

BASICS OF FAIR HOUSING

SERI AND FAIR HOUSING

Sonora Environmental Research Institute, Inc (SERI)

- A community-based, nonprofit, founded in 1994 and located in Tucson, AZ.
- Creating a sustainable future where there is environmental justice and opportunity for ALL people.
- Partner with low-income and minority communities to protect the environment, promote equity, and build healthy and safe neighborhoods.
- Conducting community-based research to understand economic, environmental and health stresses to implement programs to make immediate and long-term impacts.



Visit our website www.seriaz.org

Follow us on social media @seriazsolutions





SERI AND FAIR HOUSING



- Creating a more inclusive community and equal opportunity for all in housing.
- SERI awarded \$125K in grant funding from HUD to run Fair Housing Initiative Program (FHIP) - Education & Outreach Initiative (EOI).





PROGRAM PARTNERS



Southwest Fair Housing Council (SWFHC)

https://swfhc.org (520) 798-1568



Arizona Commission for the Deaf and the Hard of Hearing

https://www.acdhh.org info@acdhh.az.gov (602) 542-3323



City of Tucson
Housing and Community Development

https://www.tucsonaz.gov/Departments/Hous ing-and-Community-Development HCDAdmin@tucsonaz.gov

520-791-4171





PROGRAM PARTNERS







Family Housing Resources

www.fhrtucson.org/ info@fhrinc.net 520-318-0993 **Tucson Tenants Union**

www.tucsontenantsunion.org info@tucsontenantsunion.org **Pima County Community Land Trust**

www.pccit.org/ info@pccit.org (520) 603-0587





FAIR HOUSING HISTORY

Segregated By Design



A Silkworm Studio Film Directed by Mark Lopez

HISTORY OF THE FAIR HOUSING ACT

July 2, 1964

President Lyndon
B. Johnson signs
the Civil Rights Act
of 1964.

1966-1967

U.S. Congress attempts to pass the fair housing bill.

April 4, 1968

Dr. Martin Luther King, Jr. is assassinated. **April 11, 1968**

President Lyndon
B. Johnson signs
the Civil Rights Act
of 1968 (Fair
Housing Act).

April 1969

The Fair Housing Act has its 1st year anniversary.





THE FAIR HOUSING ACT (FHA)

- Signed by President Lyndon B.
 Johnson on April 11, 1968.
- Provided protections from housing discrimination based on an individual's race, color, national origin, religion, and sex (protected classes).
- The protected classes <u>familial status</u> and <u>disability</u> were added when FHA was amended in 1988.



President Lyndon B. Johnson signing the Fair Housing Act on April 11, 1968. (Photo Credit: *Smithsonian*)





WHAT TYPES OF HOUSING ARE COVERED UNDER THE FHA?

Housing that is publicly or privately funded. Such facilities include:

- Trailer parks
- Mobile homes
- Cooperatives
- Condominiums
- Any unit (e.g., single-family houses, apartment, townhome) designed or used as a residence

What is **NOT** covered under the FHA:

- Housing operated by religious organizations or private clubs that limit occupancy to members
- Single-family houses rented or sold by owner without the use of an agent
- Buildings with no more than four units (where the landlord occupies one of the units)

Mobile Home Parks Residential Landlord and Tenant Act https://housing.az.gov/sites/default/files/AZ-Mobile-Home-Parks-Residential-Landlord-Tenant-Act_Aug2019.pdf



Seven Days Documentary



50th Anniversary of the passage of the 1968 Fair Housing Act and the National Fair Housing Alliance's 30th Anniversary

NATIONAL FAIR HOUSING ALLIANCE (NFHA) 2024 FAIR HOUSING TRENDS REPORT



- There were 34,150 fair housing complaints received by private non-profit fair housing organizations (FHOs), HUD, FHAP agencies, and DOJ in 2023, compared to 33,007 in 2022.
- Private nonprofit fair housing organizations (FHOs) processed 75.52% of complaints, a 5.68% increase from the previous year.
- Discrimination based on disability accounted for the majority (52.61%) of complaints filed with FHOs, HUD, and FHAP agencies.
- There were 1,521 complaints of harassment reported last year, an increase of 66.23%.
- There were 824 complaints based on color reported last year; this represents an increase of 35.30%.



