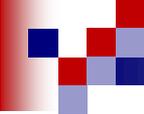


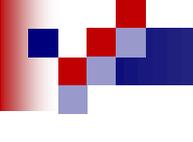
Civil Rights; Accessibility; and Fair Housing

We should all believe that we are obligated both ethically and legally under Title VIII of the Civil Rights Act of 1968 to provide equal housing opportunity to all persons.



You need to know:

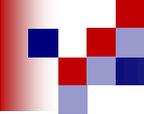
- That Fair Housing & Civil rights issues impact every process & Chapter 4 of the HUD Handbook 4350.3 – Click on the link below:
[Chapter 4 - Waiting List and Tenant Selection](#)
- Recognize that discrimination can be intentional or unintentional
- Identify conflicts between regulation & guidance
- Appreciate the importance of good Fair Housing training & good legal advice



FAIR HOUSING ACT (Chap. 2; Par.2-5)

Title VIII of the Civil Rights Act of 1968 prohibits discrimination with respect to the following bases:

1. Race
2. Color
3. Religion
4. Sex
5. Familial Status
6. National Origin
7. Disability



What happens if I violate the Fair Housing Act???

If you violate the act, you could face an investigation and substantial damages.

Can you go to jail? No...the act provides for civil penalties, not criminal ones.

Can you be held personally liable?

Yes...and this comes with the potential for you to have to pay real money out of your own resources.

YOU MUST:

- **HAVE WRITTEN POLICIES AND PROCEDURES IN PLACE**
- **KNOW WHAT THEY ARE**
- **ALWAYS ACT IN COMPLIANCE WITH THOSE POLICIES**

If you don't understand the "WHY", then ask someone.....If you are concerned that a policy or procedure may be harmful to a particular group of people, bring it to the attention of management.

The Fair Housing Act is applicable to ALL Community Services' rental properties.



Race & Color Discrimination

Fair Housing separates Race & Color because they aren't the same thing.

Historically, the most common form of Race discrimination was **segregation**. Grouping individuals in particular buildings or parts of buildings on the basis of their race. A more modern type of race discrimination is known as "**Steering**". An action which attempts to dissuade an individual from applying for tenancy by suggesting they might be happier somewhere else. It conveys the message that their application is less than "Welcome".

Color is a form of discrimination which manifested itself in a preference for and against people of **different skin tones** with the same racial group.

Linguistic profiling is identifying someone as belonging to a particular group not by how they look, but by how they sound. If you make conclusions about someone's race based on how they sound on the telephone or answering machine, & then condition your response to them based on your conclusion, you could be accused of violating the fair housing laws.

Even mail correspondence could contain names that may identify a person by race. Failure to properly respond may be perceived as discrimination.



Religious Discrimination

Management needs to be careful not to give the impression that it is either promoting or discouraging tenants from participating in tenant-based religious services.

Manager's must take a "Hands off" attitude which means beginning and ending with making the community room available.

Bulletin boards should have spaces for notices by & for the tenants. This would be where tenants could promote their own religious activities.

Sex Discrimination



It is more accurate to say that Congress prohibits discrimination on the basis of “GENDER” because this is precisely what is meant by the reference to “SEX” in the Fair Housing act.

1. Gender of children is a non-issue; Ex. Single mom’s can share rooms with teenage sons or daughters
2. Sexual Harassment is the most common allegation tied to Sex Discrimination. It is defined as “repeated, pervasive, offensive conduct or behavior of a sexual nature. In some instances, one incident can be enough to be actionable.

IF SOMEONE PERCEIVES YOU AS HAVING SEXUALLY HARASSED THEM,
IT CAN BE CONSIDERED 9/10’S OF REALITY.

Examples: “This for that” or “Hostile Housing Environment”



Familial status

This type of discrimination protects families with children, younger than 18, in matters pertaining to housing.

Some things to remember:

- In Senior Housing, if the head, co-head, or spouse, meet the program eligibility criteria.....a child in the household cannot be used to disqualify the applicant.
- Grandparents who are the primary caregivers for their grandchildren must give documentation from the legal parent or guardian or a social service agency acknowledging the child is living in the unit.



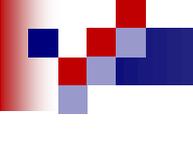
National Origin

This form of discrimination treats individuals differently based on their country of origin.

Example of some types of actions would be:

Different screening, steering, different policies, practices, etc.

Neighbor-to-neighbor discrimination based on race has been held to be an issue which management must address.



Disability

Individuals are considered disabled if:

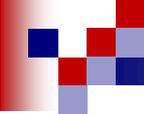
1. They have a physical/mental impairment that substantially limits one or more major life activities.
2. They have a record of such impairment, or
3. They are regarded as having such an impairment.

Note: This is the civil rights definition, not the definition used for eligibility.

Examples of disabilities:

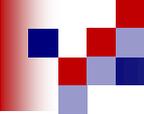
Cancer; Emphysema; Legally blind; Diabetes

An individual who currently abuses alcohol/narcotics is not considered to be disabled, but if they are in a recovery program, they are.



Example of Disability Discrimination

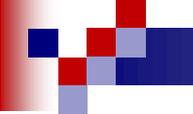
- Inquiring whether an individual has a disability, except in housing programs designed for person with specific disabilities;
- inquiring into the nature of extent of a person's disability or illness;
- making a visual determination as to whether an individual is disabled;
- requiring persons with disabilities to only reside in ground floor units;
- requiring a medical examination prior to offering housing;
- attempting to determine whether an individual is capable of "living independently"; or
- refusing to provide reasonable accommodations or reasonable modifications.



