

# PHA Fair Housing Manual

## *A Guide for Public Housing Agencies on Fair Housing Laws and Affirmatively Furthering Fair Housing*

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**HOPE Fair Housing Center** works to create greater housing opportunities for all and to ensure everyone has the chance to live in the community/home/apartment of their choice free from discrimination based on race, color, religion, national origin, sex, disability, familial status, or any other characteristics protected under state or local laws. HOPE accomplishes this through education, outreach, enforcement, training, and advocacy. For questions or comments, contact:



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# Introduction

Public Housing Agencies (PHAs) come in all shapes and sizes. While all PHAs are obligated to comply with fair housing laws and to affirmatively further fair housing, the policy proposals and strategy recommendations to affirmatively further fair housing compiled in this manual are meant to be adopted by PHAs based on the resources available to them. The essential policy list and model policy language at the end of this manual can easily be adopted by any PHA. This manual is designed to:

- 1) Inform public housing agencies of their responsibilities under the federal Fair Housing Act, other nondiscrimination laws and HUD policies.
- 2) Explain PHA obligations to affirmatively further fair housing (AFFH) and provide resources and AFFH best practices in the PHA context.

All PDF links cited in this document can be found at:

<http://hopefair.org/ResourcesAndLinks/pha.resources.html>

## Acknowledgments



We would like to thank the following people for their contribution to this document:

**Janet Dermody**, **Christine Klepper** (*Housing Choice Partners*), **Brock Grosso** (*Access Living*), **Erin Kemple** (*Connecticut Fair Housing Center*), **Denille Bezemer** (*Seattle Housing Authority*), **Jessica Mallon** (*Chicago Housing Authority*), **Kate Walz** (*Sargent Shriver National Center on Poverty Law*), and **Phil Tegeler** (*Poverty & Race Research Action Council*)

**Disclaimer:** The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

# Laws, Rules and Regulations

## The Fair Housing Act of 1968

The federal Fair Housing Act makes it unlawful to discriminate in the rental, sale and financing of dwellings based on:

- Race
- Color
- Religion
- Sex
- National Origin
- Disability
- Familial status<sup>1</sup>

These seven groups are generally referred to as “protected classes” under the Fair Housing Act. The law has the dual purpose of eliminating discrimination in the housing market and replacing segregated neighborhoods with “truly integrated and balanced living patterns.”

### Senior Housing Exemption

Housing that meets the Fair Housing Act definition of Housing for Older Persons is exempt from the law’s familial status requirement, provided that:

- HUD has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State or local government program or
- All occupants are 62 or older or
- At least 80 percent of the occupied units house at least one person who is 55 or older, and the housing facility adheres to a policy that demonstrates intent to house persons who are 55 or older.<sup>2</sup>

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\*A complete chart of these laws, along with links to resources, is in Appendix A

<sup>1</sup> This specifies the presence of children under 18 in the family. Housing that qualifies as “housing for older persons” is exempt from this prohibition under the act.

<sup>1</sup> [42 U.S.C. § 3607\(b\)](#)

<sup>2</sup> [42 U.S.C. § 3607\(b\)](#)

## Discriminatory Advertisements, Statements, and Notices

The Fair Housing Act prohibits advertisements or statements that include a limitation or preference based on any of the protected classes mentioned above. Discriminatory advertisements include:

- The use of phrases, photographs, or symbols that convey that dwellings are available or not available to a particular group of persons that belong to a protected class.
- Expressing to employees, prospective residents, or any other persons a preference for or limitation on any renter due to being a member of a protected class.
- Selecting media or locations for advertising the rental of dwellings that deny particular segments of the housing market information about housing opportunities based on their status as a protected class.

## Individuals with Disabilities

Both the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 [Section 504] define a person with disability as an individual who has:

- a physical or mental impairment that substantially limits one or more of life's daily activities;
- a record of having such an impairment; **or**
- being regarded as having such an impairment.

### Reasonable Modifications

The Fair Housing Act requires a housing provider to permit, at the expense of the person with disability, reasonable modifications to existing premises occupied or to be occupied by such a person if the requested modifications are necessary to afford such a person full enjoyment of the premises. For more information, read the [joint statement by HUD and DOJ on Reasonable Modifications](#).

### Reasonable Accommodations

The Fair Housing Act also requires a housing provider to make reasonable accommodations in rules, policies, practices, and services to afford a person with a disability equal opportunity to use and enjoy a dwelling. You can read the [joint statement from HUD and DOJ on Reasonable Accommodations](#) to answer any further questions on reasonable accommodations.

### Design and Construction

The Fair Housing Act requires anyone developing four or more multifamily housing units to design and construct multifamily dwellings in a manner that makes them accessible to persons with disabilities. All premises within such dwellings are also specifically required to contain several features of adaptive design so that the dwelling is readily accessible to and usable by persons with disability. For more information, read HUD's [Fair Housing Act Design Manual](#) or visit [fairhousingfirst.org](http://fairhousingfirst.org).

## Other Nondiscrimination Laws For Recipients of Federal Funding

### Title VI of the Civil Rights Act

Under Title VI of the Civil Rights Act, it is unlawful to discriminate on the basis of race, color, or national origin in programs receiving Federal financial assistance. More information can be found on the Department of Justice [website](#).

### Section 504

[Section 504 of the Rehabilitation Act of 1973](#) also prohibits discrimination against persons with disabilities in all programs, services, and activities receiving federal financial assistance. Section 504 specifies these requirements for PHAs<sup>3</sup>:

- All new multifamily housing projects should be designed and constructed to be usable by individuals with disabilities
- At least five percent of dwelling units (or a minimum of one unit) in a multifamily housing project, whichever is greater, must be accessible for persons with mobility impairments<sup>4</sup>.
  - This also applies to projects undergoing alterations if:
    1. The project has 15 or more units
    2. The cost of alterations is 75% or more of the replacement cost of the completed facility
- PHAs must conduct a needs-assessment of current public housing tenants and applicants on its waiting list for accessible units and, in the case that those needs have not been met or will not be met within four years through other means such as new construction, section 8, or alterations otherwise contemplated, develop a transition plan to meet program accessibility.

### The Americans with Disabilities Act (ADA)

According to [Title III](#) of ADA, all public accommodations<sup>5</sup> must:

- Provide services in an integrated setting unless separate or different measures are necessary to ensure equal opportunity;
- Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy the goods and services of a place of public accommodation;
- Remove architectural and structural communication barriers in existing facilities where readily achievable, and provide immediate alternative measures when removal of barriers is not readily achievable.

<sup>3</sup> [24 CFR §8.25](#)

<sup>4</sup> Please Note: Both the Fair Housing Act Design and Construction Requirements AND 504 accessibility requirements apply to PHA housing.

<sup>5</sup> private entities that own, operate, or lease to places of public accommodation

## Equal Access to Housing based on Sexual Orientation or Gender Identity

HUD's current regulation explicitly states that for eligibility determinations for HUD-assisted or HUD-insured housing it is unlawful to discriminate based on actual or perceived:

- Sexual orientation,
- Gender identity, OR
- Marital status

For more information, read the [Final Ruling by HUD on Equal Access to Housing in HUD Programs](#).

