

OUTLINE

SUBSTANTIAL EQUIVALENCY WORKSHOP 2004 HUD NATIONAL FAIR HOUSING CONFERENCE

- I. Sec. 3610(f) of Title VIII of the Civil Rights Act, as amended, establishes the statutory basis for substantial equivalency relationship between HUD and state or local public agencies.
- II. HUD rules Sec. 115.1 through 115.11 detail requirements for implementing the substantial equivalency relationship between HUD and state or local public agencies.
- III. Key elements under Sec. 3.610(f) to be certified by HUD as substantially equivalent.
 - A. Substantive rights protected. (Covered classes and comparable prohibitions).
 - B. Administrative procedures that comply with Sec. 3610(f), HUD substantial equivalency rules and HUD procedures.
 - C. Comparable remedies for victims of housing discrimination. (McCloud will give details on remedies.)
 - D. Judicial review that is substantially equivalent to the 1988 amendments to Title VIII.
- IV. Use HUD substantial equivalency rules Sec. 115.202 as guidance for drafting state or local fair housing law as best source.
- *V. Summary of major provisions of state and local laws necessary to be certified as substantially equivalent. (McCloud will cover working with attorney to draft fair housing law)
 - A. Administrative provisions
 - 1. Rules
 - 2. Delegation of authority
 - 3. Reports and studies
 - 4. Subpoenas
 - 5. Gifts and grants
 - B. Discrimination prohibited

1. Sales and rentals
 2. Publications
 3. Inspections
 4. Handicaps
 5. Residential real estate transactions
 6. Brokerage services
- C. Administrative enforcement
1. Complaint
 2. Investigation
 3. Additional or substitute respondents
 4. Conciliation
 5. Temporary or preliminary relief
 6. Investigative report
 7. Reasonable cause determination
 8. Charge
 9. Dismissal
 10. Pending civil trial
 11. Election of judicial determination
 12. Attorney General or City /County Attorney action for enforcement
 13. Administrative hearings
 14. Administrative penalties
 15. Effect of Commission order
- D. Enforcement by private persons
- E. Enforcement by Attorney General or city or county attorney – pattern and practice cases
- F. Criminal penalty
- G. Prevention of intimidation
- VI. Political considerations in passing a substantially equivalent fair housing law.
- A. Ideological considerations
1. States rights
 2. Local control
- B. Proponents
1. Industry representatives (apartment association)
 2. Advocacy organizations
 3. Elected officials (Bi-partisan sponsors)

- C. Manipulation of opponents (Texas experience with anti-sexual orientation)
- VII. Benefits of substantial equivalency (McCloud will cover this section)
 - A. Authority to ensure fair housing compliance
 - B. Economic benefit (money cow)
- VIII. Establishing effective partnerships
 - A. Networking with fair housing organizations and advocacy groups
 - B. Networking with government entities and the housing industry
- IX. Power of fair housing laws (East Texas experience)
 - A. Court order to desegregate public housing
 - B. Joint venture (TCHR, HUD and NAACP)
 - C. KKK opposition