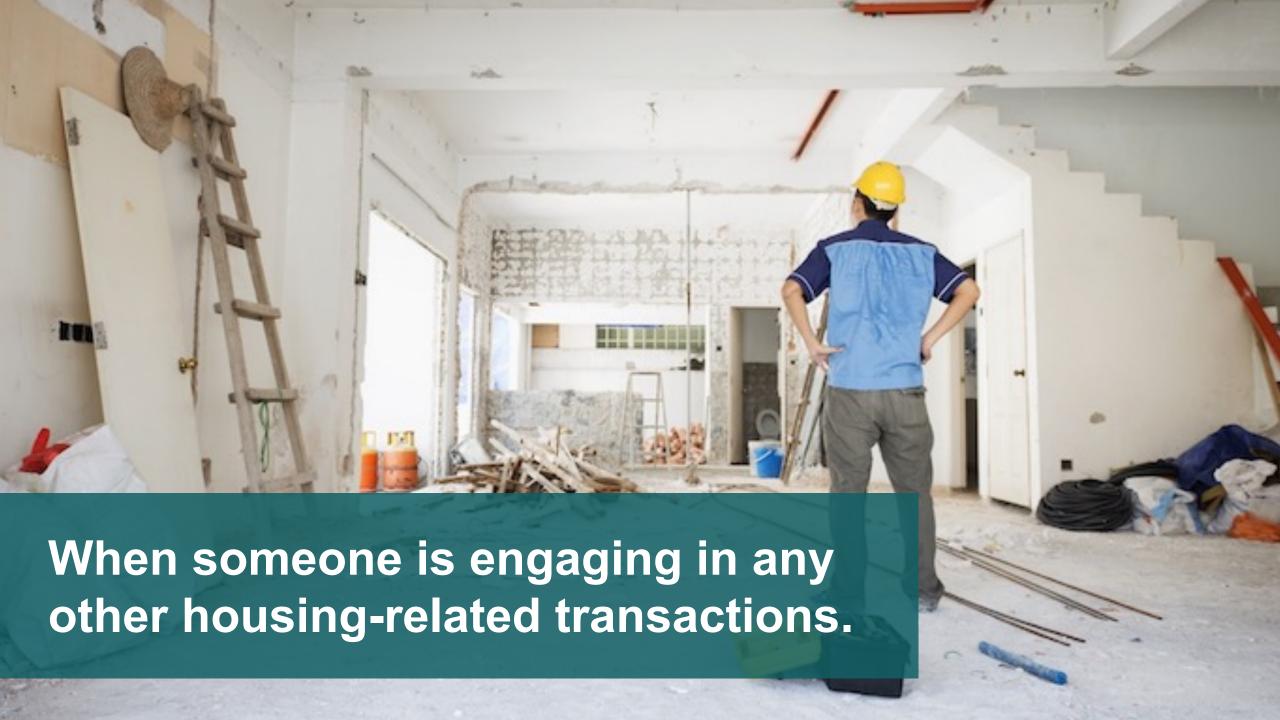


WHERE DOES THE FAIR HOUSING ACT APPLY?