## Section 3

Section 3 is a provision of the Housing and Urban Development Act of 1968<sup>6</sup> which requires recipients of HUD financial assistance to provide job training, employment, and contract opportunities to low and very low-income persons in connection to projects and activities in their neighborhoods to the greatest extent feasible. Further information on Section 3 can be found on HUD's [website](#).

## Violence Against Women Act (VAWA)

VAWA provides key protections for victims of: **domestic violence, dating violence, sexual assault, and stalking** who live in or are applying for:

- public housing
- project-based section 8
- housing choice vouchers
- Section 202
- Section 811
- Section 221 (d)(3) BMIR
- Section 236
- LIHTC Housing
- HOME-funded housing

### Did You Know...?

**Enforcement tied to the number of police calls from the property interferes with the "right to petition the government for redress of grievances" guaranteed by the government.**

### Admissions

PHA shall not deny an applicant housing on the basis that an applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

### Eviction/Termination of assistance

PHA **cannot** terminate or evict:

- On the basis that a tenant is a survivor;

<sup>6</sup> [12 U.S.C. §1701u and 24 C.F.R. §135](#)

- For crimes “directly relating to” the abuse;
- Based on an incident of actual or threatened violence against the tenant (This does not constitute a “serious or repeated violation of the lease” or “good cause” for eviction).

**Lease bifurcation**

- If the perpetrator is the only household member eligible for housing assistance, victim should be given time to establish eligibility, move, or establish eligibility for another housing program.
- For vouchers, PHA must ensure that the “victim retains assistance.” [24 CFR §982.315\(2\)](#)

**Portability**

If a voucher tenant needs to move for safety reasons, PHA cannot deny their move based upon prohibition on moving within the first year of a lease or more than once in a 12 month period. [24 CFR §982.314\(4\)](#)





# AFFH Obligations

## What is Affirmatively Furthering Fair Housing

Affirmatively Furthering Fair Housing is the requirement to further the goals of the Fair Housing Act by actively promoting integration and countering practices and policies that created or perpetuate housing segregation. This requirement is based on the Fair Housing Act [42 U.S.C. § 4608(e)(5)] and Executive Order 12892. Federal and private entities with AFFH obligations include, among others: HUD, recipients and sub-recipients of CDBG money and PHAs. Entities with AFFH obligations need to take proactive steps in the direction of creating diverse and inclusive communities in their jurisdictions. While identifying barriers to fair housing and creating action plans to overcome them are first steps, it is important to note that AFFH necessitates the implementation of specific policies and practices that further fair housing.

## What are a PHA's obligations under AFFH?

The specific certification requirements detailed at 24 CFR § 903.7(o) provide that a PHA is compliant in affirmatively furthering fair housing and takes action to:

- 1) Examine programs or proposed programs;
- 2) Identify any impediments to fair housing choice within those programs;
- 3) Address those impediments in a reasonable fashion in view of the resources available;
- 4) Work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require PHA involvement;
- 5) Maintain records reflecting these analyses and actions.

Other provisions included in the Annual Plan<sup>7</sup>:

- A Statement of Housing Needs – Examining the racial and ethnic makeup and disability status of low-income families residing in the jurisdiction served by the PHA;
- Waiting List Procedures – The PHA includes reasonable measures to insure the consistency of site-based waiting lists with AFFH, such as employing reasonable marketing activities that would attract applicants regardless of race or ethnicity.

## Developing Affirmative Fair Housing Marketing Policies

The Code of Federal Regulations ([section 24 CFR §200.600 subpart M](#)) requires each applicant for participation in FHA subsidized and unsubsidized housing programs to develop affirmative marketing

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<sup>7</sup> [24 CFR §903.7](#)

policies that would attract a diverse population of consumers or tenants. Affirmative fair housing marketing policies include:

- Creating an [Affirmative Fair Housing Marketing Plan \(AFHMP\)](#);
- Using various forms of media (radio stations, posters, newspapers, etc.) to advertise the availability of housing to populations that are “least likely to know about and apply for the housing in question;”
- Using the Equal Housing Opportunity logo and the equal housing opportunity statement;
- Educating all agency staff about fair housing and their obligations to follow nondiscrimination laws;
- Conducting outreach to advocacy groups (e.g. disability rights groups) on the availability of housing.

## Further Resources

The Connecticut Fair Housing Center has a comprehensive [guide](#) on creating an effective AFHMP.

### When is an AFHMP required?

To see what programs fall under the AFHMP requirements, please view the [table created by Poverty & Race Research Action Council \(PRRAC\)](#). According to HUD’s recent memorandum: [Affirmative Fair Housing Marketing Plan Review and Approval Guidance](#), owners must submit an updated AFHMP if:

- At least 5 years have passed since the last review, OR
- The local jurisdiction’s consolidated plan has been updated, OR
- Significant housing market changes have occurred in the housing market area;

### AND

- The owner has conducted an analysis which determines that the population least likely to apply for housing is not identified in the current AFHM, or the advertising, publicity, or outreach are no longer appropriate and require modification or expansion.

# AFFH Best Practices

## Creating a Language Access Plan (LAP)

The Fair Housing Act and Title VI of the Civil Rights Act require PHAs to provide people with limited English proficiency (LEP) with meaningful access to their programs. In 2007, HUD released [guidance](#) on how federally assisted housing providers should implement LEP policies. The purpose of the guidance is to insure that housing providers are making reasonable efforts to provide free language assistance for their LEP clients.

Recommended components to include in your LAP:

- Conduct research on number of income-eligible LEP people and languages spoken in both the PHA's service area and wider MSA to determine need.
- Hire staff who can perform free oral and written interpretation for LEP clients when necessary
- Contract with interpreters to provide oral or written interpretation when necessary, if demand for interpretation is not high
- Translate all material pertinent to housing choice voucher, public housing, and senior housing clients in other commonly used languages in the area for better access to information.
- Collaborate with non-profit and advocacy organizations for the purpose of receiving continual input and support conducting outreach to LEP population.

### Further Resources

The following LAPs can serve as good examples in the field:

- Public Housing Agency of the City of Saint Paul
- New York City Housing Authority
- Housing Authority of the County of San Bernardino

For further LEP resources, you can read [Housing Justice's LEP Resources](#).

HUD has translated several fair housing brochures, handbooks, and booklets into various languages spoken in the U.S. HUD also has key public housing documents (e.g. "Annual Recertification Second Reminder Notice") available in a number of languages. Those resources can be accessed through the [FHEO LEP webpage](#). Check Appendix C for model language that can be used in your LAP.

## Mobility Assistance to Promote Racial/Ethnic Integration

The housing choice voucher program was designed to give low income households the ability to live in decent housing in the city or neighborhood of their choice. Two important goals of the housing choice voucher program are the de-concentration of poverty and racial integration. In urban landscapes with a high number of racially concentrated areas of poverty (RCAPs), housing choice vouchers serve as an important tool to reverse the demographic trends of racial and economic segregation while giving residents in RCAPs the opportunity to live in a less segregated community.

