FAIR HOUSING AND EQUAL OPPORTUNITY
FAIR HOUSING INITIATIVES PROGRAM
2012 Summary Statement and Initiatives
(Dollars in Thousands)

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\textsuperscript{a/} Fiscal year 2010 includes up to $425 thousand that was transferred to the Transformation Initiative. Fiscal year 2011 CR includes up to $425 thousand that may be transferred to the Transformation Initiative.

\textsuperscript{b/} Excludes $1 thousand in expired funds.

Summary Statement

This Budget reflects Department’s commitment to fair housing and provide resources to continue those fair housing initiatives that were started in fiscal year 2010. The $42.5 million request will allow continued support for multi-year enforcement projects and will enable the Department to fund new efforts by public and private organizations working together in a more targeted and coordinated manner on systemic cases. The fiscal year 2012 Budget request is $42.5 million, the same as fiscal year 2010 enacted level.

The Fair Housing Initiatives Program (FHIP) is the only Federal grant program within the Federal Government whose primary purpose is to support private partnerships in preventing and overcoming housing discrimination. FHIP funds support the efforts of private non-profit organizations that educate the public about fair housing rights and conduct private enforcement of the Fair Housing Act. Enforcement work and testing by FHIP organizations significantly strengthen complaints filed with the Department and Fair Housing Assistance Program (FHAP) agencies--cases filed by FHIP grantees are seven times more likely to result in finding of discrimination than other cases.

Through FHIP, the Department will assist fair housing enforcement and education efforts of non-profit fair housing organizations. In fiscal year 2012, the Department will continue to protect the public from lending schemes that prey upon minority homeowners and from policies that treat minority homeowners differently than others. This includes enhancing the work of fair housing organizations by providing additional funding to combat discriminatory mortgage abuses and to educate the public on lending discrimination and mortgage refinance schemes. This would be made possible by providing workshops, presentations, public service announcements, pamphlets and a nationwide campaign to provide fair housing education to housing counselors.
Overall, the major features of this request are:

- **$32.5 million for General Fair Housing Initiatives Program Activities:**
  - General Private Enforcement Initiative (PEI) - $25.3 million ($3.8 million increase);  
  - General Education and Outreach Initiative (EOI) - $5.18 million ($1.7 million increase);  
  - General Fair Housing Organizations Initiative (FHOI) - $1.5 million ($2.5 million decrease); and  
  - Fair Housing Accessibility FIRST (FIRST) - $520 thousand (no increase).

- **$10 million for Lending Fair Housing Initiatives Program Activities:**
  - General Private Enforcement Initiative (PEI) - $5.5 million ($1.0 million increase);  
  - General Education and Outreach Initiative (EOI) - $2.0 million ($2.5 million decrease); and  
  - General Fair Housing Organizations Initiative (FHOI) - $2.5 million ($1.5 million decrease).

- **Total $42.5 million**

In fiscal year 2012 the Department plans to focus its efforts on supporting PEI multi-year grantees to conduct continued enforcement activities and support systemic investigations in fair housing cases, including development of enforcement strategies that will affirmatively further fair housing. HUD recognizes the essential needs of PEI multi-year grantees to its total fair housing systemic enforcement effort and the difficulty of getting additional funding to support systemic investigations. Thus, HUD will expand the second or third year of the grant amount for PEI multi-year funding to support systemic investigations.

Through this continuation funding for FHIP PEI multi-year grantees which demonstrate effective systemic investigations, activities undertaken might include but not limited to: joint investigations; conducting additional testing, research, litigation, hiring real estate market consultants, consultants, statisticians, attorneys, and other long-term staff professionals who can continue to assist in systemic cases including negotiation of settlements.

Further, $25.3 million will support the efforts of private fair housing organizations that conduct private enforcement of the Fair Housing Act. The Private Enforcement Initiative (PEI) grantees investigate and test housing providers alleged to have engaged in discrimination. In addition, this Budget requests $1.5 million to create new fair housing organizations in underserved areas and allow existing legal aid and civil rights organizations to expand their capacity to provide fair housing enforcement and $5.18 million in funding to support projects that educate the public about their rights and responsibilities under the Fair Housing Act through the Education and Outreach Initiative; $10 million to combat mortgage fraud, abuse and lending discrimination and $520,000 to provide training and technical assistance on how to design and construct accessible multifamily housing in compliance with the Fair Housing Act.
Fair Housing Initiatives Program

Program Relationship to Strategic Plan Goals and Sub-goals:

