



**Office of Fair Housing and Equal Opportunity**

**Fair Housing Initiatives Program  
(FHIP) Newsletter - June 2012  
Information Resource Center**

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***HUD Awards More than \$40 Million to Fair Housing Organizations***

HUD awarded nearly \$41.18 million to 99 fair housing organizations and other non-profit agencies in 35 states and the District of Columbia to assist people who believe they have been victims of housing discrimination. Read a complete project-by-project summary of the programs awarded grants [here](#).

In announcing the grants, HUD Secretary Shaun Donovan said, "These grants are a cost-effective investment. Cases bolstered by FHIP-funded investigations are more likely to uncover discrimination when it has occurred than cases without such support."

HUD's Assistant Secretary for Fair Housing and Equal Opportunity John Trasviña added, "We are pleased to provide the only federal grant support to private fair housing enforcement and education. Our partners are essential to ending housing discrimination."

***I'm ashamed and embarrassed to acknowledge my limitations...***

The words above, written in a letter to a FHIP Fair Housing grantee, poignantly express how the writer feels about her mental health related disability (dysthymia, or chronic depression), which does not show, but is very real and painful.

That disability, and her shame and embarrassment, were needlessly exacerbated when the management of her condo tried to refused to allow her to keep Benny, the dog her psychiatrist recommended as a companion animal, despite medical documentation provided to her no-pet building's management.



Fortunately, for her, the woman took a chance and reached out to her local FHIP-funded fair housing agency, which, along with an attorney and the New Jersey Division on Civil Rights, helped her establish her right to keep her pet.

## HUD Upholds the Right to Companion Animals in No Pet Housing

There may be confusion on this issue. In 2010, The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities). Those regulations stipulated that:

*Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities....Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.*

The above part of the regulations excludes companion animals from the specified services and facilities.

However, the next two paragraphs qualify that the regulations do not include HUD, U.S. Department of Transportation, other parts of the ADA, and some State and local law definitions of assistance animals:

*This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.*

*Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general's office.*

A 2011 FHEO memo further clarified that:

*... species other than dogs, with or without training, and animals that provide emotional support have been recognized as necessary assistance animals under the reasonable accommodation provisions of the FHAct and Section 504.*

Any housing entity that must provide reasonable accommodation as per the Fair Housing Act or Section 504 of the Rehabilitation Act of 1973 (Section 504) must accommodate animals that can be documented as providing emotional support.

### Fair Housing Can Mean a Life Worth Living

The fair housing agency's client letter excerpted here provides powerful evidence that although companion animal complaints can be difficult to mediate and/or adjudicate; equal access to housing for all contributes fully to a life worth living. In one woman's case, equal housing was a deciding factor:

*Benny saved my life at a time when things became unbearable.*

### LINKS TO HUD RESOURCES ABOUT COMPANION ANIMALS

The FHIP Information Resource Center houses letters in English and Spanish that can be used in conjunction with companion animal conflicts.

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/ircindex](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/ircindex)

HUD Explanation of Rules on Assistance Animals under ADA, Fair Housing Act and Section 504 (February 2011)

[http://www.bazelon.org/LinkClick.aspx?fileticket=lhyaA\\_hRAoE%3D&tabid=268](http://www.bazelon.org/LinkClick.aspx?fileticket=lhyaA_hRAoE%3D&tabid=268)

DOJ's Revised ADA Rules on Service Animals (September 15, 2010)

[http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

HUD Service Animal Rules for the Elderly and People with Disabilities (October 27, 2008)

[http://www.hud.gov/offices/fheo/FINALRULE/Pet\\_Ownership\\_Final\\_Rule.pdf](http://www.hud.gov/offices/fheo/FINALRULE/Pet_Ownership_Final_Rule.pdf)

Reasonable Modifications under the Fair Housing Act: HUD and DOJ Joint Statement (March 5, 2008)

[http://www.hud.gov/offices/fheo/disabilities/reasonable\\_modifications\\_mar08.pdf](http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf)

Reasonable Accommodations under the Fair Housing Act: HUD and DOJ Joint Statement (May 14, 2004)

<http://www.hud.gov/offices/fheo/library/hud DOJ statement.pdf>

## ***Power to the People: Empowering Your Fair Housing Organization with a Social Media Policy, Part 2***



### **Social Media Policy to Guide Staff and Public Participation in Your Online Communities**

Part one of "Power to the People: Empowering Your Fair Housing Organization with a Social Media Policy," provided information about marketing your fair housing message. Part two provides things you may want to include about your employees' engagement with social media on behalf of your organization and guidelines for the public's participation in your online communities.

The section of your policy detailing how employees can engage social media should be distributed to, read by, and signed off on by your entire staff. The section on the public's participation should be published wherever your organization engages with the public (your organization's official website, and Facebook, YouTube, Flickr, Twitter, Tumblr, Pinterest, etc. pages).

As mentioned in the previous article, the goal is to channel engagement-the opportunity for anyone online to share and comment on your organization's published content-so that it advances your goal of facilitating fair housing in your service area.

### **Employees Engaging Social Media on Behalf of Your Organization**

The goal of your policy should be to allow designated employees the freedom to communicate your fair housing messages while still conforming to the legal aspects of online engagement, your organizational culture translated into online engagement, and HUD grantee requirements.

If your organization has consequences for staff not complying with your policy, they should be included in the policy they read and sign.

Points to incorporate into your policy include:

- what constitutes official use;
- what can and cannot be said by staff in responses to the public;
- how you expect staff will conduct themselves on line;
- unethical or illegal conduct;
- using the site for personal gain;

- referencing others without their approval;
- social network conduct complying with your organization's policies and the requirements of your FHIP grant;
- what entities are appropriate to follow/like from your accounts; and
- whether employees can present personal views and how personal views must be acknowledged within posts.

Make sure your staff know that they are responsible for any content they publish on any form of social media. Lastly, you may ask your employees to let their managers know if they are developing their own sites or plan to mention the organization, its policies, etc. on their social media pages.

### Public Participation in Your Online Communities

If your organization allows comments, determine a process for moderating them. The process should include assigning the task to specific staff, and determining what kinds of comments require moderating from what level of staff. For example, if a media representative or a representative from opposing organization comments, who should craft and sign the response? If you decide to allow only some comments, who approves which comments are allowed on to the site?

If your organization allows commenting on its posts, make sure your pages include a comment policy that covers your organization's response to inappropriate or derogatory comments. Good examples:

- HUD.gov privacy policy: [http://portal.hud.gov/hudportal/HUD?src=/privacy\\_policy](http://portal.hud.gov/hudportal/HUD?src=/privacy_policy)
- The Center for Disease Control (CDC) comment policy: <http://www.cdc.gov/SocialMedia/Tools/CommentPolicy.html>
- CDC Facebook page guidelines: [http://www.facebook.com/CDC/app\\_192223444203970](http://www.facebook.com/CDC/app_192223444203970)

Include a disclaimer about posted comments and images. Example: "Posted comments and images do not necessarily represent the views of [organization]. The presence of links to anything other than [organization] official sites does not imply official endorsement on behalf of [organization]."

As noted in part one (which appeared in the last issue of the FHIP Newsletter), your fair housing organization needs to keep up with the rapid changes in existing media and new tools and your own staff changes. So plan for the time and resources needed to keep your social media policy current.

### LINKS

[HUD](#) \* [FHIP](#) \* [FHIP Information Resource Center](#) \* [Fair Housing Laws](#)



***FHIP is committed to sharing up-to-date information with you.***

***Stay tuned for the next newsletter edition!***

Questions or Comments? [Email us](#) or call 1-301-794-0030, ext. 112

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