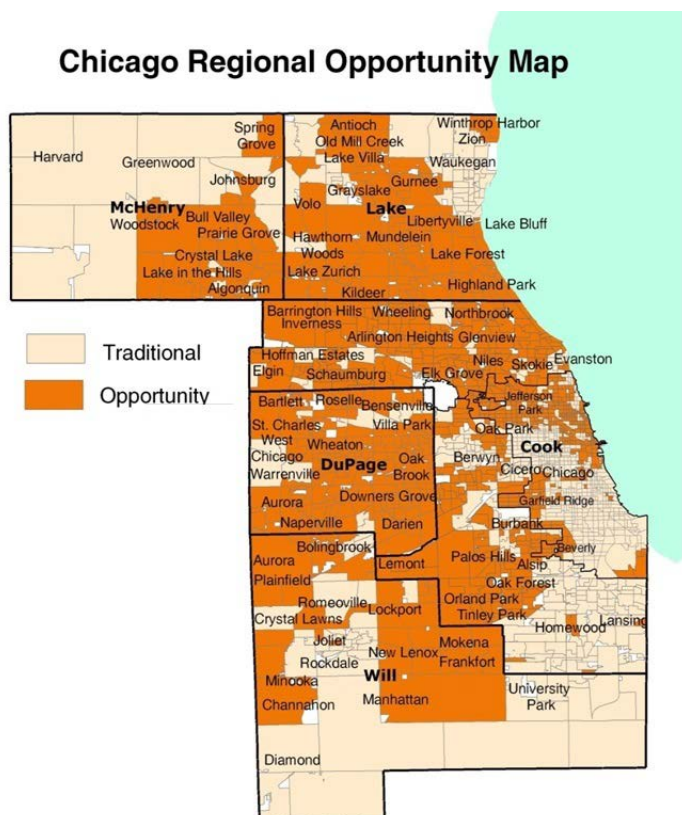
Because ensuring housing choice and housing desegregation are the two main goals of the federal Fair Housing Act, they are an essential component of a PHA's duty to AFFH. Unfortunately, most households enrolled in the HCV program are concentrated in a small percentage of neighborhoods that tend to have higher levels of poverty and racial segregation, and the schools tend to be lower performing. PHAs can utilize different strategies to ensure voucher holders and other low income renters in their jurisdictions have the ability to move to higher opportunity areas. This can be done by:

- A. Identifying population trends and opportunity areas in a jurisdiction, and
- B. Implementing policies and practices that help move HCV households to higher opportunity areas and further desegregate communities.

### A. Identifying Population Trends and Opportunity Areas

#### 1) Identifying Opportunity Areas:

HUD has identified six key components to identifying an opportunity area. PHAs and advocacy groups have used varying measurements to identify opportunity areas in their communities. Opportunity areas are always defined as census tracts that have a low poverty rate and a low concentration of subsidized housing. Other measures may include measures such as school performance, transportation access and others. A sample map showing the Chicago Region's opportunity areas is to the right.



*Map Courtesy of Housing Choice Partner's Website*



## Best Practices

**CRHCI – The Chicago Regional Housing Choice Initiative (CRHCI)** is a HUD-funded regional partnership between eight PHAs in the Chicago Metropolitan Area, HUD, Housing Choice Partners, and the Metropolitan Planning Council. CRHCI pilots strategies around tenant-based and project-based vouchers and coordinates portability within the region.

The tenant-based strategy is a pilot mobility assistance program, which has assisted HCV families through mobility counseling and/or a financial grant of \$500. As part of the program, portability advocates provide resources and assistance to clients who decide to port to a different jurisdiction. The portability program, which is regionally administered, has helped speed up the porting process and has given clients the tools to make informed decisions on moving. Since its launch, the program has managed to move clients to schools with higher average school ratings (See graph).

	Counseling group			Incentive Only		
School Measures	Pre move	Post move	% increase/decrease	Pre move	Post move	% increase decrease
% children meet or exceed State standards-reading	53.59	72.89	36%	55.34	70.48	27%
School Ranking	3.28	7.49	128%	4.25	6.74	59%
% African American	46.94	14.24	-69%	43.35	18.22	-58%
% Caucasian	14.11	50.69	259%	27.15	49.58	83%
% Hispanic	33.66	22.19	-34%	27.44	19.56	-29%

Table Provided by HCP Executive Director - Christine Klepper

HUD defines opportunity through two main measurements: 1) RCAPs/ECAPs signify low opportunity areas that are undesirable for concentration of public housing and voucher holders, and 2) HUD's six opportunity indices are used to measure the level of opportunity in every community.

### a) RCAPs/ECAPS

Racially/ethnically-concentrated areas of poverty (RCAPs/ECAPs) are defined by HUD as census tracts that have:

1. A non-white population of 50% or more;
2. A poverty rate that exceeds 40% or is three times the average tract poverty rate for the metro/micro area.

It is important to note that RCAPs/ECAPs are useful measures in generally defining low opportunity areas in larger metropolitan areas with a high minority population. It should not be used alone as an indicator for opportunity but rather as a supplement to other opportunity indicators.

#### b) HUD's Six Opportunity Indices (Census Tract Level)<sup>8</sup>

1. **Poverty Index** – Uses family poverty rates and public assistance receipt.
2. **School Proficiency Index** – Uses school level data of student performance on state exams to determine which neighborhoods have high or low performing elementary schools.
3. **Job Access Index** – measures accessibility of a given residential neighborhood based on its distance to job locations
4. **Transit Index** – uses data from over 200 transit agencies that provide data through GTFS Exchange<sup>9</sup> to assess relative accessibility within certain metro areas.
5. **Labor Market Engagement** – provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood based upon the level of employment, labor force participation, and educational attainment
6. **Health Hazards Exposure** – measures potential exposure to harmful toxins at neighborhood level.

## 2) Identifying Population Trends

Another tool PHAs can use to desegregate their communities is conducting a geographic and historical analysis of multiple population trends. Such analysis will help to identify the nature and history of segregation in their jurisdiction as well as the populations that are segregated. Census data is probably the most reliable and readily available source of information for analyzing population trends in any given jurisdiction. Some of the most useful trends to examine include: race, ethnicity, disability, location of voucher holders, and population with limited English proficiency.

### Further Resources

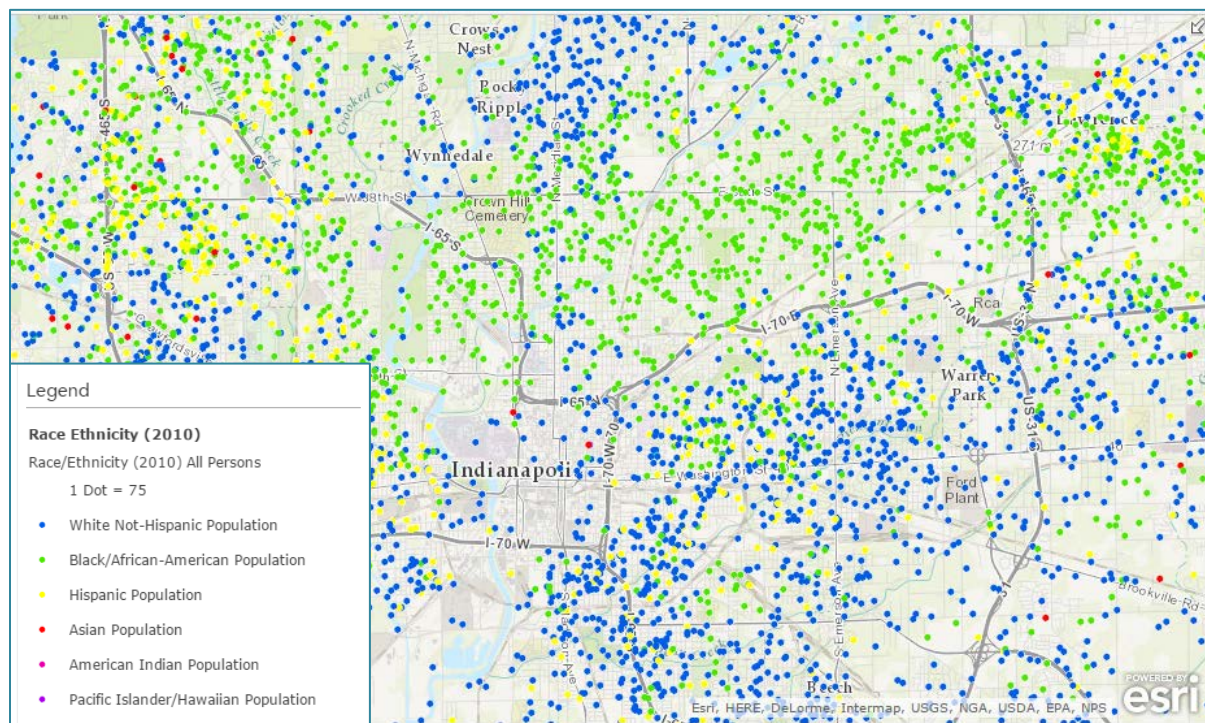
HUD has created an [online interactive mapping tool](#) to aid housing providers and jurisdictions in their endeavor to affirmatively further fair housing. This mapping tool has many different layers and covers the entire country.

