



## Fair Housing Considerations

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Corporation for Supportive Housing  
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### Ensuring Equal Opportunity

- Title VI of the Civil Rights Act of 1964
- **Title VIII of the Civil Rights Act of 1968 (as amended)**
- Section 504 of the Rehabilitation Act of 1973
- Section 109 of the Housing & Community Development Act of 1974
- Architectural Barriers Act of 1968
- Age Discrimination Act of 1975
- Section 3 of the Housing & Urban Development Act of 1968
- Title II of the American with Disabilities Act of 1990

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### Fair Housing Act

- Prohibits discrimination in the sale, rental, or financing of dwellings and in other housing – related transactions on the basis of:
  - Race
  - Color
  - National origin
  - Religion
  - Sex
  - Familial status
  - Disability

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Exceptions	
<ul style="list-style-type: none"> <li>▪ Any single-family house sold or rented by an owner (with provisions)</li> <li>▪ Rooms or units in dwellings with &lt;4 units (with stipulation)</li> <li>▪ Religious organizations</li> <li>▪ Private clubs</li> <li>▪ Emergency shelter</li> </ul>	

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What's Covered?	
<ul style="list-style-type: none"> <li>▪ Sale of housing</li> <li>▪ Rental of housing</li> <li>▪ Design (accessibility) of housing</li> <li>▪ Mortgage lending</li> <li>▪ Advertising</li> <li>▪ Insuring</li> </ul>	

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Additional Protections in MI	
<ul style="list-style-type: none"> <li>▪ Michigan Elliot-Larsen Civil Rights Act</li> <li>▪ Local ordinances</li> </ul>	

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## Enforcement & Education

- HUD's Office of Fair Housing & Equal Opportunity
- Fair Housing Assistance Program (FHAP) Agencies
- Fair Housing Initiatives Program (FHIP) Agencies

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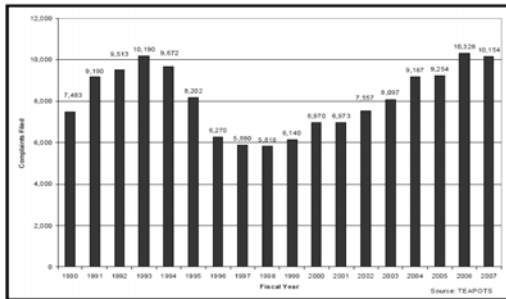
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## FH Complaints Filed

Chart 1.1 Complaints Filed with HUD and FHAP Agencies (FY 1990-FY 2007)




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## Bases of Complaints

Basis	FY 2004		FY 2005		FY 2006		FY 2007	
	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total	Number of Complaints	% of Total
Disability	3,483	38%	3,766	41%	4,110	40%	4,410	43%
Race	3,512	38%	3,472	38%	4,043	39%	3,750	37%
Familial Status	1,357	15%	1,414	15%	1,433	14%	1,441	14%
National Origin	1,268	14%	1,225	13%	1,427	14%	1,299	13%
National Origin—Hispanic or Latino	916	10%	890	9%	931	9%	784	8%
Sex	997	11%	961	10%	997	10%	1,008	10%
Religion	360	4%	218	2%	258	2%	296	3%
Color	170	2%	142	2%	154	1%	173	2%
Retaliation	441	5%	452	5%	577	6%	588	6%
Number of Complaints Filed	9,187		9,254		10,328		10,154	

Percentages do not total 100 percent because complaints may contain multiple bases. Percentages are rounded to the nearest whole number.