Although the Fair Housing Act became law 42 years ago, African-Americans, Hispanics, Asian Americans have experienced discrimination at least 20 percent of the time that they search for a home, Housing Discrimination Study (2000). The rate of discrimination is greater against Native Americans (28.5 percent of the time), wheelchair users (32.3 percent of the time) and people who are deaf (49.5 percent of the time). The Fair Housing Initiatives Program continues to be a very effective means of preventing and overcoming housing discrimination. This program provides a coordinated approach to further the purposes of the Fair Housing Act, to guarantee the rights of all people to seek housing in an open market free of discrimination, and to inform the public and the housing industry of their rights and obligations under the Fair Housing Act.
Fair Housing Initiatives Program

The Fair Housing Initiatives Program is one of the major underpinnings in and of Strategic Plan Goal 1: Strengthen the Nation’s Housing Market to Bolster the Economy and Protect Consumers and Goal 4: Build Inclusive and Sustainable Communities Free from Discrimination. FHIP contributes to Goals 2: Meet the Need for Quality Affordable Rental Homes, and Goal 3: Utilize housing as platform for improving the quality of life as well.

**Goal 1: Strengthen the Nation’s Housing Market to Bolster the Economy and Protect Consumers**

**Subgoal 1A: Stem the foreclosure crisis**

**Subgoal 1B: Protect and Educate Consumers when they buy, Refinance or Rent a Home**

**Subgoal 1D: Establish an Accountable and Sustainable Housing Finance System**

FHIP is recognized by Congress as critical to the Department’s efforts to combat lending discrimination. The Department requests $10 million in fiscal year 2012 to support this effort again. Grantees will assist victims of lending discrimination by working directly with victims to modify loans, resolve discrimination, or investigate claims of discrimination. With this funding, groups with expertise in fair lending will be able to address violations of fraud and consumer protection laws, along with Fair Housing Act violations as well as educate consumers on lending discrimination and mortgage refinance schemes through workshops, presentations and public service announcements.

This funding will enhance the ability of fair housing groups to bring Fair Housing Act enforcement actions as well as address violations under other consumer protection laws. For example, Northwest Fair Housing Alliance (NWFHA) assisted a client in Sunnyside, Washington who reported that she and her husband had fallen behind on mortgage payments and were contacted by someone offering assistance in a loan modification. After paying money to start the process, the homeowner noted that nothing was done and that their home went into foreclosure. NWFH provided assistance and a bilingual staff person to assist the family. This family was assisted and their home was saved. For fiscal year 2008, FHIP organizations have obtained over 333 housing units using FHIP funds. As a result of funding for Mortgage Rescue Scam funding, that number increased for fiscal year 2009 (most recent data) to 555 housing units.

**Subgoal 1C: Create financially sustainable homeownership opportunities**

FHIP grantees are critical to ensuring equal accessibility and availability of HUD and other homeownership programs regardless of race. These organizations ensure that homeownership programs and the ability to find a house using such a program are not constrained because of the homebuyer’s race, color, religion, national origin, sex, disability or familial status. FHIP funding enables these organizations to conduct testing and obtain evidence of steering consumers to certain areas based on their race or national origin. HUD’s 2000 Housing Discrimination study found that steering based on race had actually increased since 1990. Testing for discriminatory steering both builds enforcement actions against those that violate the Fair Housing Act and deters real estate agents from engaging in this activity. It is difficult if not impossible for consumers individually to determine if this type of discrimination is occurring, and it is therefore critical to support this testing, because FHIP grantees conduct most testing of this type.
Goal 2: Meet the Need for Quality Affordable Rental Homes

Subgoal 2D: Expand families’ choices of affordable rental homes located in a broad range of communities

FHIP agencies play a critical role in expanding families’ choices of affordable rental homes in a broad range of communities, by assisting jurisdictions with the development and implementation of Analysis of Impediments, a report essential for community planning and HUD funding.

Jurisdictions participating in HUD’s formula programs are required to submit a certification that they will affirmatively further fair housing (AFFH), which means conducting an analysis to identify impediments to fair housing choice within a jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. The analysis of impediments (AI) to fair housing choice involves a comprehensive review of a state or entitlement jurisdiction’s laws, regulations, administrative policies, procedures, and practices in relation to impediments to fair housing choice, and presents areas for improvement, including alleviating racial and national origin housing concentration.

Using fiscal year 2012 funding, the FHIP Information Resource Center will continue analyzing and evaluating AIs and Fair Housing Plans from around the country. The AIs and Fair Housing Plans from each region shall represent state and entitlement jurisdictions, small jurisdiction, mid-size jurisdiction, and large jurisdiction. The information Resource Center will identify best practices and deficiencies in the AI and Fair Housing Plan and produce a final report that provides examples of best practices in fair housing planning and AI.

