



Spring 2007

Fair Housing News

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



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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.

HUD Marks the 39th Anniversary of the Fair Housing Act

April is Fair Housing Month, and this year marked the 39th year since the passage of the Fair Housing Act. On April 4th, HUD kicked off Fair Housing Month with a special event at HUD headquarters in Washington, D.C.

Among other things, the event featured Nannatte Bishop, an African-American single mother of two from Kentucky, whose housing discrimination complaint against Fifth Third Bank alleging race discrimination was successfully resolved for \$125,000. Ms. Bishop detailed how she attempted to obtain a loan from Fifth Third Bank to buy a house and learned at the closing that the bank was no longer approving her loan. She described in detail why she believed that the bank had discriminated against her because of her race, as well as her satisfactory experience with HUD's investigation process. Finally, Ms. Bishop, who is now a proud first-time homeowner, spoke eloquently about the impact this experience has had on her life and the positive outcome achieved as a result of HUD's actions.

The event also showcased the winners of a fair housing essay contest sponsored by HUD's Office of Fair Housing and Equal Opportunity in Washington, D.C. All three winners were from a junior high school in close proximity to HUD headquarters.

The winners read their winning essays and were presented with U.S. Savings Bonds and certificates.



Franklin, the Fair Housing Fox

As part of the event, HUD also introduced its new fair housing mascot – Franklin, the Fair Housing Fox. Franklin, whose motto is "Dare to be Fair," was created to educate children and their parents about housing discrimination. Franklin is part of the Department's Kids Web site, <http://www.hud.gov/kids>, where he provides information in a simple question-and-answer format on what constitutes housing discrimination and how to report it. People can also contact Franklin by sending their questions to Franklin's email at franklinthefairhousingfox@hud.gov.

This event was one of over 250 Fair Housing Month events across the country in which HUD participated. For more information on these events, see page 2.

Atlanta Housing Authority Agrees to Create 310 Accessible Units for Persons with Disabilities

On March 15, 2007, the Atlanta Housing Authority (AHA) signed a voluntary compliance agreement (VCA) in which it committed to creating 310 accessible units for persons with disabilities. In addition, AHA agreed to make changes in its housing and non-housing programs in accordance with federal fair housing requirements.

In February 2006, HUD reviewed AHA to determine its compliance with Section 504

of the Rehabilitation Act and Title II of the Americans with Disabilities Act. Section 504 prohibits recipients of federal financial assistance from discriminating against persons with disabilities and requires that federally-assisted housing is built in a manner that is accessible to persons with disabilities. Title II of the ADA prohibits discrimination against persons with disabilities by public entities, including

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Select Fair Housing Month Events Across the Nation

In April, HUD and its partners under the Fair Housing Initiatives Program (FHIP) and the Fair Housing Assistance Program (FHAP) celebrated Fair Housing Month by hosting events and conducting education and outreach to various groups, such as housing providers, real estate professionals, lenders, and state and local government officials. Following are some of the events and activities that HUD or its fair housing partners participated in during Fair Housing Month.

Dubuque, Iowa

For the month of April, the Dubuque Human Rights Commission placed advertisements on three billboards, each with a different theme (sexual harassment, race discrimination, and disability discrimination).



One of the three billboard ads placed by the Dubuque, IA, Human Rights Commission during Fair Housing Month

Denver, Colorado

On April 4 and April 10, HUD officials made live appearances on KRNV 1150-AM radio, a local Spanish-language talk radio/news station, to talk about the 39th Anniversary of the Fair Housing Act.

Throughout the United States

From April 6-13, HUD sponsored fair housing advertisements that were shown on over 700 screens in approximately 60 movie theaters throughout the country.

Chicago, Illinois

On April 9, the Illinois Department of Human Rights held its Fair Housing Month Celebration, "Fair Housing: It's Your Life." The purpose of the event was to help create a more effective fair housing movement by fostering collaboration between fair housing groups, social service organizations, government agencies, and faith-based groups. Assistant Secretary Kim Kendrick spoke at the event.

Huntsville, Alabama

On April 10, the Fair Housing Center of Northern Alabama hosted a Fair Housing Month luncheon for local real estate agents, property managers, and faith-based groups. Assistant Secretary Kim Kendrick delivered the keynote address.

