cross Lifeguard? (Hint. Generally, it is 15.)
- What are the age/supervisory requirements for your local community or school pool?
- What are your insurance carrier's requirements regarding supervision of children?

- **Parental Supervision of Children at Pools**

The industry practice is to not require parental supervision as it presupposes a "traditional" familial structure, which is often not the case and is really not reasonable.

Grandparents, babysitters, etc. should be permitted to supervise children while using the pool.

- **No "Adult Swim"**

It is recommended that housing providers do not restrict pool access to children to specific hours. (See HUD v. Paradise Gardens)

FAIR HOUSING: House Rules & Occupancy Standards

References & Notes

Rules of Conduct (a.k.a House Rules), cont.

Facility Rules & Familial Status, cont.

Fitness Centers

Many apartment communities provide a fitness center for the use of their residents.

Housing providers should not unreasonably restrict the use of the fitness center to children. If there are safety concerns, the housing provider can create rules requiring adult supervision of children under a certain age.

Depending on the fitness equipment provided, it may be permissible to restrict the use of specific machines to persons over a certain age. When establishing such requirements, it is recommended to refer to the fitness equipment manufacturer's recommendation on use for guidance.



Business/Computer Centers

Some apartment communities provide a business/computer center for the use of the residents. Safety is not generally a concern when it comes to children's use of this type of facility, therefore, it is best to not restrict children's access to the center. Instead, create rules of use to address the type of conduct that is prohibited.



Practical Tips

- ☐ Do not prohibit children from using the pool or enforce a blanket requirement that all children must be supervised by an adult in order to use the pool. While a housing provider may require that children of a certain age be supervised, the age limit used must be reasonable and based on safety.
- ☐ Do not restrict the number of children that an adult can supervise at the pool.
- ☐ Do not require that children be supervised by a "parent" when using the pool.
- ☐ Do not enforce "Adult Swim" hours.
- ☐ Do not prohibit children from using fitness centers or enforce a blanket requirement that all children under the age of 18 must be supervised when using the fitness center. Very similar to pool use, housing providers may enforce age limits on the use of the equipment in the fitness center, but any age limits enforced must be reasonable and based on safety.



FAIR HOUSING CASE – FAMILIAL STATUS HUD V. PARADISE GARDENS (1992)

- Defendant instituted restrictive policies directed at children and families with children, such as:
 - No child under 5 years of age permitted in the swimming pool
 - Children ages 5 to 16 allowed in the pool from 11 am – 2 pm
- Case was settled, and the defendant was ordered to:
 - Pay monetary and civil penalties totaling \$10,700
 - Change discriminatory policies



FAIR HOUSING:

House Rules & Occupancy Standards

References & Notes

Rules of Conduct (a.k.a House Rules), cont.

Occupancy Standards & Familial Status

Maximum Occupancy Standards

Maximum occupancy standards refer to the standards used to determine the maximum occupancy for a unit. If an occupancy standard is too restrictive, it may be deemed a violation of the Fair Housing Act by discriminating against familial status.

Example – Occupancy Standard Potentially Too Restrictive

An owner of a building with 2,000 sq. ft. 3-bedroom units (each bedroom is 400 sq. ft.), enforces a maximum occupancy standard of 3 persons for this unit type.



HUD provides general guidance; however, **occupancy standards are project specific** and must be **developed by the owner/agent**.

While HUD's guidance suggests that a two person per bedroom occupancy standard is reasonable, this guidance also states that the standard should be developed based on the unique characteristics of the units.

When developing maximum occupancy standards, the following factors should be taken into consideration:

- ☐ The number of rooms in the unit. Are there rooms that could be classified as a sleeping room under local code, such as a separate dining room or den?
- ☐ The square footage of the sleeping rooms. Could the bedroom feasibly house more than two occupants?

