



Fair Housing Enforcement Program

July 2015

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Aloha!



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

June marked a landmark Supreme Court decision that confirmed disparate impact theory under the Fair Housing Act. Read below for more information and to learn about other recent fair housing news.

This month's fact sheet focuses on housing protections for victims/survivors of domestic violence. Next month, the newsletter will feature a fact sheet on fair housing laws in transitional housing and shelters.

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About Us

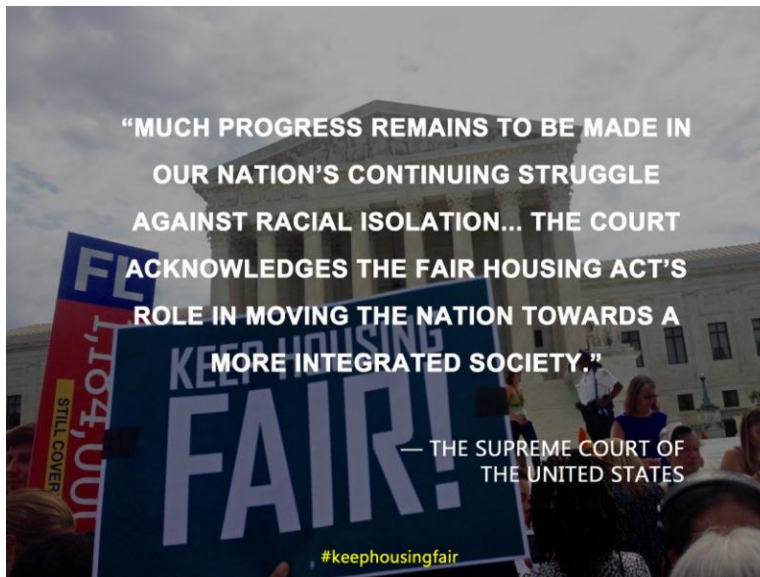
The Fair Housing Enforcement Program (FHEP) is a project of the Legal Aid Society of Hawaii. Our mission is to promote fair housing and end housing discrimination through education, advocacy, outreach, and litigation.

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.

If you believe you have been denied access to housing because of

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

Recent Fair Housing News



U.S. Supreme Court Upholds Disparate Impact in Fair Housing Cases

On June 25, 2015 the U.S. Supreme Court upheld disparate impact claims under the Fair Housing Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project*. Disparate impact allows parties to use evidence that an act, policy, or practice is against the law because it has a discriminatory effect even without a discriminatory intent. The ruling reaffirmed the importance of and continuing need for the law stating, "Much progress remains to be made in our Nation's continuing struggle against racial isolation...the Court acknowledges the Fair Housing Act's role in moving the Nation towards a more integrated society." Click [here](#) and [here](#) for more coverage, and [here](#) for the National Fair Housing Alliance press release. Click [here](#) for the full opinion.

Settlement Reached in New York Racial Discrimination Case

On May 18, 2015, a judge in New York approved a settlement between Fair Housing Justice Center (FHJC), a Caucasian resident, and three African American testers and Horizon Realty, an Astoria rental company, and two licensed real estate agents, resolving allegations of racial discrimination. After FHJC received a complaint, their investigation utilizing testers revealed discriminatory conduct discouraging African Americans from applying for

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.

and viewing available units. The defendants agreed to pay \$100,000, comply with fair housing laws, update their policies, publicly advertise available units, maintain records for FHJC to review for three years, and attend fair housing training. To read more, click [here](#).

HUD and Florida Home Owners Association Reach Settlement in Racial Discrimination Allegations

On June 3, 2015 HUD announced it had reached a settlement agreement with a North Miami Beach, Florida Home Owners Association. HUD alleged that the president of the Home Owners Association had harassed and made discriminatory remarks about African Americans and Latino residents and had tried to have them evicted. The association agreed to establish a \$109,000 fund to reimburse approximately twenty residents harmed, update their policy, and attend fair housing training. To read more, click [here](#).

Justice Department and New York Co-Op Reach Settlement in Disability Discrimination Case

The Justice Department and Co-Op City, the largest affordable housing cooperative in the United States, have reached a settlement agreement. The DOJ alleged the co-op violated the Fair Housing Act by effectively refusing assistance animals. Co-Op City is to pay \$50,000 in fines, \$600,000 to aggrieved parties, and change its policies. To read more, click [here](#).