<sup>8</sup> GIS layers for any one of these indices as well as RCAPs/ECAPs can be downloaded [here](#).

<sup>9</sup> <http://www.gtfsdata-exchange.com/>



Map of Population Trends in Indianapolis, Indiana (Race/Ethnicity, 2010)



## B. Implementing Policies and Practices that Increase Housing Mobility

### 1. Housing Mobility Programs

An opportunity mobility program is an important tool that housing authorities and fair housing organizations have used to promote economic and racial integration in cities and communities across the country. These programs are intended to encourage and assist families with housing choice vouchers to move from high-poverty to low-poverty areas within the same region or jurisdiction.

Many PHAs that want to implement housing mobility programs might find it challenging to secure sufficient funding for implementing a mobility program. We have listed a number of Potential funding sources below. For more information on implementing a successful housing mobility program, you can read the guide<sup>10</sup> created by The Poverty & Race Research Action Council (PRRAC).

- **Community Development Block Grants (CDBG):** CDBG was created through the Housing and Community Development Act of 1974 with the goal of developing viable urban communities through decent housing, expanded economic opportunity, and a suitable living environment. The

<sup>10</sup> [Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program](#)

CDBG program provides funding to state and local jurisdictions for community development activities with the requirement that receiving jurisdictions certify that the awarded grant will be administered according to the Fair Housing Act and that they will affirmatively further fair housing. Because of the inherent fair housing commitments in the funding, they can be used towards implementing housing mobility programs. You can use the [CDBG Page on HUD's website](#) to determine whether you are located in an entitlement jurisdiction and who to contact for CDBG allocation.

- **HUD Housing Counseling Program:** HUD's housing counseling program allocates funds to public and private nonprofit agencies that provide a variety of housing counseling programs. To be eligible for this program, your agency must be a HUD-approved housing counseling agency or a state housing finance agency. [HUD Office of Housing Counseling](#) provides guidance on how to become a housing counseling agency. If that is not an option, your agency can partner with a local housing counseling agency that would be willing to administer your mobility program.

## Further Resources

### Research

- **Housing Mobility: What do Housing Voucher Recipients Want?**
- **"Keeping the Promise: Preserving and Enhancing Housing Mobility in the Section 8 Housing Choice Voucher Program: Final Report of the Third National Conference on Housing Mobility"**

### Websites

- [Housingmobility.org](#)
- [Inclusive Communities](#)
- [Housing Choice Partners](#)
- [Opportunity Project \(Connecticut Fair Housing Center\)](#)
- [Baltimore Housing Mobility Program](#)

## Best Practices

The Baltimore Housing Mobility Program – **The Baltimore Housing Mobility Program** is run by the Baltimore Regional Housing Partnership (BRHP) and includes a family readiness workshop and access to an MBQ counselor. Participants have a choice of using tenant-based or project based vouchers. The HCV vouchers can be used in neighborhoods that have a poverty rate of less than 10 percent, minority population that is less than 30 percent, and a share of public or HUD-assisted housing under 5 percent.



The program has helped at least 1,522 families move to low poverty, racially integrated suburban and city neighborhoods. New neighborhood schools also had higher average reading and math scores. More information on the program



## 2. Increasing the length of the allowable search term to lease-up

A major hindrance in voucher holders' ability to find housing in a high opportunity area is the limited time they have to find housing. This could be due to both tighter rental markets and apprehension on the part of some landlords to rent to tenants in the HCV program. This is one reason why many voucher holders continue to live in the same neighborhood even when the voucher provides them the means to move to a higher opportunity area. An allowable search term of at least 120 days is recommended to ensure voucher holders ample time to find housing. An extended search term is especially important for persons with mobility impairments, who have a more difficult time finding accessible housing.

## 3. Setting payment standards that are in line with local rental market

Due to payment standards that are calculated at the metropolitan level, many voucher holders across the country find themselves unable to access housing in opportunity areas because of higher prices. Housing authorities can address this issue by:

- a) **Setting payment Standards at 120 percent of area FMR:**
- b) **Calculating the Fair Market Rent (FMR) at the local level:** Research has shown that calculating the fair market rent (FMR) at the local level enables voucher holders to move to better neighborhoods at no additional cost<sup>11</sup>. Calculating the FMR at the local level also decreases the cost of voucher payments in low opportunity areas, thus providing the PHA with extra money to supplement vouchers in higher opportunity areas. HUD has issued an [Advanced Notice of Proposed Rulemaking](#) which declares HUD's intention to modify its FMR regulation pertaining to the HCV program to create small area FMRs for the HCV program within certain metropolitan areas.

## 4. Providing Transportation for housing searches

An effective way to ensure that Housing Choice Voucher holders are able to find housing in a high opportunity area of their choice is to provide transportation services for housing searches. This can guarantee that voucher holders have the opportunity to learn about amenities offered in high opportunity areas and that their housing options will not be limited to the area they currently live in due to lack of transportation options.

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<sup>11</sup> [Incidence and Price Discrimination: Evidence from Housing Vouchers\(Collinson & Ganong 2013\)](#)



## Best Practices

Participants in the [Baltimore Housing Mobility Program](#) and those receiving services from Housing Choice Partners in Chicago are provided bus tours that introduce voucher holders to a variety of education, employment, and health-related amenities in opportunity neighborhoods in the Baltimore and Chicago regions.

### 5. Providing Security Deposit Assistance

A major problem many low income households face when trying to rent a property is having enough funds to pay for a security deposit. In many instances, not having enough money to pay for a security deposit can effectively end a voucher holder's enrollment in the program when a tenant is forced to vacate a property that fails the HCV or municipal inspection process. Furthermore, this problem significantly limits voucher holders' mobility and may prevent their ability to move to higher opportunity areas. A recent study by Rosenblatt and Cossyleon (2015) found that voucher holders who enrolled in the security deposit assistance program in Milwaukee County overwhelmingly searched for housing in the higher opportunity suburbs<sup>12</sup>. Several housing authorities across the country offer some kind of security deposit assistance to households in their HCV program. The security deposit assistance can be in the form of a grant or a loan.

