

# Fair Housing for Maintenance

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## **HANDOUT**

### **Breakout Session**

Thursday, February 22, 2024

3:30 pm – 4:45 pm

Speakers: Leslie Tucker



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**SAHMA Affordable Housing Conference:**

**Georgia**



# Fair Housing for Maintenance

Leslie Tucker

Law Firm of Williams Edelstein Tucker

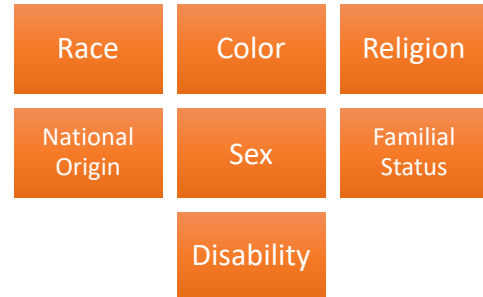
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Before we begin...

- This is not legal advice
- ALWAYS follow your company policies unless you are specifically directed to do otherwise by your supervisor

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## Federal Protected Categories



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Only managers need  
to know about fair  
housing, right?

### Wrong!

- Any employee (and their company) can be held liable for violations of the FHA
- Maintenance employees and their records are often involved in fair housing complaints

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## Why? What does fair housing have to do with maintenance?

- The FHA requires that no person be discriminated against in the benefits or services of housing
  - ➔ SERVICES = MAINTENANCE WORK
- Maintenance staff often has most contact with residents
- Can be vulnerable to accusations



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## Customer Service

- Maintenance can make or break a tenant's housing experience
- Dissatisfaction is often directly related to why a fair housing complaint is filed
- Perception is everything! Intent is irrelevant
- Consider tone, mood, and how your statements/actions may be received by tenant

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## Managing Service Requests

- First come, first served except for emergencies
- Document reasons for delay or if resident refuses entry
- Records are critical in disproving discrimination – best to avoid he-said/she-said situations!



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### Scenario 1

- Gloria, who is a different race than you, submits a work order for her stove.
- You've had unpleasant interactions with Gloria before and don't like going into her unit. Some easy repairs get added to your list for residents who never give you any trouble, so you get to those first
- When you finally knock on Gloria's door a few days later to respond to her work order, she yells through the door telling you to go away. You respond, "Gladly!"
- You come back 2 days later and try again. She answers the door wearing nothing but a thin nightgown and tells you to hurry up and fix her stove
- You come in and start to look at her stove, but Gloria stands in the kitchen with you and you decide to leave before you've completed the work. You tell her you'll be back when she has more clothes on
- Gloria files a fair housing complaint against you and your company based on race and sex, claiming that you completed other residents' work orders much quicker than hers, that you're rude to her, and you looked at her in a sexual manner while in her apartment.
- Did you do anything wrong? How can you defend yourself?

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# Considerations

1) Skipped over on work order list?

- Can you justify?

2) Denied entry

- Did you make a note?

3) Rude comment

4) Inappropriate dress

- Should you enter?
- Did you make a note?

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**Report it**  
for everyone's sake



## Incident Reporting

- A maintenance employee who witnesses/experiences an incident should complete an incident report so the situation is documented.
- When filling out an incident report, describe what you saw and heard, including any specific language a resident uses
- Do not attempt to diagnose mental health of the resident just report the facts

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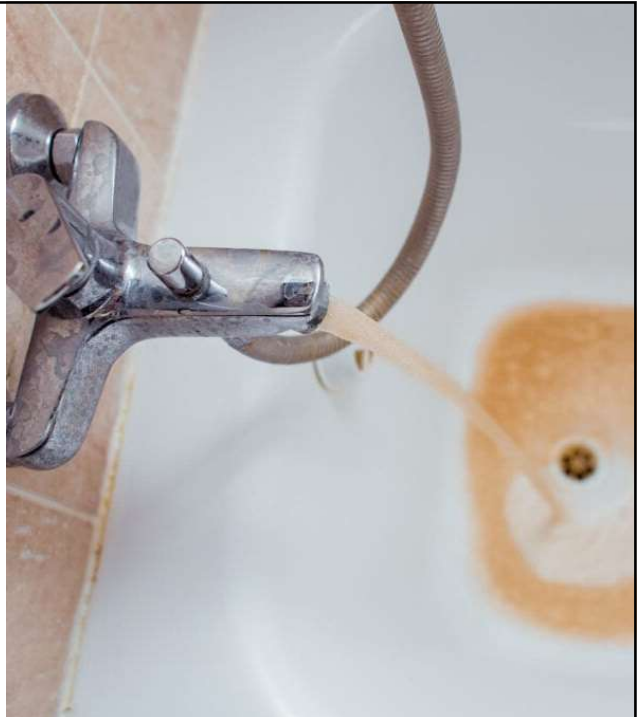
## Case Excerpts Involving Maintenance

