

## Fair Housing Enforcement Program

May 2015

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Aloha!



*Fair Housing Staff Attorneys Elwen Freitas & Reyna Ramolete Hayashi  
together with Honolulu Mayor Kirk Caldwell & Legal Aid's Executive  
Director M. Nalani Fujimori Kaina*

April was Fair Housing Month 2015, marking the 47<sup>th</sup> anniversary of the 1968 Fair Housing Act. Each year, the Legal Aid Society of Hawai'i Fair Housing Enforcement Program celebrates the passage of the Fair Housing Act by educating the public on the importance of fair housing in our community. This year, we partnered with the Hawaii Civil Rights Commission and the U.S. Department of Housing and Urban Development to host statewide training sessions on fair housing rights and responsibilities. On April 8, 2015 Governor David Ige signed a [proclamation](#) in recognition of Fair Housing Awareness Month, and on April 16, 2015 Honolulu Mayor Kirk Caldwell signed a proclamation marking April 2015 as Fair Housing Education Month.

The winners of the "Fair Housing Is Our Kuleana" Art Contest were announced at the Mayor's Fair Housing Proclamation Ceremony. (See below for more on the art contest.)

This month's fact sheet focuses on religion as a protected class status in the fair housing context.

### Quick Links

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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 discrimination, you may call the FHEP Hotline at **808-527-8024** or from the Neighbor Islands, **866-527-3247**. Leave a

Next month's newsletter will feature a fact sheet on medical verification of need for reasonable accommodation and modification requests.

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

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.

## **Recent Fair Housing News**

### **HUD Launches New Media Campaign for Fair Housing Awareness Month 2015**

In honor of Fair Housing Awareness Month in April 2015, the Department of Housing and Urban Development (HUD) announced the launch of its new national media campaign to help educate the public on their rights and what to do if they face housing discrimination. In partnership with the National Fair Housing Alliance (NFHA), the campaign includes PSAs, webinars, training presentations, brochures, online videos, and social media outreach. Click [here](#) for more information.

### **Settlement in Los Angeles County Sheriff's Department Fair Housing Case**

On April 28, 2015 the Justice Department announced it had reached a settlement agreement with the Los Angeles County Sheriff's Department (LASD). The Justice Department investigation revealed housing discrimination, excessive use of force, and unlawful searches and seizures. LASD violated the Fair Housing Act by engaging in a pattern of harassment and intimidation of African Americans who held section 8 vouchers with the intent to terminate them from the program and pressure them to move. The agreement includes a \$700,000 fund to compensate persons harmed by the violations of the Fair Housing Act, a civil penalty of \$25,000, reforms to the LASD policies and practices, and oversight by a monitoring team. Click [here](#) for more information.

### **Settlement in NY Racial Discrimination Case**

On March 11, 2015 a settlement was reached in a complaint filed by the Fair Housing Justice Center against J.J.A. Holding Corporation in the Bronx. The case arose out of 2013-2014 testing of the defendant's Woodlawn neighborhood properties where representatives told African American testers units were unavailable while showing available units to Caucasian testers the same day. J.J.A. Holding Corporations is to pay \$200,000 in damages and attorney's fees, maintain rental records, adopt, post, and distribute fair housing policy, require staff to participate in fair housing training, and notify tenants living in their other properties in the Bronx that they may add their names to the waiting list for priority considerations for any units that become available in the Woodlawn neighborhood. Click [here](#) for more information.

### **Non-Profit Organizations File Suit Against Owners & Managers of Apartment Building in New York**

On April 30, 2015 the Fair Housing Justice Center (FHJC), ERASE Racism, and seven fair housing testers filed a lawsuit against Empire Management America Corporation, Square Realty Group LLC, and the building superintendent. The suit is based on investigations conducted using fair housing testers at Mayfair Garden Apartments. It alleges that the property discriminated against African Americans by giving them misleading information about the availability of units, waiting lists, rental applications, and costs. Click [here](#) for more information.

### **HUD Files Suit Against Minnesota Owner and Manager for Racial Discrimination**

On April 22, 2015, HUD announced that it has filed suit against an owner and manager of a Minnesota property and his company for refusing to rent to a family of Hmong descent. The claims allege the owner attempted to charge the family to translate the rental agreement, made discriminatory statements based on their national origin, denied the family housing, and retaliated against the family for exercising their rights. Click [here](#) for more information.

### **Fair Housing Groups File Suit Against Multifamily Housing Developer**

The National Fair Housing Alliance (NFHA), Intermountain Fair Housing Council, and the Northwest Fair Housing Alliance filed a lawsuit against Rudeen, a multifamily housing developer, for violating the Fair Housing Act by discriminating against people with disabilities. The suit is based on an investigation of five properties in Idaho and Washington and alleges that Rudeen has failed to comply with federal standards for accessibility. Click [here](#) for more information.

### **Announcing the Winners of the "Fair Housing Is Our Kuleana" Art Contest**



(Artwork by clockwise, from top left: Kiley Igarashi, Kayla Mae Cuizon, Lina Takada, Abigail Jones)

Congratulations to the winners of the "Fair Housing Is Our Kuleana" Art Contest:

- Kiley Igarashi, 11th grade winner
- Lina Takada, 11th grade runner up
- Kayla Mae Cuizon, 9th grade winner
- Abigail Jones, 9th grade runner up

Fair housing is our kuleana (right and responsibility).