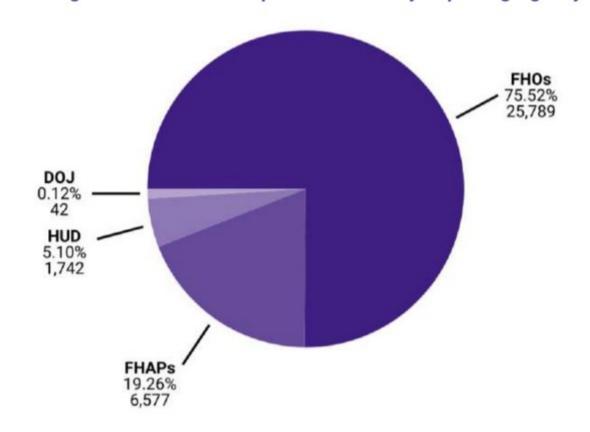








Housing Discrimination Complaints in 2023 by Reporting Agency



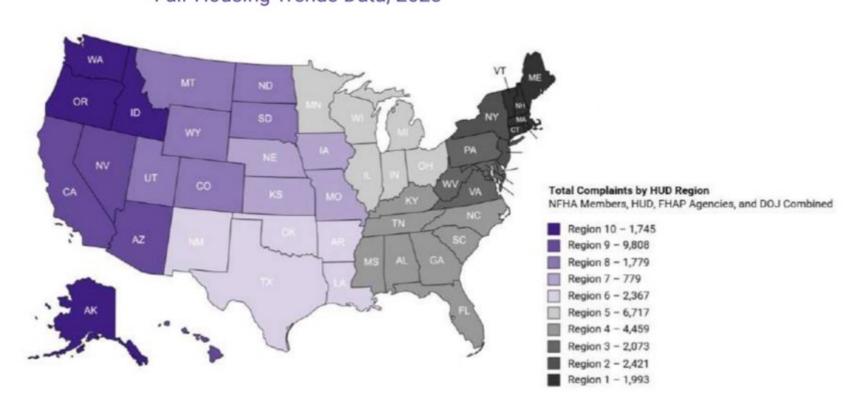
- Program Agencies (FHAPs)
- Private, nonprofit fair housing organizations (FHOs)
- U.S. Department of Justice (DOJ)
- U.S. Department of Housing and Urban Development (HUD)

Complaint Data by Agency, 2013-2023

Year	NFHA Member	HUD	FHAPs	DOJ	Total
2013	18,932	1,881	6,496	43	27,352
2014	19,026	1,710	6,758	34	27,528
2015	19,645	1,274	6,972	46	27,937
2016	19,740	1,371	7,030	40	28,181
2017	20,595	1,311	6,896	41	28,825
2018	23,407	1,784	5,987	24	31,202
2019	21,117	1,771	5,953	39	28,880
2020	21,089	1,697	5,883	43	28,712
2021	22,674	2,093	6,413	36	31,216
2022	24,404	1,915	6,652	36	33,007
2023	25,789	1,742	6,577	42	34,150

Housing Discrimination Complaints by Region

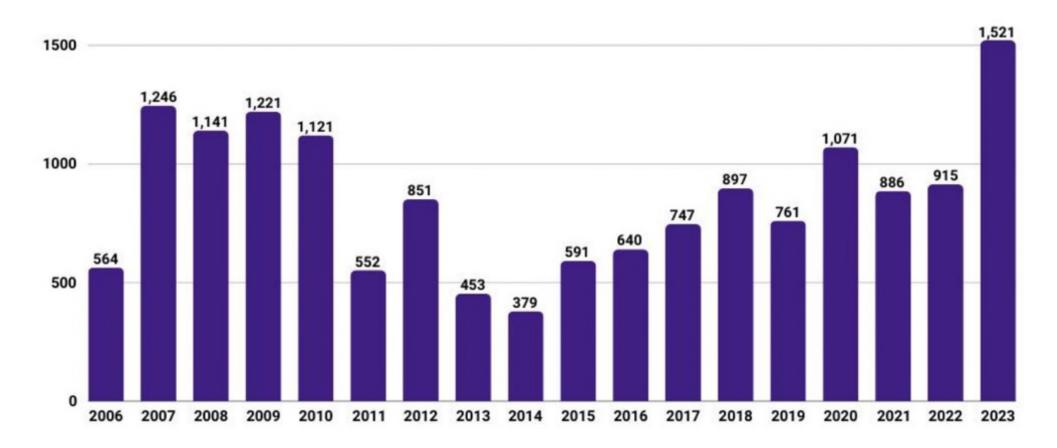
Total Fair Housing Complaints by HUD RegionFair Housing Trends Data, 2023