### 6. Creating Incentives for Landlords to Increase Partnership

Some housing authorities have created programs that incentivize landlords to form or increase their partnerships with their local housing authority and rent to HCV tenants. These programs can be a platform where landlords and the housing authority staff can meet, share information, and find solutions to pressing problems, or they could provide monetary incentives or additional support for participating landlords that are willing to rent to higher risk tenants.



## Best Practices

- The Housing Authority of the County of Santa Cruz has a [security deposit assistance program](#) that offers different levels of assistance based on geography and income and primarily covers individuals at or below 60% of MFI. This assistance is generally in the form of a loan.
- Salina Housing Authority offers [security deposit assistance](#) to qualified low income individuals at or below 60% MFI in the form of a grant.

<sup>12</sup> [Take a Chance on Me: A review of the Milwaukee County security deposit assistance program.](#)

## Best Practices

The King County Landlord Liaison Project (LLP) is a partnership between landlords and property managers, service providers, and people with barriers to accessing housing. Participating landlords agree to apply alternative screening criteria to applicants referred to housing in exchange for special support services provided to both LLP tenants and landlords. Participating landlords receive rapid response to concerns, access to a 24-hour call-in line and risk-reduction funds. Since its launch in 2009, this program has successfully placed hundreds of individuals and families in private market rental units. The program is managed by YMCA Seattle/King/Snohomish and funded through the City of Seattle, King County, and United way of King County.

## Policies for Persons with Disabilities

Because persons with disabilities face many obstacles in securing decent housing in an integrated environment, it is the duty of public housing agencies to craft policies and practices that allow greater flexibility and higher preference for persons with disabilities. Some ways to do this are by:

- Following HUD PIH 2006-13 guidance related to “Non-Discrimination and Accessibility for Persons with Disabilities” and maximizing occupancy of accessible units by eligible individuals with a need for accessible unit features;
- Allowing persons with disabilities to sign up for the waiting list at any time, not just during a lottery period;
  - Often persons with disabilities, especially those in nursing homes, may be excluded from the waiting list because they either aren’t engaged or aren’t ready to sign up for the waiting list during a short lottery period.

## Best Practices

King County Housing Authority’s Housing Access and Services Program (HASP) provides vouchers and supportive services to persons with disability through contracts with third-party service providers. The YWCA coordinates the program and provides safety net housing crisis intervention services while King County Government, Lifelong AIDS Alliance, Aging and Disability Services, VA, State and Developmental Disabilities Division provide other supportive services. The program has the lowest turnover and highest stability rate of any of their voucher programs. PHAs interested in implementing a similar program can contact Kristin Winkel (Director, Homeless Housing Initiatives) at [kristinw@kcha.org](mailto:kristinw@kcha.org).

King County Housing Authority also has a [reasonable accommodations page](#) on their website, which explains reasonable accommodations, their limitations, and the request forms that must be filled out to make a request.

- Setting aside a percentage of vouchers for persons with disabilities;
- Matching 504 accessibility requirements to area census data;
  - Currently, PHAs must make 5% of units accessible for persons with physical disabilities, and 2% accessible for persons with sensory disabilities, which is often lower than the actual percentage of people with those types of disabilities that qualify for public housing.
- Giving first preference for persons with mobility impairments for accessible units in project-based voucher building.
- Creating a modification fund, which would allow HCV participants to modify units in order to make them more accessible to persons with disabilities.

### Did You Know...?

According to a [2012 Census Bureau Report](#), 30.6 million people (10%) had mobility limitations and 15.7 million people (5%) had a visual disability in 2010.



### Best Practices

The Chicago Housing Authority has funded a Modification Fund for participants in the Housing Choice Voucher Program for over ten years. It has a cap of up to \$6,000 per request and is NOT a onetime request program. Hundreds of individuals with disabilities in the HCV program have benefited from this program. PHAs that interested in implementing a similar program can contact Jessica Mallon: [jmallon@thecha.org](mailto:jmallon@thecha.org).

## Tenant Selection and Criminal Records

Criminal records have been used as an effective tool to deny many low income individuals access to federally subsidized housing. As a result, low income people with criminal records have an

### Did You Know...?

As of 2010, Less than 10% of the Federal Inmate Population had been convicted of a violent crime (2011, U.S. Department of Justice)

75% of prisoners eligible to apply for early release are African American or Hispanic (2014, U.S. Sentencing Commission, Office of Research and Data)

exceptionally difficult time finding housing, even when they are not a threat to the health and safety of others around them. Because people leaving the criminal justice system are much more likely to commit a crime in the first year after being released if they are unable to secure adequate

housing<sup>13</sup>, the systemic denial of housing to people with criminal records traps millions of people in a vicious cycle of crime and poverty.

Furthermore, many people are denied housing based on criminal activity that happened many years before, indicating that people with criminal backgrounds still face major roadblocks in securing housing after rectifying their criminal behavior. Even worse, many people are systematically denied housing simply based on misdemeanors on their record. It is for these reasons that PHAs should adopt admissions policies that do not unjustifiably hinder people's ability to find housing when they are not a threat to others around them. Currently, HUD regulations specify only two explicit bans on occupancy based on criminal activity. This includes a lifetime ban on admission to the Public Housing and Housing Choice Voucher programs for:

1. Individuals found to have manufactured or produced methamphetamine on the premises of federally assisted housing (24 CFR § 960.204, 24 CFR §982.553), and
2. Sex offenders subject to a lifetime registration requirement under a State sex offender registration program (24 CFR § 960.204, 24 CFR §982.553)

Moreover, HUD directed a letter<sup>14</sup> to PHAs, asking them to allow ex-offenders to rejoin their families in the Public Housing and Housing Choice Voucher Programs when appropriate. Although PHAs have the discretion to implement further restrictions for their admissions criteria, they must make sure that these restrictions are consistent with applicable fair housing and equal opportunity laws and do not have a disparate impact on certain population groups. Below are a few recommendations<sup>15</sup>:

- **Establish reasonable look-back periods for criminal history**

PHAs should enact look-back periods that are not unreasonably long and that do not extend indefinitely. PHAs should also provide a maximum rather than a minimum number of years that it will look back into one's record. While it can be challenging to determine a reasonable time period for looking back into a potential tenant's criminal history, we advise PHAs to use HUD rules and guidance as a way of setting the appropriate standard.