In addition, FHIP grantees are experts in affirmatively furthering fair housing. They assist jurisdictions to evaluate their racial data, conduct testing, and review their programs to develop, or assist them in developing, an Analysis of Impediments. Moreover, the work conducted by FHIP organizations in communities is critical to carrying out the jurisdiction’s fair housing plan.

Goal 3: Utilize Housing as Platform for Improving the Quality of Life

Subgoal 3D: Utilize HUD assistance to improve housing stability through supportive services for vulnerable populations, including the elderly, people with disabilities, homeless people, and those individuals and families at risk of becoming homeless

FHIP ensures that vulnerable populations such as persons with disabilities and low- or very low-income families are not denied housing for reasons that violate the Fair Housing Act.

First, FHIP’s Fair Housing Accessibility FIRST, plays a critical role in ensuring that persons with disabilities have accessible housing. Fair Housing Accessibility FIRST was developed in response to a fiscal year 2000 directive from the House and Senate Subcommittees on Appropriations to provide training and technical guidance on how to design and construct accessible multifamily housing in compliance with the Fair Housing Act. This FHIP funded project provides training and technical guidance to architects, builders and others on how to design and construct accessible multifamily housing in accordance with the requirements of the Fair Housing Act. These requirements affect approximately 467,000 units (private and assisted) built annually.

Fair Housing organizations work directly with vulnerable populations to get them into housing. For example, Housing Discrimination Projects in Holyoke, Massachusetts, assisted a home owner with a disability who lost title to his home in an equity stripping scam. The home had been in his family for more than 100 years and the homeowner was manipulated by an acquaintance that purported to assist the property owner by having him sign the deed over to avoid a tax
Fair Housing Initiatives Program

sale. The owner was then evicted from the property. The Housing Discrimination Project assisted the homeowner, and the court returned full title and possession of the property back to the owner free and clear of the mortgage.

Homeless and low-income individuals are less likely to file a housing discrimination complaint when they are refused housing and when they do file a complaint, they are sometimes unable to pursue it because of their life circumstances; however, we know that the low-income population is particularly vulnerable to housing discrimination. For this reason it is critical to support testing by fair housing organizations which can be used to detect discrimination when no complaint is filed. The results of those tests allow HUD to enforce the law fully to combat discrimination that would otherwise not be addressed.

Fair Housing Organizations further assist with housing stability for persons with disabilities, by working to get them reasonable accommodations, such as permission to have a service animal, so that they can remain in their current housing. FHIP organizations work with the individual who has been denied an accommodation; they contact the housing provider, explain the law and work with the individual to provide the correct paperwork to request an accommodation. This provides immediate assistance for the individual and allows him or her to stay in the home. In fiscal year 2009, (most recent data) the monetary amount of reasonable accommodations was $574,145.

**Goal 4: Build Inclusive and Sustainable Communities Free from Discrimination**

Subgoal 4C: Ensure open, diverse and equitable communities

The core purpose of FHIP organizations fits squarely within “ensuring open, diverse and equitable communities” and thus, FHIP is essential to every strategy of the Department to achieving subgoal 4C.

Through FHIP, 93 fair housing organizations assist the Department in combating housing discrimination. Private enforcement by fair housing agencies in FHIP is critical to the mission of HUD. These organizations investigate and resolve allegations brought to them by victims of housing discrimination, but they do so in a way that is different and complementary to the work of HUD. When an individual does not want to go through the formal process of a full investigation or wants to speak with advocates right in his or her community, private fair housing groups provide on-the-spot assistance without the administrative and legal requirements of a formal legal complaint. Many discrimination victims feel more comfortable approaching a local non-profit agency instead of a government official. Often, FHIP organizations are identified as trusted local community organizations. For these and other reasons, FHIP grantees may become aware of discrimination matters that would otherwise not reach Federal officials. As a result, they are often the first line of assistance for victims of discrimination.

FHIP grantees also conduct fair housing testing for the Department, FHAP agencies, and individuals to substantiate allegations of housing discrimination. For example, these organizations test real estate agents and rental managers to ascertain whether they offer the same rent, discounts, and services to all applicants. This testing often becomes key evidence in cases filed with the Department and FHAP agencies. In fiscal year 2008, FHIP grantees conducted 1,715 tests and 4,476 tests in fiscal year 2009 (most recent data available). The Department’s Office of Policy Development and Research confirms the effectiveness of FHIP grantees. The study found that complaints referred by FHIP grantees were 7 times more likely to result in a finding of discrimination than other complaints.

