

FAIR HOUSING POLICY FOR Chamness Property Management

1. *Fair housing policy.* Different management companies may have different policies, provided that the policies do not violate fair housing laws. State and federal fair housing laws do *not* require equal treatment of all persons. Instead, they require that persons may not be discriminated against *because of race, color, religion, sex, national origin, handicap or familial status*. Under federal fair housing laws, rental housing owners may treat people differently *for reasons other than those listed above*—such as rental history, credit record, criminal history, income, current drug use, etc., and settlement of outstanding debt. Texas fair housing statutes and regulations are substantially identical to federal laws. City ordinances may add other protected classes such as age, student status, vocation, sexual preference, etc., which aren't protected classes under federal and state law. Note that HUD formalized a rule allowing fair housing claimants to proceed on a "disparate impact" theory, whereby a policy or practice may be found to be discriminatory even if facially neutral, but having a disparate impact on members of a protected class. This could lead to more fair housing claims attaching practices such as the use of criminal background checks.
2. *Definition of family.* Federal statutes and regulations define a "family" as follows: A family consists of one or two adult parents or custodians plus a child who must be: (1) their natural or adopted child; (2) a child who they have legal custody of or are applying for legal custody of (e.g., guardian/ward or foster parent/child); or (3) a child who is living with the adult(s) by written permission of the child's parent or custodian. A pregnant woman also is considered a family under the federal fair housing statute. (A married couple without children living with them does *not* constitute a family.)
3. *Two persons per bedroom.* Each of the following types of applicants must rent at least the number of bedrooms indicated, with exceptions, if any, as required by federal fair housing laws. Applicants or guarantors must qualify for the amount of rent stated.
 - (a) Only one adult—one bedroom.
Applicant must qualify for entire monthly rent.
 - (b) Only husband and wife—one bedroom.
Husband and wife together must qualify for entire monthly rent.
 - (c) Family of two—one bedroom.
Applicant must qualify for entire monthly rent.
 - (d) Family of three—two bedrooms.
Applicant must qualify for entire monthly rent. Husband and wife may qualify together.
 - (e) Family of four—two bedrooms.
Applicant must qualify for entire monthly rent. Husband and wife may qualify together.
 - (f) Two roommates (not a family)—one bedroom.
Each roommate or guarantor must qualify for one half of monthly rent.
 - (g) Three roommates (not a family)—two bedrooms.
Each roommate or guarantor must qualify for one half of monthly rent.
 - (h) Four roommates (not a family)—two bedrooms.
Each roommate or guarantor must qualify for one half of monthly rent.
4. *Applications.* Each roommate, parent and adult living in a unit must submit a separate rental application. A husband and wife may submit a joint application. In renting to roommates, all roommates must be 18 or older.
5. *Two different families may live in same unit only if:* (1) a single parent with child(ren) lives in the same unit with another single parent with child(ren); (2) the persons-per-bedroom ratios are met; and (3) each parent qualifies for at least half the monthly rent.
6. *Otherwise, non-family members (adults or minors) may live with a family only if:* (1) the persons-per-bedroom ratios above are met; and (2) the parent(s), guardians or legal custodians of the children who live in the unit qualify for entire monthly rent.