Source: TEAPOTS

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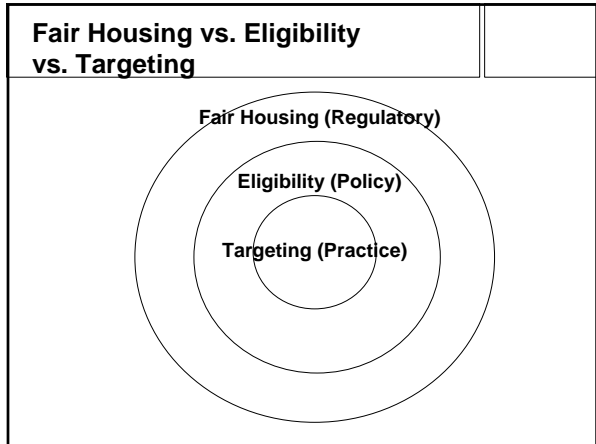
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| <b>Serving Designated Populations</b>  |  |
| <ul style="list-style-type: none"> <li>▪ People with disabilities</li> <li>▪ People experiencing homelessness</li> <li>▪ People with HIV/AIDS</li> <li>▪ Recovering alcoholics or drug users</li> <li>▪ Single gender</li> </ul> |  |

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| <b>Serving Designated Populations</b>   |  |
| <ul style="list-style-type: none"> <li>▪ Young adults</li> <li>▪ Preferences for residents of a particular geographic locality</li> <li>▪ Individuals recently released from correctional systems</li> <li>▪ Preferences for clients of a particular social service organization</li> </ul> |  |

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<b>Generally Acceptable...</b>	
<ul style="list-style-type: none"> <li>▪ Developing a <i>targeted marketing plan</i> to the seriously mentally ill, individuals with substance abuse issues, and/or persons with HIV/AIDS ... but not excluding any other disabled homeless individual.</li>   <li>▪ Describing the housing unit or development, NOT the type of tenant you're looking for.</li> </ul>	

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<b>Generally Acceptable...</b>	
<ul style="list-style-type: none"> <li>▪ Instead of: "Housing available for individuals aged 18 to 24 that have exited out of the foster care system."</li>   <li>▪ Try: "Housing available for individuals that have lived in foster care within the last five years, or have been a runaway or homeless youth within the last five years."</li> </ul>	

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<b>Reasonable Accommodations</b>	
<ul style="list-style-type: none"> <li>▪ Requests for changes to: <ul style="list-style-type: none"> <li>– Rules</li> <li>– Policies</li> <li>– The way services are provided</li> </ul> </li> </ul>	

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<b>Newest Trend in Accommodations</b>	
	
	

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<b>Reasonable Modifications</b>	
<ul style="list-style-type: none"> <li>▪ A <b>structural change</b> made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.</li> </ul>	

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<b>Cost of Non-Compliance</b>	
<ul style="list-style-type: none"> <li>• Frye v. Parkway Meadows (Ann Arbor)</li> <li>• Dukes v. Carpenter Place (Pittsfield Township)</li> <li>• Azizuddin v. Arrowwood Hills (Ann Arbor)</li> <li>• DOJ v. Morbach, Benchmark Michigan Properties, and Fairway Trails Limited, L.P. (Ypsilanti)</li> </ul>	

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<b>Remember...</b>	
<ul style="list-style-type: none"> <li>■ The test in court will not be if your practice(s) had a discriminatory <b>intent</b>; rather, it will be if your practice(s) had a discriminatory <b>impact</b>.</li> </ul>	

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<b>Resources</b>	
<ul style="list-style-type: none"> <li>■ "Between the Lines: A Question &amp; Answer Guide on Legal Issues in Supportive Housing" <i>Corporation for Supportive Housing</i></li> <li>■ Fair Housing Accessibility FIRST (Fair Housing Instruction, Resources, Support, Technical Guidance): <a href="http://www.fairhousingfirst.org">http://www.fairhousingfirst.org</a></li> </ul>	

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<b>Resources</b>	
<ul style="list-style-type: none"> <li>■ Fair Housing multimedia campaign: <a href="http://www.fairhousinglaw.org">http://www.fairhousinglaw.org</a></li> <li>■ U.S. Department of Housing &amp; Urban Development: <a href="http://www.hud.gov/fairhousing">http://www.hud.gov/fairhousing</a></li> </ul>	
	

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