



La Crosse Collaborative - Questions and Answers*

1. Do fair housing laws allow landlords to participate in the La Crosse Collaborative?

Yes. The Landlord Liaison Project allows landlords to partner with social service agencies to open up housing opportunities for homeless individuals and families with rental barriers. Low income households and homeless populations are disproportionately made up of members of protected classes, including persons with disabilities, victims of domestic violence, families with children, and veterans. By expanding housing opportunities for homeless individuals and families, including members of protected classes, the La Crosse Collaborative affirmatively furthers fair housing. Landlords are helping to prevent further discrimination in housing by participating in this project.

2. Do fair housing laws allow landlords to use alternative screening criteria when considering applicants referred by the La Crosse Collaborative?

Yes, a housing provider may use alternative screening criteria to establish an applicant's eligibility for housing. To demonstrate eligibility, prospective residents must establish that they can and will pay rent on time, care for the property and be good neighbors.

Screening processes often rely on standardized formulas and minimum criteria to evaluate past and current income, credit, criminal history, and rental history. Fair housing laws allow housing providers to adopt alternative criteria to enable a prospective tenant to establish eligibility. For example, case management support may reassure the landlord that the rent will be paid and the lease will be followed, so a landlord may use alternative screening criteria for applicants who will be participating in support services during their tenancy. Such is the case with the La Crosse Collaborative.

3. Are landlords ever required to use alternative screening criteria or consider exceptional circumstances?

Yes. If the landlord's screening requirements have an unfair impact on a protected class, the landlord may need to make exceptions in order to keep the housing practices fair. In the state of Wisconsin, protected classes include:

** The content of this document is offered as a public service and is not intended as, and does not constitute, legal advice.*

Race/Color
Religion
Ancestry/National Origin
Age
Sex
Disability/Handicap

Domestic Abuse Victim
Family/Marital Status
Sexual Orientation
Lawful source of income
Domestic Abuse Victims

In some cases, a housing provider must consider alternative criteria as a reasonable accommodation to enable an applicant with a disability to establish eligibility. These applicants may have special needs due to their disabilities, so simply treating them the same as others may not ensure that they have an equal opportunity to use and enjoy the housing.

A reasonable accommodation is a change to a housing provider's normal rules, policies or practices that is necessary to enable a person with a disability to fully use and enjoy a dwelling unit. Reasonable accommodations must be granted at all stages in housing, including the application stage, so long as the accommodation is necessary because of the person's disability and is reasonable (does not cost a landlord too much or effect a fundamental change in the nature of the housing service).

Examples of reasonable accommodations that a landlord may be obligated to make for applicants with disabilities include:

- Allowing a co-signer or third-party payee
- Waiving a garnishable income requirement for those receiving SSI/SSDI
- Waiving an employment requirement for those receiving fixed disability benefits
- Overlooking past tenancy, credit, and/or criminal issues if the issues are related to the person's disability and have been or will be mitigated

4. During the screening process, what information can landlords request from agencies that provide case management?

A housing provider may request all of the information that would be gathered from any applicant. A landlord who has agreed to use alternative screening criteria for applicants should only ask questions and gather information necessary to establish the applicants' eligibility for housing. For example, the landlord can ask for the following information about the applicant:

- Rental history, including shelter and transitional housing program history and references
- Credit history
- Criminal history
- Income
- Verification of housing subsidy/assistance
- Participation in money management and rental responsibility classes
- Repayment agreements for past debts

The agency providing case management services to the applicant should only share information with the applicant's consent.

5. During the screening process, are there questions that landlords may not ask about the applicants?

Yes, landlords should not ask the following questions about housing applicants:

- What race are you?
- What country are you from? What is your national origin?
- What is your gender identity?
- What is your sexual orientation?
- What is your religion? Do you go to church, temple, mosque...?
- Are you disabled? (unless necessary to establish eligibility for housing for people with disabilities)
- What is your disability?
- How did you become disabled?
- Are you receiving treatment?
- Do you take medication?
- Why are you getting SSI?
- What does that service animal do?
- Can I see your medical records?
- Have you ever been hospitalized for mental illness?
- Have you ever been in drug or alcohol rehab?
- Are you capable of living independently?

6. During the screening process, what consideration should landlords give to victims of domestic violence?

If an applicant has a prior eviction, criminal history or bad debt related to a domestic violence incident where the applicant was the victim, then the housing provider should not deny housing to the applicant based on this prior negative history. Fair housing laws do not protect perpetrators of domestic violence.

7. Can landlords give preferences to applicants referred through the La Crosse Collaborative?

It depends. Fair housing laws would permit a housing provider to choose to rent to a qualified La Crosse Collaborative (LC) applicant over a qualified non-LC applicant. Similarly, a housing provider may choose not to advertise available housing units to the general public in order to accept more LC clients. However, a client receiving case management services may not be able to be moved ahead of another applicant on a housing waiting list. Housing wait list procedures must comply with existing regulations and contract requirements, particularly when the property receives federal housing subsidies or low income housing tax credits.

8. Can housing providers target their marketing to members of protected classes?

Yes. Fair housing laws permit marketing for certain protected classes. Affirmative marketing practices welcoming under-served protected classes do not deny any other protected class the opportunity to apply for housing. It is okay to advertise that:

- Rentals are accessible for people with disabilities
- Families are welcome (such as emphasizing amenities like a playground)
- Section 8 voucher holders are welcome
- La Crosse Collaborative participants are welcome

9. During tenancy, what information can landlords request from agencies that provide case management to the tenants?

It depends. The housing provider does not have a right to ask for details about the tenant's therapeutic treatment or case management activities. Sometimes, the tenant may want to reveal certain information to the landlord to explain problematic behaviors, request a reasonable accommodation, or work through issues or concerns. The disclosure of any therapeutic or disability-related information should be made only with the tenant's authorization and on a need-to-know basis.

To effectively work through problems that arise, tenants may want landlords to share notices and tenancy-related information with their case managers. Tenants participating in LC may sign a Release of Information to allow this sharing of documents and information. Then the case manager can work directly with the tenant and landlord to address and resolve the problem.

10. After someone becomes a tenant, can the housing provider be informed if the tenant later refuses to continue participating in case management?

Yes. The housing provider may be informed if the tenant stops participating in case management activities, so long as the tenant has consented to this disclosure.

11. Can a landlord evict an existing tenant who was accepted as part of the La Crosse Collaborative, but later refuses to continue participating in case management?

It depends. Housing providers are encouraged to focus on a tenant's tenancy-related behavior and not on a tenant's compliance with services unrelated to housing. As with any other tenant, if an LC tenant causes problems that constitute non-compliance with their lease, then the landlord may choose to evict the tenant in accordance with applicable landlord-tenant law.