



Fall 2006

Fair Housing News

Fair Housing: It's Not an Option, It's the Law!



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Our Mission

To create equal housing opportunities for all persons in America by administering laws that prohibit discrimination in housing on the basis of race, color, religion, sex, national origin, disability, and familial status.

HUD Meets with Chinese Media to Talk About Fair Housing

On September 25, 2006, Assistant Secretary Kim Kendrick and Asian Americans for Equality (AAFE) held a press conference to reach out to the Chinese population in New York City with information on fair housing. AAFE is a nonprofit social service provider that received a grant from HUD's Fair Housing Initiatives Program (FHIP) to conduct fair housing education and outreach in New York City.

As part of the press conference, Assistant Secretary Kendrick participated in interviews with four Chinese newspapers, two Chinese television stations, and a Chinese radio station. Assistant Secretary Kendrick used the interviews to talk about the fair housing rights provided under the Fair Housing Act and the assistance HUD provides to victims of housing discrimination. In particular, she emphasized that the Fair Housing Act protects all individuals from housing discrimination, regardless of immigrant status. She also expressed concern that new immigrants often fail to report housing discrimination because they fear retaliation and urged immigrants to seek fair housing assistance from HUD or private groups, such as AAFE.



Assistant Secretary Kim Kendrick and Jay Golden, Director of HUD's Region IV FHEO Office in New York, New York, Meet with Representatives From Asian Americans for Equality.

Following the press conference, Assistant Secretary Kendrick toured Chinatown so that she could learn how the area was affected by the attack of September 11, 2001. In particular, she spoke with the owners of three businesses in Chinatown - a hair salon, a clothing store, and a pharmacy - to hear how they were affected by September 11, 2001.

Throughout her tour, Assistant Secretary Kendrick informed Chinatown residents of the fair housing, housing counseling, and other services that HUD provides through local groups, such as AAFE.

HUD Awards Over \$18 Million for Fair Housing Enforcement and Education

On October 2, 2006, HUD announced that it awarded \$18.1 million in grants to 102 groups in 85 cities throughout the nation to help reduce housing discrimination.

The grants, funded through HUD's Fair Housing Initiatives Program, will be used to investigate allegations of housing discrimination, educate the public and the housing industry about their rights and responsibilities under the Fair Housing Act, and promote equal housing opportunities.

HUD awarded a total of \$13.9 million to private, tax-exempt fair housing organizations to support the investigation of alleged violations of the Fair Housing Act and substantially equivalent state and local fair housing laws. In addition, HUD awarded a sum of \$4.2 million to groups that conduct fair housing education and outreach activities.

For a list of grant recipients, go to <http://www.hud.gov/fairhousing>.

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HUD Charges New Jersey Cooperative with Violating the Fair Housing Act

On September 20, 2006, HUD charged a New Jersey cooperative, 2000 Linwood Avenue Owners, Inc., and its property manager, Rita Neary, with violating the Fair Housing Act for refusing to provide a disabled resident with an accessible parking space.

The charge alleges that in June 2002, Robert Dublirer purchased a unit at Mediterranean Towers South, a private apartment complex in Fort Lee, New Jersey. Dublirer is physically disabled and uses forearm crutches to assist him with his disability. At the time of purchase, Dublirer informed the board members of the cooperative that he would need an accessible parking space. The board told him that the complex did not have designated accessible parking spaces, but had what they called preferential parking.

When Dublirer spoke to property manager Rita Neary about the preferential parking, she told him that he would be assigned a regular parking space and placed on a list for preferential parking. Neary also told Dublirer that he could use the

valet service while he waited for preferential parking. However, Dublirer found the valet service did not meet his need for an accessible parking space because it was further away from most assigned parking and would require him to walk up more than a flight of stairs.

The President of the Board allegedly told Dublirer to get a motorized scooter or wheelchair to get inside the building.

HUD's investigation found that when Dublirer reiterated his request for an accessible parking space to the President of the Board, David Hochstadt, he was informed that no additional accommodations could be made for him. Hochstadt allegedly told Dublirer that he should get a motorized scooter or wheelchair to get inside the building. Dublirer told Hochstadt that he felt there was no other recourse but to file a discrimination complaint with HUD and Hochstadt allegedly told him, "You don't want to do that."

