

# FAIR HOUSING NEWS

QUARTERLY NEWSLETTER FOCUSING ON FAIR HOUSING ISSUES

Summer 2016



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## OBAMA ADMINISTRATION ANNOUNCES NEARLY 50 PERCENT DECLINE IN VETERAN HOMELESSNESS

The U.S. Department of Housing and Urban Development (HUD), U.S. Department of Veteran Affairs (VA), and the U.S. Interagency Council on Homelessness (USICH) announced on August 1, 2016, that the number of veterans experiencing homelessness in the United States has been cut nearly in half since 2010. The data revealed a 17 percent decrease in veteran homelessness between January 2015 and January 2016—quadruple the previous year’s annual decline—and a 47 percent decrease since 2010.

Through HUD’s annual Point-in-Time (PIT) estimate of American’s homeless population, communities across the country reported that fewer than 40,000 veterans were experiencing homelessness on a given night in January 2016. The January 2016 estimate found that just over 13,000 unsheltered homeless veterans living on their streets, a 56 percent decrease since 2010.

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# Recent Developments

## HUD REACHES AGREEMENT WITH FLORIDA CONDO ASSOCIATION IN DISABILITY DISCRIMINATION CASE

On August 23, 2016, the U.S. Department of Housing and Urban Development (HUD) announced an agreement with Delvista Towers Condominium Association, Inc. of Aventura, Florida, and its property management company, resolving allegations of housing discrimination against residents with disabilities. HUD claimed the condo association and its property managers denied the reasonable accommodation requests of residents with disabilities who needed assistance animals.

The Fair Housing Act makes it illegal to discriminate in the terms and conditions of housing to an individual based on a disability, including denying reasonable accommodations or making them unavailable. This includes refusing to permit persons with disabilities to have assistance animals when necessary.

“People who have a disability and need a reasonable accommodation in order to live comfortably in their home shouldn’t be denied that accommodation,” said Gustavo Velasquez, HUD Assistant Secretary for Fair Housing and Equal Opportunity. “This agreement reflects HUD’s ongoing commitment to ensuring that housing providers meet their obligation to comply with the nation’s fair housing laws.”

HUD initiated a discrimination complaint in April 2014 after receiving several reports from residents of Delvista Towers claiming their rights were being violated because of their disability. One resident alleged her request for a service animal for her son had been denied. Specifically, the woman said that when she was told that the request would not be approved and that the condominium was “currently involved in very expensive lawsuits with other residents regarding service animals.” The woman further alleged that she was denied the opportunity to renew her lease because she mentioned her son’s need for a service animal.

HUD’s investigation indicated that other residents with disabilities were also denied their requests for assistance animals or refrained from requesting an accommodation for fear of being evicted.

Under the Agreement, Delvista and its property management company, agreed to compensate one of the aggrieved persons and to donate to a non-profit disability rights organization.

## HUD ANNOUNCES AGREEMENT WITH CITY OF RICHMOND, VIRGINIA TO RESOLVE DISCRIMINATION COMPLAINTS

On August 4, 2016, the U.S. Department of Housing and Urban Development (HUD) announced that it has approved an agreement with the City of Richmond, Virginia, settling 14 complaints of housing discrimination filed against the City by Hispanic residents. The complaints alleged that the City of Richmond selectively enforced its code requirements against residents of the City’s mobile home parks, who are predominantly Hispanic.

The Fair Housing Act prohibits discrimination in housing because of national origin. This includes discriminating against persons because of their national origin when enforcing local housing codes.

The complainants, who are current or former residents of mobile home parks in Richmond, alleged that, due to their national origin, the City imposed unreasonable and legally unjustified requirements that they had to meet to avoid condemnation of their homes; intimidated and harassed them by conducting intrusive inspections with armed police escorts and threatening criminal court action and large monetary fines; and failed to provide meaningful access to residents who have limited English proficiency.

