PS1 FOR 8/18/88 # FAIR HOUSING ISN'T FAIR

The latest example of Orwellian Doublethink just passed Congress under the title ""Fair Housing Amendments Act of 1988.'' It is anything but fair to the vast majority of our nation's tenants, including many of those it purports to protect.

The act prohibits discrimination in housing against the handicapped. That definition includes alcoholics and persons with contagious diseases; they would have to be accepted into the apartment of their choice even though they might endanger other residents.

The burden of proof would be on the landlord to show, for example, that an AIDS patient was a ""direct threat'' to other residents (an unlikely occurrence, since the landlord has no access to medical records). The handicapped person would have the right to participate in all common areas of the building without restriction. Several attempts to modify this unreasonable burden were defeated in committee.

Under the law, it would be difficult, if not impossible, to exclude drunkards from a housing area where tenants are trying to raise families. At the same time that we encourage national campaigns against alcohol abuse, it makes little sense to give alcoholics this preferential status.

The situation becomes preposterous when considering such scenarios as the case where the Michigan Supreme Court held a landowner liable when a patient of one tenant (a medical office) attacked an employee of another tenant. Who will be liable if a suddenly-violent alcoholic assaults one of the tenants?

The act would prevent discrimination on the basis of familial status. That means that no longer could apartment owners set up areas designed primarily for, say, families with children, or, conversely, primarily for older adults without children.

The act does contain a special exception for designated developments in which 90% of the units have at least one individual who is at least 55 years old. The idea of keeping records on the age of tenants is ridiculous and will end up discriminating on a nationwide scale against middle-aged and senior citizens who desire to live in a particular kind of residential environment.

Under most circumstances, Housing and Urban Development (HUD) prohibits high-rise elevator projects for families with children. Under this new act, however, a landlord would be prohibited from complying with this sensible directive in a private apartment.

The Fair Housing Amendments Act would set up an excessively vague and burdensome national building code for all new multi-family construction of four or more units, which would cause rents to increase for everyone.

Every unit in such new housing would have to be specially designed for handicapped use. Bathrooms, kitchens, walkways, and basements would all have to incorporate expensive additions, such as ramps or elevators, in order to prepare for the unlikely event that a handicapped person might use them sometime in the future. If a private citizen wants to build a small apartment building but doesn't incorporate these costly additions, he is automatically guilty of discrimination, even if he was only trying to keep down costs for his tenants.

Those accused of violating these burdensome regulations would not get a jury trial. Administrative Law Judges would adjudicate the issue of liability for substantial damages and penalties.

The Congressmen who filed dissenting views on this housing bill accurately pointed out that states and localities across our nation have vastly different needs and requirements when it comes to housing. A federal law which tries to stop discrimination in one locality may

very likely cause suffering and hardship in another.

We already have a problem with a shortage of low-cost rental housing units, plus a problem with growing numbers of homeless. The 1987 tax reform act eliminated many incentives to private investment in housing.

The imposition of these new federal regulations, layered on top of a network of local regulations already in place, will further reduce the number of affordable, available low- and middle-income rental units. Why would anybody want to be a landlord and put up with all this harassment? Is the hidden agenda of this bill a move to eliminate private investment in rental property and then follow up with demands for public housing to provide for the poor?