

FAIR HOUSING TRAINING



The work that provided the basis for this presentation was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The creator is solely responsible for the accuracy of the statements and interpretations contained in this presentation. Such interpretations do not necessarily reflect the views of the federal government.

A LAND ACKNOWLEDGMENT

[HTTPS://WWW.TEENVOGUE.COM/STORY/INDI
GENOUS-LAND-ACKNOWLEDGEMENT-
EXPLAINED](https://www.teenvogue.com/story/indigenous-land-acknowledgement-explained)

[HTTP://WWW2.SBTRIBES.COM/RETURN-OF-
THE-BOISE-VALLEY-PEOPLE/](http://www2.sbtribes.com/return-of-the-boise-valley-people/)

We want to acknowledge that we all occupy the unceded land of Shoshone-Bannock, Shoshone-Paiute, Coeur d'Alene, Kootenai, Nimiipuu/Nez Perce

We own our place in the story of colonization and occupation to undo its legacy to this day.

Showing respect and acknowledging our past and the present is a step toward correcting the stories and practices that erase Indigenous people's history and culture and toward inviting and honoring the truth.

WHO ARE WE?

IFHC is a nonprofit organization whose mission is to ensure open and inclusive housing for all people. The IFHC's purpose is to advance equal access to housing for all persons without regard to race, color, sex, religion, national origin, familial status, gender identity, sexual orientation, source of income, or disability. The

IFHC attempts to eradicate discrimination through education of the fair housing laws, housing information and referrals, housing counseling and enforcement including filing complaints under the Fair Housing Act.



Housing Justice For All

WHAT IS THE FAIR HOUSING ACT?



<https://www.loudounhabitat.org/blog/2019/4/22/fair-housing-act>

The Fair Housing Act, Title VIII of the Civil Rights Acts, prohibits discrimination in housing.

1968 – Fair Housing Act is initially passed including Race, Color, Religion and National Origin

1974 – Sex is added as a protected class (includes sexual orientation/gender identity

<http://portal.hud.gov/hudportal/documents/huddoc?id=LGBTPR.PDF>

1988 – Disability and Familial Status are added as protected classes

ELEMENTS OF A FAIR HOUSING CASE

When a complaint is filed, one must show:

- (1) that a member of a protected class was discriminated against
- (2) (a) the dwelling is covered (4 or more units/property/in business of housing) by (b) a person/entity in the business of housing
- (3) within the time limitations (Statute of Limitations)
- (4) a discriminatory act occurred such as:
 - During application or screening
 - Denial of reasonable accommodation
 - Different policies, charges, treatment

HOUSING COVERED UNDER THE FAIR HOUSING ACT INCLUDES BUT IS NOT LIMITED TO:

- Condominiums
- Duplexes
- Multi-unit dwellings (apartments) with 4 or more units
- Manufactured homes
- Group homes for the recovery of drug addicts and alcoholics
- Seasonal bungalows
- Private homes
- Vacant land
- Homeless shelters
- Shelters for victims of domestic violence
- Hospice
- Nursing Home
- Assisted Living

FAIR HOUSING ACT APPLIES TO MANY DIFFERENT HOUSING TRANSACTORS:

- Advertising media
- Residential landlords
- Rental agents
- Housing Agents/Managers
- Real Estate Brokers and Salespersons
- Homeowners
- Homebuilders
- Refugee Agencies
- Banks, Savings and Loan Associations, Mortgage Lenders or other financial institutions
- Developers and contractors
- Landowners
- Condominium developers or owners
- Homeowner and Condo Owner Associations