Complaints by Transaction Type in 2023

	Rental	Sales	Lending	Insurance	Harassment	Appraisal	Advertising	HOA/Condo	Other	Total
NFHA Members	22,925	292	182	14	1,502	24	191	129	371	25,630
HUD	1,105	83	47	0	0	31	0	0	523	1,742
FHAPs	4,289	391	60	1	0	32	0	0	1,865	6,577
DOJ	24	0	5	0	0	0	0	1	12	42
Total	28,343	766	294	15	1,502	87	191	130	2,771	33,991
Percent of Total	83.38%	2.25%	0.86%	0.04%	4.42%	0.26%	0.56%	0.38%	8.15%	

Housing Discrimination Complaints Based on Harassment, 2006 - 2023



2024 Fair Housing Trends Report National Fair Housing Alliance (NFHA)

The Fair Housing Act vs. AZ Residential Landlord and Tenant Act

Fair Housing Act

 Protects people from being discriminated in any housing related transaction due to their race, color, national origin, religion, sex, familial status, and disability.



(Photo Credit: Equal Rights Center)

The Fair Housing Act vs. AZ Residential Landlord and Tenant Act

AZ Residential Landlord and Tenant Act (A.R.S. Title 33 Chapter 10)

• Landlord obligations, tenant obligations, disclosures, security deposits, late fees, withholding rent, right to enter, eviction notices, increasing rent, eviction/termination, and more.



IMPORTANCE OF FAIR HOUSING WORK







 To eliminate biases and prejudices in our community.





IMPORTANCE OF FAIR HOUSING WORK



Where one lives matters for having access to:

- Goods and services
- Education
- Food
- Healthcare
- Opportunities for social and professional mobility





IMPORTANCE OF FAIR HOUSING WORK



 Housing markets drive education, employment, health, safety, insurance rates, municipal and commercial services, and wealth (e.g., home equity).





7 PROTECTED CLASSES

RACE

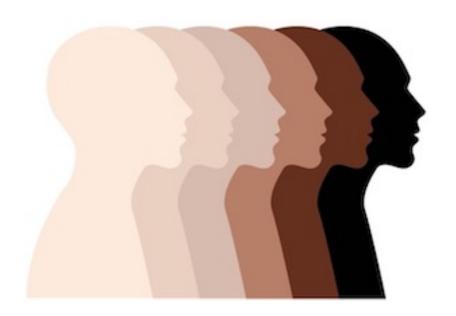


- A family, tribe, or group of people coming from the same common ancestors.
- E.g., Discrimination against African Americans by a Caucasian apartment manager.





COLOR



- The visible color of a person's skin.
- E.g., Only renting to light-skinned African Americans and not darkskinned African Americans.





NATIONAL ORIGIN





- The country in which a person was born.
- Where a person's ancestors are from.
- A person's culture or language.





NATIONAL ORIGIN





- E.g., Selectively screening potential and existing tenants for citizenship and immigration status.
- E.g., Refusing to rent to refugees.





RELIGION



- All aspects of religious belief, observance, and practice.
- Both the practice and non-practice of religion (e.g., atheism and religions outside the mainstream).
- E.g., Being treated differently in housing because you wear a headscarf.





SEX



- Gender (male or female) and biological sex.
- Sexual orientation and gender identity.





SEX



- E.g., Delay or denial of a rental property, or less favorable terms, to a female.
- E.g., A transgender woman is asked by the property manager to dress in women's clothing in the common areas of the property.
- E.g., A gay male is evicted because the landlord believes he will infect other tenants with HIV/AIDS.





FAMILIAL STATUS



- Where there is one or more persons under age 18 who live with a parent, legal guardian, etc.
- A pregnant women.
- Single-parent households and same-sex couples with children.
- Individual or couple who are in-theprocess of gaining legal custody of a person under age 18.





