

FAIR HOUSING NEWS

QUARTERLY NEWSLETTER FOCUSING ON FAIR HOUSING ISSUES

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THIS ISSUE

SEXUAL HARASSMENT IN HOUSING P.1
RECENT DEVELOPMENTS P.2
REASONABLE MODIFICATIONS P.3

HUD JOINS JUSTICE DEPARTMENT IN COMBATTING SEXUAL HARASSMENT IN HOUSING

In recognition of the 50th Anniversary of the Fair Housing Act, Secretary Carson and Attorney General Jeff Sessions of the U.S. Department of Housing and Urban Development (HUD) and the Department of Justice announced the nationwide rollout of an initiative aimed at increasing awareness and reporting of sexual harassment in housing. The announcement includes an interagency task force between the Department of Housing and Urban Development and the Justice Department to combat sexual harassment in housing, an outreach toolkit, and a public awareness campaign. This three-pronged approach will strengthen the Department's efforts to combat sexual harassment in housing.

"All discrimination stains the very fabric of our nation, but HUD is especially focused on protecting the right of everyone to feel safe and secure in their homes, free from unwanted sexual harassment," said Secretary Ben Carson. "No person should have to tolerate unwanted sexual advances in order to keep a roof over his or her head. Part of our mission at HUD is to provide safe housing and we will remain diligent in this mission to protect those we serve. I look forward to working with Attorney General Sessions and the Department of Justice as part of this task force to bring an end to this type of discrimination."

Continued on Page 4

Recent Developments

FLORIDA HOUSING PROVIDER AGREES TO PAY WOMAN \$100,000, SETTLING CLAIMS OF SEXUAL HARASSMENT

The U.S. Department of Housing and Urban Development (HUD) recently announced that it has approved a Conciliation Agreement between Area Housing Commission, a public housing authority in Pensacola, Florida, and a female resident resolving allegations that one of its maintenance workers sexually harassed the woman. The agreement also settles allegations that the Commission retaliated against the woman when she reported the alleged sexual harassment.

"When people think of home, they think about safety, security, a place to create lasting memories - not about being subjected to unwanted sexual advances or degrading treatment," said Anna María Farías, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "No one should have to suffer the humiliation and fear sexual harassment causes in order to keep a roof over her head, and HUD is committed to taking action to address it whenever and wherever it occurs."

The case came to HUD's attention when the woman filed a complaint alleging that one of Area Housing Commission's maintenance workers subjected her to a severe incident of sexual harassment. The woman's complaint further alleged that after she reported the incident to Commission authorities, they retaliated against her.

Under the terms of the agreement, Area Housing Commission will pay the woman \$100,000, move her to a three-bedroom apartment once an appropriate unit becomes available, and provide her with a parking space close to her unit. In addition, the Commission will ensure that a female employee is in the woman's apartment anytime maintenance work is being performed, create a policy prohibiting sexual harassment of applicants, tenants and voucher holders, establish a formal sexual harassment complaint procedure, and provide sexual harassment training for employees.

To view the full agreement [CLICK HERE](#).

HUD CHARGES SOUTH DAKOTA HOMEOWNERS, PROPERTY MANAGEMENT COMPANY WITH DISCRIMINATING AGAINST FAMILY WITH CHILD

The U.S. Department of Housing and Urban Development (HUD) recently announced that it has charged the owners of an apartment complex in Sioux Falls, South Dakota, and their property management company with housing discrimination for refusing to let a couple and their newborn baby stay in their one-bedroom apartment because of the owners' occupancy policies.

"Occupancy policies that exclude families with children or make it harder for them to obtain housing are unlawful and have no place in today's often tight housing markets," said Anna María Farías, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "We will continue to take action when housing providers employ practices that violate the nation's housing laws."

"Housing discrimination because of familial status has long been prohibited in this country," said Paul Compton, HUD's General Counsel. "HUD will continue to vigorously enforce the Fair Housing Act to advocate for families with children, and other protected classes, who are treated unjustly in violation of the law."

HUD's charge alleges that the owners of The Village at Three Fountains refused to allow a couple living in a one-bedroom unit to remain in their home after they had a baby.

Shortly after the new baby arrived, the mother asked representatives of the property management company how long two adults could live in a one-bedroom unit with an infant and was told that since there were three occupying the apartment, they would have to move to a two-bedroom unit. Though the owners and property management company asserted that their two-person-per-bedroom occupancy policy was required by the Sioux Falls City occupancy code, HUD's charge alleges that the City Code is in fact more flexible than owners' policy, as it allows for the consideration of additional areas beyond bedrooms that may be considered for sleeping and occupancy purposes. After being denied the opportunity to remain in their unit, the couple and their baby moved to another complex.

To view the full charge [CLICK HERE](#).



JUSTICE DEPARTMENT OBTAINS \$410,000 SETTLEMENT OF HOUSING DISCRIMINATION SUIT

The Justice Department recently announced that it settled a lawsuit against the Village of Tinley Park, Illinois, a suburb of Chicago, alleging that it violated the Fair Housing Act when it refused to approve a low-income housing development in response to race-based community opposition.

The suit, filed in U.S. District Court in Chicago, Illinois, alleged that the Village of Tinley Park discriminated against prospective tenants of a proposed development when it refused to approve the project, despite the Tinley Park Planning Department's finding that the project was in "precise conformance" with the applicable building requirements. Under Tinley Park's zoning ordinances, Tinley Park's Plan Commission should have approved the project and allowed construction to begin. Instead, the lawsuit alleged that in response to race-based community opposition, Tinley Park trustees requested the Plan Commission table consideration of the project. The Plan Commission did so, stalling the project indefinitely.