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### Complaint Excerpt

*Prior to the above mentioned date, I notified Respondent of numerous maintenance issues in my unit. Due to the repeated maintenance issues that would not be addressed, I withheld my rent for November and December 2023.*

*My neighbor, who is of a different protected class than myself, was able to get her maintenance issues addressed in a timely manner.*



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## Complaint Excerpt

***Complainant alleged that Respondent maintenance worker (Hispanic) who is friends with the neighbor in unit #219 has subjected her to harassment, intimidation and called her a “crazy old lady” and “wicked and evil.”***

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## Complaint Excerpt

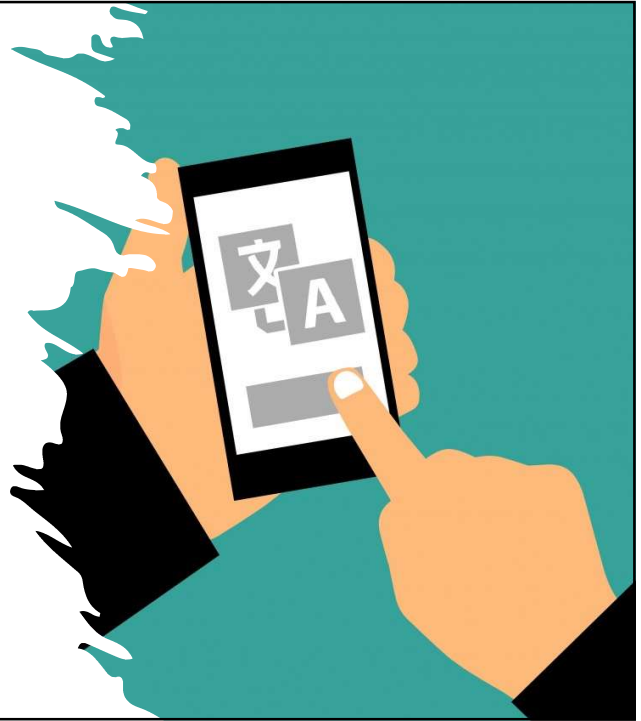
***On July 19, 2021, while informing the new maintenance technician of this requirement, he reportedly responded in a condescending manner. Complainant immediately visited the business office, and was shocked to overhear the maintenance technician and Respondent [REDACTED] laughing at and mimicking their recent conversation.***

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## Limited English Proficiency

- If resident does not speak your language, do your best by using your hands to communicate
- Make an extra effort to remain friendly and polite
- If cannot understand, then request assistance from supervisor
- Management has the ability to use a professional translator or other means to communicate



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## Leave Leasing to the Leasing Professionals

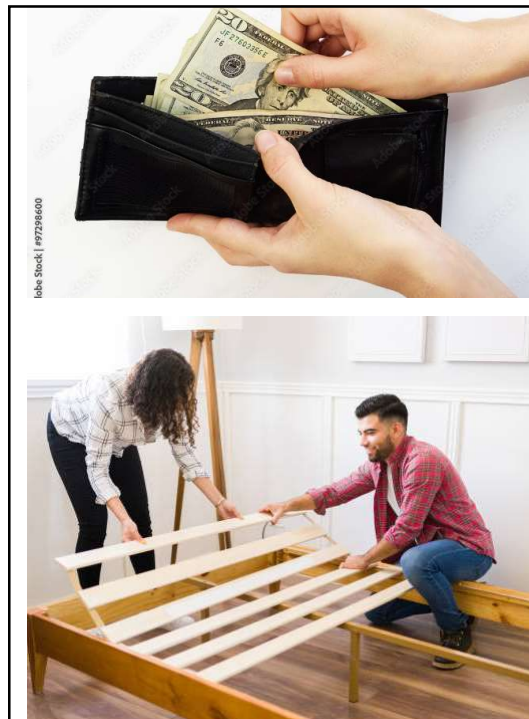
- Do you have any two-bedroom apartments available?
- What kind of people live here?
- Where do most of the kids live?
- How many \_\_\_\_\_ live here?
- Is this a safe neighborhood?