FAMILIAL STATUS



- E.g., Forcing families with children to live on the first floor, or not renting to individuals with children.
- E.g., Requiring that families with kids leave the community pool after
 5 p.m. while other tenants without kids still have access to it.





DISABILITY





- Someone with a physical or mental impairment.
- People who are regarded as disabled or have a record of a disability.
- Association with someone with a disability.





DISABILITY



- E.g., Not allowing a disabled individual to have an assistance animal in their apartment.
- E.g., A housing provider failing to provide an elevator for a multistory building.
- E.g., Denying a tenant's reasonable accommodation request to have their family/friend handle rent payments due to their developmental disability.





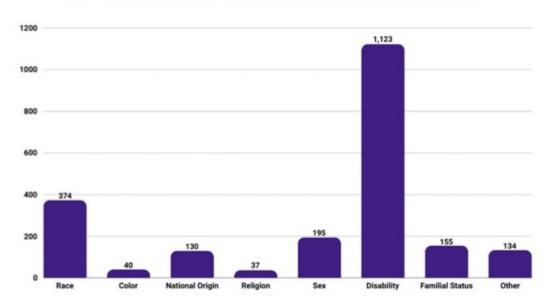
Complaint Data by Basis and Agency in 2023

	Race	Disability	Familial Status	Sex	National Origin	Color	Religion	Other	Total
NFHA Members	3,634	12,803	1,434	1,614	992	501	145	4,666	25,789
HUD	374	1,123	155	195	130	40	37	134	1,742
FHAPs	1,805	4,033	548	768	571	283	155	981	6,577
DOJ	7	9	2	11	0	0	0	13	42
Total	5,820	17,968	2,139	2,588	1,693	824	337	5,794	34,150
Percent of Total	17.04%	52.61%	6.26%	7.58%	4.96%	2.41%	0.99%	16.97%	

Note: Some reported complaints included more than one basis of discrimination.

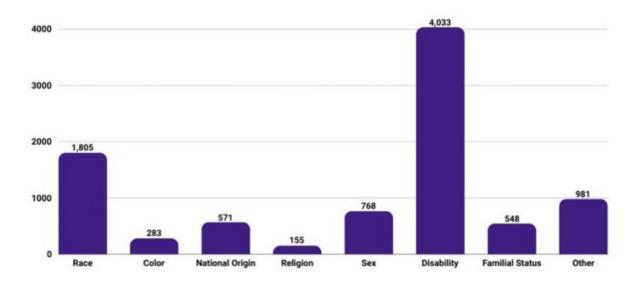
2024 Fair Housing Trends Report
National Fair Housing Alliance (NFHA)

Housing Discrimination Complaints Reported by HUD in 2023



Note: Some reported complaints included more than one basis of discrimination.

Housing Discrimination Complaints Reported by FHAP Agencies in 2023



Note: Some reported complaints included more than one basis of discrimination.

2024 Fair Housing Trends Report National Fair Housing Alliance (NFHA)

THE FAIR HOUSING ACT



The Fair Housing Act



The Fair Housing Act of . 42 U.S.C. 3601 et seq., prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of:

- race or color
- religion
- sex
- national origin
- · familial status, or
- disability.

In cases involving discrimination in mortgage loans or home improvement loans, the Department may file suit under both the Fair Housing Act and the Equal Credit Opportunity Act. The Department brings cases where there is evidence of a <u>pattern or practice</u> of discrimination or where a denial of rights to a group of persons raises an issue of general public importance. Where force or threat of force is used to deny or interfere with fair housing rights, the Department of Justice may institute <u>criminal proceedings</u>. The Fair Housing Act also provides procedures for handling individual complaints of discrimination. Individuals who believe that they have been victims of an illegal housing practice, may file a complaint with the <u>Department of Housing and Urban Development (HUD)</u> of or file their own lawsuit in federal or state court. The Department of Justice brings suits on behalf of individuals based on referrals from HUD.