Settlements Reached in Seattle in Discrimination Allegations

The Seattle Office of Civil Rights (SOCR) filed complaints against thirteen properties last year after investigations utilizing testers revealed that the properties treated people differently based on race, national origin, sexual orientation, and gender identity. Twelve of the thirteen properties agreed to settlements including compensating SOCR for tests and a fair-housing campaign, fair housing training, and posting fair-housing notices. To read more, click [here](#).

Housing Protections for Victims/ Survivors of Domestic Violence

Survivors of domestic violence often face housing

discrimination because of their history or acts of their abusers. The Violence Against Women Act (VAWA) protects survivors of domestic violence, dating violence, sexual assault, or stalking, in public and other federally subsidized housing, from denial of housing, eviction, or termination of assistance based on violence perpetrated by their abusers.

HUD guidance confirms that the Fair Housing Act provides some protections to survivors of domestic violence in private housing, or housing not covered by VAWA. Statistics demonstrate that women are overwhelmingly the victims of domestic violence and therefore discrimination against survivors of domestic violence is almost always discrimination against women. Approximately 1.3 million women are victims of assault by an intimate partner each year; and 1 in 4 women will experience intimate partner violence in their lifetimes. Therefore, survivors who are denied housing, evicted, or deprived of assistance based on the violence in their homes may have a cause of action for sex discrimination under the Fair Housing Act.

Types of Public and Subsidized Housing Protected under VAWA:

- Public housing
- Section 8 & Project-based Section
- HOME Investment Partnerships program
- § 202 supportive housing for the elderly
- Section 236 Rental Program
- § 811 supportive housing for people with disabilities
- Section 221(d)(3) Below Market Interest Rate (BMIR) Program
- HOPWA (Housing Opportunities for Persons with AIDS) housing program
- HUD's McKinney-Vento homeless programs
- Low-Income Housing Tax Credit properties
- U.S. Department of Agriculture Rural Housing properties

Key provisions of VAWA:

Prohibits covered housing providers from denying admission based on an individual's status as a victim of domestic violence, dating violence, sexual assault,

or stalking.

Prohibits covered housing providers from evicting a victim of domestic violence, dating violence, sexual assault, or stalking based solely on criminal activity related to an act of violence against her. Domestic violence incidents or threats of abuse cannot be considered a serious or repeated violation of the lease or any other "good cause" to evict the victim of the abuse.

Requires covered housing providers to honor protection orders, divorce decrees, and other court orders that address access to or control of the housing unit.

Permits lease bifurcation if both the victim and the perpetrator of domestic violence, dating violence, sexual assault, or stalking are parties to the lease, in order to evict the perpetrator and allow the victim to remain.

Allows covered housing providers to request documentation that he/ she is a victim of domestic violence, dating violence, sexual assault, or stalking including, but not limited to:

- A written, signed statement from a victim services provider, medical professional, or attorney saying that he/ she believes the incidents in question were acts of domestic violence, dating violence, or stalking against the tenant.
- A police record or court record that indicates the tenant was a victim of domestic violence, dating violence, or stalking.

Requires covered housing providers to maintain victim-tenant confidentiality, unless the tenant agrees that the housing provider can share the information with someone else, or if the information is necessary to an eviction proceeding (e.g. to evict an abuser).

Requires appropriate agencies to develop a notice of rights under VAWA for tenants and provide that notice when a person applies for housing, when a person is admitted as a tenant, and when a tenant is threatened with eviction or termination of housing

benefits.

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

Upcoming Tester Training Sessions

The Fair Housing Tester Program will be holding tester training sessions for anyone 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. Please call the Fair Housing Tester Coordinator at (808) 527-8036 to register and to receive more details, or complete the online [pre-screening questionnaire](#).

June FHEP Outreaches



FHEP law clerk Elliott Wall presenting at Kahuku Elderly

On June 29, 2015, FHEP summer law clerk, Elliott Wall and staff attorney, Elwen Freitas conducted a fair housing training session for the folks at Kahuku Elderly Hauoli Hale. Special thanks to Kahuku Elderly Hauoli Hale for the warm welcome and allowing us to share our knowledge on Fair Housing.

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.

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Please forward this email to other interested parties

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