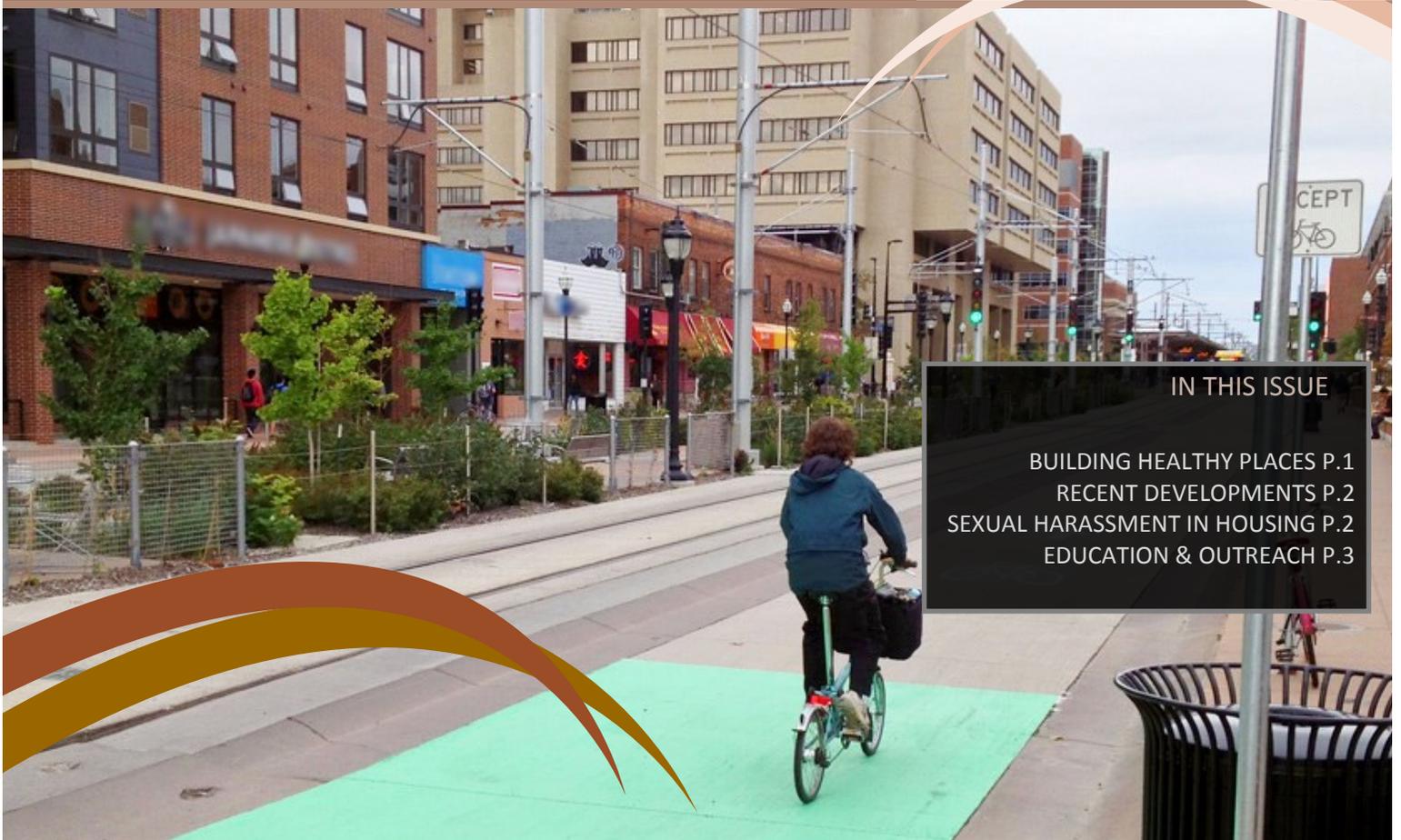


# FAIR HOUSING NEWS

QUARTERLY NEWSLETTER FOCUSING ON FAIR HOUSING ISSUES

Fall 2017



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## BUILDING HEALTHY PLACES

The following is an excerpt from an article originally appearing in HUD's PD&R's online magazine, *The Edge*:

After improving for several years, health indicators for the U.S. population are now headed in the wrong direction. According to the Urban Land Institute's (ULI's) *Building Healthy Places Toolkit: Strategies for Enhancing Health in the Built Environment*, one in three adults is obese, an increase from one in eight in 1970, and only one out of every five adults meets overall physical activity guidelines. In addition, data from the National Center for Health Statistics' most recent brief on mortality indicate that life expectancy in the United States decreased slightly between 2014 and 2015. Few of these health outcomes depend solely on the quality of medical care; rather, several factors, including the built environment, affect health. As a result, organizations involved in land development can positively impact health outcomes.

### HEALTH AND THE BUILT ENVIRONMENT

Homes and communities can be designed, built, and redeveloped in ways that promote good health, according to Rachel MacCleery, senior vice president of content at ULI. ULI's *Building Healthy Places Toolkit* highlights several strategies to encourage physical activity: making indoor stair cases more visible and available can encourage their use; mixing land uses can help people access amenities on foot and sidewalks, bike trails, and connected street and trail networks can promote walking and biking. Bob Simpson, vice president of affordable and green financing at Fannie Mae, noted that affordable, healthy homes and communities, especially those with access to public transit, can produce many benefits for families, including financial stability, improved physical and mental health, better cognitive performance, and increased community and neighborhood engagement among residents.

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# Recent Developments

## JUSTICE DEPARTMENT OBTAINS \$150,000 SETTLEMENT IN SEXUAL HARASSMENT LAWSUIT AGAINST OWNER AND MANAGER OF MICHIGAN RENTAL PROPERTIES

On October 3, the Justice Department announced that Frank D. Tjoelker, an owner and manager of rental properties in and around Grand Rapids, Michigan, will pay \$150,000 to resolve allegations that he sexually harasses multiple women who have lived in or inquired about his rental properties.

“No woman should ever have to endure sexual harassment to secure a roof over her head,” said Acting Assistant Attorney General John Gore of the Justice Department’s Civil Rights Division. “Such harassment is unacceptable and illegal, and this Justice Department will continue to vigorously enforce the Fair Housing Act in order to combat this type of discrimination and obtain relief for its victims.”

“It is illegal to discriminate in housing on the basis of sex, including through such unwelcome and unwanted behavior as alleged in this case,” said Acting U.S. Attorney for Western Michigan Andrew Birge. “Cases like this will always be a priority for my office.”

Under the settlement agreement, Tjoelker will pay \$140,000 to compensate ten victims of discrimination already identified by the Justice Department, along with any additional individuals who are determined to be victims through a process established in the settlement agreement. In addition Tjoelker must pay \$10,000 as a civil penalty to the United States. The settlement also prohibits Tjoelker from engaging in discrimination and requires him to establish a non-discrimination policy and hire an independent manager for his rental properties.

The settlement will resolve a lawsuit, filed today in the U.S. District Court for the Western District of Michigan, alleging that Tjoelker’s unlawful conduct against female tenants and applicants at his properties has included making unwelcome sexual comments and advances towards them, engaging in unwanted sexual touching of these women, offering housing benefits in exchange for sex acts, and taking or threatening to take adverse housing actions against women who object to his harassment. Under the terms of the settlement, the parties will jointly move to dismiss the lawsuit after Tjoelker makes the monetary payments, which are due within 30 days.

To view the full settlement, click [HERE](#).