Discrimination in Housing Based Upon Race or Color

One of the central objectives of the Fair Housing Act, when Congress enacted it in 1968, was to prohibit race discrimination in sales and rentals of housing. Nevertheless, more than 30 years later, race discrimination in housing continues to be a problem. The

https://www.justice.gov/crt/fair-housing-act-1

STATUTORY AND REGULATORY FRAMEWORK

- Section 801 Declaration of Policy
- Section 802 Definitions
- Section 804, 805, 806, and 818 Prohibitions





FAIR HOUSING ACT PROHIBITIONS

SECTION 804(A)



It is unlawful to:

- Refuse to rent or sell housing.
- Refuse to negotiate for housing.
- Make housing otherwise unavailable.
- Deny a dwelling.





SECTION 804(B)

It is unlawful to:

- Set different/less favorable terms, conditions, or privileges for sale or rental of a dwelling.
- Provide a person different/less favorable housing services or facilities of a dwelling.







SECTION 804(C)



It is unlawful to:

Create oral or written
 advertisement, notice, or
 statement indicating a limitation
 or preference based on one or
 more protected classes.





SECTION 804(D)

It is unlawful to:

 Create misrepresentation concerning availability of housing.







SECTION 804(E)



It is unlawful to:

 Persuade owners to sell or rent because of the entry of a protected class in a neighborhood (blockbusting).





SECTION 804(F)

It is unlawful to:

 Discriminate on the basis of disability.







ACCESSIBILITY FEATURES FOR NEW CONSTRUCTION

- Under FHA "Design and construct" certain new multi-family dwellings so that they are accessible to and usable by persons with disabilities, and particularly people who use wheelchairs."
- Under FHA all newly constructed multi-family dwellings of four or more units used for first occupancy after March 13, 1991, must have certain features.





SECTION 805

It is unlawful to:

- Refuse to make a mortgage loan.
- Discriminate in appraising property.
- Refuse to provide information regarding loans.
- Set different/less favorable terms or conditions for making or purchasing a loan.







SECTION 806



It is unlawful to:

 Deny any person access to, membership of, or participation in any multiple listing service (MLS), real estate brokers' organization or other service... or conditions of such access.





SECTION 818

It is unlawful to:

• Interfere, coerce, or intimidate (retaliation) with anyone exercising or enjoying their fair housing rights or assisting others who exercise their right under Section 803, 804, 805, or 806 of the FHA.





Use of Criminal Records by Housing Providers

Across the United States, African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population. Consequently, criminal records-based barriers to housing are likely to have a disproportionate impact on minority home seekers. While having a criminal record is not a protected characteristic under the Fair Housing Act, criminal history-based restrictions on housing opportunities violate the Act if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another (i.e., discriminatory effects liability). Additionally, intentional discrimination in violation of the Act occurs if a housing provider treats individuals with comparable criminal history differently because of their race, national origin or other protected characteristic (i.e., disparate treatment liability).

Use of Criminal Records by Housing Providers

A housing provider violates the Fair Housing Act when the provider's policy or practice has an unjustified discriminatory effect, even when the provider had no intent to discriminate. Under this standard, a facially-neutral policy or practice that has a discriminatory effect violates the Act if it is not supported by a legally sufficient justification. Thus, where a policy or practice that restricts access to housing on the basis of criminal history has a disparate impact on individuals of a particular race, national origin, or other protected class, such policy or practice is unlawful under the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the housing provider, or if such interest could be served by another practice that has a less discriminatory effect. Discriminatory effects liability is assessed under a three-step burden-shifting standard requiring a fact-specific analysis. ¹²

HUD ENFORCES CIVIL RIGHTS LAWS

- Title VIII of the Civil Rights Act of 1968 (fair housing act)
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Title II of the Americans with Disabilities Act of 1990
- Executive Order 11063





POTENTIAL SIGNS OF DISCRIMINATION

WE ONLY TAKE PEOPLE WHO SPEAK ENGLISH CLEARLY.

