

FAIR HOUSING NEWS

QUARTERLY NEWSLETTER FOCUSING ON FAIR HOUSING ISSUES

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THIS ISSUE

- CHILDREN IN PUBLIC HOUSING P.1
- RECENT DEVELOPMENTS P.2
- NEW HUD GRANT FUNDING P.2
- REASONABLE MODIFICATIONS P.3

Improving the Lives of Children in Public Housing

Article originally appeared in HUD's PD&R's online magazine, *The Edge*:

On January 18, 2017, the Urban Institute presented findings of a community assessment of needs and opportunities for children in public housing in Washington, DC. Commissioned by the District of Columbia Housing Authority (DCHA) and conducted in partnership with Howard University and the University of the District of Columbia, the survey identifies the need for supportive services and potentially provides benchmarks against which DCHA can measure progress, said DCHA executive director Adrienne Todman. Researchers found that parents in public housing report that although their children are doing well overall, they have specific worries regarding their children's education, food security, health, and safety. Families in public housing face a number of struggles related to economic uncertainty and community challenges. With support from DCHA and committed partners like Sasha Bruce Youthwork, a nonprofit youth services provider, Todman believes that the lives of the roughly 5,000 children living in DCHA public housing can be transformed for the better.

Children in Public Housing Face Many Challenges

Many families in public housing face significant economic challenges, explained the survey's lead researcher, Susan Popkin of the Urban Institute. Along with these economic challenges, families living in DCHA properties report concerns with safety, health, and education. One-third of parents say that their child has asthma, 20% say that their children are overweight, and 14% say their children have a chronic condition of some other type. Parents also report that their children struggle in school. More than 30% of responding parents say that they have been contacted by teachers about behavioral problems at school, and more than half responding parents report that their children have behavioral problems. Popkin noted that many of these challenges are common among public housing residents throughout the country. Low employment, poor health, and difficulties in school are problematic but not atypical for families with children in public housing.

Continued on Page 4

Recent Developments

HUD CHARGES OKLAHOMA LANDLORDS WITH DISCRIMINATING AGAINST VETERAN WITH DISABILITIES

On February 7, 2017, the U.S. Department of Housing and Urban Development (HUD) announced that was charging the landlords of a Moore, Oklahoma rental home with violating the Fair Housing Act by denying the reasonable accommodation requests of their tenant, a veteran with disabilities.

The Fair Housing Act prohibits housing providers from denying or limiting housing to persons with disabilities, or from refusing to make accommodations in policies or practices for people with disabilities. This includes waiving pet fees for persons with disabilities who use assistance animals.

The case came to HUD's attention when a combat veteran living with a mental disability who uses an emotional support animal filed a complaint alleging that the owners of the house he was renting, refused to waive their pet deposit fee. HUD's charge alleges that although the man provided the owners and management company with medical documentation attesting to his need for the animal, they denied his request to waive a \$250 pet fee. Under the law, assistance animals are not considered pets.

Disability is the most common basis of fair housing complaints filed with HUD and its partner agencies. Last year alone, HUD and its partners considered over 4,900 disability-related complaints, or more than 58 percent of all fair housing complaints.

HUD's charge will be heard by a United States Administrative Law Judge unless any party to the charge elects to have the case heard in federal district court. If an administrative law judge finds after a hearing that discrimination has occurred, he or she may award damages to the complainant for their loss as a result of the discrimination. The judge may also order injunctive relief and other equitable relief, as well as payment of attorney fees. In addition, the judge may impose civil penalties in order to vindicate the public interest. If the case is heard in federal court, the judge may also award punitive damages to the complainant.

HUD REACHES SETTLEMENT AGREEMENTS WITH OHIO AND FLORIDA INSURANCE COMPANIES ACCUSED OF VIOLATING THE FAIR HOUSING ACT

On January 26, 2017, the U.S. Department of Housing and Urban Development (HUD) announced agreements with two insurance companies in Ohio and Florida settling allegations the companies violated the Fair Housing Act by denying insurance coverage to properties that contain "subsidized housing" and "low-income housing."

