



Don't Tell the Truth. Obey the Law.

How do you as a property manager respond when a potential applicant asks you for information about the racial, ethnic, religious or family composition of an available unit, neighborhood, or complex? Think of your response carefully.

Such questions don't necessarily mean that the questioner has the intent to Discriminate, so we need to think seriously about how to handle these situations. Some landlords take the stance that such questions should be answered by "telling the truth". That approach has downsides.

First, what is the truth? Hearsay is not truth. Something that may have been true at one time may no longer be true now, and there is always our individual disputed version of "the truth". This version is based on our own life experiences and is rarely exactly the same as other people. In sports, we have independent authority figures, referees, which use their experience in the sport and knowledge of rules to decide what actually happens. However, in a landlord/tenant interaction, when a prospective applicant asks about the composition of the population in a neighborhood, chances are that neither other versions of "the truth", nor a referee, are usually present.

Next, even with what may seem to be a "truthful" answer, if the result is discrimination, then you have violated the fair housing laws. Intention is not the problem -- what happens is. If you accidentally break fair housing laws, you are still likely to cause unintentional pain and suffering. The bottom line is breaking the law is breaking the law, no matter the intent.

The most cautious approach to these kinds of questions is to explain what's required of you under the law and the potential effects they may have on both you and the prospective tenant. By simply stating the state and federal laws you may be able to appease the questioner. You may also let them know that you do not have the information to give them, nor will you be

gathering that information, because it has no bearing on renting the property.

What if you are the agent for the property owner and your client suggests that you should try and avoid renting the property to someone in a protected class? It is our fiduciary responsibility as their property manager to protect them.

Explain to your client that making decisions based on discriminatory practices may violate fair housing laws and could subject them to substantial penalties. They have hired you to do a job, so make sure you're doing it properly and within the laws to protect yourself and the client, regardless of whether they like it or not.

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