

Summary of Selected Civil Rights Laws Applicable to Public Housing Agencies

Law	General Description <sup>1</sup>	Requirements/ Examples of Prohibited Actions	Links for Additional Resources
<p>Fair Housing Act, 42 U.S.C. 3601 et. seq. Also referred to as Title VIII</p>	<p>Applies to most public and private housing. Cannot discriminate <i>because of</i> race, color, religion, national origin, sex, disability or familial status. [Note, likely applies to landlords renting to HCV holders</p> <p>The Fair Housing Act requires most multi-family dwellings built since March 13, 1991, to be accessible to people with disabilities</p>	<p>Refusing to rent or sell</p> <p>Offering different Terms and Conditions</p> <p>Lying about availability of housing</p> <p>Harassment</p> <p>Retaliating against someone using their fair housing rights</p> <p>Restricting housing choice to perpetuate segregation</p> <p><b>Signs of possible discrimination:</b></p> <ul style="list-style-type: none"> <li>• Charging higher rent or an additional deposit because someone needs a service animal to assist them with their disability.</li> <li>• Advertisements, signs or flyers which state, for example, "no children," "no minorities," or "Hispanics Need Not Apply."</li> <li>• Limiting the number of children in a housing complex or confining them to a specific location or floor.</li> <li>• Being propositioned for sex in exchange for rent or deposits and/or inappropriate comments.</li> <li>• Refusing to rent to a person using a</li> </ul>	<p><a href="http://www.hud.gov">www.hud.gov</a> – click on the “Program Offices” tab and select Fair Housing/Equal Opportunity</p> <p>“My Fair Housing Rights” offers good basic facts of fair housing laws.</p> <p>Fair Housing Library has a variety of materials.</p> <p><a href="http://www.nationalfairhousing.org">www.nationalfairhousing.org</a> – click on resources to find a variety of resources, including videos and education materials.</p> <p><a href="http://www.hopefair.org">www.hopefair.org</a></p>

<sup>1</sup> Please see PIH Notice 2011-31 Guidance on Non-Discrimination and Equal Opportunity Requirements for Public Housing Authorities for additional information and resources.

Summary of Selected Civil Rights Laws Applicable to Public Housing Agencies

		<p>wheelchair for fear a unit might be damaged.</p> <ul style="list-style-type: none"> <li>Steering minority renters to sections of the city where other minorities live or telling white apartment seekers to stay out of some areas.</li> </ul>	
<p>Affirmatively Further Fair Housing 42 USC 3608, HUD Regulation 24 CFR 903.2</p>	<p>Reinforces the obligation affirmatively to further fair housing.</p>	<p>Requires PHAs to:</p> <ol style="list-style-type: none"> <li>Examine programs or proposed programs;</li> <li>Identify any impediments to fair housing choice within those programs;</li> <li>Address those impediments in a reasonable fashion in view of the resources available;</li> <li>Work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require PHA involvement; and</li> <li>Maintain records reflecting these analyses and actions.</li> </ol> <p>Further fair housing in admission and occupancy policies; prevent discrimination against and/or segregation because of race, color, religion, sex, disability, familial status or national origin; reduce racial and national origin concentrations in the design of eligibility, selection and admissions policies; and take affirmative steps to overcome the effects of conditions which resulted in limited participation of persons because of their race, national origin, or other prohibited basis.</p>	<p>2<sup>nd</sup> Webinar – May, 2015 will provide a toolkit on essential policies and a menu of best practices for PHAs, check <a href="http://www.hopefair.org">www.hopefair.org</a> for further information, click on Resources &gt; PHA Resources</p> <p>HUD's Fair Housing Planning Guide, e.g page 2-11 for PHA recommendations available at <a href="http://www.hud.gov/offices/fheo/images/fhpg.pdf">http://www.hud.gov/offices/fheo/images/fhpg.pdf</a></p>
<p>Section 504 of the 1973</p>	<p>Applies to recipients of federal financial</p>	<p>You must allow persons with disabilities to participate fully in your programs. This may</p>	<p><a href="http://www.hud.gov">www.hud.gov</a> – click on Program Offices tab, select Fair Housing/ Equal</p>