The Fair Housing Act makes it unlawful for providers of housing-related services or products, including insurance providers, to discriminate because of race, color, religion, sex, national origin, disability, and familial status.

The agreements stemmed from a Secretary-Initiated complaint HUD filed after receiving reports the insurance companies' policies and practices had a discriminatory effect because of race and national origin. Specifically, HUD's complaint alleged that the companies refused to provide umbrella coverage, which provides additional liability coverage when an insured's other primary policy limits have been reached, to properties containing subsidized or low-income housing.

Under the agreements, McGowan and Company will remove "subsidized" and "low-income" from its list of prohibited properties, spend \$100,000 to affirmatively market its services and products to the affordable and low-income housing markets and provide fair housing training for management and staff that review and/or approve applications for insurance. Mack & Waltz will spend \$10,000 to affirmatively promote its services in affordable and low-income housing markets, and provide fair housing training for its management and staff.

The conciliation agreement with McGowan and Company, based in Fairview Park, Ohio can be found at <https://portal.hud.gov/hudportal/documents/huddoc?id=17mcgowanconcil.pdf>.

The conciliation agreement with Mack, Mack & Waltz Insurance Group based in Deerfield Beach, Florida can be found at <https://portal.hud.gov/hudportal/documents/huddoc?id=17mackconcil.pdf>.



HUD Offers Grants to Clean Up Lead-Based Paint Hazards

On February 8, 2017, the U.S. Department of Housing and Urban Development announced that it is making grants available to help eliminate dangerous lead-based hazards from lower income home in order to protect young children. Additionally, the funding will provide an opportunity for local communities to establish and support programs to control other housing-related health and safety hazards.

Unsafe and unhealthy homes affect the health of millions of people of all income levels, geographic areas, and walks of life in the U.S. These homes affect the economy directly, through increased utilization of health care services, and indirectly, through lost wages and increased school days missed. The housing improvements communities will make will help prevent injuries and illnesses, reduce associated health care and social services costs, reduce absentee rates for children in school and adults at work, and reduce stress, all of which help to improve the quality of life.

HUD's Office of Lead Hazard Control and Healthy Homes promotes local efforts to eliminate dangerous lead paint hazards and other housing-related health hazards from lower income homes, stimulate private sector investment in lead hazard control, support cutting-edge research on methods for assessing and controlling housing-related health and safety hazards, and educate the public about the dangers of hazards in the home.



Reasonable Modifications

A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full use and enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas.

Under the Fair Housing Act, a person with a disability may request a reasonable modification provided that the request is reasonable and necessary. A housing provider can deny a request for a reasonable modification if: there is no disability related need for the modification; or the request is not reasonable, i.e., if the request would pose an undue financial or administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operations. If a housing provider deems a request to be unreasonable, it is required to engage in an interactive process with the person requesting the modification to agree upon an alternative modification.

The housing provider is responsible for paying the cost of the modification if they receive federal financial assistance. If not, the person requesting the reasonable modification is responsible for the cost of the modification. The requesting individual is also responsible for the maintenance and upkeep of the modification if it is exclusively used by the individual or if the modification is in a common area not normally maintained by the housing provider. If the modification is in a common area, normally maintained by the housing provider, then they are responsible for the maintenance and upkeep.

How to request a Reasonable Modification

When requesting a reasonable modification the tenant should do the following:

- 1) Indicate, in writing, that the individual qualifies as a person with a disability without revealing the nature or severity of the disability.
- 2) State where the individual lives and who owns or manages their dwelling.
- 3) Identify the requested modification. (e.g. installation of grab bars, or a ramp)
- 4) Describe why the modification is necessary for the full enjoyment of the premises.
- 5) Cite the applicable law that protects their rights.
- 6) Ask for a written response within a certain amount of time.
- 7) Sign and mail the request. Please keep a copy of the request for your records. Mail the request by certified mail.