Finally, FHIP grantees play a major role in raising national consciousness about fair housing. Each year the Department awards a national fair housing education and outreach grant through FHIP. Under the current national education initiative, the National Fair Housing Alliance in partnership with the Leadership Conference on Civil Rights Education Fund launched with HUD a multilingual national campaign in mainstream and community newspapers, magazines, radio/TV, buses, movie theaters, and other places. This media campaign enables consumers to avoid becoming victimized by predatory lending and foreclosure
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prevention scams and assists consumers who are re-entering the rental market to understand their full range of housing choices. In 2009 (most recent data), the campaign received almost $8.3 million in donated media and resulted in more than 580 million audience “impressions” of one type or another.

Subgoal 4E: Build the capacity of local, state, and regional public and private organizations

FHIPs build the capacity of local and regional private organizations as well as state and local public organizations to build inclusive communities free from discrimination. FHIP organizations play a critical role in their communities’ efforts to integrate and combat discrimination. They provide counsel on the civil rights implications of regional plans and zoning choices and they often assist leaders in their communities to identify impediments to fair housing and develop a plan to address those impediments. Moreover, FHIP organizations either formally or informally act as watch dogs to ensure those plans are carried out and that the actions taken are meaningful and not simply procedural.

Through the Fair Housing Organizations Initiative (FHOI), HUD supports the establishment of new fair housing organizations in underserved areas, which will significantly strengthen the capacity of those regions to create inclusive communities free from discrimination. The lending component of FHOI will enhance the capacity of fair housing organizations and consumer advocates to combat discriminatory mortgage abuse schemes and lending discrimination.
**FAIR HOUSING INITIATIVES PROGRAM**

Summary of Resources by Program

(Dollars in Thousands)

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NOTE: The fiscal year 2009 Carryover into fiscal year 2010 excludes $1 thousand in expired funds.

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Fair Housing Initiatives Program

FAIR HOUSING AND EQUAL OPPORTUNITY
FAIR HOUSING INITIATIVES PROGRAM
Program Offsets
(Dollars in Thousands)

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NOTE: Fiscal year 2010 includes up to $425 thousand that was transferred to the Transformation Initiative.

Proposed Actions

The overall fiscal year 2012 Budget request for Fair Housing Initiatives Program (FHIP) is $42.5 million. The fiscal year 2012 request provides $30.8 million for PEI, $7.18 million for Education and Outreach Initiative, (EOI), $4 million for Fair Housing Organizations Initiative, (FHOI), and $520 thousand for the continuation of the Fair Housing Accessibility FIRST program.

Private Enforcement Initiative (PEI) - $30.8 million ($4.8 million increase)

PEI provides funding to private, non-profit fair housing enforcement organizations. These are experienced organizations that have engaged in fair housing enforcement activities for at least 1 year in the 2-year period preceding the filing of a FHIP application. PEI supports the investigation and resolution of housing discrimination allegations handled by private fair housing organizations. These organizations conduct testing where discrimination is suspected and assist the public in resolving complaints through informal means. When necessary these organizations file complaints with HUD or in Federal court on behalf of victims of discrimination.

Allocation. The 2012 request will allocate $17 million to support competitive 3-year awards to high-performing fair housing enforcement organizations under the Performance-Based Funding Component (PBFC). To qualify for this funding, an organization must: (1) be a “qualified fair housing enforcement organization,”; (2) have an "excellent" performance rating under 2 previous years’ FHIP enforcement grants and receive at least a 95 on their most recent performance rating; and (3) score 95 or above on its application. Private, non-profit fair housing organizations have responded favorably to the creation of the PBFC as it provides continuity of funding for qualified groups and allows them to conduct long-term enforcement projects.

The Department requests approximately $8.3 million for PEI funds through the general component. These funds support the work of experienced organizations that have engaged in fair housing enforcement activities for at least 1 year in the 2-year period preceding their grant application. These groups conduct testing, education, counseling, investigation, conciliation, and pursue lawsuits on behalf of victims of discrimination. In the absence of a complaint, PEI grantees use their funds to conduct testing and reviews to check that housing providers, property managers, real estate agents, and architects properly comply with the Fair Housing Act and state and local fair housing laws. These efforts keep the housing market open and free from discrimination. A portion of these funds,
Fair Housing Initiatives Program

approximately $2 million will go to organizations that represent groups underserved by traditional fair housing efforts, such as Asian Americans or Hispanics with limited English proficiency.

The Department will allocate $5.5 million for lending enforcement to experienced fair housing organizations to assist homeowners in danger of foreclosure, victims of lending discrimination or those who have been targeted for fraudulent or abusive refinance schemes. Grantees will be working directly with victims to modify loans, resolve discrimination, or investigate claims of discrimination. With this funding, groups with expertise in fair lending will be able to address violations of fraud and consumer protection laws, along with Fair Housing Act violations.