## JUSTICE DEPARTMENT OBTAINS \$365,000 SETTLEMENT OF SEXUAL HARASSMENT LAWSUIT AGAINST KANSAS CITY, KANSAS, HOUSING AUTHORITY

On September 29, the Justice Department today announced that the Kansas City, Kansas, Housing Authority (KCKHA) and three of its former employees have agreed to pay \$365,000 to resolve a sexual harassment lawsuit filed by the department in 2015.

Under the settlement, KCKHA, former Administrative Coordinator Victor Hernandez, former Property Manager Derrick Estelle, Sr., and former Director of Housing Management Ronald Cobb, will pay a total of \$360,000 in monetary damages to 14 current and former KCKHA residents and applicants who were subjected to sexual harassment, as well as \$5,000 to the United States in civil penalties. The settlement also requires KCKHA to conduct training, to adopt new policies and procedures to prevent sexual harassment by its employees, and to provide a mechanism by which tenants and applicants can register complaints about sexual harassment with KCKHA management.

This matter began when two female public housing tenants filed complaints about Hernandez with HUD. After HUD investigated the complaints, it issued a charge of discrimination and the matter was referred to the Justice Department. During its investigation, the department identified additional KCKHA applicants and tenants who had been sexually harassed by Hernandez, Estelle, or Cobb. Among other things, the department’s complaint alleged that Hernandez subjected women to unwanted sexual conduct as a condition for favorable hearing decisions, including asking them sexual questions, showing pornographic pictures and videos, making explicit sexual comments, and exposing himself. Hernandez admitted in sworn testimony that he had exposed himself to multiple women during appeals hearings concerning their housing.

The complaint also alleged that Estelle and Cobb explicitly conditioned housing benefits in return for sexual favors and made repeated unwelcome and offensive sexual advances to women residing in or applying for public housing. The complaint further alleged that Hernandez, Estelle, and Cobb engaged in this conduct while exercising their authority as employees of KCKHA.

To view the full settlement, click [HERE](#).



## JUSTICE DEPARTMENT ANNOUNCES INITIATIVE TO COMBAT SEXUAL HARASSMENT IN HOUSING

The Justice Department, on October 3, 2017, announced a new initiative to combat sexual harassment in housing. The initiative specifically seeks to increase the Department’s efforts to protect women from harassment by landlords, property managers, maintenance workers, security guards, and other employees and representatives of rental property owners. As part of the initiative, the Department will work to identify barriers to reporting sexual harassment to the Department and other enforcement agencies, and will collaborate with local law enforcement, legal services providers, and public housing authorities to leverage their expertise.

The Justice Department’s Civil Rights Division enforces the Fair Housing Act, which prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, national origin, and disability. Sexual harassment is a form of sex discrimination prohibited under this law. The Civil Rights Division plans to launch a pilot of the initiative in two jurisdictions -- Washington, D.C., and western Virginia -- where it is working with legal service providers and local law enforcement to raise awareness about this issue. The Department hopes to expand the effort to other areas of the country in the near future.

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# Fair Housing Education & Outreach

## *Education and Outreach*

Believing that education is at the heart of ending housing discrimination, the Fair Housing Law Center set out in 2007 to develop a comprehensive outreach program to educate those affected by housing discrimination. The education and outreach program continues to raise awareness of fair housing rights for advocates, housing providers, attorneys, State and local representatives, and most importantly, the people in the protected classes most often facing discrimination.



## **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).

## *Training*

Training allows the program to educate audiences on fair housing laws and establish working relationships with agencies and organizations advocating for those in protected classes. The education and outreach program presents free training sessions for groups and organizations of any size. Training sessions cover the basics of fair housing and allow for a healthy and robust discussion of issues specific to the group. Webinar based training is also available as an alternative. Additionally, CLE credits can be given for attorneys. If you or your organization is interested in receiving training, a "[Training Request Form](#)" can be found on our website.

## *Materials*

The Fair Housing Law Center has developed a wide range of materials covering fair housing issues specific to all protected classes, reasonable accommodations, reasonable modifications, and service and emotional support animals. A fair housing claim kit is also available. Lastly, the [Fair Housing Center's Fair Housing Guide](#) is also available to anyone through our website. Please contact us, if you or your group would like to receive any of our materials.