“This agreement helps ensure that all residents in Richmond, regardless of where they live or what ethnicity they are, have equal access and enjoyment of their home,” said HUD Assistant Secretary for Fair Housing and Equal Opportunity Gustavo Velasquez. “HUD will continue to work with local governments to create and protect housing opportunities for Hispanic families and others with limited English proficiency.”

Under the terms of the agreement, Richmond will pay \$30,000 in damages to some of the complainants, analyze its language access needs, develop a language access plan, and conduct outreach to the Spanish speaking community. The City will also update its Analysis of Impediments to Fair Housing (AI), hold regular meetings with relevant city offices about the AI, and take steps to identify additional funding that mobile home park tenants can use for repairs to their units. Several of the HUD Complainants were plaintiffs in a separate lawsuit filed in Federal Court, and received an additional \$40,000 from the City for relocation or home safety repairs.



## Senators Urge HUD to Issue Guidance on How Nuisance Ordinances May Violate Laws

*From the National Low Income Housing Coalition*

Twenty-nine senators, led by Senator Al Franken (D-MN), sent a letter to HUD Secretary Julián Castro urging HUD to provide written guidance regarding how local nuisance ordinances may violate the Fair Housing Act and the Violence Against Women Act (VAWA). The letter, dated August 17, states, “Nuisance ordinances established by local governments across the nation are penalizing victims for calls requesting police protection or emergency assistance for crimes occurring at their homes. In most cases, landlords are forced to evict tenants who made the call for help or face significant fines, loss of rental permits, or property foreclosure. As an unintended consequence, individuals, particularly those who are victims of crime, are being removed from their homes when they are at their most vulnerable.”

The senators write that nuisance ordinances have a disproportionate impact on victims of domestic violence, increasing their housing insecurity and their likelihood of becoming homeless. “Nuisance ordinances exacerbate the link between homelessness and domestic violence by designating calls for police assistance or criminal activity as nuisances, even when the tenant is the victim,” the Senators write.

According to the letter, “Regardless of whether a locality intended to discriminate against victims of domestic violence, nuisance ordinances run contrary to the Fair Housing Act if they have a disproportionate impact on women...Nuisance ordinances violate VAWA when they require or encourage housing providers to evict or deny housing to survivors of domestic violence.”

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# Fair Housing Testing

## TESTERS WANTED

Fair Housing Law Center, in conjunction with HUD, is looking for individuals to conduct fair housing investigations. This is a great opportunity to play a key part in fighting discrimination in Western and Central Pennsylvania and the West Virginia Panhandle.

Please contact us at 877-725-4472 or at [www.fhlaw.org](http://www.fhlaw.org).

### *What is Testing?*

Fair Housing tests measure the quality, quantity, and content of information provided to potential renters and homebuyers based on protected class under the Fair Housing Act.

The U.S. Supreme Court, Department of Justice, and HUD have all recognized that sometimes unlawful housing practices can only be uncovered through testing. Testers can make the difference when it comes to moving a case forward.

### *What do Testers do?*

Testers pose as renters or homebuyers in order to help collect data for a fair housing investigation. Testers meet with landlords, property managers, and real estate agents. A factual report of the events is then compiled by the Tester. Tests are conducted throughout the 28 county area covered by the Fair Housing Law Center.

The Tester's experience is then compared to the experiences of a partner tester who is alike in every respect, except the protected class: race or color, national origin, religion, gender, familial status, or disability. The reports are analyzed by Fair Housing Law Center staff and the results either support or dispel allegations of discrimination.

### *Examples of Discrimination Uncovered by Testing*

- Failure to waive a "no pets" rule (denial of a request for a reasonable accommodation) for a service or support animal.
- Charging higher rent or security deposit for potential tenants with children.
- Falsely denying availability of an advertised rental unit.
- Failure to comply with the Fair Housing Act's requirements regarding the accessibility of a property.