**Education and Outreach Initiative (EOI) - $7.180 million ($8 decrease)**

The Education and Outreach Initiative provides funding for projects that educate the public about their rights and responsibilities under the Fair Housing Act and substantially equivalent state and local fair housing laws.

**Allocation.** The Department requests $5.18 million for general education and outreach initiatives. This funding will be used for the national media campaign, local and regional efforts, the University Partnership/Higher Education Component, and the FHIP Information Resource Center. Two million dollars of this amount will be used for national media campaigns to inform the public about their fair housing rights. This campaign will include television and radio public service announcements, print advertisements and pamphlets, as well as new media outreach. Of this amount, the Department will allocate $1.88 million for the Local and Regional Educational Component. This supports education campaigns, fair housing workshops, and community outreach on a local and regional level. Groups often speak before faith-based gatherings, community groups, homeownership workshops and fairs to educate the public about housing discrimination and lending discrimination and what they can do if they feel their rights have been violated.

The Department will allocate $1.5 million to the University Partnership/Higher Education Component to further fair housing though partnerships with colleges and universities. With this funding colleges and universities will develop and incorporate fair housing curricula into their courses and educate their students, the next generation of home seekers on housing and lending discrimination and what to do if they believe they are a victim. The Department will also allocate $800 thousand to continue the FHIP Information Resource Center, which assists FHIP in accountability and the study and review of AI’s of recipient jurisdictions.

The Department requests $2 million for local education and outreach efforts in communities hardest hit by foreclosures and mortgage rescue scams. Recipients will hold workshops and community meetings and conduct individual counseling to assist homeowners at risk for foreclosure and mortgage abuse.

**Fair Housing Organizations Initiative (FHOI) - $4 million ($4. million decrease)**

The purpose of FHOI is to establish fair housing enforcement agencies in underserved areas and allow existing organizations to enhance their enforcement skills or capacity.

**Allocation.** The Department has requested $1.5 million to establish fair housing organizations in underserved areas, especially in states where there are no Fair Housing Assistance Program agencies. This funding can be used by existing legal aid and civil rights organizations to expand their capacity to provide fair housing enforcement or to create entirely new fair housing organizations.

The Department will allocate $2.5 million in FHOI to assist organizations in combating lending discriminations. This funding will fund organizations that have demonstrated expertise with a broad range of lending issues but are not traditional fair housing groups and assist traditional fair housing groups to improve their capacity to address mortgage loan scams.
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**Fair Housing Accessibility FIRST Training and Technical Guidance (FIRST) - $520 thousand (no change)**

HUD developed Fair Housing Accessibility FIRST in response to a fiscal year 2000 directive from the House and Senate Appropriations committees to provide training and technical guidance on how to design and construct accessible multifamily housing in compliance with the Fair Housing Act.

**Allocation.** The Department is requesting $520 thousand to continue the hotline and website for Fair Housing Accessibility FIRST education and to provide outreach training to builders, architects, and others throughout the country. In fiscal year 2010, FIRST provided training to 820 people through 12 training sessions in 11 states and Puerto Rico. Since the inception of the program, FIRST has held 160 training sessions and provided training to 10,786 persons.
In fiscal year 2012, the Department renews its request for the Transformation Initiative, which provides the Secretary the flexibility to undertake an integrated and balanced effort to improve program performance and test innovative ideas. Up to 0.5 percent of the funds appropriated for this account may be transferred to the Transformation Initiative Fund account for the following purposes: research, evaluations, and program metrics; program demonstrations; and technical assistance and capacity building. Departmentwide, no more than $120 million will be transferred to the Transformation Initiative Fund account in fiscal year 2012. More details on the overall Transformation Initiative and these projects are provided in the justification for the Transformation Initiative Fund account.
Below is the italicized appropriation language for the Fair Housing and Equal Opportunity Fund.

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000 to remain available until September 30, 2013, of which $42,500,000 shall be to carry out activities pursuant to such section 561. Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

Changes from 2010 Appropriations

The provision setting aside funding for the creation and promotion of translated materials to support the assistance of persons with limited English proficiency has been removed. The 500,000 for translation purposes was not requested because of other higher budget priority. In fiscal years 2010 and 2011, $500 thousand was provided.
### FAIR HOUSING AND EQUAL OPPORTUNITY
### FAIR HOUSING INITIATIVES PROGRAM
### Crosswalk of 2010 Availability
### (Dollars in Thousands)

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