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





## BUILDING HEALTHY PLACES

*(cont. from pg.1)*

According to MacCleery, consumers have shown that they prefer healthy land use practices, indicating that demand exists for healthy homes and communities. Although people desire healthy places, “we are not building those communities, by and large,” said MacCleery. ULI’s report on its 2015 national survey of Americans’ preferences and priorities found that half of Americans and 54% of millennial Americans (between 18-36 yrs old) felt that walkability was important, and 52% of all Americans and 63% of millennial Americans wanted to live in an area where they did not need to use a car very often. When asked about their community priorities, most respondents assigned top or high priority to access to healthy foods as well as green space. However, high percentages of respondents felt that their communities did not have enough bike lanes or parks. Smaller percentages of respondents also felt that walking in their community was unsafe because of traffic and suggested that finding fresh food in their community was difficult. However, some local and national organizations are addressing these concerns by implementing strategies intended to promote the development of healthy places.

### PURSuing OPEN SPACE PROJECTS

Business improvement districts and other organizations with a stake in local growth can also help foster healthy development by planning and implementing green and open space projects. The Downtown Development District (DDD) of New Orleans, the first assessment-based business improvement district in the nation, is currently planning to encourage physical activity by improving access to parks and open space in the downtown area. Research shows that people who live within a half-mile of a park exercise more, on average, than those who do not. According to panelist Kurt Weigle, president and chief executive officer of DDD, following resident feedback highlighting a need for playgrounds, parks, and multifunctional open space, DDD partnered with ULI Louisiana in 2014 to conduct a Technical Assistance Panel on green space in downtown New Orleans. In response to the panel’s recommendations, DDD is in the process of developing a Green Space Master Plan. DDD has also made an agreement with the city to redesign Duncan Plaza, an underutilized public space near the city’s biomedical district. Weigle hopes that the improvements to the park will result not only in better health outcomes but also in a stronger neighborhood and additional business investment in the downtown.

### CHOOSING HEALTHY DESIGN FEATURES

Developers can also contribute to healthy communities by adding active design and wellness features and services to their developments. For example, to support physical activity as well as social interaction, developers could consider including fitness centers with exercise equipment, an interconnected network of sidewalks and trails, protected bike lanes, and community gardens. In addition, developers could offer wellness seminars and fitness classes as part of their communities’ programming.

Developers can also partner with other organizations to promote health. Lack of access to healthy food, which is correlated with higher rates of type 2 diabetes and obesity, is a major concern for communities across the nation. According to Simpson, one way developers can ensure that residents have access to healthy food options is to partner with grocery stores and include them in developments.

The full article can be found by clicking [HERE](#).

### JUSTICE DEPARTMENT INITIATIVE

*(cont. from pg.2)*

The announcement comes on the heels of the Department’s successful resolution of two sexual harassment cases in Kansas City, Kansas, and Grand Rapids, Michigan. Since January of this year, the Civil Rights Division has filed or settled five cases and recovered over \$1 million for victims of sexual harassment in housing. In the Kansas City case, the Justice Department recovered \$360,000 for 14 female residents and applicants of a housing authority who were subjected to unwanted sexual conduct. The Department’s complaint alleged in part that an employee of the housing authority subjected women to unwanted sexual conduct as a condition for favorable hearing decisions, including asking them sexual questions, showing pornographic pictures and videos, making explicit sexual comments, and exposing himself.

“No woman should be made to feel unsafe in her own home,” said Acting Assistant Attorney General John M. Gore of the Justice Department’s Civil Rights Division in announcing the initiative. “The Justice Department is committed to vigorously enforcing the Fair Housing Act’s ban on sexual harassment and is looking forward to working closely with state and local partners to combat this problem.”