



Fair Housing Enforcement Program

Happy Holidays 2016
11

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Aloha from FHEP!



Tis the 2016 holiday season and if you're not sure if you've made Santa's naughty or nice list- it's not too late to squeeze in a few last minute good deeds before the big day comes.

Wondering what the Fair Housing Act has to say about religious holiday decorations placed outside your home? Curious to know if a Christmas-cookie-only diet qualifies as a religious meal that should be provided in HUD funded housing? Now is the perfect time to refresh yourself with [FHEP's factsheet on religious discrimination](#).

Fair Housing is our kuleana, our right and responsibility. Have you ever felt discriminated against by a housing provider based on your national origin, your familial status, your sex, etc? Share your story with us! [#FairHousingIsOurKuleana](#)



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 message and our Intake



Updated Factsheet: Housing Protections for Victims/Survivors of Domestic Violence

HUD Expands Protections for Victims/ Survivors of Domestic Violence

On October 24, 2016 the Department of Housing and Urban Development (HUD) released its final rule for VAWA, expanding protections for survivors of domestic violence. **The expanded protections will go into effect on December 16, 2016.** The FHEP has updated our factsheet on this matter to reflect the updated rule.

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.

In the fall of 2016, HUD finalized a new rule to protect the housing of survivors of domestic and dating violence, sexual assault, and stalking (regardless of sex, gender identity, or sexual orientation). These expanded key protections are a part of larger effort to safeguard those living in fear in their homes

Types of Public and Subsidized Housing Protected under VAWA:

- Public housing
- 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
- Section 8 & Project-based Section 8

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.

- 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 (unaffected by Dec. 16, 2016 expansion):

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 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.

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.

Expansions of VAWA, effective December 16, 2016:

Self Certification: Allows a survivor of domestic violence, dating violence, sexual assault, or stalking to self-certify with a covered housing provider in order to exercise their rights under VAWA. Third party documentation is not needed in most circumstances.

Emergency Transfers: Requires covered housing providers

to transfer a survivor of domestic violence, dating violence, sexual assault, or stalking in an emergency to another safe and available unit if they fear for their life and safety. VAWA required HUD to adopt a model emergency transfer plan for survivors which:

- Allows a survivor to self-certify their need for an emergency transfer;
- Allows the survivor to determine what is a safe unit for purposes of the transfer;
- Requires housing providers to allow for a resident to move immediately if there is another safe and available unit which does not entail the survivor to undergo an application process;
- Requires housing providers to explain the efforts they will take when there is not a safe and available unit at the ready for an emergency transfer;
- Encourages housing providers to partner with victim services and advocates and other housing providers to assist a survivor; and
- Requires housing providers to document requests for emergency transfers, including the outcome of the request, and to report annually to HUD.

Protections against effects of abuse: Prohibits covered housing providers from denying tenancy or occupancy to a survivor of domestic violence, dating violence, sexual assault, or stalking based solely on adverse social and economic factors that are a direct result of being a survivor.

- Examples include: poor credit history due to the abuser taking out credit cards under the survivor's name, poor rental history due to an abuser causing damage to survivor's property, arrests resulting from policies requiring arrest of both parties in a domestic dispute, etc.

Private Housing, or housing not covered by VAWA:

The 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.

You can find this factsheet and others on our website at <http://www.fairhousinghawaii.org/fair-housing-factsheets.html>.

Ben Carson Nominated to Succeed Julian Castro as HUD Secretary

WASHINGTON - Retired neurosurgeon and political celebrity Dr. Ben Carson has been nominated to head the U.S. Department of Housing and Urban Development (HUD). Dr. Carson will be charged with running a department responsible for housing millions of Americans and with HUD's mission of affirmatively furthering fair housing, a mission that he has publicly spoke out against, and a mission that even President-Elect Trump's real estate business was once [at odds with](#).

To read the Washington Post's article on Dr. Carson's nomination, [click here](#).

National News Got You Upset?

Take a calming breath and watch this emotional support animal work its magic:



Emotional Support Animal In Action

Inspiring Fair Housing News

NFHA Accuses Fannie Mae of Racial Discrimination in 38 Metro Areas

December 5, 2016
News from the NFHA

The National Fair Housing Alliance (NFHA) and 20 civil

rights groups across the nation filed suit against the mortgage giant, Fannie Mae, for racial segregation in cities including Chicago, Milwaukee, Cleveland, New Orleans, Denver, Miami, San Diego, and more. The plaintiffs are alleging that Fannie Mae has violated the Fair Housing Act in the difference of REO (real estate owned) properties that are maintained once they've been foreclosed. Over years of investigation, plaintiffs have gathered evidence which they say prove that REO properties in predominantly African American and Latino neighborhoods are not maintained and kept up to market-ready standards than REO properties located in predominantly white neighborhoods.

To read the full report, [click here](#).

Furthering Fair Housing in the Bay Area

November 19, 2016
News from the Marin IJ Editorial

The local government of Marin County, California has passed a anti-discrimination policy in unincorporated areas of the county which makes it illegal for landlords to pass on Section 8 renters for tenants who do not rely on government aid. HUD has once accused Marin County of not meeting their fair housing commitment of affirmatively furthering fair housing by having restrictive zoning policies. County officials cite their need to meet HUD's goals as part of the incentive for passing source of income as a protected class status. The adopted ordinance seeks to please both landlords and the low-income community who rely on Section 8 for affordable housing; a landlord can still choose to not rent to a voucher recipient, however, the renter's source of income (i.e. how they pay rent) can not be the reason for denial.

Check out the article [here](#).

Tester Training for Interested Volunteers

The Fair Housing Tester Program hosts regular tester training for interested volunteers. 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 Investigation Coordinator at (808) 527-8036 to register and to receive more details, or complete the online [application here](#).

December FHEP Outreaches



Christlei Hessler, Fair Housing staff attorney at Richardson Law School panel discussion *Perspectives From the Field: Disability Law In Action*.
Photo credit: Charlotte Mukai

Thursdays at St. Elizabeth's in Kalihi

The Fair Housing Enforcement Program has partnered with [We Are Oceania](#) to provide outreach, education, and on-site intake for legal assistance at St. Elizabeth's Episcopal Church in Kalihi.

Where:

**St. Elizabeth Episcopal Church
720 N. King Street, HI 96817**

When:

Thursdays from 11:30am-2:00pm

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 present. For more information on this outreach, please contact Madonna or Shea at (808) 527-8024.

Voice of Chuuk - KNDI Radio

Tune in to [KNDI](#) on the second Wednesday of every month to catch our outreach specialist, Emmie, giving on-air fair housing survival tips and information with DJ Bender Sam. (Chuukese only)

Where:

KNDI Radio - 1270AM

When:

2nd Wednesday of the month from 8:30-9:30pm.

If you would like more detailed information on Emmie's fair housing outreaches, please contact her at 808-527-8024.

Want more info on Language Access? Check out our [new brochure!](#)

Looking for Training?

Do you work in a human services field, the health profession, or housing/real estate, or do you know of a group that could use education on their rights?

FHEP offers free trainings and workshops on fair housing. Our training options can be tailored to meet specific needs, but typically 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 or Shea at (808) 527-8024 or info@fairhousinghawaii.org to schedule a free training on fair housing.

Mahalo for reading!

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Please forward this email to other interested parties

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