Summary of Selected Civil Rights Laws Applicable to Public Housing Agencies

<p>Rehabilitation Act (Section 504) [29 U.S.C. §701 et seq]</p>	<p>assistance, prohibits discrimination <i>based on</i> disability.</p> <p>Provides that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.</p> <p>HUD has comprehensive regulations addressing HUD funded housing</p> <p>Does NOT apply to landlords who receive only Section 8 Certificate or Voucher funds</p>	<p>require you to modify your policies, practices and services so that persons with disabilities may participate in your programs and benefit from your services. Recipients of HUD financial assistance must take all steps necessary to ensure that their programs, services and activities comply with Section 504 to the maximum extent possible. However, a recipient is not required to take steps that it can demonstrate will cause an undue financial and administrative burden or change the fundamental nature of the program.</p> <p>You must provide reasonable accommodations in policies or structures</p> <p>Make efforts to ensure that communication is in a format or method accessible to persons with disabilities</p> <p>504 requires access in new construction and renovation of rental and sales property that is federally funded. HUD requires in new construction:</p> <ul style="list-style-type: none"> <li>• At least 5% of units designed for persons with mobility impairments</li> <li>• At least 2% of units designed for persons with vision and hearing impairments 24 CFR 8.22</li> </ul>	<p>Opportunity, click on “Topics” and select “People with Disabilities” and then select “Section 504”</p> <p><a href="http://www.hopefair.org">www.hopefair.org</a> – click on “disability” hyperlink on home page for more information.</p> <p>NOTE: Sanctions for violating Section 504 include termination of funds, disapproving funding requests, conditioning funds, debarment, and other sanctions.</p>
<p>Title VI of the Civil Rights Act of 1964</p>	<p>Prohibits discrimination <i>based on</i> race, color, or national origin in programs and activities receiving federal</p>	<p>As President John F. Kennedy said in 1963:</p> <p>Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be</p>	<p><a href="http://www.justice.gov/crt/about/cor/coord/titlevi.php">http://www.justice.gov/crt/about/cor/coord/titlevi.php</a> - the Department of Justice has a comprehensive page related to Title VI, including laws, guidance and videos.</p>

Summary of Selected Civil Rights Laws Applicable to Public Housing Agencies

	financial assistance.	<p>spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.</p> <p>Sample violations include:</p> <ul style="list-style-type: none"> <li>• Residency requirements that operate to exclude persons of color from a PHA program</li> <li>• Not taking reasonable steps to provide meaningful access for persons with Limited English Proficiency (LEP)</li> <li>• Demolition and/or redevelopment of public housing in a manner that perpetuates segregation</li> <li>• Maintaining properties in an unequal manner based on the race of the tenants living at the property</li> <li>• Disparate treatment on a waiting list based on national origin</li> </ul>	<p><a href="http://www.hud.gov">www.hud.gov</a> – click on “Program Offices” and select Fair Housing/ Equal Opportunity. On the bottom right of that page, click on the link for “Limited English Proficiency”. Under multi-family, you will find training materials related to LEP. Under PIH you will find relevant materials translated into a variety of languages.</p> <p><a href="http://www.hopefair.org">www.hopefair.org</a> – on the home page, click on “google translate” button on the upper right corner. Select language and materials will appear in that language.</p> <p>NOTE: Sanctions for violating Title VI include termination of funds, disapproving funding requests, conditioning funds, debarment, and other sanctions.</p>
Title II of the Americans with Disabilities Act of 1990 (ADA)	Prohibits discrimination <i>based on</i> disability in programs, services, and activities provided or made available by public entities.	<p>Title II applies to housing operated by state or local governments and is very similar to Section 504</p> <p>An example of this could be affordable housing financed with municipal bonds, a transitional housing program funded with both state and local funds (but no federal) or funded by a state housing trust fund</p>	<p>Detailed information about the ADA can be obtained from the Department of Justice ADA webpage at <a href="http://www.ada.gov">http://www.ada.gov</a></p>
Violence	Prohibits denying	Requires PHAs to use leases that make clear	<a href="http://www.povertylaw.org/advocacy/w">http://www.povertylaw.org/advocacy/w</a>

