



Fair Housing Enforcement Program

November 2015

Volume 2, Issue 11

Aloha!



Winning artwork from "Fair Housing Is Our Kuleana" Art Contest 2015

Happy November! This month, our fact sheet focuses on Language Access and National Origin Discrimination.

As always, be sure to check out our [website](#) for more program updates and resources!

Recent Fair Housing News

[Local News](#)

Quick Links

[Visit Our Website!](#)

[Learn More About Fair Housing](#)

[Request a Training](#)

[Contact Us](#)

[Join Our Mailing List!](#)

About Us

The Fair Housing Enforcement Program (FHEP) is a project of the Legal Aid Society of Hawaii. Our mission is to promote fair housing and end housing discrimination through education, advocacy, outreach, and litigation.

All people in Hawaii have the right to make housing choices without regard to race, color, religion, national origin, sex, disability, familial status, age, gender identity or expression, sexual orientation, marital status, or HIV infection.

On October 14, 2015, Honolulu Civil Beat published the first of a seven-part specialized report on Micronesian immigration to the United States and the social, economic, and cultural effects it's having on the communities they're settling in. In a fair housing context, the report addresses the challenges that large COFA families with minor children face when looking for affordable housing. To read the fascinating seven-part series, click [here](#).

Sex Discrimination in South Dakota

Courts around the nation have recognized sexual harassment as a form of discrimination based on sex under the Fair Housing Act. On October 6, 2015, HUD announced charges against Carrol Goodsell, a property manager in Spearfish, SD, for sexually harassing a female tenant in one of the single-family homes that he managed. Specifically, [HUD's charge](#) alleges that Goodsell subjected the woman, who occupied the house with her two children and her boyfriend, to repeated inappropriate sexual comments and physical contact. The charge also alleges that the property manager used his key to unknowingly enter the home while the woman was alone inside.

The Fair Housing Act makes it unlawful for a housing manager or owner to sexually harass a tenant. This includes conditioning housing on the tenant's acquiescence to sexual demand

Furthermore, HUD announced on October 21, 2015, a new proposition that would formalize standards for victims of harassment in housing to bring claims under the Fair Housing Act. Sexual harassment is the leading type of harassment complaint received by HUD. Harassment in housing threatens a resident's sense of safety and privacy in their own home, and there can be little opportunity to escape

If you believe you have been denied access to housing because of discrimination, you may call the FHEP Hotline at **808-527-8024** or from the Neighbor Islands, **866-527-3247**. Leave a message and our Intake Specialist will call to schedule an interview. One of our staff attorneys will then review your case and determine whether we will be able to provide assistance.

such harassment unless the individual or family moves. Low-income women, often racial and ethnic minorities and persons with disabilities, may be particularly vulnerable to sexual harassment in housing.

To read more about Sexual Harassment protections under the Fair Housing Act, read our October 2014 factsheet [here](#).

Racial Discrimination in rural Long Island, NY

In Yaphank, New York, The German American Settlement League (GASL), a predominant landowner in the rural parts of Long Island, is facing a lawsuit brought on by Long Island Housing Services, Inc. (LIHS) and owners of a home in Siegfried Park for violations of the Fair Housing Act. The homeowners and LIHS are accusing the GASL of discrimination, saying that their community bylaws prevent the advertising of their home on the open market and require that the sale of the home must be to people of German heritage. The complaint filed by LIHS and the current homeowners alleges that GASL's restrictions act as a barrier to prospective home buyers who are not white people of German ancestry or background and that the restrictions discriminate on the basis of race and national origin in violation of the Fair Housing Act. To read more about this, check out the New York Times article, "[Nazi Past of Long Island Hamlet Persists in a Rule for Home Buyers](#)."

Additional Reading

Members of the LGBT community are protected under the Fair Housing Act here in Hawai'i, but it may surprise you to know that in 31 of the 50 American states, they may be evicted or denied housing based entirely on their sexual orientation or gender identity. To learn more about this, watch

[Moving On!](#) an Educate Yo Self video created by comedian Hart.



