

# KICKING

## Prospective Residents' Tires

**Checking out a prospective resident's car could create a fair housing issue.**

BY NADEEN GREEN

**R**umors are circulating that some apartment communities might be “checking out the cars” of prospective residents as part of their screening process. If this really is being done, there is cause for concern.

**1.** As you know, consistency is not a fair housing requirement—but it sure is a darn good business policy. With that in mind, checking out cars would have to be a part of the process for all applicants, and this policy (as is the case with all of your policies) needs to be in writing.

It seems to me that the leasing process has enough challenges without adding car inspections, but you would know that better than I.

**2.** If creating a written policy for this, then develop very objective criteria for what is an “acceptable car.” How “bad” does it have to be to be an issue? My husband, who is a pretty tidy guy, is less tidy with his car than he is in our home. That makes me cranky, but it would really make me mad if that cost us the opportunity to rent.

How could you know if a car battery died overnight and the prospective resident borrowed a car to come visit the community, or if I rode with a friend who is a slob but not planning to rent from you? If you learn that, would I have to come back with my own car for inspection?

**3.** When I was discussing this with an industry veteran, she raised the concern as to whether a really messy car could be a sign of hoarding. That concern is valid, but if you think that a car's condition might mean that the person is a hoarder, then that cannot be the reason not to rent to them. The application would be denied because of the hoarding, which is a disability. In fact, even “thinking” that someone is hoarding opens up the fair housing door, since “being regarded as having a disability” is the same under the law as actually having a disability.

If car inspection is being discussed among onsite staff, please repeat a mantra that has been suggested for years for all of your policies: Think it out (and be able to answer why you have this policy, the criteria and how the criteria are applied); write it down; follow it; and document that you follow it. 🐾

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