



Spring 2008

Fair Housing News

Fair Housing: It's Not an Option, It's the Law!



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Presidential Proclamation



To mark the 40th anniversary of the Fair Housing Act, President George W. Bush reaffirmed the nation's commitment to maintaining equal housing access for all Americans by proclaiming April 2008 as National Fair Housing Month. President Bush called upon the people of the United States to learn more about their rights and responsibilities under the Fair Housing Act.

Fair Housing Act 40th Anniversary Celebration

April 2008 marked the 40th anniversary of the federal Fair Housing Act. HUD designates each April as Fair Housing Month and conducts activities throughout the month to raise awareness of fair housing.

The Department kicked off the month's activities with a celebration at its Washington, DC headquarters on April 2, 2008. The event was attended by former Secretary Alphonso Jackson, Deputy Secretary Roy Bernardi and Fair Housing Assistant Secretary Kim Kendrick, who impressed the audience with her greeting in American Sign Language.

The keynote speaker, Marian O. Williams, shared her experiences as the first person to file a fair housing complaint under the Fair Housing Act after the Ontario Cooperative Apartments in Washington, DC, refused her bid to purchase a unit in the building. The cooperative's owners were charged with racial housing discrimination. Ms. Williams was successful in her lawsuit and was able to eventually purchase an apartment in the building.

During the ceremony, winners of the Fair Housing Month Essay Contest shared their winning essays on what fair housing means and how communities can work together. The students attend Oxon Hill Middle School in Maryland.

The Department unveiled a commemorative quilt for the 40th Anniversary of the Fair Housing Act at the ceremony. HUD staff from across the country contributed to the quilt by designing panels representing various aspects of fair housing and diversity.



From L to R: Assistant Secretary Kendrick, Marian O. Williams and former Fair Housing Assistant Secretary Sterling Tucker. The commemorative Fair Housing Act 40th Anniversary Quilt is displayed in the background.



From L to R: Oxon Hill Middle School students with Assistant Secretary Kendrick.

Our Mission

To promote equal housing opportunities for all persons in America by administering laws that prohibit discrimination in housing on the basis of race, color, religion, sex, national origin, disability, and familial status.

2008 National Fair Housing Policy Conference

HUD hosted its bi-annual fair housing conference in Atlanta, Georgia, April 8-11, 2008. The conference drew over 1,000 policymakers, fair housing partners, advocates, housing-industry professionals and academics together to discuss the goal of achieving equal housing opportunity for all. The conference's keynote speaker, Deputy Secretary Roy Bernardi, shared the great work HUD and its partners are accomplishing in communities all across America.

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HUD Negotiates \$45,000 Settlement with Managers of Oregon Apartment Complex that Allegedly Discriminated Against Families with Children



On April 15, 2008, HUD's Seattle office conciliated an agreement in *Sanchez v. Princeton*. Mr. and Mrs. Sanchez alleged that Princeton Property Management, Inc., and Masters Loop, LLC, violated the Fair Housing Act on the basis of disability by refusing to grant them a transfer to a ground floor apartment as a reasonable accommodation at their Aloha, Oregon property.

The Sanchezes requested to move to a ground floor apartment to avoid disturbing neighbors when their young child stumped and banged on the floor. Although the family informed the management staff that the reason for their son's behavior was due to his autism, their request was refused. The Sanchezes received notices for noise

disturbances in June and September 2007 after a number of complaints from neighbors. Although a ground floor apartment became available during that time period, management made a decision not to offer it to the Sanchez family.

On November 7, 2007, the Sanchezes were notified their lease would not be renewed and were told to vacate the apartment by December 31, 2007. On December 1, 2007, the family again requested a ground floor apartment by submitting a written request. That request was denied on December 3, 2007, for the stated reason that too many residents had complained about the noise.

Mrs. Sanchez, pregnant with a second child, contacted management several times over the next few weeks to request an extension because she was

due to deliver on December 31, 2007. Initially, management indicated that it might allow an extension of time for the move-out. However, after management received a copy of the filed housing discrimination complaint the request was denied. Consequently, the Sanchezes vacated the apartment by the deadline.

Some of the highlights of the conciliation agreement are: Princeton Property Management will pay \$40,000 to the Sanchezes, provide them a letter of apology and pay \$5,000 to autism organizations. In addition, the companies must undergo fair housing training, notify tenants and applicants of the company's reasonable accommodation policy and submit reports to HUD regarding the handling of reasonable accommodation requests at the apartment complex for a one-year period.

HUD Charges Chicago Landlord with Violating Fair Housing Act

In March 2008, HUD charged Chicago landlords Martin and Mary Giarelli with housing discrimination for allegedly refusing to rent to families with children and making discriminatory statements.

Interfaith Housing Center of the Northern Suburbs (IHCNS), a Fair Housing Initiatives Program grant recipient, sent out testers posing as single mothers to view a one-bedroom apartment owned by the Giarelli's. The testers were told the units were small and only suitable for one person and

were never given the opportunity to view a unit. Other testers posing as single or married apartment seekers with no children were afforded an opportunity to view an apartment.