"

LINGUISTIC PROFILING

 Identifying someone's social characteristics based on auditory cues (dialect and accent) to discriminate in housing based on one's race, ethnicity, gender, sexual orientation, and more.







44

YOU MIGHT BE MORE COMFORTABLE LIVING ELSEWHERE. I'LL SHOW YOU NEIGHBORHOODS WITH MOSQUES.

STEPS ARE ALL WE HAVE. WE CAN'T ACCOMMODATE A WALKER FOR YOU.

"

THERE'S A LOT OF TRAFFIC IN THIS AREA. IT ISN'T SAFE FOR KIDS TO LIVE HERE.

WE RECOMMEND YOU AND YOUR FAMILY RENT ON THE FIRST FLOOR.

"

TOILET AND WASHER REPAIRS ARE NOT AVAILABLE UNTIL NEXT WEEK.

"

DUE TO YOUR BACKGROUND, WE WILL NEED TO COLLECT ADDITIONAL DOCUMENTS.

NO DOGS ALLOWED ON THIS PROPERTY, NO EXCEPTIONS.

EXEMPTIONS TO THE FAIR HOUSING ACT

Single-Family House (Section 803)

Mrs. Murphy (Owner-Occupied) Property (Section 803)

Religious Organizations or Private Clubs (Section 807)

Housing for Older Persons (Section 807)



Persons convicted of illegal drug manufacturing or distribution (Section 807 (b)(4))

Persons whose tenancy presents a direct threat to health, safety, or property (Section 804 (f)(9))

Reasonable occupancy standards

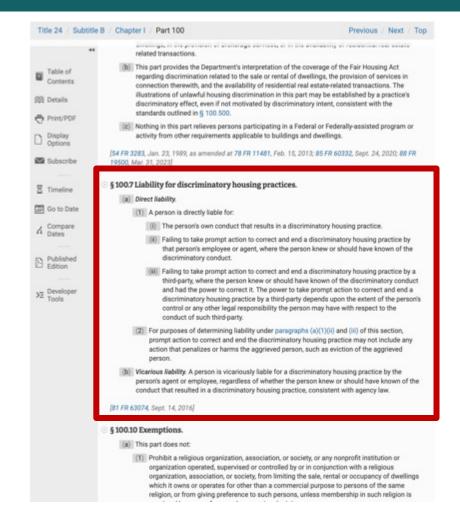
CODE OF FEDERAL REGULATIONS (CFR)

TITLE 24 (HOUSING AND URBAN DEVELOPMENT) PART 100 - DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT



https://www.ecfr.gov/current/title-24/subtitle-B/chapter-I/part-100

§ 100.7 LIABILITY FOR DISCRIMINATORY HOUSING PRACTICES.









FAIR HOUSING CASES

HUD Charged Cases by Year

Year	NFHA Member
2011	55
2012	43
2013	37
2014	27
2015	28
2016	37
2017	19
2018	28
2019	37
2020	36
2021	36
2022	21
2023	47

2024 Fair Housing Trends Report National Fair Housing Alliance (NFHA)

APPRAISAL BIAS AUSTIN V. MILLER



Tenisha Tate-Austin and Paul Austin owned a home in Marin County, California. When refinancing their mortgage in 2020, Janette Miller appraised their house at \$995,000 (although it was appraised at \$1,450,000 a year earlier).

Tate-Austin and Austin asked appraisal company to provide a second appraisal by a different appraiser. Austins removed evidence of their racial identity from their home and replaced with pictures of their white friend's family. This friend was also at the home during this appraisal. The second appraiser appraised the home at \$1,482,500.

The Tate-Austins and Fair Housing Advocates of Northern California sued Miller and AMC Links, the appraisal management company, alleging race discrimination.

- Under the terms of the settlement agreement, the appraiser paid an undisclosed monetary amount.
- The appraiser agreed not to discriminate in the future, as well as watched the ABC documentary "Our America: Lowballed"17 (which features the Austins' story).
- The appraiser attended a training session regarding the history of segregation and real estate-related discrimination in Marin County provided by Fair Housing Advocates of Northern California, and continued to abide by the Bureau of Real Estate Appraisers' continuing education requirements.