Buffalo, New York

On April 11, HUD and the Erie County Fair Housing Partnership sponsored a Fair Housing Month showcase. The showcase included eight seminars and workshops on topics, such as fair housing laws affecting persons with disabilities and how to file a housing discrimination complaint. The showcase provided information to renters, homebuyers, housing providers, persons with disabilities, social service providers, and others.

Palm Springs, California

On April 20, Assistant Secretary Kim Kendrick delivered the keynote address at the conference, *Fair Housing is Good Business*, sponsored by the Fair Housing Council of Riverside County, Inc. The purpose of the conference was to increase the knowledge of fair housing laws among local housing providers, government officials, and faith-based and community-based organizations.



Assistant Secretary Kim Kendrick and HUD Santa Ana Homeownership Center Director Ray Brewer at the Fair Housing Council of Riverside County's Fair Housing Conference in Palm Springs, CA

Providence, Rhode Island

On April 23, HUD hosted the New England Fair Housing Month Celebration. The event focused on lending discrimination and predatory lending. The event included a panel discussion on predatory lending with representatives from government agencies and the housing and lending industries. Assistant Secretary Kim Kendrick delivered the keynote address.

Jackson, Mississippi

On April 26, Housing Education and Economic Development (HEED) co-sponsored its 18th Annual Fair Housing, Fair Lending conference. The conference consisted of workshops on lending discrimination and predatory lending and was attended by housing providers, real estate agents, lenders, and others.

Lincoln, Nebraska

From April 30-May 1, the City of Lincoln Commission on Human Rights hosted its annual Fair Housing Conference. The conference was attended by housing providers, real estate agents, state and local government employees, fair housing advocates, and others.

HUD Charges 15 Housing Discrimination Cases

Between March 29, 2007, and May 1, 2007, HUD charged 15 housing discrimination cases.

Five of the cases involved a landlord in Virginia Beach, VA, who allegedly used racial slurs to refer to black tenants, harassed black tenants and their visitors, and subjected black tenants to stricter rules. For example, the black tenants alleged that the landlord repeatedly admonished them to abide by the “quiet time” policy, which required tenants to remain in their units and engage in “quiet activities” between 10:00 pm and 6:00 am. White tenants of the property, however, reported that they were unaware of this “quiet time” policy.

Five other cases alleged discrimination based on disability.

Those cases involved:

- allegations that the owners and managers of an apartment complex in Longview, WA, failed to provide a physically disabled tenant with an accessible parking space as a reasonable accommodation;
- a landlord in Twin Falls, ID, that allegedly refused to rent a house to a mother and her three sons because one of her sons has Down syndrome;
- a 342-unit adult multifamily rental community in Sayville, NY, that allegedly was not designed and constructed in accordance with the accessibility requirements of the Fair Housing Act;

- allegations that a residential care facility in San Mateo, CA, refused to rent a room to a man because he has HIV; and
- the owners of an apartment complex in Albuquerque, NM, that allegedly refused to show a man an available unit because he is deaf.

Four other cases alleged discrimination based on familial status. Two of those cases involved the owners and managers of an apartment building in Bigfork, MT, who allegedly denied a woman the opportunity to rent an apartment because she has a teenage daughter. The other two cases involved a landlord in Chicago, IL,

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Federal District Courts Rule on Fair Housing Act’s Design and Construction Requirements

On March 30, 2007, two federal district courts issued decisions relating to the Fair Housing Act’s accessibility provisions. Both of the cases were investigated and charged by HUD and then transferred to the U.S. Department of Justice for prosecution.

In United States v. Shanrie Co., Inc., et al., the court struck down a defense to a Fair Housing Act claim that was based on a site analysis conducted after the units were built. The defendants claimed that they could not construct the apartment units at issue in accordance with the Fair Housing Act’s accessibility requirements due to site impracticality. HUD’s regulations provide that all covered multifamily dwellings must have an accessible building entrance on an accessible route “unless it is impractical to do so because of the terrain or unusual characteristics of the site.” The defendants relied upon a site analysis that was conducted years after some of the units at issue were constructed.

The United States District Court for the Southern District of Illinois held that although HUD’s regulations do not contain explicit language regarding the timing of the site analysis, the plain language of HUD’s Accessibility Guidelines make it clear that the site analysis must be conducted during the design phase in order for the defendant to assert a “site impracticality” defense.