The Giarellis allegedly told one tester who posed as a single renter that they "want to make sure we have a quiet environment; no children, no smoking, and no pets." HUD conducted a follow-up investigation and determined there was reasonable cause to believe the Giarellis had engaged in housing

discrimination.



"When you discriminate against families with children, you rob them of the ability to secure safe and affordable housing that all Americans should have," said Assistant Secretary Kendrick. "Landlords must follow the requirements of the Fair Housing Act and understand that discriminating against people because they have children is against the law."

Texas Subdivision Owners & Zoning Committee Charged with Refusing to Grant Reasonable Accommodation to Disabled Resident

This past March, HUD charged Crow-Billingsley Air Park, Ltd, Airpark GP, L.L.C., and Air Park-Dallas Zoning Committee, owners of Air Park Estates, with discriminating against a disabled resident by denying a reasonable accommodation request.

In the summer of 2002, Sheryl Pick asked members of AirPark's zoning committee if she could install a footbridge over a drainage ditch in front of her property to allow direct access to her mailbox. She provided a

letter from her doctor describing her spinal cord condition that limits her mobility and causes her to lose balance easily. According to Ms. Pick, the zoning committee verbally approved her request and she had the footbridge installed.

A subsequent zoning committee claimed the footbridge extended into the right-of-way and requested it be removed. HUD's investigation found other residents had installed similar structures in the right-of-way previous

authorization and were not asked to remove them.



"It's important that the owners and the zoning committee understand their responsibility to make reasonable accommodations for persons with disabilities," said Assistant Secretary Kendrick. "For persons with mobility impairments, receiving a reasonable accommodation is often key to being able to fully use and enjoy their home."

Judge Dismisses Case Regarding HUD's Limited English Proficiency Guidance

In March 2008, Federal District Court Judge James Robertson granted HUD's motion to dismiss a case against the Department regarding its Limited English Proficiency guidance.

The case was filed by two landlord groups, including the National Multi Housing Council, which asserted that HUD exceeded its statutory authority under Title VI of the Civil Rights Act by adopting the January 2008 policy guidance.

The guidance clarifies a long-standing requirement that recipients of HUD funding communicate with program beneficiaries in languages other than English if the beneficiaries are not proficient in English and it is necessary to provide them with meaningful access to HUD programs.

The plaintiffs argued that Title VI does not prohibit language discrimination

and that the vagueness of the guidance made compliance overly burdensome therefore rendering it substantively arbitrary and capricious in violation of the Administrative Procedure Act.

HUD argued that the case was not ripe and the plaintiffs lacked standing to challenge a document that only details an existing obligation—neither creating rights or obligations for private parties nor binding the agency's enforcement authority.

The judge ruled "that, together, the doctrines of standing and ripeness do present an impassable barrier to plaintiffs' claims. The claim that the policy guidance is substantively arbitrary or capricious is unripe because its adjudication would require speculation on the nature of hypothetical enforcement proceedings. Plaintiffs' other two claims – that the statute allows regulation of national



origin discrimination, not language discrimination, and that the statute does not allow disparate impact regulations – present purely legal issues under a settled agency policy, and so they are ripe, but plaintiffs lack standing to bring them. The injury of which they complain would not be redressed by the remedy they seek: the obligation of HUD's funding recipients to communicate with their tenants in languages other than English did not arise from the challenged policy guidance and so would survive its invalidation."

"...that, together, the doctrines of standing and ripeness do present an impassable barrier to plaintiffs' claims."

HUD Charges Owners, Managers of Scranton, PA Apartment Complex with Keeping Out Families with Children

HUD has charged the owners and managers of the Lofts at the Mill, a 74-unit apartment complex in Scranton, Pennsylvania, with violating the federal Fair Housing Act by refusing to rent to families with children. HUD's investigation revealed the complex discouraged families with children from residing at the complex and advertised itself as "21 and over."

The respondents stated they were able to place the age restriction at the



complex through a special exception approval process granted by the City of Scranton Zoning Hearing Board before the building's existing office space was converted to residential units. The owners hoped the age restriction would address the concerns of neighbors that the apartment building would attract college students and increase noise and parking problems. The Zoning Board granted the exception but clarified that adults over the age of

The Zoning Board granted the exception but clarified that adults over the age of 21 with children are also eligible to reside in the building.

21 with children are also eligible to reside in the building.

Available units for "adults 21 & over" were advertised on the internet, local newspapers and printed brochures, but the owners did not include the language allowing occupants under the age of 21 if they were children of tenants.

HUD Charges Louisiana Couple with Housing Discrimination

HUD recently charged a Louisiana couple with racial discrimination in connection with the sale of a privately owned townhome in April 2008.

HUD alleges that Reggie and Kimberly Collier threatened to deny the home's new owners utilities after they observed an African-American woman viewing the property. The woman was, in fact, a sales agent representing prospective homebuyers who were white.