During the winter of 2003, Dublirer had problems using his forearm crutches due to the weather and lack of



snow removal from the outdoor garage parking spaces where he was assigned. He fell several times in the parking lot as he attempted to gain entry to the building and sustained bruises and hematomas. In January 2004, he was diagnosed with a shoulder injury attributed to stress from extensive use of his crutches.

The charges will be heard before an Administrative Law Judge unless either party elects to have the case heard in federal district court.

Did You Know?

On October 11, 2006, President Bush signed a proclamation declaring October 15, 2006, as "White Cane Safety Day."

HUD Reaches \$500,000 Settlement with Mortgage Company

On September 25, 2006, HUD announced that it has negotiated a settlement for \$500,000 with SouthStar Funding LLC, to resolve allegations of discrimination against African Americans and Hispanics in mortgage lending. This agreement resolves a complaint filed in March 2006 by the National Community Reinvestment Coalition (NCRC) alleging that SouthStar Funding LLC discriminated against African Americans and Hispanics by refusing to make loans on any row house valued at less than \$100,000 and on all row houses in Baltimore.

NCRC contended that these policies discriminated against African Americans and Hispanics because row houses valued under \$100,000

are more heavily concentrated in African-American and Hispanic neighborhoods and approximately two-thirds of Baltimore's row houses are located in those areas.

HUD investigated the complaint and, as required by the Fair Housing Act, attempted conciliation. As part of the conciliation agreement, SouthStar Funding LLC, among other things, agreed to pay NCRC \$500,000; discontinue using property type to exclude borrowers trying to purchase row houses; no longer use a minimum property value as an absolute bar to the making of any loan; change its underwriting guidelines so that loans secured by row houses have the same underwriting criteria as loans



secured by town houses and condominiums; institute a "second-review" procedure for all denied loan applications to ensure SouthStar processes all mortgage loan applications without discrimination; advertise its loan products to media that serve the general public, as well as media targeted to African-American and Hispanic communities; and educate its employees about its anti-discrimination policy.

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Lafayette Housing Authority Agrees to Make Changes in Accordance with Fair Housing Requirements

On August 21, 2006, the Housing Authority of the City of Lafayette, Louisiana, (HACL) signed a voluntary compliance agreement (VCA) in which it commits to making changes in its housing and non-housing programs in accordance with fair housing requirements.

The VCA resolves preliminary findings of non-compliance made by HUD during its review of HACL. In December 2005, HUD reviewed HACL to determine its compliance with Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Among other things, those laws prohibit recipients of federal financial assistance from discriminating based on race, color, national origin, or disability.

HACL owns, operates, or controls a public housing program consisting of housing and non-housing programs that include, common entrances and areas, management offices, and day care facilities.

HACL Agrees to Make 29 of Its Units Fully Accessible to Persons with Disabilities.

HUD reviewed HACL's programs, services, and activities, including its application and admissions process; tenant selection and assignment; maintenance services; designated accessible housing units and common areas; and housing and non-housing programs and activities. HUD's review identified deficiencies related to the physical accessibility of

the common areas and individual housing units, as well as deficiencies in HACL's record-keeping and current policies and procedures.

As part of the VCA, HACL agrees to take corrective action, including hiring a VCA administrator and a Section 504/ADA coordinator; making common areas such as laundry rooms, recreation areas, and day care facilities accessible to persons with disabilities; making 29 of its units accessible to persons with disabilities; and adopting admissions, occupancy, and transfer policies that ensure that persons with disabilities reside in accessible units.

The VCA can be viewed by clicking on the Library link at <http://www.hud.gov/fairhousing>.

Assistant Secretary Kendrick Joins NAACP and NAHB in Highlighting the Importance of Homeownership

On August 30, 2006, Assistant Secretary Kim Kendrick joined the National Association for the Advancement of Colored People (NAACP) and the National Association of Home Builders (NAHB) to announce the release of a report by NAACP and NAHB on the state of minority housing.

The report, "Building on a Dream," examines barriers to homeownership and proposes a series of steps for improving housing opportunities for racial and ethnic minorities.

