



TRS NEWS

A Monthly Newsletter Service for our Clients

May 2010

Address

14655 Northwest Freeway
Suite 124
Houston, Texas 77040

Phone

(713) 895-9966
(800) 275-7776

Email

info@terraresidential.com

Website

TerraResidential.com

**Houston's Only
Certified Residential
Management Company.
Specializing in Investment
Brokerage & Management
Since 1990.**

Serving You

**Michael Mengden
MPM®, RMP®, GRI®
President/Broker**

(713) 895-9966 x305

mmengden@terraresidential.com

**Bridget Mengden
Accounting**

(713) 895-9966 x304

bmengden@terraresidential.com

**James Dominy
Property Manager**

(713) 895-9966 x308

jdominy@terraresidential.com

Renting and the Handicapped

Fair Housing is simple - do not discriminate. While this may be a basic principle, it is often not "easy" to follow, particularly in the area of handicapped or disabled persons. Many landlords often do not know or understand the legal requirements when it comes to renting to handicapped tenants, which can lead to costly lawsuits. Courts do not tolerate ignorance of Fair Housing laws and penalties can be extremely steep regarding discrimination against the disabled. j

There are many Fair Housing Acts as well as Presidential Orders. The following acts are particularly important in the rental housing industry and disabilities.

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

The 1988 Fair Housing Amendments Act recognized the need to define and protect the rights of the disabled throughout American society.

Title II of the American Disability Act (ADA) of 1990 prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. Housing and Urban Development (HUD) enforces Title II when it relates to state and local public housing, housing assistance, and housing referrals.

Fair Housing defines "handicap" as:

- A physical or mental impairment which substantially limits one or more of a person's major life activities
- A record of having such an impairment
- Being regarded as having such an impairment

Jennifer Steward

Property Manager

(713) 895-9966 x306

jsteward@terraresidential.com

Carolyn Marsh

Assistant Property Manager

(713) 895-9966 x303

cmarsh@terraresidential.com

Our Services

- Leasing
- Make Readies
- Rent Collection
- Evictions
- Electronic Statements
- Online Payments
- Property Acquisitions
- Sales
- And More

Announcements

Check Your Insurance: Events can happen - flood, extreme heat, hurricanes, fire, and more! It is important to check your insurance to obtain the best coverage possible and ensure that it is current. Review now with your insurance agent before a disaster/emergency occurs.

If An Emergency Occurs: Our first priority during any emergency is to handle the situation, taking any necessary measures for the safety of your property and your tenants. Then, we will contact you as soon as we are able.

Our Associations



Property owners cannot refuse to rent to a handicapped person if they are qualified to rent the property. Under ADA, owners may not inquire if a person has a disability, or ask questions concerning the nature or severity of a disability. However, they can make the following inquiries if they ask them of all applicants:

- Inquire into applicant's ability to meet requirements of tenancy
- Inquire whether an applicant is qualified for a dwelling available only to persons with handicaps or a particular type of handicap

There are several areas regarding the disabled that can lead to trouble - one is that of assistance animals. These animals are not "pets" under Fair Housing laws and owners cannot charge "pet deposits" or increased deposits for a handicapped/disabled person who needs an assistance animal. While they cannot refuse the animal, owners can require the proper paperwork from disabled tenants or applicants before allowing the animal in the residence.

Property owners also cannot refuse to rent to handicapped tenants who require modifications to a dwelling. The 1988 Amendments Act requires that landlords allow persons with disabilities to make reasonable modification necessary at their own expense. Examples of this are widening doorways, installing grab bars, and lowering kitchen cabinets. In rentals, landlords may require the tenant restore the original when vacating if it is reasonable.

The 1988 Fair Housing Amendment also set up new requirements for new housing and HUD publishes technical assistance to builders, developers, and others regarding new construction.

There is, of course, so much more to the Fair Housing acts that govern the disabled that we cannot cover in this article space. As your property management company, we understand the importance of following all Fair Housing laws to protect you and your investment. Fair Housing is good quality Property Management.

The material provided in this newsletter is for informational and educational purposes only. It is NOT legal advice.
Although we believe this material is accurate, we cannot guarantee that it is 100% without errors.

Services Provided By Landlord Source 1956 Andover Lane Lincoln, CA 95648

Delivered By [Infusionsoft](#)