In certain situations, it may be considered reasonable to have a standard that is more restrictive than HUD's above guidance, if it can be *verifiably* documented that there is a business need to further limit the number of occupants (i.e., sewer or septic tank incapable of handling so many residents). (See U.S v. Weiss)

Age and Occupancy Standards

Occupancy standards should be based on the number of people in the apartment, and **not** the number of children.

It is also suggested that unborn children up to age one, not be considered an "occupant" when determining occupancy standards.

Gender and Occupancy Standards

It is up to the parents, and not the management agent to determine who will share sleeping quarters.



FAIR HOUSING: House Rules & Occupancy Standards

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Rules of Conduct (a.k.a House Rules), cont.

Occupancy Standards & Familial Status, cont.

Practical Tips

- ❑ Occupancy standards should be based on the number of people in the unit, not the number of children.
- ❑ Occupancy standards should be based on the unique characteristics of each unit.
- ❑ Do not ask a prospect if they have children. You may ask them how many occupants will be residing in the unit but do not inquire about children or the ages of the occupants.
- ❑ Check to ensure that your occupancy standards are not stricter than state or local law.



FAIR HOUSING CASE – FAMILIAL STATUS U.S. V. LANDINGS REAL ESTATE GROUP (2012)



- Defendant instituted an occupancy standard of two-persons per bedroom and in enforcement of the policy denied occupancy to an individual with four children who wanted to rent a two-bedroom unit.
- Plaintiff alleged that the community's occupancy standard was more restrictive than the standard applicable under state and local law.
- Case was settled, and the defendant was ordered to:
 - Pay penalties totaling \$40,000
 - Change discriminatory policies



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Ms. Gross has over 22 years of hard-won, real-world knowledge and experience in all aspects of the affordable housing industry.

She began her career as a site manager, eventually rising to the position of compliance director for a large multi-state property management company.

Ms. Gross leveraged her experience to become a highly skilled, nationally recognized trainer in Fair Housing, LIHTC, Rural Development, HUD, and HOME.

Over the last 12 years, she has conducted hundreds of trainings nationwide and has provided consulting services to state housing finance agencies, public housing authorities, management companies, and developers.

Ms. Gross is a featured speaker at numerous industry housing events. She also provides custom-tailored training to private organizations that understand that highly-trained staff are more effective and better able to protect the assets and reputation of the company. She also works in the consulting capacity, advising clients in the development of their policies and procedures, optimizing project compliance performance, and addressing audit findings.

"I have had the great pleasure of leading a couple of classes with Amanda Gross – trainer extraordinaire at US Housing Consultants. I feel like I'm the "old guard" watching over the "rising star". Amanda's classes are full of necessary information, and she has a knack for delivering compliance content in such a way that you will never be bored. If you get a chance, be sure to join her for a LIHTC or HUD training."

--- Mary Ross, President, Ross Business Development, Inc.

Ms. Gross's areas of expertise focus on the following programs:

- Fair Housing & Violence Against Women Act (VAWA)
- Low-Income Housing Tax Credit (LIHTC) Program
- USDA Rural Development Rental Housing Program
- HUD Multifamily Housing Programs
- HOME Investment Partnerships Program
- Tax-Exempt Bond Compliance



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Gary Kirkman brings over 20 years of leadership experience in the affordable housing industry and currently serves as the Director of Compliance Training at US Housing Consultants.

Gary began his career as a Regional Property Manager, overseeing Rural Development and HUD properties. His passion for supporting communities and mentoring others led to his promotion to Training Specialist, where he managed multiple affordable housing communities while providing hands-on training to staff on program requirements.

He later advanced to the role of Training Director, where he played a key role in developing company policies and procedures and leading the organization's training initiatives. During this time, Gary also partnered with property owners and developers to present at town council meetings, advocating for the development of affordable housing in areas where it was most needed.

Earlier in his career, Gary was recognized as an award-winning Community Manager, receiving the Best Overall Compliance in Affordable Housing award for the Southeast Region within a property management company portfolio.