### *Who can be a Tester?*

Ideal testers are detail oriented, have excellent observational skills, and are comfortable recording their thoughts in writing. Additionally, a potential tester should have access to reliable transportation, telephone, and computer with internet access.

**The Fair Housing Law Center is always looking for people who are interested in becoming a tester.**

**If interested, please contact us at 877-725-4472 or online at [www.fhlaw.org](http://www.fhlaw.org).**

## Education Solutions for Non-Profits

Does your agency need Fair Housing training?

Through a grant from HUD, the Fair Housing Law Center offers free HUD approved fair housing training. If you are interested in having one of our staff members or partners give a free fair housing training, please contact Kristie Horrell at 724-225-6170.





## DECLINE IN VETERAN HOMELESSNESS

*(cont. from pg.1)*

This significant progress is a result of the partnership among HUD, VA, USICH, and other federal, state, and local partners. These critical partnerships were sparked by the 2010 launch of *Opening Doors*, the first ever strategic plan to prevent and end homelessness. The initiative's success among veterans can also be attributed to the effectiveness of the HUD-VA Supportive Housing (HUD-VASH) Program, which combines HUD rental assistance with case management and clinical services provided by the VA. Since 2008, more than 85,000 vouchers have been awarded and more than 114,000 homeless veterans have been served through the HUD-VASH program.

"We have an absolute duty to ensure those who've worn our nation's uniform have a place to call home," said HUD Secretary Julián Castro. "While we've made remarkable progress toward ending veteran homelessness, we still have work to do to make certain we answer the call of our veterans just as they answered the call of our nation."

"The dramatic decline in Veteran homelessness reflects the power of partnerships in solving complex national problems on behalf of those who have served our nation," said VA Secretary Robert A. McDonald. "The men and women who have fought for this nation should not have to fight to keep a roof over their head and I'm pleased that the VA is serving more Veterans than ever before with health care, education, job training and wrap-around services. While this is very real progress that means tens of thousands more Veterans have a place to call home, we will not rest until every Veteran in need is permanently housed."

"Together, we are proving that it is possible to solve one of the most complex challenges our country faces," said Matthew Doherty, Executive Director of the U.S. Interagency Council on Homelessness. "This progress should give us confidence that when we find new ways to work together and when we set bold goals and hold ourselves accountable, nothing is unresolvable."

In 2014, First Lady Michelle Obama launched the Mayors Challenge to End Veteran Homelessness with the goal of accelerating progress towards the ambitious national goal of ending veteran homelessness. More than 880 mayors, governors, and other local officials have joined the challenge and committed to ending veteran homelessness in their communities. To date, 27 communities and two states have effectively ended veteran homelessness, serving as models for others across the nation.

HUD and VA have a wide range of programs that prevent and end homelessness among veterans, including health care, housing solutions, job training and education. In FY 2015, these programs helped more than 157,000 people—including 99,000 veterans and 34,000 children—secure or remain in permanent housing. Since 2010, more than 360,000 veterans and their families have been permanently housed, rapidly rehoused or prevented from becoming homeless through programs administered by HUD and VA.



### Nuisance Ordinances

*(cont. from pg.2)*

The American Civil Liberties Union explains that nuisance ordinances label a property as a nuisance when the property is the site of a certain number of calls for police, for example three times in six months. Nuisance activities can include assault, harassment, stalking, and disorderly conduct. Nuisance ordinances usually apply regardless of whether a resident was a victim of the nuisance activity. Once given a citation, property owners typically are instructed to "abate the nuisance" or face steep penalties. Many landlords respond by evicting the tenant (who can be the victim of the crime), refusing to renew their lease, or instructing tenants not to call 911.

*The original article can be found at:*  
<http://nlihc.org/article/senators-urge-hud-issue-guidance-how-nuisance-ordinances-may-violate-laws>

*The Senators' letter to HUD can be found at:*  
<http://www.franken.senate.gov/files/documents/160817HUDNuisanceOrdinancesLetter.pdf>