Moving On! EYS Episode 5

October Factsheet: Fair Housing and Language Access

Issues Regarding Limited English Proficiency/National Origin

Discriminating against someone with Limited English Proficiency (LEP) is considered a violation of Title VI of the Civil Rights Act of 1964 prohibition against discrimination against someone based upon their National Origin. LEP persons may be entitled to language assistance with respect to anyone who does not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

The LEP obligations of Title VI apply to entities that receive financial assistance from the Federal government, including state agencies, local agencies, and for-profit and non-profit entities. This would include subsidized housing and public housing. It does not include homes financed by FHA financing since, by itself, an FHA loan is not considered federal financial assistance.

Citizenship is irrelevant in determining whether a person qualifies as LEP; Title VI applies to citizens, documented non-citizens, and undocumented non-

citizens.

What needs to be done to provide LEP

assistance:

The housing provider needs to consider four factors in determining LEP needs:

1. The number of LEP persons from a particular language group to be served or encountered.
2. The frequency of contact with LEP persons.
3. The nature and importance of your program (and housing is important!).
4. The resources available, including costs, to provide LEP services.

Develop a Language Access Plan (LAP)

If the four factors indicate you should provide LEP services you will need a LAP. Examples of assistance you might provide to LEP persons includes, but are not limited to:

- Oral interpretation services (by other than a family member).
- Bilingual/Multi-Lingual Staff.
- Written translation services.
- Telephone service lines interpreter.
- Notices to staff and consumer recipients of the availability of LEP services.
- Referrals to community liaisons proficient in the language of the LEP person.

In designing your LAP you should also

consider:

- How to identify LEP persons
- Identify the types of points of contact with LEP persons, e.g., walk-in, phone, internet, etc.
- How to provide the assistance to LEP persons.
- Staff training.
- Which documents are important for translation.

- Provide translated notices - evictions, violations, security, emergency plans, etc.
- The need for interpreters
- Available community resources for interpretation and communication.
- Quality assurance and how to monitor your LAP.

Lastly - Actually provide the appropriate assistance to LEP persons!

Other Information:

Hawaii State law mirrors the Federal statutes with respect to language access for LEP persons:

"Each state agency and all covered entities shall take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient persons, which will be determined by a totality of circumstances, including the following factors: (1) The number or proportion of limited English proficient persons served or encountered in the eligible service population; (2) The frequency with which limited English proficient persons come in contact with the services, programs, or activities; (3) The nature and importance of the services, programs, or activities; and (4) The resources available to the State or covered entity and the costs." *Hawaii Revised Statutes § 321-C3*

Some additional resources regarding LEP persons and language access are:

[State of Hawaii Office of Language Access](#)

[HUD Frequently Asked Questions on LEP](#)

*For a PDF version of this fact sheet, please click [here](#).

Upcoming Tester Training Sessions

The Fair Housing Tester Program will be having a tester training session for anyone that is eligible to attend. All interested candidates must be 18 years and older with no previous felony record, have no open case with the Legal Aid Society, and cannot have an active real estate license. The following tester training sessions have been scheduled for the month of October:

Oahu: Tuesday, November 10, 2015 5:00-7:00 p.m.
in Honolulu

Please call the Fair Housing Tester Coordinator at (808) 527-8017 to register and to receive more details, or complete the online [pre-screening questionnaire](#).

October FHEP Outreaches



On October 3, 2015, FHEP tester coordinator, Shea Henson, attended the Immigration Resource Fair at Kalihi's Susanah Wesley Community Center. It was an opportunity for immigrants to receive citizenship and naturalization information, health care information, and legal services information. During the event, Shea had the opportunity to meet several immigrants and discuss Fair Housing laws that applied to them as home seekers.

Did you know?

FHEP offers free training on fair housing. Our training seminar options cover a range of topics from general fair housing information to specific areas such as reasonable accommodation requests, assistance animals, and others. Please contact Madonna at (808) 527-8083 to schedule a free training on fair housing.

Legal Aid Society of Hawaii | | info@fairhousinghawaii.org | <http://www.fairhousinghawaii.org>

924 Bethel Street
Honolulu, HI 96813

Please forward this email to other interested parties

Copyright © 2015. All Rights Reserved.