- **Do NOT use arrests as a gauge for criminal activity**

Unfortunately, many PHAs have admissions screening policies that equate arrests with criminal activity despite the fact that arrests alone are not sufficient proof of criminal activity. According to the US Supreme Court, "An arrest shows nothing more than that someone probably suspected the person apprehended of an offense."<sup>16</sup> Furthermore, using arrests as a way to measure criminal

<sup>13</sup> [http://o.seattletimes.nwsources.com/html/localnews/2013552561\\_housing30m.html](http://o.seattletimes.nwsources.com/html/localnews/2013552561_housing30m.html)

<sup>14</sup> [http://usich.gov/resources/uploads/asset\\_library/Rentry\\_letter\\_from\\_Donovan\\_to\\_PHAs\\_6-17-11.pdf](http://usich.gov/resources/uploads/asset_library/Rentry_letter_from_Donovan_to_PHAs_6-17-11.pdf)

<sup>15</sup> These recommendations were derived from The Shriver Center's Report: [When Discretion Means Denial \(by Marie Claire Tran-Leung\)](#)

<sup>16</sup> [Schware v. Bd of Bar Examiners, 353 U.S. 232, 241 \(1957\)](#)

activity could have a disparate impact<sup>17</sup> on racial and ethnic minorities, who are arrested at a disproportionate rate compared to the general population. Therefore, screening for arrests could raise serious problems under the Fair Housing Act. PHAs should follow the examples of the Illinois Housing Development Authority, the New York City Housing Authority, and the Housing Authority of the City of Los Angeles in putting an end to screening applicants for arrests. These examples and sample language can be found in the *When Discretion Means Denial* report cited in footnote 13.

- **Examine applicants on a case-by-case basis in spite of a person's criminal record**

In the case of screening for criminal records, HUD regulations<sup>18</sup> require PHAs to consider the time, nature, and extent of the applicant's conduct. This includes examining evidence of rehabilitation and the family's participation in social service or other appropriate counseling when such programs were available. Therefore, PHAs are advised to provide examples of mitigating circumstances in their admissions policy. By including and informing applicants of opportunities to mitigate the effects of their criminal records, PHAs can send the message that applicants are not automatically disqualified based on criminal records.

## Sample BAD Policies

### Sample 1

Applicants who fall into the following categories may be rejected.

- Criminal convictions that involved physical violence to persons or property, or endangered the health and safety of other persons within the last 20 years.
- Criminal convictions in connection with the manufacture or distribution of a controlled substance within the last 10 years.

### Sample 2

For the Purpose of this policy, if any member of the applicant family has been *arrested* at least \_\_\_\_ times within the prior \_\_\_\_ year period for this purpose, they will be determined to have engaged in criminal activity or violent criminal activity.

<sup>17</sup> Disparate Impact is a legal doctrine under the Fair Housing Act which means that a facially neutral policy or practice could be considered discriminatory if it has a disproportionate "adverse impact" against any group based on race, national origin, color, religion, sex, familial status, or disability. Additional Information can be found at: <http://www.nationalfairhousing.org/PublicPolicy/DisparateImpact/tabid/4264/Default.aspx>

<sup>18</sup> 24. C.F.R. §960.203(d)



## Best Practices

King County Housing Authority [Admissions and Continued Occupancy Policy Guide](#):

The Housing Authority of New Orleans [The Admissions and Continued Occupancy Policy](#)

## Racial Equity Analysis

Eliminating racial inequality requires thoughtful action at the individual, institutional, and structural level. Policies, programs, and budget issues should all be examined to properly assess their potential impact on racial equality. Many policies that are not intentionally discriminatory can have negative effects on racial minorities if not properly analyzed. Analysis should be performed early in the process by a diverse group of people, including stakeholders from the community.



## Best Practices

The City of Seattle **established the Race and Social Justice Initiative (RSJI) to create a strategic plan explicitly focused on ending institutional racism. The RSJI created a [Racial Equity Toolkit](#) that details a step-by-step process any government agency can follow to ensure racial equity in their policies.**

## Providing Fair Housing Resources

Because many public housing residents and voucher holders are not aware of the Fair Housing Act and protections under other civil rights acts they are protected under, providing residents information on their fair housing rights would ensure greater awareness, and thus lead to fewer instances of fair housing violations.



## Best Practices

Baltimore Housing **has a [Fair Housing Act page](#) on their website explaining the Fair Housing Act as well as information on where people can file a fair housing complaint.**

## Policies for Victims of Domestic Violence

HUD recently released a [proposed rule](#) on the implementation of expanded protections for survivors of domestic violence based on the Violence Against Women Reauthorization Act 2013. PHAs have the ability to implement policies and practices that provide protections to victims of domestic violence, dating violence, sexual assault, and stalking beyond HUD requirements. Below are a few recommended practices:

- Adopt admissions preferences for victims of domestic violence;
- In the case of domestic violence in a household living in public housing, a PHA can bifurcate the lease to evict perpetrator and preserve the victim's housing;
- Implement a transfer program for public housing and voucher program participants who become victims of domestic violence and need to move to another jurisdiction;

### Did You Know...?

**A 2003 survey by the United States Conference of Mayors found that one quarter of homeless mothers had been physically abused in the past year and almost all had experienced or witnessed domestic violence over their lifetimes.**



### Best Practices

**In partnership with other MTW agencies and local domestic violence service providers, the Seattle Housing Authority is in the process of implementing a transfer program assisting public housing and voucher holder participants who are victims of domestic violence and need to move to another jurisdiction to ensure their safety.**

**This will assist participants who need to move out of or into the Seattle area from a partnering MTW agency. Participants will be assigned to a local domestic violence agency upon their transfer to provide assistance.**

## Implementing a Zero Tolerance Policy for Civil Rights Violations

Just as in broader society, public housing residents can easily become victims of harassment and civil rights violations by other residents in their complex. For this reason, it is a good measure for housing authorities to implement a policy specifically stating that harassment and civil rights violations are not permitted. While making residents feel that they live in a welcoming community, such a measure could also prevent certain acts of harassment from taking place on housing authority property. For model policy language on non-harassment policy, view Appendix C.





## Best Practices

The Boston Housing Authority has implemented a Civil Rights Protection Plan, which is design to “protect applicants, residents and their visitors from threats, harassment, violence or abuse while they are on BHA property.” As part of that plan, the BHA has a Zero Tolerance Policy for civil rights violations on Authority property.

## Developing Close Relationships with Fair Housing and Civil Rights Organizations

One of the best ways for PHAs to ensure that they are in full compliance with Fair Housing Laws and effectively Affirmatively Furthering Fair Housing is through partnering with Fair Housing and advocacy organizations in their area. Such partnerships could enable PHAs to easily seek guidance on potential fair housing compliance issues through testing and/or revising their policies. Also, since many potential victims of housing discrimination initially file their complaint with civil rights organizations in their area, having a good relationship with civil rights organizations could help PHAs resolve many potential fair housing issues before they rise to the level of Federal Government Complaint.



## Best Practices

Through their partnership with several fair housing agencies, the Chicago Housing Authority has developed a comprehensive Fair Housing and testing project to determine impediments to fair housing choice. The CHA also partners with the disability advocacy agency, Access Living of Metropolitan Chicago, to administer HCVs to persons transitioning from institutions/nursing homes into the community.

