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## Message From the Assistant Secretary

It is with great excitement that I begin my tenure as Assistant Secretary for Fair Housing and Equal Opportunity. I look forward to guiding HUD's efforts to protect the right of every American to obtain the housing of their choice.

Central to the accomplishment of this mission is the active enforcement of the Fair Housing Act and the other federal laws that prohibit housing discrimination. I am dedicated to conducting timely and thorough investigations, and taking action against anyone who has violated the law.

These are challenging times. Hurricanes Katrina, Rita, and Wilma displaced thousands of families, many of whom are still looking for permanent housing. I have sent a letter to housing industry associations reminding them that the Fair Housing Act prohibits denying anyone an equal housing opportunity because



**Assistant Secretary Kim Kendrick**

of race, color, religion, national origin, sex, familial status or disability. I look forward to helping ensure that these families have equal access to the housing opportunities they need to rebuild their lives.

I also hope to raise the profile on several other significant barriers in housing, such as ongoing discrimination in mortgage lending and the challenges people with disabilities face.

While the homeownership rate is at an all-time high for all Americans, some have yet to realize the American dream because of unfair obstacles. There are several contributing factors, including lending discrimination. In addition, the design and construction of many new multifamily buildings leave many people with disabilities stranded at the threshold, when developers and architects fail to consider accessibility when housing developments are designed. I want to make sure that housing in both the federally-assisted and private market is available and accessible to people with disabilities.

Finally, enforcement works best when people know their rights. In the coming months we will do even more to inform the public of their rights and what to do if they believe their rights have been violated.

I invite each of you to join me in working to open the doors of opportunity to every resident of this great nation.

## HUD Says Senior Developments May House Katrina and Rita Evacuees

Housing providers can now house evacuees from Hurricanes Katrina and Rita who are under the age of 55 and continue to qualify for the Fair Housing Act's "housing for older persons" exemption thanks to recently-issued HUD guidance.

HUD issued its guidance in response to inquiries it received in the weeks following Hurricanes Katrina and Rita from managers and residents of "55 and over" communities that would like to make housing available to those displaced by the devastating hurricanes, but

not lose their privilege to otherwise restrict the housing to older persons.

The Fair Housing Amendments Act of 1988 (the Act), amended by the Housing for Older Persons

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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 and DOJ Hold Accessible Housing Construction Training Sessions in Gulf Coast Region

On November 16, 2005, in Gulfport, Mississippi, and November 18, 2005, in Baton Rouge, Louisiana, HUD and the Department of Justice provided training to approximately 60 architects, builders, state code officials, FEMA representatives, and others on the design and construction requirements of the Fair Housing Act and Section 504 of the Rehabilitation Act.

The purpose of the training sessions was to ensure that apartments and condominiums that were destroyed by Hurricanes Katrina and Rita are rebuilt with legally-required accessibility features.

HUD contracted with BearingPoint to conduct training on the Fair Housing Act, while DOJ provided training on Section 504.

BearingPoint has been conducting training on the accessibility requirements of the Fair Housing Act since January 2003 through the Fair Housing Accessibility FIRST program. The FIRST program consists of training events, a Web site, and a technical guidance hotline. The FIRST training curriculum provides information on the Fair Housing Act and other laws that require housing accessibility, and guidance on designing and constructing accessible routes, kitchens, bathrooms, and public and common-use areas.

HUD has invested over \$5 million in the FIRST program, which has trained over 3,500 individuals nationwide.

HUD is working with DOJ, the



For information on Fair Housing Accessibility FIRST visit [www.fairhousingfirst.org](http://www.fairhousingfirst.org) or call 1-888-341-7781

Department of Homeland Security, and the Architectural and Transportation Barriers Compliance Board to schedule additional training sessions in hurricane-damaged areas.

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### HUD Commends California Agency for \$1 Million Settlement in Disability Discrimination Lawsuit

On November 14, 2005, HUD commended California's Department of Fair Employment and Housing (DFEH) for winning a \$1 million disability discrimination settlement against a San Francisco landlord who refused a tenant's request for an accessible parking space. DFEH is one of 103 state and local agencies nationwide whom HUD funds under the Fair Housing Assistance Program (FHAP).

In the lawsuit, in San Francisco County Superior Court, DFEH contended that in May 2000 the owners of a San Francisco apartment building violated the state fair housing law by not affording Shirley Carper, a tenant of 24 years, an accessible parking space and

extra keys for her live-in caregiver. Despite repeated requests, instead of receiving a better parking space, Carper received disturbing letters from the building's owners questioning her ailment.

"I just became almost like a prisoner in my apartment because coming and going without one of my adult children here to help me was impossible," said Carper.

After the landlord initially denied Ms. Carper's requests, Ms. Carper sought help from Project Sentinel, a private fair housing group that HUD funds under the Fair Housing Initiatives Program (FHIP). Project Sentinel intervened with the landlord on Carper's behalf. After no success,

Project Sentinel assisted Ms. Carper in filing a complaint with HUD in July 2002. HUD immediately referred the matter to DFEH for investigation under the State of California's fair housing law, which HUD has certified as providing rights, remedies, and judicial review provisions that are substantially equivalent to the federal Fair Housing Act.

The DFEH's Superior Court settlement, in addition to providing \$1 million in compensatory damages and an upper level parking space for Ms. Carper, provided \$2,650.00 to Project Sentinel to compensate the organization for resources the organization expended assisting Ms. Carper.