DISCRIMINATORY HOUSING PRACTICES

Making Housing Unavailable

42 U.S.C. sec. 3604(a); examples at 24 CFR sec. 100.60

Discriminatory Terms and Conditions

42 U.S.C. sec. 3604(b); examples at 24 CFR sec. 100.65

Discriminatory Statements

42 U.S.C. sec. 3604(c); examples at 24 CFR sec. 100.75

Steering

42 U.S.C. sec. 3604(d); examples at 24 CFR sec. 100.80

Coercion and Intimidation

42 U.S.C. sec. 3617

MAKING HOUSING UNAVAILABLE



- **Failing to accept** a bona fide offer
- **Refusing to negotiate** with someone
- Imposing **different rental charges**
- Using **different qualification criteria** or applications
- Evicting someone
- **Conditioning availability** on response to harassment
- **Harassing someone** until they leave

(Document and Investigate)

Making Housing Unavailable

42 U.S.C. sec. 3604(a); examples at 24 CFR sec. 100.60

DISCRIMINATORY TERMS AND CONDITIONS



- Using **different provisions** in a lease or contract of sale
- Failing to make **repairs**
- Failing to **process an offer**
- **Limiting use** of privileges and facilities
- **Tying services** to sexual favors
- **Harassing people** when they use services
- (Document and Investigate)

Discriminatory Terms and Conditions
42 U.S.C. sec. 3604(b); examples at 24 CFR sec.
100.65

DISCRIMINATORY STATEMENTS



**DISCRIMINATION IS RARELY THIS OBVIOUS,
BUT IT'S JUST AS REAL. AND JUST AS ILLEGAL.**

- Words or pictures hinting or implying a place is available or unavailable to groups of people
- Being told a place is available or unavailable to groups of people
- Different terms in advertising
(Document and Investigate)

Discriminatory Statements
42 U.S.C. sec. 3604(c); examples at 24
CFR sec. 100.75

STEERING



- Lying about availability
- Lying about conditions of rental or sale
- Enforcing restrictive covenants
- Failing to offer available places
- Lying in response to harassment
(Document and Investigate)

Steering

42 U.S.C. sec. 3604(d); examples at 24 CFR sec. 100.80

COERCION AND RETALIATION

It shall be **unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of**, or on account of that person having exercised or encouraged any other person in the exercise or enjoyment of, **any right granted or protected** by this part.

(Document and Investigate)

Coercion and Intimidation

42 U.S.C. sec. 3617

IF YOU ARE A VICTIM OF DISCRIMINATION, IFHC CAN HELP YOU FILE A COMPLAINT WITH HUD

1. Complaints must be filed through the HUD administration process within one (1) year of the date of discrimination.
2. If HUD finds there is reasonable cause (there was discrimination), then a charge will be issued and may:
 - Go to trial before an administrative law judge
 - Go to court where the complaint will be represented by the Justice Department

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/online-complaint



OR YOU CAN HELP YOU FILE IN COURT

- Private attorneys may file a suit within two (2) years of the alleged violation
- Can be filed at the same time as a complaint filed with HUD
- Can file a suit even if HUD did not take action on the complaint
- May include more monetary damages, equitable relief, relief in the public interest

Emergency Rental Assistance in Idaho

- Boise City, Ada County Housing Authorities (In Ada County) (BCACHA) <https://erap.bcacha.org/>
- Idaho Housing and Finance Association (Outside of Ada County) (IHFA) <https://www.idahohousing.com/covid-19/>
- Nez Perce Tribal Housing Authority <https://nezperce.org/wp-content/uploads/2021/03/ERA-NPTHA-APP-wdocs.pdf>
- Fort Hall Housing Authority rentalassistance@FHHA25.com
- Duck Valley Housing Authority <http://duckvalleyhousing.org/dir/emergency-rental-assistance-program>
- Jesse Tree (Treasure Valley) <https://www.jesstreeidaho.org/rental-assistance>

Who is being evicted?