Summary of Selected Civil Rights Laws Applicable to Public Housing Agencies

<p>Against Women Act [VAWA]</p>	<p>admission to any person simply because she has been a victim of domestic violence, dating violence, or stalking.</p>	<p>that domestic violence, dating violence, or stalking is not good cause for evicting the victim of that violence.</p> <p>How can a tenant prove they are a victim of domestic violence?</p> <ul style="list-style-type: none"> <li>• A written, signed statement from a victim services provider saying that the provider believes the incidents in question were acts of domestic violence, dating violence, or stalking against the tenant.</li> <li>• A written, signed statement from a medical professional saying that the medical professional believes the incidents in question were acts of domestic violence, dating violence, or stalking against the tenant.</li> <li>• A written, signed statement from an attorney saying that the attorney believes that the incidents in question were acts of domestic violence, dating violence, or stalking against the tenant.</li> <li>• A police record that indicates the tenant was a victim of domestic violence, dating violence, or stalking.</li> <li>• A court record (e.g., a protective order) that indicates the tenant was a victim of domestic violence, dating violence, or stalking.</li> </ul>	<p><a href="#">omen/pubs/safe-homes</a></p>
<p>Equal Access in Housing Regardless of Sexual Orientation or</p>	<p>Prohibits discrimination <i>based on</i> sexual orientation or gender identity</p>	<p>Make sure that your definition of “family” is up to date and provides equal access.</p> <p>Do not discriminate in decisions, housing availability or terms and conditions based on</p>	<p>See PIH Notice 2014-20 for additional guidance</p> <p><a href="http://www.hopefair.org">www.hopefair.org</a> – click on “sex” hyperlink on the homepage for</p>

Summary of Selected Civil Rights Laws Applicable to Public Housing Agencies

<p>Gender Identity [Final HUD Rule]</p>		<p>actual or perceived sexual orientation or gender identity.</p> <p>Do not inquire about applicant's sexual orientation or gender identity in making housing available,</p>	<p>resources including HUD's final equal access rule,</p> <p>Visit <a href="http://www.hud.gov">www.hud.gov</a> and click on Lesbian, Gay, Bisexual or Transgender Individuals next to the rainbow flag on the middle of the Fair Housing/ Equal Opportunity homepage under "highlights".</p>
<p>Section 3 of the Housing &amp; Urban Development Act of 1968</p>	<p>Residents of government assisted housing or persons below HUD's program income limits.</p>	<p>Requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods</p>	<p>Visit <a href="#">HUD</a> &gt; <a href="#">Program Offices</a> &gt; <a href="#">Fair Housing</a> &gt; <a href="#">Section 3</a> &gt; <b>Section 3 - Economic Opportunities</b></p>
<p>Additional laws, guidance and Executive Orders</p>	<p>There are a variety of additional laws which may apply to PHA facilities or programs</p>	<p>Age Discrimination Act of 1975</p> <p>Title IX of the Education Amendments Act of 1972</p> <p>Section 109 of title I of the Housing and Community Development Act of 1974 (Title I) (42 U.S.C. 5309)</p> <p>Executive Orders: 11063, 11246, 12892, 12898, 13166, 13217</p>	<p>Detailed information can be found at <a href="http://www.hud.gov">www.hud.gov</a> following the tabs to:</p> <p><a href="#">HUD</a> &gt; <a href="#">Program Offices</a> &gt; <a href="#">Fair Housing</a> &gt; <b>Fair Housing Laws and Presidential Executive Orders</b></p> <p>Review FHEO Notice 2011-1 and PIH Notice 2011-31 for a complete review.</p>
<p>Check state, county and city laws for additional protections!</p>		<p>Example, Illinois law adds protections for sexual orientation, age, marital status, military status, military discharge status and victims of domestic violence with protective orders. Cook County adds protections based on source of income.</p>	<p>Visit <a href="http://www.nationalfairhousing.org">www.nationalfairhousing.org</a> and click on "Find Local Help" to locate a fair housing organization in your area. Contact your local fair housing organization for more information.</p>