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## Scenario 2

- Gina is a newer resident at your property. She is always friendly and sometimes makes cookies for you and some of the other staff. She is the same race/ethnicity as you.
- She sees you while she's walking out to her car and asks if you could help her out with something later that afternoon. You agree to help her after you get off work
- When you stop by later, Gina is rearranging furniture and wants your help moving a mattress and putting together a new bed frame.
- Gina also mentions that she's pretty sure she's allergic to something in the carpet because she's been coughing and sick since moving in. She asks if you can rip it up and put in hard floors. You tell her you're pretty sure that you can, since Mr. Lawson in the next building just recently had that done.
- When you're done, Gina gives you \$20 and a big hug as you're leaving. She says she may have some more work for you in a few weeks.
- When you leave Gina's apartment, several residents see you and immediately start talking.

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## Considerations

- 1) Helping tenant after work
- 2) Accepting money
- 3) Physical contact
- 4) Other residents' perception
- 5) Request to remove carpet

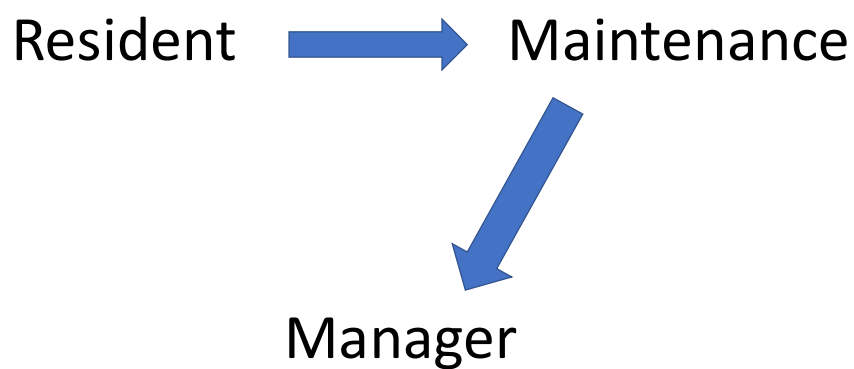
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## Reasonable Modifications

- Modification to interior of a unit OR common area due to a disability
- Different than a typical work order
- Listen carefully!

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- Can't ensure resident will go to Manager
- Only way to ensure Manager receives request is to relay it yourself!

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## Reasonable Modifications

### DON'T ...

- Ask questions about a resident's disability
- Promise what modifications will be made
- Provide options for what modifications may work for them unless instructed to do so by your supervisor

### DO ...

- Remind the resident to talk to the office
- Inform the manager of your conversation

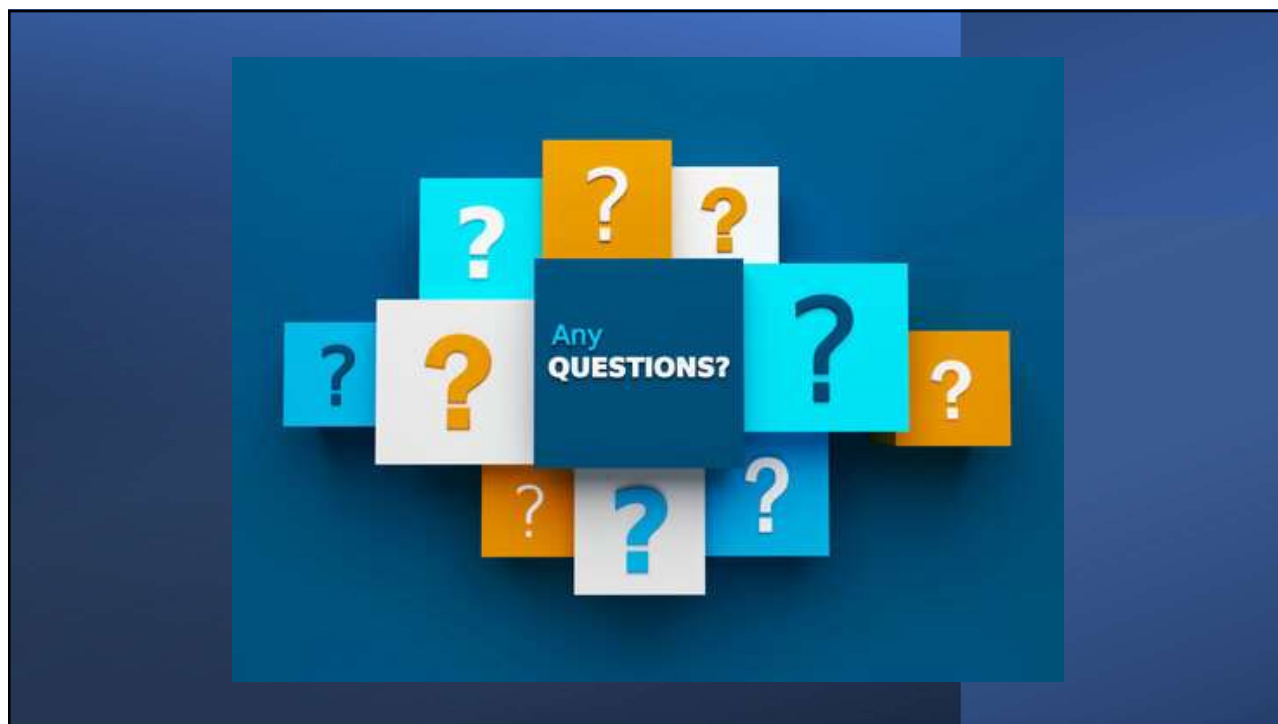
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## Protect Against Claims