DISABILITY DISCRIMINATION IN ASSISTED LIVING SOUTHWEST FAIR HOUSING COUNCIL V. WG SCOTTSDALE LLC

Southwest Fair Housing Council (tester) told a Sierra Pointe rep that she was interested in the facility on behalf of her deaf grandfather. In response to a question by the tester as to how Sierra Pointe staff would communicate with her grandfather regarding financial and legal matters, the Sierra Pointe representative said they would use a white board and/or written notes. Staff said that the family would have to make arrangements for an ASL interpreter if it wished to have one.

SFHC alleged that WG Scottsdale had <u>violated the reasonable accommodation</u>
<u>requirements</u> of the Fair Housing Act, the Americans with Disabilities Act, and state law by refusing to provide ASL interpreters for deaf persons.

Following trial, the district court enjoined WG Scottsdale from discriminating on the basis of hearing impairments or any other disability.

- WG Scottsdale was ordered to furnish all auxiliary aids and services, including qualified sign language interpreters, to persons who are deaf or hearing-impaired.
- To have agreements in place with sign language interpreter services.
- WG Scottsdale must develop a plan for accessibility and includes training and enforcement.







DISCRIMINATORY RULES DEPT. OF FAIR EMPLOYMENT AND HOUSING V. VASONA MGT.

Vasona Management Co. prohibited any outdoor play activities and required parents to supervise children under the age of 14 in all common areas. Tenants who violated these rules faced the threat of eviction. Vasona Management Co. owns more than 30 apartment complexes and manages 48 apartment complexes.

A lawsuit alleged that Vasona discriminated against families with children by adopting overly restrictive rules.

Under the consent decree resolving the case, Vasona will pay \$3 million to aggrieved families and will implement corrective measures over 5 years, including:

- Submitting any rules about the supervision of children in common areas or resident's outdoor activities for California Civil Rights Department (CRD) review and approval.
- Distributing brochures to tenants about their rights.
- Creating and maintaining policies to prevent discrimination, including ways for tenants to report discrimination.
- Train for 4 hours annually anyone involved in the managing or renting of property.
- Provide an annual report to CRD regarding its compliance with the decree. Owner defendants are also prohibited from engaging in future discrimination.













IF YOU BELIEVE YOU ARE A VICTIM OF HOUSING DISCRIMINATION IT IS IMPORTANT TO SPEAK UP!

YOU HAVE RIGHTS!



WHEN YOU SPEAK UP YOU HELP STOP HOUSING DISCRIMINATION FROM CONTINUING IN YOUR COMMUNITY.

SERI CAN HELP YOU FILE A COMPLAINT INQUIRY

- If you think you have experienced unlawful discrimination in housing due to your race, color, national origin, religion, sex, familial status, and/or disability you can file a complaint inquiry with us.
- We review each complaint inquiry, respond within 1 business day, and collect any other necessary intake information from you.
- We are a certified Arizona Relay Friendly Service Business Partner for those with hearing loss or speech disability.
- We take complaint inquiries in all languages through their use of a language service line.





SERI CAN HELP YOU FILE A COMPLAINT INQUIRY

- SERI collects initial intake information from complainants' inquiries and refers them to Southwest Fair Housing Council (SWFHC).
- SWFHC assists clients with allegations of illegal housing discrimination, provides investigative assistance, counseling, mitigation of complaints, and refers them to housing resources in Arizona.





SERI COMPLAINT INQUIRY HOTLINE



(520) 306-0938



Online Form



hotline@seriaz.org



We will respond within 1 business day and refer your complaint inquiry to the proper agency. SERI is an AZ Relay Friendly Business.





THANK YOU!

DISCLAIMER

This material is based on work supported by the Department of Housing and Urban Development (HUD) under FHIP Grant FEOI230004.

Any opinion, findings, and conclusions or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of HUD.