
TENNESSEE FAIR HOUSING COUNCIL
107 MUSIC CITY CIRCLE, SUITE 318
NASHVILLE, TN 37214
(615) 874-2344
FAX: (615) 874-1636

May 6, 2013

Will Connelly
Metro Homelessness Commission
800 2nd Avenue North
Nashville, TN 37201

VIA E-MAIL ONLY – NO ORIGINAL WILL FOLLOW

Dear Will:

At the May 2, 2013 meeting of the How's Nashville 100,000 Homes Initiative, one of the property managers asked the Tennessee Fair Housing Council to draft a letter stating our view of the proposed plan to provide specialized criteria to homeless applicants seeking apartments through the How's Nashville campaign. It is our understanding that the property managers were concerned that allowing homeless people with criminal records to live in their properties while not allowing non-homeless people with criminal records to live in their properties could somehow violate the Fair Housing Act ("FHA"), 42 U.S.C. § 3601, *et seq.*

The FHA prohibits discrimination in housing on the basis of seven protected classes: race, color, religion, national origin, sex, familial status, and disability. One's status as housed or homeless is not a protected class and is not contemplated by the FHA.

While the FHA does not specifically protect homeless or non-homeless people, the FHA does protect people with disabilities. In fact, the FHA requires landlords to make reasonable accommodations "in rules, policies, practices, or services, when such accommodations may be necessary to afford such [disabled] person equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B). People with disabilities are overrepresented in the homeless population. Disabled World states that 17.7% of adults in America experience disability while 42.8% of sheltered, homeless adults experience disability.¹ In some cases it may be necessary, as a reasonable accommodation, to assess the qualifications of a homeless person with a criminal record as a result of a disability differently than one might assess someone with a criminal record who does not have a disability.

Please feel free to contact us if you have any further questions.

Sincerely,



Tracey McCartney, Attorney at Law
Executive Director



Megan B. Dolleris
Staff Attorney

¹ Weiss, Thomas C., *People with Disabilities and Homelessness*, available at <http://www.disabled-world.com/editorials/political/disability-homeless.php#ixzz27883f8g2> (July 20, 2009).