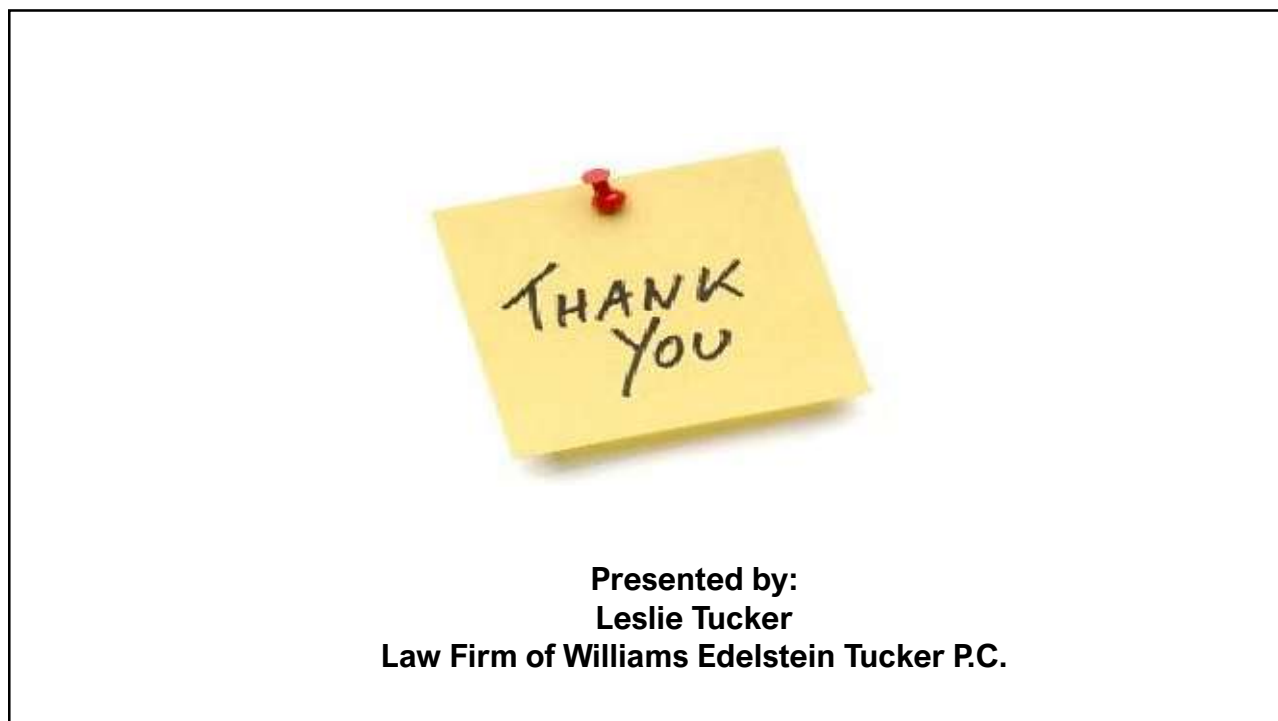


- Any employee that experiences a potentially problematic situation should complete an incident form
- Any employee that is placed in a potentially compromising situation by a resident should not interact with that resident without another employee as a witness
- Avoid sexually explicit language, conversation, jokes, and comments – Texts and emails are NOT private!
- Avoid going into an apartment when only a child is home or if a resident is not properly dressed, even if resident permits it
- No individual services for residents outside of your job duties

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**Presented by:**  
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