Mr. Collier called the realty firm listing the property and stated he did not want "those kinds of people" moving into the development.

Mr. Collier allegedly requested names, employment information and social security and driver's license numbers to perform background checks. However, he did not request this information of the previous prospective homebuyer who was white.



"Four decades ago this month, President Lyndon B. Johnson signed the Fair Housing Act into law in order to help rid the nation of the outrageous housing discrimination African-Americans encountered in 1968," said Assistant Secretary Kendrick. "Now 40 years later, we are fighting the same battles. HUD will continue to enforce the law on behalf of all persons whether they are buyers, sellers or agents."

HUD's Office of Fair Housing and Equal Opportunity

451 - 7th Street, SW
Washington, DC 20410

Housing discrimination may be reported to HUD by calling

1-800-669-9777 (Voice)
1-800-927-9275 (TTY)

or by completing a form at www.hud.gov/fairhousing



EQUAL HOUSING OPPORTUNITY



FRANKLIN GOES TO SCHOOL

event. This national education project gave teachers, parents and students a basic understanding of the landmark Fair Housing Act.

The objective of Fair Housing Education in America Day is best summarized by a student, "People need to wake up and pay attention. There really is discrimination in the world and something needs to be done about it."

Using a lesson plan and interactive learning games developed by HUD, instructors helped to educate young people and to promote the principles of equal opportunity in housing. For more information, visit <http://www.hud.gov/offices/fheo/fheducationday.cfm>.



Oxon Hill Middle School students with Franklin, the Fair Housing Fox.

State of Oregon and Westchester County, NY Join the Fair Housing Assistance Program

HUD welcomes the Oregon Bureau of Labor and Industries (BOLI) and the Westchester County Human Rights Commission (WCHRC) as the newest agencies to become part of the Fair Housing Assistant Program (FHAP).

A state or local agency is eligible to participate in the FHAP when it demonstrates to HUD that it enforces a law that is substantially equivalent to the Fair Housing Act. BOLI and WCHRC officially became part of the FHAP with the execution of agreements with HUD that provide for the agencies to investigate complaints referred to them by HUD.

Currently, there are 108 agencies participating in the FHAP (37 states, 70 localities, and the District of Columbia). BOLI is the first state agency to become part of the FHAP in over 3 years.

HUD Launches Fair Lending Media Campaign

At the 2008 National Fair Housing Policy Conference, HUD launched its national fair lending campaign showcasing public service announcements (PSAs) featuring actor Dennis Haysbert (*24*, *The Unit*, *Waiting to Exhale*). The PSAs, available in English, Spanish and closed captioning, appear in television, radio and print media across the country. The television PSAs will appear on over 1,200 commercial and cable networks.



Actor Dennis Haysbert.

Washington, DC (8/23), Cleveland, OH (9/13), Detroit, MI (9/20) and Atlanta, GA (date to be determined).

HUD Celebrates First-Ever Fair Housing Education in America Day

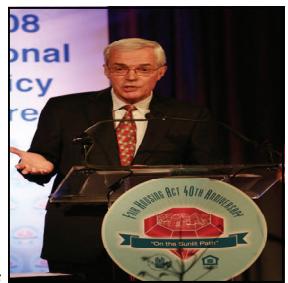
In celebration of Fair Housing Month, HUD launched its first-ever Fair Housing Education in America Day in April.

Over a thousand students in approximately 60 elementary and middle schools across America participated in this project gave teachers, parents and students a basic understanding of the landmark Fair Housing Act.

Using a lesson plan and interactive learning games developed by HUD, instructors helped to educate young people and to promote the principles of equal opportunity in housing. For more information, visit <http://www.hud.gov/offices/fheo/fheducationday.cfm>.

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The conference theme, "On the Sunlit Path," was adopted from Dr. Martin Luther King, Jr.'s historic "I Have A Dream" speech. Dr. King said, "Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice." This theme recognizes the fair housing community's accomplishments and the work still ahead.



Deputy Secretary Bernardi at keynote luncheon.

Assistant Secretary Kendrick paid respects to Dr. King's life and work during the wreath laying ceremony at the King Memorial. Those in attendance were asked to recite in unison the King Center Pledge of Nonviolence.



HUD conference volunteers at Habitat for Humanity project.

The conference featured Author Chats with acclaimed authors Elliot Jaspin (*Buried in the Bitter Waters: the Hidden History of Racial Cleansing in America*), Kevin Boyle (*Arc of Justice: A Saga of Race, Civil Rights and Murder in the Jazz Age*) and Nathan McCall (*Them*).

As part of the conference, HUD staff and other conference attendees participated in a volunteer project to work on two Habitat for Humanity homes.

HUD released its 2007 State of Fair Housing Annual Report to Congress. To read, visit <http://www.hud.gov/offices/fheo/library/FairHousing-FY2007AnnualReport.pdf>.