Under the settlement, the Village will pay a total of \$360,000 in monetary damages to the Village's former planning director who was placed on leave because of her support for the project, as well as a \$50,000 civil penalty to the United States. In addition, the Village will also take a number of actions to guard against further housing discrimination, including training elected officials and individuals involved in the planning process, developing a fair housing policy, and hiring a fair housing compliance officer. The developer of the property reached a separate settlement with the Village in April 2017.

To view the full settlement agreement [CLICK HERE](#).



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 fhlaw.org.

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.

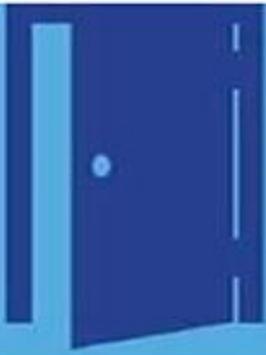
Please contact us at 877-725-4472 or online at fhlaw.org

Education Solutions for Non-Profits

Does your agency need Fair Housing

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 the Fair Housing Law Center at 877-725-4472.





You should never
have to choose
between housing
and sexual
harassment.

COMBATTING SEXUAL HARASSMENT IN HOUSING

(cont. from pg.1)

"Sexual harassment in housing is illegal, immoral, and unacceptable," said Attorney General Sessions. "It is all too common today, as too many landlords, managers, and their employees attempt to prey on vulnerable women. We will not hesitate to pursue these predators and enforce the law. In October, I ordered a new initiative to bring more of these cases, and we have already won relief for 15 victims. Today we announce three new steps to make the initiative more effective and to win more cases. I want to thank the dedicated and committed professionals in our Civil Rights Division and our partners in the Department of Housing and Urban Development for their hard work in this effort. We will continue to aggressively pursue harassers, because everyone has a right to be safe in their home."

In October 2017, the Justice Department announced an initiative to combat sexual harassment in housing and launched pilot programs in D.C. and the Western District of Virginia. The initiative sought 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. During the pilots, the Department developed and tested ways to better connect both with victims of sexual harassment in housing and with those organizations that victims may turn to first for help - including law enforcement, legal services providers, public housing authorities, sexual assault services providers, and shelters. The Department also tested certain aspects of the initiative in other jurisdictions, including New Jersey, the Central District of California, Massachusetts, Vermont, and Michigan.

The two pilot programs generated an upswing in harassment reporting to the Department from both D.C. and the Western District of Virginia. In D.C., the Department generated six leads since the October 2017 launch. In Virginia, the Department generated three leads. While the Justice Department recognizes that leads and investigations do not always lead to enforcement actions, the pilot program's results-when extrapolated across all the U.S. Attorney's Offices across the country-could lead to hundreds of new reports of sexual harassment in housing across the country.

Because of these promising results, the Department is rolling out three major components to the Initiative.

First, the new HUD-DOJ Task Force to Combat Sexual Harassment in Housing will drive a shared strategy between the Department and HUD for combatting sexual harassment in housing across the country. It will focus on five key areas: continued data sharing and analysis, joint development of training, evaluation of public housing complaint mechanisms, coordination of public outreach and press strategy, and review of federal policies.

Second, the outreach toolkit is designed to leverage the HUD and Justice Department's nationwide network of U.S. Attorney's Offices. The toolkit provides templates, guidance, and checklists based on pilot program feedback. It ultimately will amplify available enforcement resources and help victims of sexual harassment connect with the Department.

Third, the public awareness campaign has three major components: a partnership package with relevant stakeholders, launch of a social media campaign, and Public Service Announcements (PSAs) run by the Executive Office of U.S. Attorneys. The campaign is specifically designed to raise awareness, and make it easier for victims all over the country to find resources and report harassment.

HUD AND DOJ LAUNCH PUBLIC AWARENESS CAMPAIGN AGAINST

HUD and DOJ recently released a public service announcement (PSA) to raise awareness of housing-related sexual harassment and to reach persons who are victimized by it. To enhance the effectiveness of the campaign, HUD enlisted the assistance of victims to share their experiences and help convey the message that sexual harassment in housing is against the law.

The 60-second PSA features three victims of sexual harassment who challenged their mistreatment in lawsuits brought by HUD under the *Fair Housing Act*. These women share their stories of abuse and the impact the experience they had on their lives.

Stephanie is one victim featured in the video, describing her experience with a landlord who threatened to evict her if she didn't have sex with him. "It was something that I didn't want to do but I had to do it. I didn't know I had a choice at that time, but now that I do, I want other people to know that they do. I want other women to know that they don't have to take this. This is just uncalled for. It's unspeakable."

"A person's home is where they should feel the safest, not to live in fear of being subjected to sexual harassment," said Anna Maria Farias, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "This campaign will let the public know that they have help should they find themselves a victim of this type of behavior. The Justice Department and HUD are committed to working together to address the problem and protect their housing rights."

"Unfortunately, there are still too many landlords and managers who attempt to prey on vulnerable individuals. The launch of the nationwide PSAs is an important step in proliferating the stories of brave women and men across the country in order to raise awareness and help other victims," said John Gore, Acting Assistant Attorney General of the Civil Rights Division. "Our goal at the Justice Department is to make more people aware that no one should have to choose between a home and the right to be free from sexual harassment."

[CLICK HERE](#) to watch the PSA