- Look at demographics of who owns v. who rents
 - In Idaho, about 71% own their home v. 29% rent
 - In Idaho people of color are more likely to rent their homes than people who are white, more likely to live at below poverty level. Black families at 30% below poverty level v. whites at 11%
 - Families with children
 - Female headed household
 - People with disabilities
- Of those who own, 90% white v. 0.4% are Black, 1.8% Asian,
 - Idaho Hispanic households are less likely than non-Hispanics to live in single-unit dwellings and 17% live in mobile homes
 - Evictions are a fair housing issue because more people in the protected classes affected than people who are not protected
 - Homeownership is an important component of building generational wealth; however, Idahoans of color are more likely to experience housing discrimination, cost burden and struggle to achieve homeownership. For example, Prosperity Now reports that 46% of white renter households in Idaho are cost-burdened compared to 51% of Latino households and 59% of Black households.

Why are they being evicted?

People of color, female headed households, and people with disabilities have been harder hit by the Covid-19 crisis than people who are white

- Lost more jobs
- Higher rates of infection
- Fewer assets to ride out economic crisis
- Living in housing that was unaffordable before the crisis began
- Homeownership gap made worse by the 2008 real estate meltdown

Fair housing solutions

Check out the ILAS and ACLU work on Right to Jury Trial in Dispute of Fact Eviction Cases: [Right to a Jury Trial in Idaho Evictions - ILAS \(idaholegalaid.org\)](https://idaholegalaid.org)

Solutions that can fix injustice immediately

- Access to interpreters
- Access to attorneys, rental assistance, and services
- Accessible, affordable housing
- Affordable homeownership
- More just housing laws
- ADA compliance that helps people with disabilities
- Transformative Justice Models, Mediation, Diversion
- Address the digital divide
 - Attending court on a smartphone is not equal access
 - Having access to someone else's email address is not equal access
 - Access to technology does not equal knowing how to use technology

Fair housing issues in ERAP

(emergency rental assistance programs)

Translation (Title VI and VIII)

IFHC Language Access Guide:

<https://ifhcidaho.org/language-access-guide/lep-table-of-contents/>

Accessibility of on-line application

Reasonable accommodation for application and process(ing)

Digital divide and documentation

Documenting cash income

Marketing (or lack of marketing)

Prioritization issues

Prioritize people in zip codes with high numbers of evictions

Landlord can refuse to participate

Lack of Appeals Process for Denials

People who are not citizens and or undocumented are protected under the Fair Housing Act under national origin
(See *PODER v. City of Phoenix*—*PODER* won.)

Fair Housing Issues in ERAP

(emergency rental assistance programs)

The programs need a better explanation as to who is eligible for the ERAP funds in that if you fell on hard times during the pandemic, you qualify—not just that you had to have COVID 19 or that COVID caused the economic hardship but that you also qualify if during the time period, the economic conditions that occurred caused you to fall on hard times.

Period of time it takes to get rental assistance to tenants depending on the program.

Requiring a Three-Day Notice (puts tenants in jeopardy).

People living in public and subsidized housing do not have access to emergency rental assistance yet are often times people with disabilities, single moms with children and people of color. This is a barrier and should be changed.

No way to save your work once you have started the application process as it times out 2 to 5 days, and one has to start over.

Fair housing solutions

- Develop solutions that can fix injustice immediately
 - Change the rules to comply with Treasury Guidance/FHA/ADA/Section 504
 - Access to interpreters
 - Access to attorneys, rental assistance help, and social services
 - ADA compliance that helps people with disabilities
 - Address the digital divide
 - Providing telephonic or in-person assistance
 - Having access to someone else's email address is not equal access; provide an alternative to email/online
 - Access to technology does not equal knowing how to use technology; provide in-person or phone service

Where we can help each other

- Providing training opportunities for landlords, property managers, government agencies, homeowners' associations, real estate agents, and residents
- Fighting discrimination by buyers, sellers, landlords, HOAs, cities, insurance companies, and neighbors
- Sharing sample forms and position statements
- Sharing resources on building housing for people at all levels of income
- Preventing and alleviating homelessness
- Promoting new and inclusive housing

Intermountain Fair Housing Council

Concilio de Vivienda Justa

4696 W Overland Rd, Ste 140

Boise, ID 83705

Phone: 208-383-0695

Fax: 208-383-0715

contact@ifhcidaho.org

QUESTIONS?