New York State Human Rights Law

New York State Human Rights Law covers all the same characteristics at The Federal Fair Housing Act, but also protects based on:

- Creed
- Age
- Sexual Orientation
- Marital Status
- Military Status

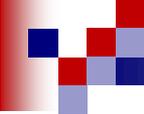


Local Antidiscrimination Protections

Buffalo, Hamburg, and West Seneca
also prohibit source of income
discrimination.

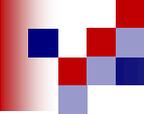
Click on the this link:

[NYS office of the Attorney General Fair Housing Pamphlet](#)
for additional information.



Additional examples of Discriminatory Housing Practices (based on one or more above listed protected class)

- Refuse to make Reasonable Accommodations/Modifications;
- Set different terms, conditions, or privileges in the rental of a dwelling;
- Falsely state that housing is unavailable for inspections, sale, or rental;
- Making discriminatory statements regarding the availability of a unit;
- “Steering” a potential renter. It is defined as a method used by housing providers in rental or sales to segregate within a community, neighborhood or development. For example, communicating to any prospective renter that he or she would not be comfortable or compatible with existing residents of a community, neighborhood, or development because of race, color, religion, sex, handicap, familial status, or national origin.



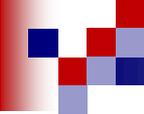
Section 504 of the Rehabilitation Act of 1973 (Chapter 2; Par. 2-8)

Prohibits discrimination on basis of Disability

Obligations include:

- Making reasonable structural modifications to units/common areas
- 5% of total units must be adaptable units
- Operate housing that is not segregated based on disability
- Provide auxiliary aids & communication services
- Develop Transition Plans
- Perform Self-Evaluation of Program & Policies

This plan will be requested as part of the Management Review. A copy of the plan should be kept in the Management Information Binder and available upon request by HUD representatives.



Reasonable Accommodations:

Refers to making alterations to:

1. Policies;
2. Practices;
3. Procedures

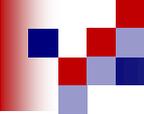
that are both reasonable and necessary to enable a person with a disability to benefit from an Equal Opportunity to enjoy housing.

The most requested “Reasonable Accommodations” are for:

1. Parking spaces
2. Service animals
3. Live-in Aides

Reasonable Modifications:

Refers to making changes to the physical structured elements (including units).



POLICY

A company-wide reasonable accommodations policy must be made available to all tenants and qualified applicants. This policy sets forth the requirements for making formal requests for accommodations and the steps that will be followed by management.

At a minimum, it should include:

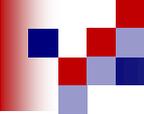
A signed authorization form that is sent to the doctor or other qualified individual to verify:

- a. That the individual meets the definition of disabled in the Fair Housing Act
- b. There is a need (or nexus) for the requested accommodation due to the disability

Important: We must make the policy available to all applicants/tenants however we must never OFFER an accommodation/modification. The tenant/applicant must ASK for it.

Example: Would you tell a person in a wheelchair who is applying for an apartment in your building that we do not have any vacant “Handicap units” available just because you think they need it?

You should have a formal policy for “Reasonable accommodations”. When asked to produce it, it should be readily available and it should be in the Tenant Handbook which is an attachment to the lease agreement.



Living Independently

One of the most frequented asked questions is:

“Are we allowed to make inquiries to determine if an applicant is able to live independently”???

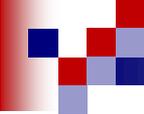
While we may want to consider ourselves as “independent living”, the only standard HUD recognizes is the ability & willingness of an individual, with or without assistance, is to be able to **ABIDE BY THE TERMS OF THE LEASE.**



Complaints of Fair Housing

Any member of a protected class of persons, any equivalent agency, or any individual who is deemed to have standing by the court, such as a relative may file a complaint.

Investigations may send a “Tester” who poses as a prospective applicant. Their purpose is to evaluate whether discrimination exists & is well hidden.



AVOIDING NON-COMPLIANCE

- If you have any biases, don't bring them to work
- Never leave anyone with the impression that you are being disrespectful or unprofessional towards them.
- Never make or attempt to make judgments on someone's ability to live in the unit.
- Never discuss "personal impressions" about other tenants in the building.
- Never assume anything about any tenant.
- Be wary of answering questions about people of color or children. Know how to REDIRECT to the appropriate staff so they can answer those questions.
- Follow your policies & procedures and the Fair Housing Code of Conduct and again, be sure you know how to answer or how to redirect to the appropriate staff so as not to give out incomplete or incorrect information to an applicant or tester.
- If you don't know the policies or if you are unsure about the policies, ASK some questions.....Pretending to know could make you a "Respondent" and that can be costly not only to People Inc. but to you personally.

Remember, if you do for one, you have to do for all. Limit your duties to what is stated in your job description. Being a "Personal Caregiver" is a completely different type of job. Case Managers can evaluate & offer referrals for those tenants who may need services to help them maintain compliance of their lease if and when they are asked to do so.



Additional Fair Housing Resources

Click on the link below for additional information on Fair Housing laws and requirements:

[HUD Fair Housing Equal Opportunity for All](#)



Congratulations!!

Please click the button below and fill out the form to receive credit for this course.

<https://docs.google.com/forms/d/1YcZ1wsrqf9dQIKWP5Z7AsZi8sJqJKNwOfk0gTxshDOk/viewform>

Case Studies & Review

Equal Housing for all.....