Where we live may have a huge impact on the quality of our schools, jobs, health and well-being, access to fresh food, parks, hospitals, and transportation.

The art contest was open to high school students on O'ahu to encourage them to learn more about the Fair Housing Act and express what fair housing means to them and our diverse communities. The art will be on display in Honolulu Hale during April, Fair Housing month, and may be used in Legal Aid Society of Hawai'i publications. The beautiful artwork will help to educate others about their rights and the importance of fair housing in our community. The winners were announced at the Mayor's Fair Housing Proclamation Ceremony on April 16, 2015. They received generous prizes from local sponsors:

- Birnberg & Associates
- Consolidated Theaters
- Dave & Buster's of Honolulu
- Hawaii Bookkeeping Service
- JJ Dolan's
- Menchie's Frozen Yogurt
- Redbox DVD Rentals
- Town & Country Surf

- University of Hawai'i at Manoa Bookstore
- Via Gelato

Mahalo to all of the participants and sponsors for helping the Legal Aid Society of Hawai'i's Fair Housing Enforcement Program advance fair housing and end housing discrimination!

Visit our [website](#) to view the winning art work.

## **Q&A: Religion as a Protected Class Status Under Federal and State Fair Housing Laws**

The Fair Housing Act prohibits discrimination in housing based upon religion. This prohibition covers instances of overt discrimination against members of a religion and more subtle discrimination, such as zoning ordinances limiting the use of private homes as a place of worship.

These housing protections apply to discrimination in the sale or rental of housing, and also apply to the "terms and conditions" of the sale or rental of housing.

### **Q: Can a housing provider ask about an applicant's religion?**

A: No. It is illegal for a housing provider to ask about your religion or lack thereof.

### **Q: Can a housing provider rent an apartment only to people of his or her own faith?**

A: No. It is illegal for a housing provider to impose his or her own religious beliefs on renters. The housing provider cannot give preferential treatment to applicants of his or her own faith over people of other faiths or those who are not religious.

### **Q: Can a church, temple, or mosque limit residency in its not-for-profit retreat center to its own members?**

A: Yes. The Fair Housing Act contains a limited exception that allows non-commercial housing operated by a religious organization to reserve such housing to persons of the same religion.

### **Q: If a housing provider allows residents to place decorations on their doors, can it prohibit religious decorations?**

A: No. If residents are permitted to put decorations on their apartment doors, religious individuals should be able to put religious items or decorations on their doors, such as a Jewish mezuzah or a cross. Any rule that specifically prohibited the display of religious pictures or icons would discriminate on the basis of religion and violate the Fair Housing Act.

### **Q: If a housing provider has a common room that can be used by residents, can the provider prohibit**



**its use for religious activities?**

A: No. When condominiums or apartments have a common room that can be reserved by residents for private activities like parties, clubs, or community activities, residents seeking to hold a religious study group or other private religious activity may not be discriminated against.

**Q: Can a housing provider, like a homeless shelter, require residents to attend religious services?**

A: No. A rule that requires residents to attend religious services directly affect the terms and conditions of occupancy in violation of the Fair Housing Act. Additionally, the HUD regulations concerning faith-based organizations forbid recipients of federal moneys from requiring residents to participate in these programs.

**Q: If a housing provider serves meals, must it accommodate the dietary needs of a resident's religious practices?**

A: Yes. This is a service that is provided to residents as part of their housing, therefore the service would be covered by the Fair Housing Act. Refusing to accommodate a person's religious dietary needs sends a message that persons of different religions are not welcome.

\*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. If you are unable to attend these sessions, you may request a private training during general office hours. 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](#).

The following tester training sessions have been scheduled for the month of May:

- Oahu: Tuesday, May 12, 2015 5:00-7:00 p.m. in Honolulu

## Future FHEP Outreaches

May is packed with some interesting outreach opportunities for the Fair Housing unit. Kicking off the month of May will be the SPIN Conference. The following week is the Filipino Festival. This Saturday, May 2, 2015 is the annual Special Parent Information Network (SPIN) Conference at the University of Hawaii at Manoa.

Advocates from the Legal Aid Society of Hawaii (LASH) and the Fair Housing Enforcement Program will be present at this Saturday's conference. Brochures and other information material will be distributed at the outreach. For more information on the SPIN Conference, please contact Madonna at (808) 527-8083 or click [here](#).

Won't be in Honolulu on May 2<sup>nd</sup>? No worries. Some of our finest LASH advocates will be present at the Filipino Fiesta and Parade to attend on May 9, 2015 from 9:00 a.m.-5:00 p.m. Location of the Filipino Fiesta is at Kapiolani Park. For more information on this outreach, please click [here](#).



*AmeriCorps member Andi Edmunds provides legal information at a community outreach event*

## Weekly Outreach at St. Elizabeth Episcopal Church

FHEP Civil Rights Advocate, Madonna, will join Health Connector Advocate, Jojo Peter, at St. Elizabeth Episcopal Church in Kalihi on May 14th from 12:00-2:00 p.m. to provide educational and outreach materials. Onsite intake services will also be available. If you or anyone you know has a fair housing issue and is interested in applying for Legal Aid services, feel free to come down. A Chuukese interpreter will also be available. For more information on this outreach, please contact Madonna at (808) 527-8083.

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Please forward this email to other interested parties

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