## Further Resources

The following resources can provide useful Affirmatively Furthering Fair Housing Information:

- The Opportunity Agenda: <http://opportunityagenda.org/realizing-the-promise>
- HUD’s Affirmatively Furthering Fair Housing Proposed Rule
- National Fair Housing Alliance’s – Affirmatively Furthering Fair Housing
- Lawyers Committee for Civil Rights Under Law – Affirmatively Furthering Fair Housing
- Fair Housing Center of Washington’s Affirmatively Furthering Fair Housing Manual

## Appendix A: Summary of Selected Civil Rights Laws Applicable to Public Housing Agencies

Law	General Description <sup>19</sup>	Requirements/ Examples of Prohibited Actions	Links for Additional Resources
<b>Fair Housing Act, 42 U.S.C. 3601 et. seq. Also referred to as Title VIII</b>	<p>Applies to most public <u>and</u> private housing. Cannot discriminate <i>because of</i>: race, color, religion, national origin, sex, disability or familial status. [Note, likely applies to landlords renting to HCV holders]</p> <p>The Fair Housing Act requires most multi-family dwellings built since March 13, 1991, to be accessible to people with disabilities</p>	<ul style="list-style-type: none"> <li>• Refusing to rent or sell</li> <li>• Offering different Terms and Conditions</li> <li>• Lying about availability of housing</li> <li>• Harassment</li> <li>• Retaliating against someone using their fair housing rights</li> <li>• Restricting housing choice to perpetuate segregation</li> </ul> <p><b>Signs of possible discrimination:</b></p> <ul style="list-style-type: none"> <li>• Charging higher rent or an additional deposit because someone needs a service animal to assist them with their disability.</li> <li>• Advertisements, signs or flyers which state, for example, "no children," "no minorities," or "Hispanics Need Not Apply."</li> <li>• Limiting the number of children in a housing complex or confining them to a specific location or floor.</li> <li>• Being propositioned for sex in exchange for rent or deposits and/or inappropriate comments.</li> <li>• Refusing to rent to a person using a wheelchair for fear a unit might be damaged.</li> <li>• Steering minority renters to sections of the city where other minorities live or telling white apartment seekers to stay out of some areas.</li> </ul>	<p><a href="http://www.hud.gov">www.hud.gov</a> – click on the “Program Offices” tab and select Fair Housing/Equal Opportunity</p> <p>“My Fair Housing Rights” offers good basic facts of fair housing laws.</p> <p>Fair Housing Library has a variety of materials.</p> <p><a href="http://www.nationalfairhousing.org">www.nationalfairhousing.org</a> – click on resources to find a variety of resources, including videos and education materials.</p> <p><a href="http://www.hopefair.org">www.hopefair.org</a></p>

<sup>19</sup> Please see PIH Notice 2011-31 Guidance on Non-Discrimination and Equal Opportunity Requirements for Public Housing Authorities for additional information and resources.

<p><b>Affirmatively Further Fair Housing 42 USC 3608, HUD Regulation 24 CFR 903.2</b></p>	<p>Reinforces the obligation affirmatively to further fair housing.</p>	<p>Requires PHAs to:</p> <ol style="list-style-type: none"> <li>1. Examine programs or proposed programs;</li> <li>2. Identify any impediments to fair housing choice within those programs;</li> <li>3. Address those impediments in a reasonable fashion in view of the resources available;</li> <li>4. Work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require PHA involvement; and</li> <li>5. Maintain records reflecting these analyses and actions.</li> </ol> <p>Further fair housing in admission and occupancy policies; prevent discrimination against and/or segregation because of race, color, religion, sex, disability, familial status or national origin; reduce racial and national origin concentrations in the design of eligibility, selection and admissions policies; and take affirmative steps to overcome the effects of conditions which resulted in limited participation of persons because of their race, national origin, or other prohibited basis.</p>	<p>Check <a href="http://www.hopefair.org">www.hopefair.org</a> for further information, click on Resources &gt; PHA Resources</p> <p>HUD's Fair Housing Planning Guide, e.g page 2-11 for PHA recommendations available at <a href="http://www.hud.gov/offices/ftheo/images/fhpg.pdf">http://www.hud.gov/offices/ftheo/images/fhpg.pdf</a></p>
<p><b>Section 504 of the 1973 Rehabilitation Act (Section 504) [29 U.S.C. §701 et seq]</b></p>	<p>Applies to recipients of federal financial assistance, prohibits discrimination <i>based on</i> disability.</p> <p>Provides that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.</p>	<p>You must allow persons with disabilities to participate fully in your programs. This may require you to modify your policies, practices and services so that persons with disabilities may participate in your programs and benefit from your services.</p> <p>Recipients of HUD financial assistance must take all steps necessary to ensure that their programs, services and activities comply with Section 504 to the maximum extent possible.</p>	<p><a href="http://www.hud.gov">www.hud.gov</a> – click on Program Offices tab, select Fair Housing/ Equal Opportunity, click on “Topics” and select “People with Disabilities” and then select “Section 504”</p> <p><a href="http://www.hopefair.org">www.hopefair.org</a> – click on “disability” hyperlink on home page for more information.</p> <p>NOTE: Sanctions for violating Section 504 include termination of funds, disapproving funding requests, conditioning funds, debarment, and other sanctions.</p>

	<p>HUD has comprehensive regulations addressing HUD funded housing</p> <p>Does NOT apply to landlords who receive only Section 8 Certificate or Voucher funds</p>	<p>However, a recipient is not required to take steps that it can demonstrate will cause an undue financial and administrative burden or change the fundamental nature of the program.</p> <p>You must provide reasonable accommodations in policies or structures</p> <p>Make efforts to ensure that communication is in a format or method accessible to persons with disabilities</p> <p>504 requires access in new construction and renovation of rental and sales property that is federally funded. HUD requires in new construction:</p> <ul style="list-style-type: none"> <li>• At least 5% of units designed for persons with mobility impairments</li> <li>• At least 2% of units designed for persons with vision and hearing impairments 24 CFR 8.22</li> </ul>	
<p><b>Title VI of the Civil Rights Act of 1964</b></p>	<p>Prohibits discrimination <i>based on</i> race, color, or national origin in programs and activities receiving federal financial assistance.</p>	<p>As President John F. Kennedy said in 1963:</p> <p>Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.</p> <p>Sample violations include:</p> <ul style="list-style-type: none"> <li>• Residency requirements that operate to exclude persons of color from a PHA program</li> </ul>	<p><a href="http://www.justice.gov/crt/about/cor/cord/titlevi.php">http://www.justice.gov/crt/about/cor/cord/titlevi.php</a> - the Department of Justice has a comprehensive page related to Title VI, including laws, guidance and videos.</p> <p><a href="http://www.hud.gov">www.hud.gov</a> – click on “Program Offices” and select Fair Housing/ Equal Opportunity. On the bottom right of that page, click on the link for “Limited English Proficiency”. Under multi-family, you will find training materials related to LEP. Under PIH you will find relevant materials translated into a variety of languages.</p> <p><a href="http://www.hopefair.org">www.hopefair.org</a> – on the home page, click on “google translate” button on the upper right corner. Select language and materials will appear in that language.</p>

		<ul style="list-style-type: none"> <li>• Not taking reasonable steps to provide meaningful access for persons with Limited English Proficiency (LEP)</li> <li>• Demolition and/or redevelopment of public housing in a manner that perpetuates segregation</li> <li>• Maintaining properties in an unequal manner based on the race of the tenants living at the property</li> <li>• Disparate treatment on a waiting list based on national origin</li> </ul>	NOTE: Sanctions for violating Title VI include termination of funds, disapproving funding requests, conditioning funds, debarment, and other sanctions.
<b>Title II of the Americans with Disabilities Act of 1990 (ADA)</b>	Prohibits discrimination <i>based on</i> disability in programs, services, and activities provided or made available by public entities.	<p>Title II applies to housing operated by state or local governments and is very similar to Section 504</p> <p>An example of this could be affordable housing financed with municipal bonds, a transitional housing program funded with both state and local funds (but no federal) or funded by a state housing trust fund</p>	Detailed information about the ADA can be obtained from the Department of Justice ADA webpage at <a href="http://www.ada.gov">http://www.ada.gov</a>
<b>Violence Against Women Act [VAWA]</b>	Prohibits denying admission to any person simply because she has been a victim of domestic violence, dating violence, or stalking.	<p>Requires PHAs to use leases that make clear that domestic violence, dating violence, or stalking is not good cause for evicting the victim of that violence.</p> <p>How can a tenant prove they are a victim of domestic violence?</p> <ul style="list-style-type: none"> <li>• A written, signed statement from a victim services provider saying that the provider believes the incidents in</li> </ul>	<a href="http://www.povertylaw.org/advocacy/women/pubs/safe-homes">http://www.povertylaw.org/advocacy/women/pubs/safe-homes</a>

question were acts of domestic violence, dating violence, or stalking against the tenant.