The report concludes that the main barriers to minority homeownership are the lack of affordable housing and racial discrimination. The report makes several recommendations for removing those barriers such as increasing federal, state, and local enforcement of fair housing laws and establishing more stringent federal laws and regulations against predatory lending.



Left to Right: David Pressley, NAHB, Kim Kendrick, HUD, Bruce Gordon, NAACP, Jerry Howard, NAHB

To address those barriers, Assistant Secretary Kendrick pledged to continue aggressively enforcing federal fair housing laws. She also talked about how the changes to the Federal Housing Administration proposed under the Expanding American Homeownership Act would make it easier for individuals to become homeowners.

HUD Says Internet Advertising is Subject to Fair Housing Act

On September 20, 2006, HUD stated in guidance issued to its fair housing regional directors that the Department has concluded that it is illegal for Web sites to publish discriminatory advertisements.

The Fair Housing Act makes it illegal for advertising media, including newspapers, magazines, television, radio, and the Internet "to make, print, or publish, or cause to be made, printed, or published, any notice or statement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, sex, disability, or familial status."

The guidance was issued in response to the assertion of some Web sites that they are exempt from liability under the Fair Housing Act

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HUD's Office of Fair Housing and Equal Opportunity

451 7th Street, SW
Washington, DC 20410

Individuals may report housing discrimination to HUD by calling

1-800-669-9777 (Voice)
1-800-927-9275 (TTY)

or by completing a form at

www.hud.gov/fairhousing



First Group of Investigators Complete National Fair Housing Training Academy's 5-Week Course

On September 15, 2006, 17 investigators from Fair Housing Assistance Program (FHAP) agencies completed the National Fair Housing Training Academy's 5-week course.

Assistant Secretary Kim Kendrick presented the class with certificates of completion. Training Academy Director Beverly Watts and the HUD Office of Fair Housing's Deputy Assistant Secretary for Operations and Management Karen Newton also participated in the ceremony.

As part of the 5-week training, the investigators received instruction on topics such as fair housing law, ethics, investigation techniques, data analysis, and negotiation skills.

HUD opened the Training Academy in 2004 to provide training for the over 500 full-time investigators employed by the over 100 FHAP agencies in 36 states and the District of Columbia.



The first class of investigators to complete the National Fair Housing Training Academy's 5-week course

The training was designed to equip investigators with skills necessary to conduct thorough and timely investigations and to ensure consistency among FHAP agencies

The National Fair Housing Training Academy is located at the main campus of Howard University in Washington, D.C.

HUD Certifies Canton Fair Housing Commission to Investigate Housing Discrimination Complaints

In August 2006, HUD admitted the City of Canton Fair Housing Commission to the Fair Housing Assistance Program (FHAP). As a FHAP agency, the Commission will receive HUD reimbursement for investigating housing discrimination complaints filed within its jurisdiction. In addition, the Commission will be eligible to receive HUD funding to build its capacity.

In order to participate in FHAP, a jurisdiction must enact a fair housing law that provides rights, remedies, procedures, and opportunities for judicial review that are substantially equivalent to those provided by the federal Fair Housing Act.

Canton is the fifth jurisdiction in Ohio to be certified as enforcing a law that is substantially equivalent to the federal Fair Housing Act.



Additionally, the State of Ohio is certified as a FHAP agency.

Canton residents may file a complaint with the Commission if they believe they have experienced housing discrimination. For more information on how a state or locality can participate in the FHAP or to find a FHAP agency in your state, go to the Partners page on HUD's fair housing Web site at <http://www.hud.gov/fairhousing>.

Advertising (continued from page 1)

because of a provision in the Communications Decency Act (CDA), which limits the liability of interactive computer services for content originating with a third party user of the service. Although the CDA does not state an intent to limit liability under the Fair Housing Act or other civil rights statutes, some believe that Section 230 of the CDA gives Internet publishers immunity from lawsuits brought under federal and state civil rights statutes.

In its guidance, HUD concludes that the CDA does not make Web sites immune from liability under the Fair Housing Act or from liability under state and local laws that HUD has certified as substantially equivalent to the Fair Housing Act. HUD also pledges to continue to investigate allegations that Web sites have published discriminatory ads on the Internet.