



Fair Housing Enforcement Program

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Aloha!



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

In September 2015, HUD hosted a National Fair Housing Training and Policy Conference in Washington, D.C. Reyna Ramolete Hayashi, FHEP attorney, attended the conference representing the Legal Aid Society of Hawaii. Speakers included former Vice President and Minnesota Senator Walter Mondale, Attorney General Loretta Lynch, and HUD Secretary Julian Castro. The conference focused on current fair housing challenges and strategies for furthering fair housing. To read more about the conference, click [here](#).

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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

This month, our fact sheet focuses on Fair Housing and mental disabilities. Next month, the newsletter will feature a fact sheet on Language Access and National Origin Discrimination.

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

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.

Recent Fair Housing News

Local News

On September 16, 2015, Civil Beat published an article about our Legal Aid Client, "Disabled and Homeless: This Hawaii Woman Found She Had No Place To Go." The article explores our client's experiences with homelessness, disability, and the recent settlement we negotiated in her disability discrimination case against the Institute for Human Services (IHS). To read the article, click [here](#).

Mortgage Loans and Fair Housing Cases

There have been several recent lawsuits regarding Fair Housing violations in lending. A settlement agreement was finalized in a case filed by the Fair Housing Justice Center (FHJC) against M&T Bank alleging race and national origin discrimination. The bank will pay \$485,000.00 in damages and attorney fees and revise its policies and practices. To read more, click [here](#) and [here](#).

On September 24, 2015 the Department of Justice (DOJ) and the Consumer Financial Protection Bureau (CFPB) announced a joint action against Hudson City Savings Bank for illegally denying majority Black and Hispanic neighborhoods access to mortgages. If approved, the bank will pay \$32.75 million in direct loan subsidies, community programs and outreach, and penalties. To read more, click [here](#).

On September 29, 2015 The DOJ filed a consent order to resolve allegations that Eagle Bank and Trust Company engaged in redlining in Black neighborhoods in St. Louis. Eagle Bank is to invest at least \$975,000 and open two new locations to serve residents of African American neighborhoods. To read more, click [here](#).

Racial Discrimination Lawsuit

Housing Opportunities Project for Excellence (HOPE), testers, an employee, and a potential renter have sued a North Miami Beach apartment complex alleging racial discrimination. Claims include that employees gave black prospective tenants incorrect information about apartment availability and prices. This case is of particular note both because the defendants settled similar allegations in the mid-1990s, the largest settlement paid to the DOJ in such a case at the time, and because the commissioners had recently named a street after the real estate developer. To read more, click [here](#).

Additional Reading

HBO recently aired a six-part miniseries on the battle over public housing in Yonkers, New York called "Show Me A Hero" by David Simon. Click [here](#) for an article on how to keep the conversation going, and [here](#) for an article on a panel discussion between show creator David Simon and HUD Secretary Julian Castro. Click [here](#) to read a New York Times editorial "The Architecture of Segregation," reflecting on the 50th anniversary of HUD and the continued fight against racial segregation and housing discrimination. Click [here](#) to read a New York Times editorial, "How Segregation Destroys Black Wealth," highlighting how discrimination still prevents black people from living anywhere they can afford and the consequences nearly 50 years after Congress passed the Fair Housing Act.

Q&A: Fair Housing and Mental Disabilities

The Fair Housing Act prohibits discrimination on the basis of one's disability and the disability of anyone associated with them. This applies in the context of applying for housing, the imposition of different terms and conditions, and refusal to grant reasonable accommodations to rules, policies, and procedures. For individuals with disabilities, the Fair Housing Act provides a means for the equal use and enjoyment of a dwelling unit.

It should also be noted that under Section 504 of

the Rehabilitation Act housing providers that receive federal funding have an affirmative duty to further fair housing. If applicable, housing providers should take affirmative steps to ensure equal use and enjoyment, such as offering or notifying residents of possible accommodations.

Q: I am a housing provider and I am evicting a tenant with a mental disability due to complaints from neighbors regarding the tenant's conduct that violates the house rules. After serving the complaint for summary possession, the tenant is requesting a reasonable accommodation for time to seek treatment to stabilize their condition. Can I deny the request?

A: You should not automatically deny the request. At the very least, you need to engage in the interactive process if granting the accommodation request is not feasible. In most situations, if the request is reasonable, does not pose an undue administrative or financial burden, and does not fundamentally alter the nature of the program, then the request should be granted. Another consideration is that the tenant's continued presence does not pose a "direct threat."

Q: I have a tenant with a mental disability that has been delinquent with rent. I gave the tenant a 5-day notice to pay rent, then filed a complaint for summary possession. The tenant then requested a reasonable accommodation for time to arrange for a representative payee to make payments for the tenant. Do I need to grant the request?

A: Yes, you probably should allow the tenant time to arrange for a representative payee. This does not mean that the tenant does not have to pay you in the interim. If the tenant is delinquent in rent payment, they may also ask for a payment plan to pay back the delinquent balance. The payment plan may also require an extension of the typical payment plan period, if you have any.

Q: I have a mental disability and rent a unit in an apartment complex. The property manager cited me for hoarding and having too many belongings in my unit. I have been given 10 days to clean up the unit or may face eviction.

Can I ask the housing provider to provide chore services so that I may clean my rental unit?

A: Generally, a request to a housing provider for chore services would be denied. For most housing providers, granting a request for chore services would likely be a fundamental alteration of the provider's operations. Most housing providers are in the business of providing housing, not chore services. The exception would be if the housing provider does provide chore services to residents, then it would be reasonable.

An alternative, and more appropriate, reasonable accommodation request would be for an extension of the 10-day period to remedy the problem. This would allow the disabled resident more time to arrange for chore services or to clean the unit themselves.

*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, October 13, 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](#).

September FHEP Outreaches



On September 7, 2015, FHEP attorney, Reyna Ramolete Hayashi attended the Aikea Interfaith Housing Fair at the Sheraton hotel. It was an opportunity for organizations and community leaders, who care about the housing issue in Hawaii to learn about Aikea's plan to organize the community and build the power to create change.

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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