I. Hand out Agenda

II. Hand out Revised, Final Registration Attendance Sheet

III. Revised, Final Seating Chart: please locate your new seat assignment. The reason for re-assignments is to accommodate special needs of students. Thank you for your support and understanding.

IV. Closing Questions: Selection of Tenants, The Law of Unlawful Discrimination (pp. 376-384)

V. Delivery of Possession- pp. 384-388

VI. Assignment:
1. Analytical Reading: Sublease and Assignment- pp. 388-402

Crusto’s Questions on Selection of Tenant
August 28, 2006

1. What is the general rule on landlords discriminating in the selection of tenants?
2. How are landlords now constrained by the law?
3. What are the important features of the Federal Fair Housing Act?
4. What organizations, if any, are exempt from the FHA’s provisions?
5. What is familial status?
6. Does the FHA apply to housing for older persons?
7. What type of housing discrimination is exempted? What type included?
8. What are the legal requirements of the FHA?
9. What about discrimination against the handicapped?
10. Can one discriminate in providing financing for housing?
11. What types of remedies are available to a plaintiff?
12. On what constitutional basis is the FHA?
13. What is the difference between state action and private action?
14. On what basis are state actions regulated?
15. On what basis are private actions regulated?
16. On what basis is all racial discrimination barred?
17. Does the FHA provide a private right of action; and if so, what does that mean?
18. Does the FHA attempt to balance various interests, and if so, which and how?
19. What procedural approach does the FHA take in proving up a claim?
20. What burden of proof does a plaintiff have to prove up a FHA case?
21. How significant is it that the plaintiff does not show discriminatory intent?
22. What, if any, can a defendant show to defend a FHA claim?
23. If the defendant proves nondiscriminatory, can the plaintiff still go forward, and how?
24. On what basis does the court evaluate a defendant’s motives?
25. What role does the lower court or administrative court play in the litigation?
26. What role does the court of appeals play?
27. Does the FHA regulate discrimination in advertising for real estate sales/rental?
28. What is the standard for determining discrimination in advertising?
29. Is it always necessary to show discriminatory intent?
30. What is the standard of judicial review?
31. Does the legal standard for FHA discrimination differ from the Civil Rights Act (1866)?
32. How is handicapped defined under the FHA?
33. Can state or local law narrow the scope of the FHA? Broaden it?
34. How, if at all, have some states and local laws broadened the FHA’s scope?
35. Can a landlord discriminate against a lawyer?
36. Who normally pays for litigation expenses?
37. What about under the FHA?
38. On what basis, if any, under the FHA can landlord get attorney’s fees?
39. Is America an open society when it comes to housing?