The Fair Housing Law Center is available if you need assistance in requesting a Reasonable Modification.

Please contact us at 877-725-4472 or online at fhlaw.org.

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.

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.





Improving the Lives of Children in Public Housing

(cont. from pg.1)

Supporting Families in Public Housing

Considering how these findings would inform an approach to supporting the approximately 5,000 children living in public housing in Washington, DC, Popkin emphasized first that parents are already an important asset in supporting their children. Most are engaged with their children in activities such as reading and playing outside. However, given the economic uncertainty and community challenges these households face, Popkin concluded that the findings indicate the need to provide additional supports to promote stability and better life outcomes for DCHA families.

David Bowers, vice president and mid-Atlantic market leader at Enterprise Community Partners, underscored the importance of housing itself for families but argued that helping people move out of poverty depends mostly on how that housing connects to other supports and opportunities such as health, education, and employment. Representing one of the organizations already providing enrichment and supports to DCHA public housing residents, Deborah Shore, executive director and founder of Sasha Bruce Youthwork, said that the survey results largely resonate with her experience with residents — families are deeply interested in engagement but are hampered by challenges. Shore credits residents of one site for advocating for a youth center to address concerns about violence. She notes that the residents, not wanting an organization to set up for a year's time and then leave, demanded commitment from Sasha Bruce Youthwork as a partner. The partnership has yielded a weekly young men's group, parent support groups, and positive youth activities such as cheerleading.

Todman wants to build on successful partnerships such as the one with Sasha Bruce Youthwork to improve the lives of DCHA's public housing families. She said that the 2,000 households with children are not too great a number to reach and impact positively, especially because the District of Columbia is rich in service providers. She seeks partnerships with providers who have clear objectives and who have the capacity, resources, and will to stay engaged over the long term. Bowers added that their efforts must be of high quality and have measurable results. He noted that interventions targeting this population — for example, those that increase employment — would have a disproportionate effect on the city, unlocking the potential of both adults and children living in public housing. He highlighted the role that the private sector could play in such a transformation by thinking creatively and intelligently and by using their convening power to open opportunities for families that, he argued, would create shared benefits for the families and the private sector.

Meaningful Impact

Shore shared that in her experience with the partnership between DCHA and Sasha Bruce Youthwork, she has found “strong voices that are in the community... [of people who want opportunities to try out expanding capacity in their own communities.” The findings of the Urban Institute survey regarding parental engagement with and concern for their children reinforce this conclusion. Because of the steep economic challenges facing these families, however, they are likely to need additional supports to fully realize that transformation. To achieve greater stability and improved quality of life for these families, investments from both the public and private sectors are needed. There remains a need for capital improvements in the public housing stock as well as a need for investment to better connect public housing to transportation, high-quality schools, and employment. DCHA seeks the help of committed partners to provide critical social, economic, and health supports through high-quality, results-oriented services. Investing in and improving the lives of young people, says Todman, has the potential to propel whole families forward, resulting in better lives for public housing residents.

This article can be found at:

<https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-020617.html>

Grants to Clean Up Lead-Based Paint Hazards

(cont. from pg.2)

The grants to States, local governments and the private sector are being offered through HUD's Lead-Based Paint Hazard Control Program, and Lead Hazard Reduction Demonstration Program. In these grant programs, HUD is providing additional funding (healthy homes supplemental funds) to identify and remediate, in home where lead-based paint hazards are being controlled, other housing-related health hazards.

HUD expects to make approximately 32 awards under these programs. This estimate assumes funding at the same level as Fiscal Year 2016. The actual number of awards made under this funding targeting notice will depend on the amount Congress appropriates in the Fiscal Year 2017 budget, the number of eligible applicants, and other factors.

HUD requires prospective grantees to submit their applications electronically at www.grants.gov. Any changes to HUD-published funding notices will be made available to the public through a Federal Register publication and published on a government-wide portal. Applicants are urged to sign up for Grants.gov's notification service to receive periodic updates or changes to these grant offerings.