## Fiscal Year 2005-Year in Review

HUD and FHAP agencies continued to receive a record-high levels of complaints in FY 2005. HUD and state and local agencies witnessed a 13 percent increase in complaints in 2004, ending that fiscal year with 9,187 complaints. In FY 2005, the agencies received roughly the same number of complaints, a combined 9,254 housing discrimination complaints, with FHAP agencies investigating over 70 percent of those complaints. Disability cases, for the first time, surpassed race discrimination complaints as the most common allegation in HUD and FHAP complaints. Disability discrimination complaints accounted for about 41 percent of the complaints received by agencies.

In FY 2005, HUD issued the fourth phase of its Housing Discrimination Study—*Discrimination Against Persons with Disabilities: Barriers At Every Step*. The study found that hearing-impaired people experienced consistent adverse treatment 49.5 percent of the time when using a telephone-operator

relay to search for rental housing. Mobility-impaired people using wheelchairs experienced consistent adverse treatment 32.3 percent of the time when they visited rental properties. This study and its accompanying testing guidebook will help target future enforcement and education activities.

In FY 2005, HUD expanded its network of fair housing enforcement agencies by admitting the Geneva (New York) Human Rights Commission and the City of North Olmsted (Ohio) Department of Law to the Fair Housing Assistance Program (FHAP). HUD now has 103 FHAP agencies in 36 states and the District of Columbia.

HUD also awarded \$18.04 million to 104 public and private nonprofit organizations in 37 states and the District of Columbia to continue providing enforcement, education, and outreach activities under the Fair Housing Initiatives Program. Organizations that received grants this past year conducted 405 education and outreach events that

reached over 500,000 people, in addition to providing vital community-based enforcement services, such as complaint intake, investigation, and mediation.

Hurricanes Katrina, Rita, and Wilma displaced thousands in the fall of 2005. HUD is working with FHAP agencies and FHIP recipients in the Gulf Coast region, and throughout the country, to inform people of their fair housing rights and to take enforcement action when there is evidence of unlawful discrimination. HUD staff also took to the airwaves, visited shelters, posted billboards, and launched a nationwide ad campaign to get the word out about housing discrimination and people's rights.

Making sure evacuees from hurricanes Katrina and Rita have fair housing choice and that reconstructed communities are accessible to people with disabilities will remain a major focus of the fair housing programs in FY 2006.

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Act of 1995, exempts certain communities from the Act's prohibition against familial status discrimination, provided they demonstrate their intent to provide "housing for older persons." For a community or facility to qualify for the "housing for older persons" exemption, the Act requires, among other things, that 80 percent of all occupied households be occupied by at least one person 55 years of age or older. The Department does not count unoccupied units and units occupied by caretakers and maintenance workers when evaluating whether an elderly housing development meets the 80 percent threshold. HUD's new

guidance states that evacuees of these two hurricanes would receive similar consideration.

The Department interprets the Fair Housing Act's "housing for older persons" exemption as broad enough to allow "housing for older persons" developments, in the wake of these episodes, to admit evacuees under the age of 55 and not count them toward the 80 percent and 20 percent calculations, so long as the housing provider admits evacuees regardless of familial status. Providers of housing for older persons, like all housing providers, must not discriminate on the basis of race, color, religion, sex, national origin, and disability. For purposes of evaluating the

thresholds, HUD will exclude evacuee households from that calculus and treat them similarly to caretakers and maintenance workers.

Questions and answers on implementing this policy are available at <http://www.hud.gov/fairhousing>.

**SAVE THE DATE**

**Fair Housing Policy  
Conference  
June 27-29, 2006  
Anaheim, California**

## **HUD Office of Fair Housing and Equal Opportunity**

**451 7<sup>th</sup> Street, SW  
Washington, DC  
20410**

**If you feel your housing rights have been violated, you can file a fair housing complaint by:**

**Calling: 1-800-669-9777  
TTY: 1-800-927-9275**

**OR**

**Complete an online form at:**

**[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)**



## **HUD Launches Fair Housing Ads to Educate Hurricane Evacuees**

HUD has awarded \$300,000 to the New York State Human Rights Commission to work with the Advertising Council in developing a national media campaign to educate evacuees from Hurricanes Katrina and Rita on their fair housing rights. The Ad Council has engaged the creative team of Lowe Worldwide to produce the ads. The campaign will consist of television, radio, and print advertisements. HUD and its partners will launch the advertisements in late December.

## **HUD Urges the Housing Industry to Treat Evacuees Fairly**

On October 25, 2005, Assistant Secretary Kim Kendrick issued a letter to the housing industry in response to reports that some evacuees are being unfairly denied housing opportunities. The letter reminds housing providers that it is unlawful to deny an individual access to housing because of their race, color, national origin, religion, sex, familial status, or disability. The letter also promises swift action from HUD if there is evidence that any landlord or property manager has refused someone housing on one of these grounds. The letter can be viewed at <http://www.hud.gov/fairhousing>.

## **Veteran Civil Rights Advocate Passes**

Pamela Davis, Executive Director of the HUD-funded Gulf Coast Fair Housing Center (GCFHC), passed away suddenly on November 26, 2005. Davis was an advocate and a voice for children, the elderly, and the underprivileged. She demonstrated this in her life exceedingly, and exceptionally well. Prior to joining GCFHC, Davis represented people with disabilities and senior citizens as a managing attorney with the Advocacy Center in New Orleans. Davis also served as a partner for the Justice For All Law Center in Gretna, Louisiana. HUD extends its condolences to her family and the staff of GCFHC.

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