

Chapter 2



FINDING A PLACE TO LIVE

A. How to look for housing

There are many ways to find apartments, rooms, or houses to rent. Looking for housing can take a lot of time, and you need to think about what you are doing. For example, you need to think about the kind of place you want, its size, its cost, and the services you would like to have. Looking for housing is a lot like buying a car, and you should approach a rental deal the way you would approach dealing for a car. You should always try to get the best deal you can. This means you will have to be prepared to negotiate. Always remember, some items in a housing rental agreement might be negotiable.

There are a number of ways to find out about available housing. Some of the common ways are:

1. Newspaper classified ads
2. FOR RENT signs on houses and apartment buildings
3. Internet and Yellow Pages listings for property management companies
4. Craig's List
5. Rent.com, rentals.com and gosection8.com
6. Commercial rental agencies
7. Public housing authorities
8. HUD lists of subsidized housing
9. College and university bulletin boards
10. Word of mouth

With all the other ways to find housing, you don't need to pay a broker or an agency just to look through their listings. It is usually not a good idea to pay any fee to an agency to find your rental housing, because most of their listings are available elsewhere at no charge. No agency guarantees it will find you a place.

An agency's reputation for honesty in dealing with people can be checked through the Better Business Bureau or the Consumer Protection Division of the Attorney General's Office. You can find out if realtors or property managers have had complaints against them by checking with the board of realtors.

Landlords are permitted to check on a tenant's background, including credit or criminal background checks. Landlords often turn down a tenant for having bad credit or a criminal history. A landlord does not have to accept a tenant with a HUD Section 8 voucher. A landlord with three or more rental units cannot refuse to rent to someone because of a disability, ethnicity, sexual orientation or other reasons protected by the Fair Housing Act or the New Mexico Human Rights law.

B. The real cost of renting

There are several questions to consider about the cost of rental housing, besides the monthly rent. You need to consider your own costs, such as the cost of traveling to work or school from the rental house, the costs of utilities not included in the rent, and whether you plan to have renter's insurance. If you can afford it, renter's insurance is a good thing to have. Insuring your own property against fire, theft, and the possibility of personal injury liability will help protect you should damage or loss occur to your property. A landlord's insurance policy seldom provides coverage for loss of the tenant's property.

If you have a disability and will need to modify the rental housing to make it accessible, you will need to figure out the costs of making the alterations. Ordinarily, you will have to pay both to make the

changes and to have them removed when you leave. See Chapter 13 of this guide on the fair housing rights of people with disabilities to make modifications in a rental dwelling.



Be careful to find out about costs the landlord may charge you in addition to the rent. Will you have to pay for water, sewer, or trash? Find out if utilities are included in the rent. If not, talk to other tenants and the landlord about the cost of utilities, how the costs are figured, and how utilities are metered. Ask the landlord to show you a list of rules and regulations because there may be other charges noted in the rules. This is especially important when renting space in a mobile home park, because rules and regulations for the park may require you to skirt the mobile home or perform other requirements that cost money beyond the rent charged.

Be sure to check on deposits. A damage deposit, as well as payment of the last month's rent may be required. Also, find out whether you will have to pay a deposit to hold the rental dwelling and whether the deposit is refundable if you change your mind about renting.

C. Be aware of exactly what you are getting

When you are looking, be sure you actually see the apartment or house that is available for rent. Don't settle for looking at a model apartment, which may not be the same one you and your family will be living in. If you notice things you don't like about the condition of the unit, you may be able to get the landlord to make repairs or changes. It is easier to do this while you are looking, because you have some bargaining power. You should also do a move-in inspection (see Chapter 5).

It is also important to learn about the location. Ask other tenants about the neighborhood, the general

noise level around the apartment or house, schools your children will attend, and any other concerns you have. It is also wise to find out how other tenants feel about the landlord and how the landlord generally deals with tenants. If you can, try to find out why the previous tenants moved out. You may want to drive through the neighborhood at night to make observations of any possible dangers.

D. The availability of public and government-assisted housing

While you are looking, remember that there are several different kinds of government housing programs which offer rental assistance or rents to tenants with low incomes that are less than current market rents. Federal regulations provide extra rights and protection to tenants in these programs. These programs include public housing, HUD-subsidized apartment complexes, and Section 8 rental assistance vouchers. Public housing is owned and managed by public housing authorities, run by cities, counties or regions of the state. Section 8 voucher assistance is also administered by Public Housing Authorities. Subsidized apartment complexes are privately owned but subsidized by HUD, USDA or the IRS. These programs are discussed in Chapter 14 of this guide.

E. Discrimination in looking for housing

1. What is illegal discrimination?

Looking for housing is a demanding task for anyone, but it is especially hard and frustrating when a person is not treated fairly because of discrimination. Discrimination includes refusing to show a person an apartment or house for rent, telling a person that the apartment or house is not available when it is, quoting a higher rent to one person than to another, or having different terms and conditions for renting to certain people (42 USC § 3604). A landlord may not discriminate based on someone's physical or mental disability, race, religion, national origin, ancestry, sex, or because a person has children (42 USC § 3604).

Housing discrimination based on race, national origin, religion, sex, family status (families with children), and disability is illegal under federal law (42 USC § 3604). The federal law forbids practices

that, for example, deny tenants with children rental units because of an adults-only or a no-children policy. The law prohibits denying people with mental or physical disabilities housing, either because the landlord is concerned about “what other tenants might think” or because the landlord simply feels it might be easier to rent to someone who doesn’t have a disability. New Mexico state law makes housing discrimination based on most of the same reasons illegal. This law is called the New Mexico Human Rights Act and may be found at NMSA § 28-1-1 through NMSA § 28-1-14. The New Mexico Human Rights Act also protects persons who are discriminated against because of sexual orientation, gender identity or spousal affiliation. Many cities, such as Albuquerque (Albuquerque Code of Ordinances Section 11-3-7), Santa Fe (Fair Housing Ordinance, City Code Chapter XXVI Section 26-4 Subsection 26-4.8), and Las Cruces (Las Cruces Code of Ordinances Part II Article I



Section 13-5) also have local ordinances prohibiting housing discrimination.

2. What to do if you are a victim of discrimination

If you feel that a landlord or someone else you have contacted in your search for housing has discriminated against you because of your race, religion, national origin or ancestry, sex, family status (with children), or because of your disability, you should seek legal

advice. It is important to seek help soon after the discrimination occurs. Housing discrimination cases are difficult to prove and it helps if you are able to explain what happened while the facts are clear in your mind. Also, you will need advice about which laws have been violated and the time limits for filing complaints under the various laws. You should also look at Chapter 13 of this guide, which provides additional information on fair housing law.