- A written, signed statement from a medical professional saying that the medical professional believes the incidents in question were acts of domestic violence, dating violence, or stalking against the tenant.
- A written, signed statement from an attorney saying that the attorney believes that the incidents in question were acts of domestic violence, dating violence, or stalking against the tenant.
- A police record that indicates the tenant was a victim of domestic violence, dating violence, or stalking.
- A court record (e.g., a protective order) that indicates the tenant was a victim of domestic violence, dating violence, or stalking.

**Equal Access in Housing Regardless of Sexual Orientation or Gender Identity [Final HUD Rule]**

Prohibits discrimination *based on* sexual orientation or gender identity

Make sure that your definition of “family” is up to date and provides equal access.

Do not discriminate in decisions, housing availability or terms and conditions based on actual or perceived sexual orientation or gender identity.

Do not inquire about applicant’s sexual orientation or gender identity in making

See PIH Notice 2014-20 for additional guidance

[www.hopefair.org](http://www.hopefair.org) – click on “sex” hyperlink on the homepage for resources including HUD’s final equal access rule,

Visit [www.hud.gov](http://www.hud.gov) and click on Lesbian, Gay, Bisexual or Transgender Individuals next to the rainbow flag on the middle of the Fair Housing/ Equal Opportunity homepage under

<b>Section 3 of the Housing &amp; Urban Development Act of 1968</b>	Residents of government assisted housing or persons below HUD's program income limits.	housing available, Requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods	"highlights". Visit <a href="#">HUD</a> > <a href="#">Program Offices</a> > <a href="#">Fair Housing</a> > <a href="#">Section 3</a> > <b>Section 3 - Economic Opportunities</b>
<b>Additional laws, guidance and Executive Orders</b>	There are a variety of additional laws which may apply to PHA facilities or programs	Age Discrimination Act of 1975  Title IX of the Education Amendments Act of 1972  Section 109 of Title I of the Housing and Community Development Act of 1974 (Title I) (42 U.S.C. 5309)  Executive Orders: 11063, 11246, 12892, 12898, 13166, 13217	Detailed information can be found at <a href="http://www.hud.gov">www.hud.gov</a> following the tabs to:  <a href="#">HUD</a> > <a href="#">Program Offices</a> > <a href="#">Fair Housing</a> > <b>Fair Housing Laws and Presidential Executive Orders</b>  Review FHEO Notice 2011-1 and PIH Notice 2011-31 for a complete review.
<b>Check state, county and city laws for additional protections!</b>		Example, Illinois law adds protections for sexual orientation, age, marital status, military status, military discharge status and victims of domestic violence with protective orders. Cook County adds protections based on source of income.	Visit <a href="http://www.nationalfairhousing.org">www.nationalfairhousing.org</a> and click on "Find Local Help" to locate a fair housing organization in your area. Contact your local fair housing organization for more information.

## Appendix B: Essential PHA Policies – Fair Housing Compliance Checklist

<input type="checkbox"/> Family definition updated to reflect HUD LGBT Guidance	<input type="checkbox"/> Occupancy of Accessible Dwellings
<input type="checkbox"/> Zero Civil Rights Violation Policy	<input type="checkbox"/> Language Access Plan
<input type="checkbox"/> VAWA Compliant Transfer Policy	<input type="checkbox"/> Reasonable Accommodation Policy and Process for Persons with Disabilities
<input type="checkbox"/> Affirmative Marketing Plan	<input type="checkbox"/> Criminal Background Statement and Policy
<input type="checkbox"/> UFAS Accessibility Checklist	<input type="checkbox"/> Residency Preference Is Not a Residency Requirement
<input type="checkbox"/> VAWA Compliant Privacy and Confidentiality Policy and Procedures	<input type="checkbox"/> Waitlist policies comply with HUD's HCV Guidebook Chapter 4
<input type="checkbox"/> Zero Tolerance Policy for Harassment (updated to reflect LGBT Guidance)	<input type="checkbox"/> Graffiti Removal Policy
<input type="checkbox"/> VAWA Compliant Lease Termination Exception	<input type="checkbox"/> De-concentration Policy
<input type="checkbox"/> Demolition/Disposition Assessment, Review and Policy Compliant with Civil Rights Laws	



## Appendix C: Model Policy Language

### Language Access Plan

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to PHA programs and activities.

Language assistance includes interpretation, which means oral or spoken transfer of a message from one language into another language; and/or translation, which means the written transfer of a message from one language into another language. The PHA will determine when interpretation and/or translation are needed and are reasonable.

- *Borrowed from St. Paul Public Housing Agency*

### Criminal Background Checks

While a criminal record will not automatically exclude an applicant from consideration, it is an important criteria used in determining a person's suitability as a tenant. In determining an applicant's suitability, the Housing Authority will consider an applicant's arrest record, but, place greater emphasis on actual convictions. Additionally, the Housing Authority will also consider any mitigating circumstances which would indicate that the borderline applicant could be considered for tenancy.

- *Borrowed from King County Housing Authority*

Except as mandated by federal law, no applicant for \_\_\_\_\_-assisted housing will be automatically barred from receiving housing assistance because of his or her criminal background. For applicants not barred by federal law, the applicant's criminal conviction(s) will be assessed to determine the risk the applicant poses to the safety and well-being of the community using valid written criteria.

- *Borrowed from Housing Authority of New Orleans*

### No-Harassment Policy

The \_\_\_\_\_ has zero tolerance for civil rights violations on Authority property. A resident's entire household will be subject to eviction if the resident, any member of the resident's household, any guest, or any other person under the resident's control is determined to have violated the civil rights of any person, while on \_\_\_\_\_ property, in violation of the resident's Public Housing Lease. The \_\_\_\_\_'s procedures for responding to civil rights violations are set forth in the Civil Rights Protection Plan.

- *Borrowed from Boston Housing Authority*

### Definition of Family

\_\_\_\_\_ 's definition of family includes all of the federally defined families regardless of actual or perceived sexual orientation, gender identity, or marital status, including elderly family, near-elderly family, disabled family, displaced family, remaining member of a tenant family, and a single person and two or more persons related by blood, marriage, adoption or act of law under the State of Texas or living together in a stable family relationship, sharing household and financial responsibilities for a minimum of six months. In determining family composition, children of the applicant who are temporarily absent from the household due to a foster care placement are considered members of the household. In addition, unborn children and children in the process of being adopted may be counted for the purpose of determining bedroom size.

- *Borrowed from Fort Worth Housing Authority*