In United States v. Tanski, the court ruled that the defendants could not prevail based on the testimony of individual disabled tenants to support their claim that the apartments posed no difficulty to the disabled. Specifically, the United States District Court for the Northern District of New York held that the testimony of these witnesses could not serve as an alternate way of demonstrating compliance with the Fair Housing Act because none of the tenants had expertise relevant to the Act’s accessibility requirements.

Further, the court in United States v. Tanski held that the limitations period for civil penalties begins to run for all defendants upon the issuance of the final certificate of occupancy. The court also held that the statute of limitations for compensatory damages begins to run when the Attorney General receives information from HUD regarding the alleged housing discrimination.



Did You Know?

Anyone who is deaf, hard of hearing, deaf-blind, or has speech disabilities may use the Federal Relay to contact a federal agency. More information is available at the Federal Relay Web site: <http://www.federalrelay.us>.

HUD's Office of Fair Housing and Equal Opportunity

451 7th Street, SW
Washington, DC 20410

Individuals may report housing discrimination to HUD by calling

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

or by completing a form at

www.hud.gov/fairhousing



HUD and Texas Apartment Association Pledge to Work Together to Reduce Housing Discrimination in Texas

On April 19, 2007, HUD and the Texas Apartment Association (TAA) pledged to work together to reduce discrimination in rental housing in Texas. At TAA's conference in Houston, HUD Assistant Secretary Kim Kendrick and TAA President Cheryl Pucci signed a memorandum of understanding (MOU) that outlined the activities that HUD and TAA would undertake to promote fair housing.

As part of the MOU, TAA agreed to provide fair housing information to its 10,000 members through its magazine, newsletter, and Web site and to encourage its associations to invite fair housing experts to make presentations to property owners and site managers.

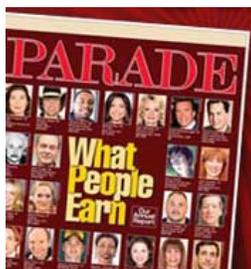
Among other activities, HUD agreed to participate in TAA conferences and encourage its Fair Housing Assistance



Assistant Secretary Kim Kendrick and TAA President Cheryl Pucci sign an MOU agreeing to work together to reduce discrimination in rental housing

Program (FHAP) and Fair Housing Initiatives Program (FHIP) recipients in Texas to distribute fair housing information at housing fairs.

The MOU is available at HUD's Web site, <http://www.hud.gov/fairhousing>.



The April 15, 2007, issue of Parade magazine contained an article on fair housing. The article advised readers that housing discrimination is illegal and provided several examples of unlawful discrimination, such as charging higher rent to tenants based on race or religion or refusing to accept families with children. The article also provided HUD's housing discrimination hotline, 1-800-669-9777.

who advertised his rental property with a sign that stated "no kids."

Finally, one of the cases involved the property managers of a Section 8 property in Kansas City, KS, who allegedly violated the Fair Housing Act when they fired an in-house social worker in retaliation for cooperating with a HUD investigation and referring tenants with housing discrimination complaints to HUD or an attorney.

Fair Housing Act cases are heard before an Administrative

Charges, Continued from Page 3

Law Judge (ALJ) unless one or both parties elect to have the case heard in federal district court. Cases heard before an ALJ carry a maximum civil penalty of \$16,000 for a first offense, in addition to actual damages for each complainant, injunctive or other equitable relief, and attorney's fees.

Most of the charges can be viewed by clicking on the HUD Enforcement Activity link at <http://www.hud.gov/fairhousing>.

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public housing authorities. The VCA resolves preliminary findings of non-compliance made by HUD during its review of AHA.

HUD's review focused on AHA's Low-Income Public Housing (LIPH) program. HUD reviewed AHA's LIPH application and resident files, waiting lists, transfer requests, reasonable accommodation requests, and maintenance records. HUD also reviewed 15 of AHA's public housing developments and conducted physical surveys of 12 dwelling units that AHA had designated as accessible and the routes and common areas associated with those units. Finally, HUD conducted interviews with AHA staff and residents.

As part of the VCA, AHA has agreed to make several changes in accordance with Section 504 and Title II of the ADA, including constructing or rehabilitating at least 5 percent of the units (310 units) to be fully-accessible by 2011; making sure that all common areas and administrative offices are accessible; and hiring a Section 504/ADA Coordinator.