Known for his engaging and relatable style, Gary is a seasoned public speaker who regularly conducts both public and private trainings. He is a frequent presenter at industry conferences, where he provides expert guidance on all major affordable housing programs.

Gary is highly respected by colleagues and industry professionals alike, with many praising his deep knowledge, approachable demeanor, and dedication to helping others succeed. Colleagues have stated, *"He has the ability to learn complex compliance requirements and teach them in a manner that others can learn"* and *"Because of his positive disposition, his reflective way of operating, and all of the character traits that make him so special, Gary's questions never go unanswered, and his searches always bring him to exciting new discoveries."*

Gary's areas of expertise focus on the following programs:

- Low-Income Housing Tax Credit (LIHTC) Program
- HUD Multifamily Housing Programs
- USDA RD Rental Housing Program
- HOME Investment Partnerships Program
- Fair Housing and Accessibility
- Violence Against Women Act (VAWA)
- Project and Asset Management
- Customer Service & Marketing



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Randy McCall

Housing Compliance Trainer

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(603) 223-0003 ext. 118

Mr. Randy McCall brings over twenty years of affordable housing experience. His passion and in-depth knowledge of affordable housing programs has enabled him to successfully provide training to management companies, city/state/federal agencies, and non-profit entities.

Mr. McCall's career began as an on-site leasing agent and then progressed to other on-site positions including Assistant Manager, Assistant Maintenance Supervisor, Bond Compliance Manager, Social Activities Manager, and Senior Community Manager.

His experience also includes work as a Compliance Specialist, Physical Inspector, and Regional Compliance Auditor. His experience led him to a State Housing Finance Agency where he worked as a Training Specialist and was promoted to Supervisor of Rental Compliance in the Asset Management Department.

Throughout his career he has also utilized his experience and skills to create training materials for inexperienced and seasoned learners. He has also been featured on panels at industry conferences.

Mr. McCalls's areas of expertise focus on the following programs:

- Low-Income Housing Tax Credit (LIHTC) Program
- HUD Multifamily Housing Programs
- USDA RD Rental Housing Program
- HOME Investment Partnerships Program
- Fair Housing and Accessibility
- Violence Against Women Act (VAWA)
- Project and Asset Management
- Customer Service & Marketing
- Underwriting and Funding Application



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Morgan Baldwin

Housing Compliance Trainer

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(603) 223-0003 ext. 152

Morgan Baldwin brings years of experience in the affordable housing industry to her role as a Housing Compliance Trainer at US Housing Consultants.

She began her career as a Compliance Specialist, focusing on detailed monitoring and auditing of various multifamily housing programs throughout Florida.

Morgan's path into affordable housing was anything but conventional. Originally pursuing a career in dentistry, she entered the industry with no prior experience — a journey that reflects her curiosity, resilience, and commitment to purposeful work.

Today, Morgan delivers training nationwide on the complexities of programs such as:

- Low-Income Housing Tax Credit (LIHTC)
- HOME Investment Partnerships Program
- Community Development Block Grant Disaster Recover (CDBG-DR)
- National Housing Trust Fund (NHTF)
- HUD Multifamily Housing Programs.

Morgan's expertise is supported by a Bachelor of Applied Science (BAS) degree and the respected Housing Credit Certified Professional (HCCP) certification from the National Association of Home Builders.

Recognized for her ability to make compliance approachable and relatable, Morgan empowers others to confidently navigate the complexities of regulatory requirements with clarity and assurance.

Morgan's mission is clear: to inspire and educate the next generation of housing professionals, ensuring affordable housing remains accessible, equitable, and sustainable for all.



@morganbaldwinushc



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Affordable Housing programs provide so much more than shelter. For millions of families, these programs provide a life with hope, stability, safety, and dignity. Staying in compliance with the requirements for these programs is not just red tape – it is about ensuring the long-term viability of assisted housing programs and it is about ensuring that families have a place to call home that is safe and well-maintained.

Contact Us For More Information

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